

399 SMITHE STREET (Complete Application)
DE410541 - Zone DD

RRS/TC/YMcN/AH/LH

DEVELOPMENT PERMIT STAFF COMMITTEE MEMBERS

Present:

B. Boons (Chair), Development Services
S. Brodie, Engineering Services
L. Gayman, Real Estate Services
C. Tapp, Social Planning
T. Driessen, Park Board

Also Present:

R. Segal, Urban Design & Development Planning
T. Chen, Development Services
A. Higginson, Development Services
Y. McNeill, Heritage Planning
R. Cheung, Development Services
C. Edwards, Engineering Services
A. Zacharias, Engineering Services

APPLICANT:

Gomberoff Bell Lyon Architects
#140 - 2034 West 11th Avenue
Vancouver, BC
V6J 2C9

PROPERTY OWNER:

Amacon Development (Homer) Corp.
#300 - 911 Homer Street
Vancouver, BC
V6B 2W6

EXECUTIVE SUMMARY

- **Proposal:** To develop this site with a mixed-use retail, office, residential project involving:
 - retention of an existing five-storey office building;
 - retention and adaptive re-use of a three-story heritage building at 337 Smithe Street (the "Homer Building"), to contain 15 (rental) dwelling units;
 - development of a new 33-storey tower containing retail, office and residential uses (218 units) and
 - seven levels of underground parking.

See Appendix A Standard Conditions

Appendix B Standard Notes and Conditions of Development Permit

Appendix C Processing Centre - Building comments

Appendix D Plans and Elevations

Appendix E Applicant's Design Rationale

Appendix F Report to Council Re: HRA, density bonus and SRA's (Report appendices not included)

● **Issues:**

1. Lower level façade expression on Homer and Smithe Streets;
2. Quality of materials and detailing of tower;
3. Usability of proposed amenity space; and
4. Public Realm treatment on Homer Street.

● **Urban Design Panel: SUPPORT**

DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATION: APPROVE

THAT the Board approve Development Application No. DE410541 as submitted, the plans and information forming a part thereof, thereby permitting the development of a mixed-use development containing office, retail and residential uses, 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 strengthen the podium façade expression and its relationship to Homer Street;
- Note to Applicant:** A high quality predominantly glass façade integrating colour and transparency to add to the vibrancy of the street should be considered.
- 1.2 design development to refine the tower’s overall architectural expression through the use of higher quality materials and detailing, and an enhanced articulation of glass window wall versus more solid “punched window” elements;
- Note to Applicant:** Strengthening the tower’s vertical expression and better integrating the top “lantern” feature is recommended. The use of brick for the more solid “punched window” façade elements is sought. Having the “punched window” portion of the tower (southwest tower corner) continue uninterrupted to grade (deleting southerly frame element) is recommended, to enhance overall tower expression and to increase the sidewalk setback. Integrating “green building” design elements, such as solar shading on appropriate elevations, should also be considered.
- 1.3 design development to improve the townhouse interface with Smithe Street;
- Note to Applicant:** Diminishment of the extent of blank wall facing Smithe Street and a more interesting expression is sought. Relocating the entry of the southerly unit to the Smithe Street elevation should be considered.
- 1.4 design development to improve the functionality of the overall residential amenity by:
- i) reconfiguring the ground floor amenity space and enlarging the associated open space, including repositioning the loading bay proposed parallel to the lane; and
 - ii) providing an indoor amenity space associated with the eighth floor common roof garden (this would require substitution of a studio unit for amenity space).
- 1.5 design development to enhance the treatment of the Public Realm on both the Homer and Smithe Street setbacks, augmenting the prescribed Downtown South Public Realm Treatment (see Standard Condition A.2.14) with additional trees and higher quality materials for planter walls and other surfaces;
- 1.6 design development to “green” the interface with the lane through provision of more trees and landscaping (deletion of three surface parking stalls will be required) in the area of the repositioned proposed loading bay [see 1.4(i) above];
- 1.7 design development to sculpt and treat the mechanical penthouse to better integrate it into the architecture of the tower while still minimizing its volume; and
- Note to Applicant:** See also Standard Condition A.1.2.
- 1.8 submission of details of sustainability measures in pursuit of the LEED™ Gold or equal standard referenced in the applicant’s submission.
- 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 'C' of the DD Zone):

| | PERMITTED (MAXIMUM) | REQUIRED | PROPOSED | |
|-------------------------|---|--|--|---|
| | | | 399 Smithe St. (Development site) | 856 Homer St. (Adj. Office Bldg.) |
| Site Size ¹ | | | 120 ft. x 178 ft. | 120 ft. x 122 ft. |
| | | | Total combined site size 120 ft. x 300 ft. | |
| Site Area ¹ | | | 21,366 sq.ft. | 14,644 sq.ft. |
| | | | Total combined site area 36,010 sq.ft. | |
| Floor Area ² | Area 'C' 180,050 sq.ft. Heritage Density Bonus <u>80,405 sq. ft</u> Total 260,455 sq.ft. | <i>Interim policy on commercial uses</i> 72,020 sq ft. | Residential 189,497 sq.ft. Commercial <u>22,958 sq.ft.</u> Total 212,455 sq.ft. | Existing offices (Commercial) 50,778 sq.ft. |
| | Residential - Heritage Density Bonus <u>80,405 sq.ft.</u> Total 188,435 sq.ft. | | Total residential 189,497 sq.ft. Total commercial (both sites) <u>73,736 sq.ft.</u> Total combined floor area 263,233 sq.ft. | |
| FSR ² | Area 'C' 5.00 Heritage Density Bonus <u>2.23</u> Total 7.23 Residential - Heritage Density Bonus <u>2.23</u> Total 5.23 | <i>Interim policy on commercial uses</i> 2.00 | Residential 8.87 Commercial <u>1.07</u> Total 9.94 | Existing offices (Commercial) 3.47 |
| | | | Total residential 5.26 Total commercial (across both sites) <u>2.05</u> Total combined FSR 7.31 | |
| Height ³ | 300 ft. | | Top of roof parapet 298.8 ft. Top of mechanical room 308.9 ft. | |
| Parking ⁴ | Commercial - existing office 59 - new commercial <u>27</u> 86 Small Car (25%) 82 | Residential - market units 221 - rental units <u>3</u> 224 Commercial - existing office 51 - new commercial <u>23</u> 74 Total 298 Disability - Residential 5 - Commercial 1 | Residential - market and rental units 223 - disability bonus <u>1</u> 224 Commercial - located in existing office bldg 34 - new commercial spaces <u>71</u> 105 Total 329 (328 actual spaces) Disability - Residential 5 - Commercial 3 Small Car 66 (20%) | |
| Loading ⁵ | | Class A Class B Residential - 1 Retail/Rest. - 2 Office <u>1</u> <u>2</u> Total: 1 5 | All uses (shared loading) Class A 0 Class B 3 | |
| Bicycles ⁶ | | Class A Class B Residential 273 6 Retail/Service 1 6 Office 8 6 Total <u>282</u> <u>18</u> | Residential 271 3 Retail/Service/Office (all commercial uses combined) 10 3 Total <u>281</u> <u>6</u> | |

| | PERMITTED (MAXIMUM) | REQUIRED | PROPOSED | |
|----------------------|---|----------|---|---|
| | | | 399 Smithe St. (Development site) | 856 Homer St. (Adj. Office Bldg.) |
| Amenity ⁷ | 10,000 sq.ft. | | Residential 2,640 sq.ft. Office 2,482 sq.ft. Total 5,122 sq.ft. | (ground floor gym & lounge) (4 th floor workout room) |
| Balconies | Total 16,394 sq.ft. (open & enclosed) Enclosed 8,197 sq.ft. (50% of total) | | Total (open & enclosed) Enclosed | 12,670 sq.ft. 1,854 sq.ft. 14,524 sq.ft. |
| Units ⁸ | | | Residential - Market - Non-Market (rental) Total | 218 <u>15</u> 233 |

¹ **Note on Site Size and Site Area:** The new development occurs on Lots 14 through 19, and Lot C, which will be consolidated into a single parcel prior to permit issuance. (See Standard Engineering Condition A.2.1) Lot B, immediately to the north, containing the existing commercial building (856 Homer Street) will remain as a separate parcel. See Note on Floor Area and FSR below, plus additional discussion on Page 7.

² **Note on Floor Area and FSR:** The maximum permitted density in sub-area C of the Downtown District is 5.00. According to Council's "Interim Policies for Residential in Areas C and F", up to 3.00 FSR for Residential use may be considered, provided that 2.00 FSR Commercial use is included in the project. The proposal achieves the required 2.00 Commercial FSR by incorporating the existing office building at 856 Homer Street into this project. A "single site covenant" is required for the purposes of combining the proposed and existing densities as though they were on a single site. (See Standard Condition A.1.3)

In addition to the maximum 5.00 FSR permitted, the Development Permit Board may permit an increase in FSR for any development which includes the restoration and designation of a heritage building, subject to Council approval. On July 24, 2007, City Council granted this site a heritage density bonus of up to 80,405 sq. ft. (Residential floor area) for retaining, restoring and designating the Homer Building (337 Smithe Street) through a Heritage Revitalization Agreement (HRA). Registration of the HRA will be required prior to permit issuance. (See Standard Condition A.1.10)

The total overall floor area proposed exceeds the maximums permitted by 2,778 square feet. The residential FSR is also beyond what is permitted. Staff is seeking a reduction in residential floor area to be within the overall maximum permitted. (Standard Condition A.1.1)

³ **Note on Height:** The Development Permit Board may consider the use of Section 10.12 of the Zoning and Development By-law to permit mechanical rooms to protrude beyond the maximum height. Condition 1.7 seeks additional design development to the mechanical room. Staff support the use of Section 10.11.2 to permit the mechanical room to protrude through the height limit. See Page 7 for further commentary.

⁴ **Note on Parking:** Only one of the five disability spaces may be used for bonusing as per Section 4.1.14 of the Parking By-law thereby meeting the minimum residential parking requirement. The residential rental parking spaces are not denoted separately from the market residential parking spaces on the drawings. Standard Condition A.1.4 seeks clear denotation on the drawings.

Commercial parking is above the maximum permitted in the DD zone and the Applicant is requesting a relaxation of the maximum limits to commercial parking. It should be noted that staff is seeking the elimination of three lane parking spaces (currently serving the existing office building) through landscape design development. (See Condition 1.6) This would result in a net overage of 17. Staff is not prepared to accept the request for relaxation and is seeking a reduction of the number of commercial spaces to be within the maximum limits as per Standard Condition A.2.5. The additional parking that is being located in the new development is to serve the existing office building to bring it in compliance with the current Parking By-law. An access agreement is required for this parking to be used by the office tenants. See Standard Condition A.1.3

⁵ **Note on Loading:** The proposed loading is below the minimum required and compliance is sought. See Standard Condition A.2.10. Staff seek additional design development to the loading bay locations as noted in Condition 1.4. See also Note on Amenities and Units below.

- ⁶ **Note on Bicycles:** Residential Class A (residents') bicycle spaces are deficient, as well as Class B (visitors') bicycle spaces for all uses. Standard Condition A.1.5 seeks additional Class A and Class B bicycle spaces together with further design development. Bicycle spaces are proposed to be shared amongst the new development and the existing office building and will be secured via a shared access agreement in Standard Condition A.1.3
- ⁷ **Note on Amenity:** Staff is seeking design development to both the ground floor and 8th floor amenity areas. (See Condition 1.4) See also Note on Units below and discussion on Page 11.
- ⁸ **Note on Units:** Fifteen of the existing 24 rental units are being retained in this development. See discussion on page 11 and the report to Council attached as Appendix F. Condition 1.4 seeks the elimination of one market dwelling unit on the 8th floor in favour of an expanded amenity space.

● **Legal Description**

Lots 14, 15, 16, 17, 18 & 19, all of Block 66, D.L. 541, Plan 210 and Lots B & C, Block 66, D.L. 541, Plan 13921

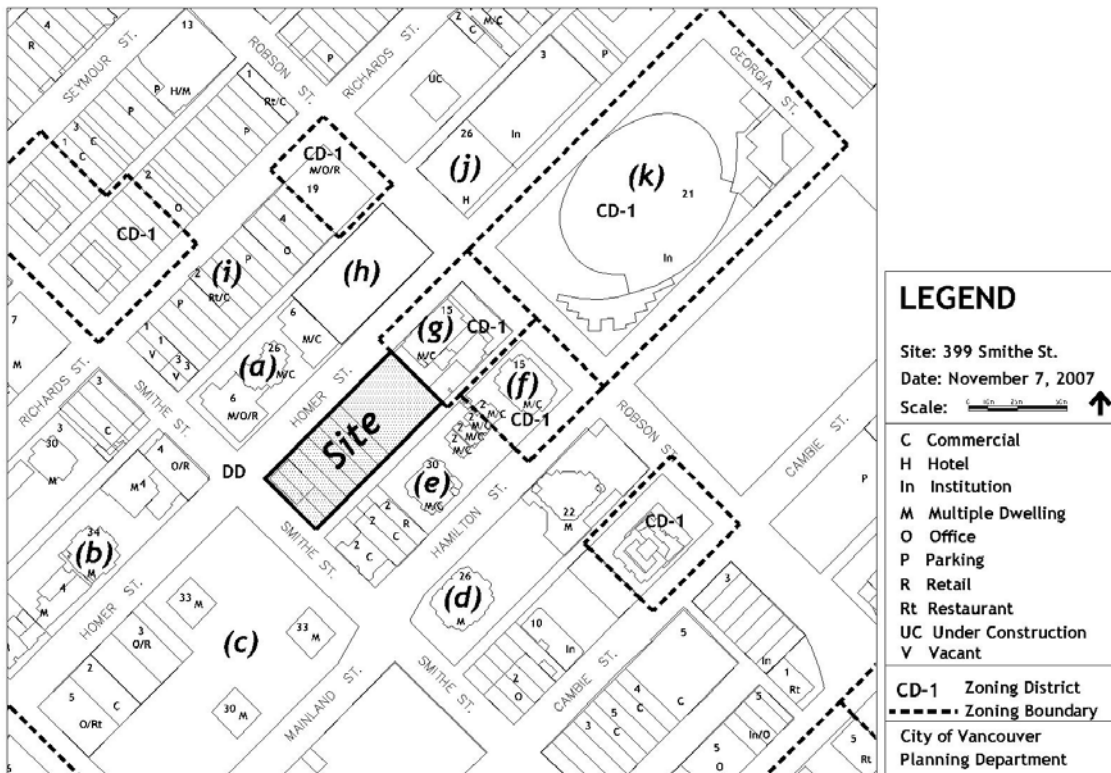
● **History of Application:**

06 07 18 Complete DE submitted
 06 08 30 Urban Design Panel (Non-Support)
 06 11 06 Revised DE submitted
 06 12 06 Urban Design Panel (Support)
 07 07 24 City Council at Public Hearing
 07 11 07 Development Permit Staff Committee

● **Site:** The site is located at the northeast corner of Smithe and Homer Streets and is comprised of eight legal parcels. The northern parcel (Lot B) contains an office building (856 Homer Street), built circa 1974, which will be retained. Three of the remaining parcels are developed as surface parking. Two parcels contain a two-storey building, not listed on the Heritage Register, which will be demolished to make way for the new development. The remaining two parcels, at the corner of Smithe and Homer Streets, are occupied by a three-storey building known as the "Homer Building", listed as a "B" building on the Vancouver Heritage Register. The Homer Building is proposed to be retained and restored as part of this proposed development.

● **Context:** Significant adjacent development includes:

- (a) 889 Homer St. - 27-storey residential/commercial (5 storey podium)
- (b) 939 Homer St. (Pinnacle) - 24-storey residential/commercial (4 storey podium)
- (c) 901 Mainland St. (Yaletown Park) - 33-, 31- and 29-storey, residential
- (d) 888 Hamilton St. (Rosedale) - 26-storey, residential
- (e) 863 Hamilton St. (Jardine's Landing) - 30-storey residential/commercial development
- (f) 819 Hamilton St. (Heritage Court) - 15-storey residential/commercial development
- (g) 822 Homer St. (Galileo) 16-storey residential/commercial development
- (h) 833 Homer St. - approved 29-storey residential/commercial (5 storey podium)
- (i) Potential park site - 275 ft. frontage on Richards Street
- (j) 433 Robson St. (The Westin Grand Hotel) - 26-storey hotel/retail development
- (k) 300 W. Georgia St. (Library Square) - Vancouver Public Library and 21-storey office tower



• **Background:** Staff and the applicant met several times, beginning in 2006, to discuss development scenarios for this site. Staff concluded that they could support bonus heritage density to be used on-site as compensation for the retention and re-use of the Homer Building. Staff also supported the applicant's proposals as they pertained to the existing Single Room Accommodation (SRA) on the site. As occurs for all heritage proposals involving bonus density, a thorough assessment of the urban design implications of the additional density, as proposed, was conducted as part of the reporting to Council. This assessment concluded that staff supported the proposed overall built form with the additional density as meeting the objectives of the applicable Council-approved Zoning and Guidelines for the area. (See Appendix F, Report to Council, p. 8 and 9).

At a Public Hearing on July 24, 2007, City Council agreed to designate the Homer Building as a protected heritage property; to enter into a Heritage Revitalization Agreement to ensure the long term protection and timely restoration of the Homer Building; and further granted a heritage density bonus of up to 80,405 sq. ft. for use on-site. In addition, Council agreed to exempt 10 of the 24 existing SRA-designated units on site from the requirements of the SRA By-law; and to approve a conversion/demolition permit for the remaining 14 SRA-designated units, subject to several conditions.

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

1. **Downtown Official Development Plan (DODP);**
2. **DD Interim Policies for New Residential in Areas C and F**
3. **Downtown Design Guidelines**
4. **Downtown South Design Guidelines**

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

1. **DODP; and**
2. **DD Interim Policies for New Residential in Areas C and F.**

Density: The proposed density, including the 80,405 sq. ft. heritage bonus density approved by Council, will conform with the overall permitted maximum density when the necessary reduction of the 2,778 sq.ft. overage is achieved. (Standard Condition A.1.1)

The applicant has achieved the required 2.0 FSR minimum commercial density by incorporating the adjacent site containing an office building, into the development site. In most mixed-use circumstances, the City requires consolidation of all parcels into a single development site, prior to permit issuance. In this instance however, the developer has requested that the adjacent office building be maintained on its own legal lot. The building is not physically integrated with the new development in any way and apart from a new green roof and glass canopy on Homer Street, will not be altered as part of the new development. In addition, the developer intends to strata title the residential component of the project and does not want to include the office building in that plan. While the office building, built in 1974, falls short of today's expectations for urban design and architecture, it is in reasonable condition, is fully leased and has a viable economic and physical life expectancy of many years. Staff concluded it would be poor strategy to suggest it end up in the landfill. As a result, staff recommend that a "single site covenant" be registered to ensure that both the residential and commercial parcels will be considered, in terms of zoning, to be a single development site in perpetuity. (Standard Condition A.1.3) The total density of proposed and existing commercial area is 2.05 FSR, satisfying the minimum 2.0 FSR required by the DD Interim Policies.

Height: The proposed tower height conforms to the 300 ft. maximum. However, the mechanical penthouse area exceeds 10% of the uppermost floor area (approximately 4,800 sq.ft.) and therefore is not eligible for exclusion from the height calculation. Staff recommend utilizing Section 10.11.2 of the Zoning and Development By-law to relax the 300 ft. height for a "decorative roof", as has been done in similar residential tower developments, because Section 10.11.1 penalizes small floor plate towers which are desired and, in fact, required in this area. Staff seek improvements to the design of the penthouse to better integrate it into the tower's architecture. (Condition 1.7)

3. Downtown Design Guidelines; and
4. Downtown South Design Guidelines

Built Form: As noted in Background above, a comprehensive review of the proposal's urban design performance was done as part of reporting to Council in July 2007. Staff are satisfied that the overall proposed configuration of buildings (retained and proposed) and built form meets the array of guideline objectives that apply to this site, including:

- Tower position, separation and slimness (floorplate);
- Minimized shadow impact on public open space (in this case Library Square Plaza); and
- Creation of positive, active streetscapes that enhance pedestrian amenity.

The tower's position relative to the nearest neighbouring towers [Jardine's Landing (863 Hamilton Street) and 889 Homer] has been offset as much as possible and separated by a minimum 80 ft. to mitigate privacy impacts and view blockage. Shadow analysis information provided by the applicant confirms that no additional shadows will be cast onto Library Square Plaza at the equinox. While the bonus density (80,405 sq. ft.) is considerable, a notable portion of density is allocated to the substantial 6-storey commercial/residential podium (as well as 5-storey existing office building) which provides a strong urban streetscape on Homer Street. This substantive allocation of FSR within the podium allows the proposed tower to take on the relatively slim proportions expected of Downtown South towers. Staff consider the overall built form, including the additional density, to have met the relevant urban design guidelines.

Public Realm: Generally, high quality street edges on both Homer and Smithe Streets are proposed, appropriately integrating with the heritage Homer Building at the corner and providing active uses and "eyes on the street" on the two frontages. Improvements are sought to the detailed materials and landscape treatment of the setback on Homer and Smithe Streets. (Condition 1.5) Further "greening" of the lane interface is also sought through the addition of trees at the rear of 856 Homer (at the sacrifice of three of the surface parking spaces) and additional landscape, including trees, adjacent to the amenity space as part of the recommended repositioning of the loading bay. (Condition 1.6)

Architectural Treatment: Several refinements to the proposed architectural treatment are sought to strengthen the project's expression. The podium façade on Homer Street, with its mix of brick frames and glass, raised concerns from the Urban Design Panel, as did several aspects of the tower expression and the treatment of the townhouses on Smithe Street. Staff concur with the Panel's comments and recommend design development as follows:

- Pursuing a more unified high quality predominantly glass expression for the Homer Street podium, (Condition 1.1);
- Strengthening the tower's architecture through several refinements, including upgrading its materiality from painted concrete to brick for the "punched window" portions (Condition 1.2); and
- Enhancing the expression of the townhouses particularly as seen from Smithe Street. (Condition 1.3)

Livability: A generally high standard of livability is achieved in this proposal. Improvements to the layout of the main floor amenity space are sought in coordination with a repositioning of the single loading bay parallel to the lane to perpendicular. (Condition 1.4)

Sustainability: Sustainability is a core concept of the proposed development and sustainability principles were established at the inception of development planning and design work. The project proposes to demonstrate responsible and advanced approaches to sustainable design that are essential to any important development in Vancouver. The applicant aims to achieve LEED™ Gold. Key features include: demand balance of energy by proposing mixed use; an on-site co generation plant; solar control and natural ventilation; and a rainwater collection system for irrigation.

The City does not yet have comprehensive requirements in regulations or policy regarding sustainable or 'green building' development. An interim baseline "green building strategy" has been developed, but has not

received final Council approval. At this time, any proposal should, through best efforts, attempt to meet the provisions of this strategy and/or meet a minimum LEED™ standard as noted by the applicant as the objective (Condition 1.8)

• **Conclusion:** The overall concept of this proposal is strongly supported. Further work is needed to refine several aspects of its detailed design and architectural expression. Approval is recommended subject to a number of conditions.

URBAN DESIGN PANEL

The Urban Design Panel reviewed the initial submission on August 30, 2006 and did not support it. The Panel reviewed this revised submission on December 6, 2006, and provided the following comments:

EVALUATION: Support (5-4)

• **Introduction:** Francisco Molina, Development Planner, presented this complete development application that was reviewed by the Panel in August and was not supported. The proposed development comprises an ensemble of buildings including an existing five storey office building built in 1974, an existing three storey heritage building built in 1912 and a new residential tower, mini apartment manse, and office and retail complex. The applicable Zoning allows an outright density of 5.0 FSR. Using discretionary FSR allowances for the retention and preservation of the on site historic building, the applicant is proposing 7.22 FSR.

The four concerns of the panel at the previous review were:

- Concerns about the overall expression of the massing and recommendation to give further consideration to the integration of the various components of the proposal and the choice of colours for the project;
- The building expression needs to develop an architectural expression that responds to the immediate context of the office and heritage buildings;
- Consider a better placement for the amenity area and locating the indoor amenity space next to the outdoor amenity area is recommended; and
- Consideration should be given to enrich the public realm (street treatment). Look at adding street trees, street furniture.

Using the context model, Mr. Molina described the changes to the project since the previous review and took questions from the Panel.

• **Applicant's Introductory Comments:**

Stuart Lyon, Architect, described more of the details of the development including the changes made since the last review. He noted that they took the tower and made a simpler core with a punched wall and added a lantern piece to the top so that the tower would have a stronger relationship to the Homer heritage building.

Brian Beresford, Landscape Architect described in the detail the landscaping plans for the public realm and the courtyard between the Homer Building and the new townhouse building. He also described the landscaping plans for the lane as well as for the residential patio decks on the podium.

The applicant team took questions from the Panel.

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

- Consider a better placement for the amenity area on the lane;
- Design revision of the base of the tower on Homer Street including deletion of the brick frame elements at the base of the tower on Homer Street.
- Consideration should be given to enrich the design and material palette in the public realm; and
- Design development to better integrate the lantern feature on the top of the tower to the rest of the building expression.

- **Related Commentary:** The Panel supported the application and felt that the applicant had responded well to the previous review from the Panel.

The Panel liked the basic idea of the punched window and window wall tower. There was mixed reaction to the four storey lantern feature on the top of the tower, with most feeling that it was not yet well integrated into the language of the rest of the building.

Some members of the Panel felt that the glazed facades of the lower portions of the Homer Street façade as shown on the previous scheme was a stronger response and related better to the commercial building. Several members of the Panel didn't support the brick frames as design elements on Homer Street and felt the previous expression was stronger. Several members suggested having the concrete frame from the upper portions of the tower should continue to the ground. Several Panel Members commented that they liked the punch tower expression but would prefer the use of brick rather than painted concrete.

Some of the Panel felt the Homer Street elevation in the previous scheme was more respectful of the Homer heritage building.

Most of the Panel felt the indoor/outdoor amenity on the lane was not large enough to be meaningful and they were concerned that it would not be used by the residents. One member suggested combining the two amenity areas together to make for a larger, more attractive space over the commercial area roof.

The Panel felt the massing of the townhouses on Smithe Street was too low and could be one storey higher. They also observed that they did not relate well to the street that they were fronting onto. Most of the panel liked the three townhouse bays presented in the previous scheme.

The Panel agreed that the landscaping had been cleaned up but there was concern about the lack of design attention given to the public realm on Homer Street. They would like to have seen additional trees and an upgraded boulevard treatment rather than exposed aggregate currently proposed. The Panel felt the courtyard between the townhouses and the Homer was improved.

Several members of the Panel felt the loading area didn't seem to be integrated and was unresolved. They suggested more planting and perhaps a reconfiguring the loading bays.

- **Applicant's Response:**
Mr. Lyon thanked the Panel for their commentary.

ENGINEERING SERVICES

This Development Application requires further design work to achieve a functional parking and loading system which will serve both the new development and improve the current situation of the existing office building. The recommendations of Engineering Services are contained in the prior-to conditions noted in Appendix A attached to this report.

VANCOUVER HERITAGE COMMISSION

The development application was considered by the Vancouver Heritage commission on December 11, 2006. The Commission resolved as follows:

RESOLVED

THAT, regarding the project at 399 Smithe Street ("The Homer"), the Vancouver heritage Commission (VHC) supports in general the project as presented at the December 11, 2006 meeting, noting the following:

- The Applicant should provide further design development of the retail façade of the heritage building, increasing mass and overall strength through additional research of similar heritage façades;
- Support for:
 - The Statement of Significance;
 - The Conservation Plan;
 - The relationship between the heritage building, surrounding new development and streetscapes; and
 - The exterior design at main floor level and relationship with the outdoor areas of the complex.

CARRIED UNANIMOUSLY

HERITAGE PLANNING (refer also to Appendix F, Report to Council, pages 8 and 9)

Prior to permit issuance, registration of the Heritage Revitalization Agreement and accompanying by-laws related to the Homer Building will be required. (See Standard Condition A.1.10)

The new development is designed in a contemporary style to be distinguishable but respectful and recessive in terms of site planning and detailing to the Homer Building. Overall, the articulation of the mid-section of the development succeeds in integrating with, and uniting, the various elements of the site, including the Homer Building as well as the office building at 856 Homer Street, particularly when viewed at street level.

HOUSING CENTRE/SOCIAL PLANNING/OFFICE OF CULTURAL AFFAIRS

Single Room Accommodation:

In the report considered by City Council at the Public Hearing on July 24, 2007, staff recommended the approval of an exemption for 10 SRA-designated units from the Single Room Accommodation By-law. Staff also recommended the approval of an SRA conversion/demolition permit for 14 designated SRA rooms on this site, thereby permitting the development of 15 self-contained market rental dwelling units in the Homer Building, with the condition that the applicant pay the \$5,000 per room demolition fee for the 14 SRA rooms (total of \$70,000) and subject to securing in registered legal agreements, heritage revitalization and non-stratification of the rental dwelling units. All of these conditions will be met prior to issuance of the conversion/demolition permit. (Standard Condition A.1.27) Further details can be found in the Council report attached as Appendix F.

Families Living with Children:

The proposed development includes a total of 218 units, 77 of which include two or more bedrooms that may be attractive to families living with children (35% of total units). There is a large outdoor amenity patio located on the 8th floor. The patio includes a trellised BBQ area, but is otherwise a primarily paved open space. The overall layout of the patio could be improved to accommodate children's play activities, as well as to include areas for urban agriculture (see below). (See Condition A.1.28)

The applicant has provided approximately 2,640 square feet of indoor amenity space, with a small adjacent amenity patio, on the ground level. As noted in Condition 1.3, design development will be required to improve the functionality of the overall residential amenity space. Redesign should ensure that all multi-purpose amenity rooms include a fully accessible washroom, kitchenette and storage area. (See Condition A.1.29)

Urban Agriculture (Shared Garden Plots and Edible Landscaping):

The applicant has not designated an area on the amenity patio for shared garden plots; however, opportunities for urban agriculture could easily be accommodated, particularly along the edges of the patio where it will take up limited space. Design development will be required to provide shared garden plots on the amenity patio, as well as a small tool storage and composting area. (See Standard Condition A.1.30)

Edible landscaping is the use of plants that produce food in place of more commonly used ornamental plants, and is supported under the City's Food Policy objectives. Many of these plants provide ornamental quality while also producing edible leaves, flowers, nuts, and berries. In this way, edible plants serve "double duty".

The applicant is encouraged to consider incorporating edible landscaping into the edges of raised planters on the amenity patio and other common walkways which are accessible to residents. (See Standard Condition A.1.31)

ENVIRONMENTAL PROTECTION BRANCH

A Site Profile indicating past Schedule 2 uses was submitted with the development application and forwarded to the Provincial Site Registry. Subsurface investigations already completed show no contamination from the previous uses and therefore, there are no further requirements related to the development permit approval. An erosion and sediment control plan is required at the time of Building Permit application.

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; and
- (iii) 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.

NOTIFICATION

Two signs were installed on the site in August 2006, describing the initial application. Letters were then sent to 1,340 neighbouring property owners advising them of the application. Following receipt of the revised application in late 2006, the site signs were altered and a new letter notification was undertaken. Response to the two notification letters has been as follows:

| | |
|------------------------------------|----------|
| Support the proposed development - | 5 |
| Oppose the proposed development - | <u>7</u> |
| Total responses received - | 12 |

All five respondents who supported the proposed development did express some concerns regarding the proposed height, density and in particular the impact of another development on an already very busy lane in this block. Of the seven respondents who do not support the proposed development, concerns related to: the amount of bonus density (and therefore height) that was being requested; the architecture of the residential

tower; the already high density of the neighbourhood and impact of another tower on light, livability and privacy; and to traffic impacts, particularly in the lane.

Response to Notification Comments:

Impact of Additional Density: While statistically the increase in density of 2.23 FSR beyond the zoned 5 FSR is considerable, staff note that a greater than typical proportion of the density is allocated to the substantial podium (existing five-storey office building and proposed six-storey commercial/residential base) where it generates less impact on residential units in adjacent towers. The remaining floor area distributed to the proposed tower is comparable to that found in numerous other nearby Downtown South towers.

With respect to height, since this site is not constrained by a view corridor and, further, the 300 ft. permitted height at the proposed tower location does not cast additional shadow on Library Square Plaza at the equinox, a 300 ft. tower (albeit with a more modest podium) could have been anticipated even without any bonus density. As noted in BUILT FORM (page 8), the proposed tower's position is offset from the nearest Jardine's Landing tower across the lane and its width minimized and jogged to minimize privacy and view impacts from all three nearby towers, thereby meeting livability impact criteria in applicable guidelines.

Traffic in Lane: The lane and street system surrounding this site anticipate the built-out development of the area and are adequate to serve the proposed development. If there are specific concerns regarding illegal parking or short-cutting through the lane, Engineering Services staff could make recommendations regarding enforcement and signage.

DEVELOPMENT PERMIT STAFF COMMITTEE COMMENTS:

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

At the time of finalizing this report, the applicant has not provided a rationale for relaxation of loading. Staff therefore does not support a loading relaxation at this time.

The Staff Committee recommends approval of this report, subject to the conditions contained herein.

B. Boons
Chair, Development Permit Staff Committee

Ralph Segal, MAIBC
Senior Architect/Development Planner

T. Chen
Project Coordinator

Project Facilitator: A. Higginson

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 of the proposed Residential floor area to comply with the overall maximum permitted floor area (exclusive of the heritage density bonus) as per Area C of the DD zone;

Note to Applicant: The current Interim Policies for Downtown South North of Area C of the Downtown District recommends up to 3.00 FSR for Residential use (exclusive of any density bonusing), provided a minimum of 2.00 FSR Commercial use is included in the project. Although the commercial FSR provides more than 2.00 it need not be reduced; however, the Residential FSR must be reduced accordingly to accommodate any Commercial FSR above 2.00.

- A.1.2 provision of additional information for the rooftop mechanical room on the residential tower to show floor plans confirming the floor area;

Note to Applicant: The mechanical room area has been added to the Residential floor area calculations and is estimated to be approximately 1,080 square feet. The mechanical room area for the adjacent office building (approximately 2,800 square feet), has been added to the Commercial floor area calculations. Only mechanical rooms located at or below base surface (for both Residential and Commercial uses) are excluded in the computation of floor space in the DD zone.

- A.1.3 arrangements shall be made to the satisfaction of the Director of Legal Services, the General Manager of Engineering Services, and the Director of Planning for:

- an agreement to designate the parcels involved in this project as a “single site” for zoning purposes; and
- the provision and access to off-street bicycle, parking, and loading on this development site for the building at 856 Homer Street (Lot B, Block 66, Plan 13921, District Lot 541).

- A.1.4 separation and denotation on the drawings showing three parking spaces dedicated to the residential rental units;

Note to Applicant: These spaces must be clearly labelled on site and reserved for the exclusive use of the residential rental tenants occupying the Homer Building.

- A.1.5 design development and provision of additional residential Class A (residents) bicycle parking spaces, together with additional Class B (visitors) bicycle parking spaces for all uses;

Note to Applicant: Class B spaces shall be located at or near the entrances in convenient locations. Further, it should not be expected that the residential Class A space bicycle users be required to access one bicycle room to enter another room further inside when the combined space serves more than 40 bicycles.

- A.1.6 provision of balcony enclosure details;

Note to Applicant: To qualify for an exclusion from floor space ratio (FSR) calculations, an enclosed balcony must be a distinct space separated from the remainder of the dwelling unit by walls, glass, and glazed doors (hinged or sliding), have an impervious floor surface, a flush threshold at the bottom of the door (for disabled access), large, openable windows for ventilation, and distinct exterior architectural expression. In addition, each dwelling unit should have no more than one enclosed balcony, and all balconies, both open and enclosed,

should be clearly identified on the floor plans. Notation should also be made on the plans stating: "All enclosed balconies shall be designed and constructed in accordance with the Council-approved Balcony Enclosure Guidelines." For further details and specifications on enclosure requirements, refer to the Council-approved Balcony Enclosure Guidelines.

- A.1.7 provision of FSR tracing overlays identifying the location and extent of the proposed wall type indicating any potential floor space exclusions, in support of the proposed wall type assembly and letter submitted by the Building Envelope Specialist;

Note to Applicant: The amount of floor space proposed for exclusion from the computation of FSR shall be tabulated and ultimately deducted from the overall floor area to arrive at a final total. For further details and specifications on exclusion requirements, refer to the By-law Administration Bulletin titled: "Floor Space Exclusions for Additional Wall Thickness to Control Building Envelope Leaks".

Standard Landscape Conditions

- A.1.8 provision of one additional small-species tree at the townhouse courtyard entrance;

Note to Applicant: The additional tree will frame the entrance from Smithe Street.

- A.1.9 design development to the ground-oriented walls, patios, surfaces and landscaping to consider CPTED principles;

Note to Applicant: Ensure that the planter walls along the lane and Smithe Street are textured to discourage mischief.

Standard Heritage Conditions

- A.1.10 suitable arrangements are made for registration of the designation of the Homer Building as protected heritage property and the Heritage Revitalization Agreement (HRA), as approved by City Council on July 24, 2007, to the satisfaction of the Director of Planning and the Director of Legal Services;

- A.1.11 submission of confirmation that a qualified restoration architect will be retained to provide professional services relative to all aspects of the interior and exterior restoration of the Homer Building, including site supervision;

- A.1.12 replication of the two domes on the corners of the roof fronting Smithe Street, in accordance with directions set through the Vancouver Heritage Commission;

Note to Applicant: Refer to the early photographs of the building submitted in the Conservation Plan.

- A.1.13 provision of details of the proposed skylights;

Note to Applicant: Show the details in plan and section. Confirm whether the original design and dimensions will be replicated.

- A.1.14 submission of a Structural Engineer's report, clearly outlining the approach toward seismic upgrading and confirming any impacts on the exterior façade materials as a result of building code upgrading;

- A.1.15 provision of further design development to the proposed storefront to more closely align with similar heritage retail facades from the era;
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A.1.16 replacement of the northern-most window panel of the retail unit on Homer Street with brick, in order to better align with the solid brick wall above;

A.1.17 clarification whether areas of new brick will be the original material and what the proposed finish will be.

Note to Applicant: The intention is to provide a uniform appearance for all brick surfaces. Staff's preference is to have the original brick finish reinstated.

A.1.18 change the painted steel window panelling below the storefront windows on Smithe Street to concrete, to match the base on Homer Street;

A.1.19 indicate the proposed signage location for the retail unit on the ground floor of The Homer building;

Note to Applicant: Provide a schematic design, showing dimensions, materials, method of illumination and finishes, noting that this will require a separate application pursuant to the Sign By-law.

A.1.20 revise the elevation drawings in the Conservation Plan to reflect the final form and clearly outline the existing materials, condition, proposed rehabilitation and compliance with standard heritage practises;

A.1.21 provide "True Colour" exploration of original exterior paint finishes and propose an appropriate colour palette for all painted surfaces;

A.1.22 confirm any impact on the existing or proposed wood windows and doors that might occur from warranty or insurance requirements for the building;

A.1.23 provide a security gate along Smithe Street, at a height of approximately 7-8 ft., designed in a metal finishes and detailed in a manner compatible with the historic quality of the Homer Building and the new townhouses to the east;

Note to Applicant: Attention should be given to the access point to clearly articulate the opening. A large-scale detailed elevation of the gate is required. The gate is to be discreet and of a high architectural quality.

Crime Prevention through Environmental Design (CPTED)

A.1.24 design development to reduce opportunities for theft in the underground;

Note to Applicant: This can be achieved by providing secure separation for residential users. Clarify office elevator on residential parking levels. Exit stairs should be separate from elevators. An intermediate door should be located within the exit stairs to separate residential levels from non-residential in coordination with Building - Processing. Alcove areas should be reconfigured to have open visibility.

A.1.25 design development to reduce opportunities for mischief;

Note to Applicant: This can be achieved by adding a door at the loading bay corridor and by providing a partial plan of the lower loading bay door off the lane.

A.1.26 design development to reduce opportunities for graffiti by reducing the height of planter walls on the lane;

Social Planning/Housing Centre/Office of Cultural Affairs

A.1.27 issuance of a Conversion/Demolition permit for the 14 SRA-designated rooms at 335 and 337 Smithe Street, as per Council's decision of July 24, 2007;

A.1.28 design development to incorporate opportunities for children's play activities on the 8th floor amenity patio;

Note to Applicant: Staff recommend utilizing a flexible design and not the inclusion of play structures which are larger and may limit other uses for the space.

A.1.29 design development to all multi-purpose amenity rooms to ensure that a fully accessible washroom, kitchenette and storage area are provided in each;

A.1.30 design development to provide shared garden plots and a small tool storage and composting area on the 8th floor amenity patio; and

Note to Applicant: Shared garden plots could be created by adding raised planter beds along the edges of the amenity patio.

A.1.31 explore opportunities to incorporate edible landscaping, with particular attention being paid to the use of edible shrub plantings that provide all season interest, in the planters of the amenity patio and other common walkways which are accessible to residents.

A.2 Standard Engineering Conditions

A.2.1 arrangements shall be made to the satisfaction of the General Manager of Engineering Services and the Director of Planning for the consolidation of Lots C and 14 to 19, Block 66, Plan 210, District Lot 541;

A.2.2 provision of a legal separation of the heritage building from the balance of the site, so that it lies on its own parcel, or within an airspace parcel;

Note to Applicant: The General Manager of Engineering Services cannot support strata titling of the heritage building as long as the bay windows encroach onto the City street.

A.2.3 arrangements shall be made to the satisfaction of the General Manager of Engineering Services for all existing and proposed encroachments onto City streets or the lane;

Note to Applicant: With a single (non-strata) ownership, the heritage building (whether an air space parcel or other), encroachments could be addressed with a standard encroachment agreement.

A.2.4 arrangements shall be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the release of Easement and Indemnity Agreement 479350M;

Note to Applicant: The agreement is for a commercial crossing over the sidewalk and boulevard on Homer Street. Written confirmation that this will be attended to prior to occupancy of the new development will be required prior to issuance of the development permit.

A.2.5 provision of the proposed commercial parking to not exceed the maximum permitted by the Parking By-law;

Note to Applicant: The statistics table indicates a request to accept more than the maximum permitted parking. The applicant may only provide a maximum of 52 new office/retail parking spaces.

A.2.6 provision of an acceptable slope for the ramp to the underground parking;

Note to Applicant: As per the City's "Parking and Loading Design Supplement", the ramp slope must not exceed 10% for the first 20 ft. of ramp, measured from the property line. The slope along the north side of the ramp calculates at 12.35%. Design elevations must be noted through on either side of the ramps at all break points and throughout the parking areas. The length of the ramp or drive aisle at the specified slope must also be noted.

A.2.7 provision of corner-cuts at the top and bottom of the parking ramps, where 200 or more vehicles are being served, or to ensure adequate two-way vehicle flow;

Note to Applicant: Refer to the City's Parking and Loading Design Supplement.

A.2.8 provision of the required width for disability parking stalls;

A.2.9 provision of column placements in accordance with the Parking and loading Design Supplement, or provision of additional parking space width;

A.2.10 provision of the required loading for both the new development and the existing office building, including:

- clear identification of the residential loading space and provision of access to it from the residential lobby; and
- provision of the required loading space throat, additional width, a security gate and communication device.

Note to Applicant: If a relaxation is desired, a written rationale is required. Acceptance of a reduced loading provision will be subject to review by the General Manager of Engineering Services. Any such request must include information regarding shared-use provisions and physical access, both within the new development and the office building.

A.2.11 provision of the required parking spaces for the office building at 856 Homer Street;

Note to Applicant: The office building requires 51 spaces, of which 34 are provided on the existing site. The layout indicated on the submitted plans must be modified to ensure compliance with the Parking By-law.

A.2.12 clarification of the commercial garbage and recycling pick-up operations;

Note to Applicant: The City will not pick up recycling carts from a loading dock or raised platform.

A.2.13 clarification of the residential garbage pick-up operations;

Note to Applicant: Written advice is required from a disposal company, confirming that they can service the proposed compactor and garbage room. This development will require 18-24 recycling carts for residential use.

A.2.14 provision of Downtown South sidewalk treatments adjacent to the site;

Note to Applicant: A copy of the final landscape plan must be sent directly to Engineering Services for review.

A.2.15 arrangements shall be made to the satisfaction of the General Manager of Engineering Services for all canopy encroachments over City property;

Note to Applicant: A canopy application shall be submitted to Engineering Services for review.

A.2.16 confirmation that all utility services will be provided underground; and

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

A.2.17 provision of adequate access to the storage lockers adjacent to parking spaces, that does not require relocation of parked vehicles.

A.3 Standard Vancouver Coastal Health Authority Conditions

A.3.1 provision of an acoustical consultant's report shall be submitted which assesses noise impacts on the site and recommends noise mitigation measures in order to achieve noise criteria;

A.3.2 provision of a letter from an acoustic consultant shall be submitted confirming that the development application drawings show a minimum STC 55 construction between the commercial and residential components of the building, or a minimum 6 ft. solid concrete slab shall be specified on the drawings. Where music, recorded or live may be a major activity in the commercial premises, submit a report from an acoustical consultant recommending minimum STC 60 construction between the commercial and residential components and advising the required control of music levels to satisfy the requirements of the City of Vancouver Noise Control By-law No. 6555;

B.1 Standard Notes to Applicant

- B.1.1 The applicant is advised to note the comments of Processing Centre - Building, Vancouver Coastal Health Authority and Fire & Rescue Services contained in the Staff Committee Report dated November 7, 2007. Further, confirmation that these comments have been acknowledged and understood, is required to be submitted in writing as part of the "prior-to" response.
- B.1.2 It should be noted that if conditions 1.0 and 2.0 have not been complied with on or before **June 3, 2008**, this Development Application shall be deemed to be refused, unless the date for compliance is first extended by the Director of Planning.
- B.1.3 This approval is subject to any change in the Official Development Plan and the Zoning and Development By-law or other regulations affecting the development that occurs before the permit is issuable. No permit that contravenes the by-law or regulations can be issued.
- B.1.4 Revised drawings will not be accepted unless they fulfill all conditions noted above. Further, written explanation describing point-by-point how conditions have been met, must accompany revised drawings. An appointment should be made with the Project Facilitator when the revised drawings are ready for submission.
- B.1.5 A new development application will be required for any significant changes other than those required by the above-noted conditions.

B.2 Conditions of the Development Permit:

- B.2.1 All approved off-street vehicle parking, loading and unloading spaces, and bicycle parking spaces shall be provided in accordance with the relevant requirements of the Parking By-law within sixty (60) days of the date of issuance of any required occupancy permit, or any use or occupancy of the proposed development not requiring an occupancy permit, and thereafter permanently maintained in good condition.
 - B.2.2 All landscaping and treatment of the open portions of the site shall be completed in accordance with the approved drawings within six (6) months of the date of issuance of any required occupancy permit, or any use or occupancy of the proposed development not requiring an occupancy permit, and thereafter permanently maintained.
 - B.2.3 All approved street trees shall be planted in accordance with the approved drawings within six (6) months of the date of issuance of any required occupancy permit, or any use or occupancy of the proposed development not requiring an occupancy permit, and thereafter permanently maintained in good condition.
 - B.2.4 In accordance with the Private Property Tree By-law No. 7347, the removal and replacement of trees is permitted only as indicated on the approved Development Permit drawings.
 - B.2.5 The enclosed balconies are to be maintained at all times in accordance with the balcony enclosure details on the approved plans and are not to be used as an integral part of the interior space of the building.
 - B.2.6 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.2.7 Any amenity areas 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
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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 Any phasing of the development, other than that specifically approved, that results in an interruption of continuous construction to completion of the development, will require application to amend the development to determine the interim treatment of the incomplete portions of the site to ensure that the phased development functions are as set out in the approved plans, all to the satisfaction of the Director of Planning.
 - B.2.9 This site is affected by the Development Cost Levy By-law No. 6924. Levies will be required to be paid prior to issuance of Building Permits.**
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Processing Centre - Building comments

The following comments have been made by the Processing Centre - Building Branch and are based on the architectural drawings submitted for the proposed Development Permit. This is a preliminary review in order to identify issues which do not comply with Vancouver Building By-Law #8057. Based on Architectural drawings received on Nov. 2, 2006.

The two buildings (399 Smithe & The Homer) shall be designed as 1 building.

New Tower

1. **The stair shafts that serve the storage garage must terminate at the ground level. Refer to VBBL Article 3.3.6.7 & Subsection 3.2.6.
2. Crossover floors conforming to VBBL Article 3.4.6.17. are required.
3. All common areas including amenity rooms, washrooms, roof-top patios & storage are required to be accessible for persons with disabilities.
4. Accessible clearance is required on doors entering the vestibule on accessible parking levels.
5. Refer to VBBL Subsection 3.2.3. for Exposure Protection requirements.
6. The residential occupancies must comply with VBBL Article 3.8.2.27.

The Homer

1. **The renovation/reconstruction of The Homer shall conform to Part 10 of the VBBL for Fire & Life Safety, Structural, and Accessibility. It will require a full upgrade.
2. **Exiting doesn't appear to comply with respect to number & remoteness.
3. Refer to VBBL Subsection 3.2.8. for requirements on interconnected floor spaces
4. All new work shall comply with the current VBBL.
5. New work shall not increase nor create any non-conformity within the project area.

**Items marked with an asterisk have been identified as serious non-conforming Building By-law issues. Written confirmation that the applicant has read and has understood the implications of the above noted comments is required and shall be submitted as part of the "prior to" response. The applicant may wish to retain the services of a qualified Building Code consultant in case of difficulty in comprehending the comments and their potential impact on the proposal. Failure to address these issues may jeopardize the ability to obtain a Building Permit or delay the issuance of a Building Permit for the proposal.
