



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: October 4, 2016
Contact: Karen Hoesé
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RTS No.: 11683
VanRIMS No.: 08-2000-20
Meeting Date: October 18, 2016

TO: Vancouver City Council
FROM: General Manager of Planning, Urban Design and Sustainability
SUBJECT: CD-1 Rezoning: 424-428 West Pender Street

RECOMMENDATION

- A. THAT the application by Onni Development (Pender) Corp. (Onni) to rezone 424-428 West Pender Street [*Lots 5 and 6, Block 35, District Lot 541, Plan 210, PIDs 012-167-363 and 012-167-380 respectively*] from DD (Downtown) District to CD-1 (Comprehensive Development) District to increase the floor space ratio from 6.00 to 8.14 to allow for the construction of an 11-storey mixed-use building with commercial at grade and residential units above, all of which will be secured by a Section 219 Covenant as market rental housing, be referred to a Public Hearing, together with:
- (i) plans prepared by IBI Group Architects, received July 8, 2016;
 - (ii) draft CD-1 By-law provisions, generally as presented in Appendix A; and
 - (iii) the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve, subject to conditions contained in Appendix B;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary CD-1 By-law generally in accordance with Appendix A for consideration at Public Hearing.

- B. THAT, if the application is referred to a Public Hearing, the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule B to the Sign By-law [assigned Schedule "B" (DD)], generally as set out in Appendix C, be referred to the same Public Hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary Sign By-law amendment generally as set out in Appendix C for consideration at the Public Hearing.

- C. THAT, subject to enactment of the CD-1 By-law, the Noise Control By-law be amended to include this CD-1 in Schedule B, generally as set out in Appendix C;
- FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law at the time of enactment of the CD-1 By-law.
- D. THAT, subject to enactment of the CD-1 By-law, the Parking By-law be amended to include this CD-1 and to provide parking regulations generally as set out in Appendix C;
- FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Parking By-law at the time of enactment of the CD-1 By-law.
- E. THAT Recommendations A through D be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

REPORT SUMMARY

This report evaluates an application to rezone 424-428 West Pender Street from DD (Downtown) District to CD-1 (Comprehensive Development) District. The proposed zoning would change the maximum density for an all-rental building from a floor space ratio (FSR) of 6.00 to 8.14, which would allow for an 11-storey mixed-use building with commercial at grade and 72 units of secured market rental housing above. This application is being considered under the *Downtown Eastside Plan (DTES Plan)*. If approved, the application would contribute to the City's affordable housing goals, as identified in the *Housing and Homelessness Strategy*, as well as the market rental housing goals as set out in the *DTES Plan*.

Staff have assessed the application and conclude that it is consistent with the *DTES Plan* with regard to the proposed use and form of development, subject to design development and enactment conditions outlined in Appendix B. It is recommended that the application be referred to a Public Hearing, with the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve it, subject to the Public Hearing.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

Relevant Council Policies for this site include:

- Downtown Eastside Plan (2014)
- Rezoning Policy for the Downtown Eastside (2014)
- Downtown Official Development Plan (1975, last amended 2015).

- Victory Square Policy Plan (2005)
- Victory Square Guidelines (2006)
- Housing and Homelessness Strategy (2011)
- Housing Plan for the Downtown Eastside (2005)
- High-Density Housing for Families with Children Guidelines (1992)
- Green Buildings Policy for Rezoning (2009, last amended 2014)
- Vancouver Neighbourhood Energy Strategy (2012)
- Urban Agriculture Design Guidelines for the Private Realm (2009)
- Community Amenity Contributions – Through Rezoning (1999, last amended 2014)
- Financing Growth Policies (2003)
- Development Cost Levy By-law (2008, last amended 2015)
- Financing Growth Policies (2003)
- Public Art Policies for Rezoned Developments (2014).

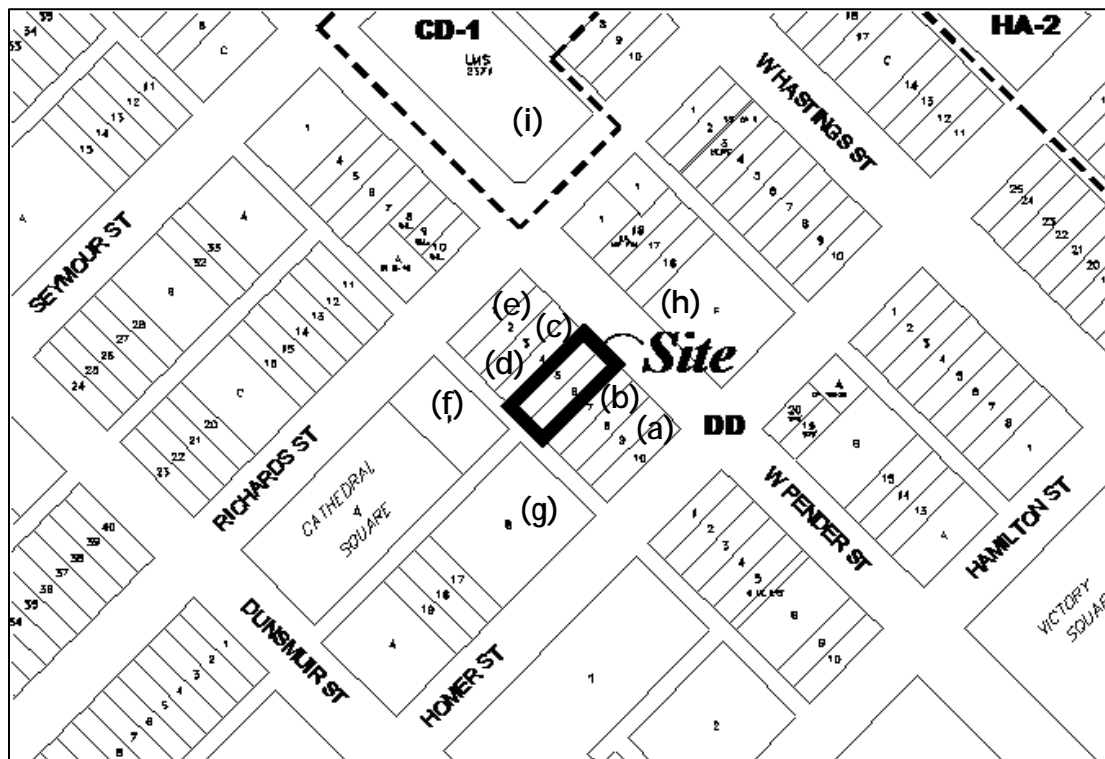
REPORT

Background/Context

1. Site and Context

The subject site is located on West Pender Street, (see Figure 1) mid-block between Richards and Homer streets. This 579.7 m² (6,240 sq. ft.) site has a frontage of 15.8 m (52 ft.) on Pender Street and a depth of 36.6 m (120 ft.). The site is comprised of two legal parcels and is currently occupied by a single-storey commercial building. Built in 1922, this building is not on the Vancouver Heritage Register, and is currently occupied by a restaurant (the Smile Diner) and a small retail store.

Figure 1 - Site and surrounding zoning



The blocks surrounding the subject site contain a mixture of commercial, office and mixed-use buildings, ranging from two storeys to thirty storeys. Significant developments in the immediate area are shown in Figure 1 and are listed below:

- (a) the former “British Canadian Securities” building at 402 West Pender Street, an eight-storey (120 ft.) heritage “B” office building;
- (b) the “Western Canada” building at 416 West Pender Street, a two-storey (28 ft.) heritage “B” office building;
- (c) the “Drier” building at 430 West Pender Street, a two-storey commercial building;
- (d) the “Tiedemann Block” building at 440 West Pender Street, a three-storey (41 ft.) heritage “B” building with artist studios and service uses;
- (e) 454 West Pender Street, currently used for surface parking, with a rezoning application proposing an 11-storey mixed-use building containing 68 market rental housing units;
- (f) the “Marble Arch Hotel” building at 518 Richards Street, a seven-storey (82 ft.) mixed-use heritage “B” building with rooms designated under the Single Room Accommodation By-law;
- (g) the “Salvation Army Belkin House” building at 555 Homer Street, an eight-storey (114 ft.) group residence building;
- (h) the “Central City Lodge” building at 415 West Pender Street, a seven-storey (87 ft.) residential care facility; and
- (i) 515 West Pender Street, a 30-storey mixed-use development including hotel, market residential and institutional uses.

2. Policy Context

Downtown Eastside Plan — In March 2014, Council approved the *Downtown Eastside Plan (DTES Plan)*. The *DTES Plan* guides future private and City investment and partnerships towards achieving integrated development that meets the needs and priorities of the whole community. It strategically aligns core community values, City objectives, and sound planning principles to provide clarity and certainty about where and how new growth will be managed using an innovative approach that has been supported by the community. The Plan’s policies are designed to achieve a thoughtful balance that supports the continued development of a mixed-income community in the Downtown Eastside without displacing Vancouver’s most vulnerable citizens.

The subject site is located in the Victory Square area of the *DTES Plan*. In this area, *DTES Plan* policy supports the continuation of Victory Square as a mixed-use neighbourhood. This area is to include a mix of housing types, including market residential, social housing, secure market rental housing, and affordable home ownership.

Rezoning Policy for the Downtown Eastside — In March 2014, Council approved the *Rezoning Policy for the Downtown Eastside*. For sites in the Victory Square area, rezoning may be considered in accordance with the *Victory Square Policy Plan* and the *DTES Plan*, which allow rezoning to be considered for market projects providing public benefits including social housing, secured market rental housing, and/or heritage building rehabilitation.

Housing and Homelessness Strategy – In July 2011, Council approved the *Housing and Homelessness Strategy 2012-2021*, which includes strategic directions to increase the supply of affordable housing and to encourage a housing mix across all neighbourhoods that enhances quality of life. The priority actions that are relevant to this application include: refine and develop new zoning approaches, development tools and rental incentives to continue the achievement of securing purpose-built rental housing and use financial and regulatory tools to encourage a variety of housing types and tenures that meet the needs of diverse households.

Victory Square Guidelines – In April 2006, Council approved the *Victory Square Guidelines*, which anticipate conservation and retention of the existing scale, form and fabric of Victory Square's heritage environment while encouraging a sensitive, creative and contemporary approach to new construction within the heritage context.

Victory Square Policy Plan – In July 2005, Council approved the *Victory Square Policy Plan*, which anticipated retention of the area's heritage buildings, scale and character; improvement of existing low-income housing; revitalization without displacing low-income residents; and partnership with the community. Relevant to this application is the objective of providing of a range of housing types, including an increase in the number of market units, rental and affordable homeownership options, as well as a revitalized commercial-retail business area, with an increased level of commercial activity serving existing and new residents.

3. Application Revisions

The original application, submitted on December 21, 2015, proposed an increase in the overall maximum density from an FSR of 6.00 to 8.16, to allow for a 32 m (105 ft.) 11-storey building with residential and commercial uses. Proposed were a total of 72 market rental units, comprised of 32 studio units, 34 one-bedroom units and six two-bedroom units.

To better respond to the urban form and heritage character of the existing streetscape, and in response to comments provided by Urban Design Panel and by staff, a revised rezoning application was submitted on July 8, 2016. The revised application included an increased setback from Pender Street at the first and second levels. This change resulted in a decrease in the proposed density from 8.18 to 8.14 FSR. Proposed height, land use and unit mix did not change.

Strategic Analysis

1. Proposal

The application is to rezone 424-428 West Pender Street from DD (Downtown) District to CD-1 (Comprehensive Development) District. The proposed zoning would change the maximum density for an all-rental building from an FSR of 6.00 to 8.14, which would allow for an 11-storey mixed-use building with commercial at grade and 72 units of secured market rental housing. Bicycle parking, with elevator access, is proposed at the basement level. Vehicle parking and loading spaces are proposed at grade, with access from the lane.

Figure 2- Rendering of Proposed Building



2. Land Use

The proposal includes 4,531 m² (48,776 sq. ft.) of residential floor area, proposed to be secured as market rental housing, along with 186 m² (1,999 sq. ft.) of commercial space at grade, proposed to include a café or restaurant. The existing zoning is area "C2" of the Downtown District, with land use regulated by the *Downtown Official Development Plan* (DODP). The DODP is structured in such a way that if a site within its boundaries is rezoned to Comprehensive Development (CD-1) District, the rezoned site is automatically removed from the Downtown District (DD) zoning district (no amendments to the DODP are required) and, as a result the DODP no longer applies to the rezoned site. Although no longer part of the DODP, the relevant urban design and land use policy considerations (in this case the *Victory Square Guidelines*) are applied where appropriate to the new CD-1.

The boundaries of DODP area C2 are consistent with those of the Victory Square area of the *Downtown Eastside Plan (DTES Plan)*. To encourage a range of new housing units, including market and non-market housing, policy in this area allows consideration of rezoning applications to achieve public benefits including social housing, secured market rental housing, and/or heritage building rehabilitation. The *Victory Square Policy Plan* encourages street level vitality by requiring retail and service uses in the 300- and 400-blocks of West Pender Street. This policy direction is reflected in the draft CD-1 By-law provisions in Appendix A.

With a total of 72 social housing units and commercial space at grade, this application for a residential building addresses the intent of the *DTES Plan* and *Rezoning Policy* to provide opportunities for new market rental housing in the Victory Square area.

3. Housing

The *Housing and Homelessness Strategy* strives to enhance access to affordable housing and sets a number of short- and long-term rental housing targets. Rental housing provides a more affordable housing option for nearly half of Vancouver's population, and it contributes to a number of City initiatives intended to create diverse and sustainable communities. The Victory Square subarea of the *DTES Plan* also prioritizes delivery of secured market rental housing through increased height and density allowance for rezoning applications that include 100% secured market rental. These rental units are targeted to moderate-income households, thereby providing options that are more affordable than home ownership.

If approved, this proposal will deliver 72 secured market rental housing units in the form of studio, one-bedroom and two-bedroom units. The family housing requirement follows the policy which was in place at the time of the rezoning application, requiring that 25% of all units have two bedrooms or more, and be suitable for families with children in accordance with the *High-Density Housing for Families with Children Guidelines*.

The applicant has a concurrent rezoning application in progress within the same block at 454 West Pender Street, a corner site with a greater percentage (44 %) of family units proposed. The applicant has proposed to meet the family housing unit target percentage as measured across the two sites. Due to the constraints of its mid-block location, the subject site is challenged to meet the family housing requirement. A total of 6 two-bedroom units (8.3% of the total units proposed for the site) are proposed to be suitable for families with children, which does not meet the applicable family housing requirement. The proposed unit mix for both sites is shown in Figure 3 below. As the percentage of two-bedroom units achieved across both sites is 25.7%, staff recommend this as an acceptable approach to achieving the family housing in place at the time of the rezoning application. Recommended conditions of approval (Appendix B) and provisions in the draft CD-1 By-law (Appendix A) require the proposed unit mix to be continued through to the Development Permit drawings, subject to the Public Hearing.

Figure 3 - Distribution of Housing Unit Types Across 424-428 West Pender Street and 454 West Pender Street

	424-428 West Pender Street (subject site) # of units	454 West Pender Street (companion site) # of units	Both Sites Total # of units	Both Sites % of total units
Studio	32	38	70	50.0%
1 Bed	34	0	34	24.3%
2 Bed (family units)	6	30	36	25.7%
TOTAL	72	68	140	100.0%

While this application is not receiving incentives through a waiver of Development Cost Levies (DCLs), all of the residential units are proposed as non-stratified, secured market rental housing. All 72 units would be secured through a Section 219 Covenant for the longer of the life of the building or 60 years. Adding 72 new secured market rental units to the City's inventory of market rental housing contributes toward the near-term and long-term targets of the Housing and Homelessness Strategy (see Figure 4).

Figure 4 - Progress Toward the Secured Market Rental Housing Targets as set out in the City's Housing and Homelessness Strategy (as of Jun 30, 2016)*

	TARGET	CURRENT PROJECTS				GAP
	2012-2021	Completed	Under Construction	Approved	Total	Above or Below 2021 Target
Secured Market Rental Housing Units	5,000	1,352	2,363	2,031	5,746	746 above target

*Unit numbers exclude the units proposed at 424-428 West Pender Street, pending Council's approval of this rezoning application.

In addition, the new rental units proposed will support the achievement of housing targets for secured market rental housing units as outlined in the *DTES Plan* (see Figure 5). Rezoning conditions to secure the units are contained in Appendix B.

Figure 5 - Progress Toward the Secured Market Rental Housing Targets as set out in the Downtown Eastside Plan (as of June 30, 2016)*

	TARGETS	CURRENT PROJECTS				GAP
	2014-2023	Completed	Under Construction	Approved	Total	Above or Below 2023 Targets
Secured Market Rental Housing Units	1,650	19	165	144	328	1,322 below target

*Unit numbers exclude the units proposed at 424-428 West Pender Street, pending Council's approval of this rezoning application.

Vancouver has one of the lowest rental vacancy rates in Canada. In October 2015, the Canada Mortgage and Housing Corporation (CMHC) Rental Market Report indicated that the vacancy rate in the City was 0.6%¹. That means only six out of every 1,000 market rental units were empty and available for rent. A vacancy rate of 3% is considered to be a balanced rental market. Vacancy in the East Hastings CMHC zone where this proposal is located was also at the rate of 0.6%².

4. Density and Form of Development

Density: Under the existing DODP the allowable density on the site is a floor space ratio (FSR) of 5.0 for all uses, with residential uses limited to a maximum of 3.0 FSR. Under the DODP, a discretionary increase in density to 6.0 FSR can be considered, if social housing comprises a minimum of two-thirds of the floor space ratio or if secured market rental housing comprises all of the residential units, provided a site has a maximum frontage of 23 m (75 ft.).

Through the *DTES Plan* and *Rezoning Policy*, rezoning applications may be considered to achieve public benefits including social housing, secured market rental housing, and/or heritage building rehabilitation, with the maximum density subject to urban design performance.

The rezoning application, as submitted on July 8, 2016, proposes an overall floor area of 4,717 m² (50,776 sq. ft.), equivalent to 8.14 FSR.

¹ CMHC Rental Market Report, October 2015

² CMHC Rental Market Report, October 2015

Building Height: The maximum permitted height in area C2 is 22.9 m (75 ft.), and a discretionary increase to 32 m (105 ft.) can be considered for sites where social housing comprises a minimum of two-thirds of the floor space on a site, or if secured market rental housing comprises all of the residential units. No additional height can be achieved through rezoning.

A maximum building height of 32 m (105 ft.) to top of parapet is proposed, noting also a height of 36.4 m (119.4 ft.) to the top of the elevator machine room. Pursuant to Section 10 of the *Zoning and Development By-law*, rooftop elements may be excluded from the calculation of height if they are required to provide access to green roofs or space for urban agriculture. To be eligible for this height exclusion, a minimum of 25% of the roof area must be intensive green roof, with raised or inset planters of substantial depth of soil to support a wide range of plant sizes.

The draft CD-1 By-law provisions in Appendix A include a maximum height of 32 m (105 ft.), with design conditions in Appendix B requiring a minimum of 25% of the roof area to be intensive green roof, in accordance with the *Urban Agriculture Design Guidelines for the Private Realm* and *Roof-mounted Energy Technologies and Green Roofs - Discretionary Height Increases Bulletin*.

Form of Development: The main characteristics of the Victory Square urban form are: narrow building frontages; characteristic “sawtooth” street wall profile created by varying building heights; cubic massing, dense site coverage and robust continuous street walls; masonry as a predominant building material; features such as punched window openings and projecting cornices at the roof line; and contemporary architectural expression for new development.

The proposed design for the building aims to maintain and contribute to the scale and continuity of West Pender Street and the broader Victory Square Area, as anticipated in the *Victory Square Policy Plan* and *Victory Square Guidelines*. The building is informed by its heritage context by employing a tri-partite (three-part) composition. The base of the building, ground and second floor, are a glazed expression; the middle is made up of a repetitive pattern of solids and voids (windows); the top, comprised of the top three floors, has been stepped back by 5.49 m (18 ft.) to provide a shoulder height to relate to adjacent buildings, reduce apparent scale, and to enhance shadow performance.

The *Victory Square Policy Plan* requires that shadows cast by new developments on the south side of a street should not extend beyond the curb on the opposite side of the street at noon on the spring and fall equinoxes. In response to this criteria, floors 9 to 11 are proposed to be set back by 5.49 m (18 ft.) from the Pender Street property line to preserve sunlight access at noon on the north side of Pender Street.

Urban Design Panel: The rezoning application and the proposed form of development were reviewed by the Urban Design Panel twice, receiving support on June 15, 2016 (see Appendix D).

Staff have reviewed and assessed the proposed density, height and form of development on the site and have concluded that the proposal is an appropriate response to the site and its context, subject to the design development conditions in Appendix B.

It is recommended, subject to the Public Hearing, that the proposal be approved, subject to the conditions in Appendix B, which seek further design refinement at the Development Permit stage. The form of development drawings are included in Appendix E and the development statistics are included in Appendix G.

5. Parking and Transportation

Parking and Loading: Based on the *Parking By-law*, the proposed residential development would require a total of 26 vehicle parking spaces, with one commercial Class B loading space required. Four car share spaces, one disability space and one standard space are proposed, or the equivalent of 23 vehicle parking spaces, along with one Class A loading space. Engineering staff have reviewed the application and support the loading relaxation, if an enhanced Class A loading space is provided. This recommendation would result in a vehicle parking reduction of one standard stall, with any vehicle parking shortfall being accommodated through payment-in-lieu. Recommended conditions of approval (Appendix B) have been included to seek vehicle parking spaces as required by the *Parking By-law*, as well as an enhanced Class A loading space.

Bicycle Spaces: The application would meet or exceed the *Parking By-law* for Class A bicycle spaces. Underground bicycle spaces are proposed in the parking level, with access by elevator or through a staircase. A location for Class B bicycle parking is not identified on the plans. Engineering staff have indicated that they would support the proposed location and elevator access for the bicycle parking, and recommend that the development meet the bicycle parking requirements of the *Parking By-law*, with a condition to provide elevators of a size able to accommodate bicycles (Appendix B).

Located on Pender Street, the subject site is well located with regard to transit, within 400 m (a five-minute walk) from Waterfront and Granville SkyTrain stations, as well as bus service on Pender, Hastings and Cordova streets, and bicycle routes on nearby streets.

6. Environmental Sustainability

The *Green Buildings Policy for Rezoning* (amended by Council on June 25, 2014) requires that rezoning applications achieve a minimum of LEED® Gold rating, with targeted points for water efficiency and stormwater management and a 22 per cent reduction in energy cost as compared to ASHRAE 90.1 2010, along with registration and application for certification of the project. The applicant submitted a preliminary LEED® scorecard, which generally conforms to the rezoning policy, indicating that the project could attain the required LEED® points and energy efficiency and, therefore, would be eligible for a LEED® Gold rating.

Under the *Downtown Eastside Plan*, all new buildings must be readily connectable to a neighbourhood energy system ("NES") when available and agreements are required to ensure this. In October 2012, Council adopted the *Vancouver Neighbourhood Energy Strategy* which identified the Downtown Eastside as a target area for NES development. Conditions of rezoning in Appendix B provide for NES compatibility and future connection.

7. Heritage

The existing building at 424-428 West Pender Street was originally built in 1922, one of the later commercial buildings to be constructed in this area of downtown Vancouver. The single-storey, brick-veneered commercial building has been continuously occupied by a restaurant or diner use since 1922, with the current tenant (the Smile Diner) having been in operation since 1981. As part of the rezoning application, a draft Heritage Statement of Significance (SOS) was submitted, indicating that the building could be considered a candidate for the Vancouver Heritage Register in the 'C' evaluation category. The heritage value of the building lies in its relatively late construction date for the area, in its design and contribution to the historic streetscape, in its association with its architect H.S. Griffith, and in its history of use.

The draft SOS was reviewed by the Vancouver Heritage Commission, which recommended that the building be considered for addition to the Heritage Register and requested updates to the SOS. The updates were completed by the applicant's heritage consultant and were reviewed by staff. The final SOS and Vancouver Heritage Commission minutes are included in Appendix D. Staff assessed the potential loss of the building with the other public benefits proposed, and with respect to opportunities for meaningful on-site retention, and concluded that in this case that retention of the existing building would not be required.

Given the historical association of the building with its continuity of diner and restaurant tenants, the applicant has proposed to include a cafe or restaurant on the ground floor. The applicant has also committed to offer their current tenant, the Smile Diner, the option to continue operations in the new building if they wish to do so. Draft CD-1 By-law provisions in Appendix A include both Restaurant and Retail Store as non-residential uses, allowing for a future restaurant or café at this location. Conditions of approval in Appendix B require the provision of vertical vent space to accommodate a kitchen exhaust.

PUBLIC INPUT

Public Notification: The rezoning application was submitted on December 21, 2015. A rezoning information sign was installed on the site on February 19, 2016. A total of 8,212 notifications were distributed within the neighbouring area on or about February 19, 2016. A community open house was held on March 7, 2016. Notification and application information, as well as an online comment form, were provided on the City of Vancouver Rezoning Centre webpage (vancouver.ca/rezapps). Email notification was sent to the Downtown Eastside Plan listserv which includes 432 individuals and 23 neighbourhood groups and organizations. Staff, the applicant team, and a total of 26 people attended the Open House.

Following submission of a revised rezoning application on July 8, 2016, a new rezoning information sign was installed on the site on July 25, 2016. Approximately 8,729 notifications were sent out to surrounding residents and businesses on or about July 21, 2016. Email notification was sent to the Downtown Eastside Plan listserv. Notification and application information, as well as an online comment form, were provided on the City of Vancouver Rezoning Centre webpage (vancouver.ca/rezapps).

Public Response: Public responses to the December 21, 2015 proposal have been submitted to the City as follows:

- In response to the March 7, 2016 open house, a total of 3 comment sheets were submitted from individuals.
- A total of 3 letters, e-mails, and online feedback forms were submitted from individuals.

No feedback was submitted in response to notification of the revised July 8, 2016 application.

Figure 6: Public Notification and Response (March 7, 2016 Open House)

Total notifications	8212
Open House attendees	26
Comment sheets	3
Electronic feedback	3

Those who provided feedback noted general support for the proposal. Some respondents supported the low number of vehicle parking spaces and the inclusion of car-share spaces.

A more detailed summary of the public comments on this application can be found in Appendix D.

Staff have assessed the issues raised through the rezoning review process and have concluded that the height, density and land use of the proposed development, are supportable subject to the conditions of approval contained in Appendix B.

PUBLIC BENEFITS

In response to City policies which address changes in land use and density, this application for rezoning offers the following public benefits:

Required Public Benefits:

Development Cost Levies (DCLs) – Development Cost Levies collected from development help pay for facilities made necessary by growth, including parks, childcare facilities, replacement housing (social/non-profit housing) and various engineering infrastructure. This site is subject to the City-wide DCL rate which is currently \$149.73/m² (\$13.91/sq. ft.) and is applied to the proposed eligible floor area of 4,717 m² (50,776 sq. ft.). On this basis, a DCL of approximately \$706,294 is anticipated.

DCLs are payable at building permit issuance and are subject to an annual inflationary adjustment which takes place on September 30 of each year. When a DCL By-law with higher rates is introduced, a number of rezoning, development permit and building permit applications may be at various stages of the approval process. An application may qualify as an in-stream application and therefore may be exempt from DCL rate increases for a period of 12 months from the date of the DCL By-law rate amendment, provided that it has been submitted prior to the adoption of annual DCL By-law rate adjustments. If a related building permit application is not issued within the 12-month period, the rate protection expires and the new DCL rate will apply. See the City's DCL Bulletin for details on DCL rate protection.

Public Art Program – The *Public Art Policy for Rezoned Developments* requires rezonings having a floor area of 9,290.0 m² (100,000 sq. ft.) or greater to allocate a portion of their construction budgets to public art as a condition of rezoning. As the proposal has a floor area below the minimum threshold, no public art contribution will arise from this application.

Offered Public Benefits:

Rental Housing - The applicant has proposed that all of the 72 residential units be secured as market rental housing (non-stratified). The public benefit accruing from these units is their contribution to the city's secured market rental housing stock for the longer of the life of the building or 60 years, whichever is greater. Covenants would be registered on title to preclude the stratification and/or separate sale of individual units.

If this rezoning application is approved, the rental housing would be secured through a Section 219 Covenant with the City and would be subject to the conditions noted in Appendix B. A public benefits summary is provided in Appendix F.

Community Amenity Contribution (CAC) – In the context of the City's *Financing Growth Policy*, an offer of a community amenity contribution to address the impacts of rezoning can be anticipated from the owner of a rezoning site. Such a CAC is typically made through the provision of either on-site amenities or a cash contribution towards other public benefits and they take into consideration community needs, area deficiencies and the impact of the proposed development on City services.

As the public benefit achieved for this application is secured market rental housing, no cash CAC is offered in this instance. Real Estate Services staff have reviewed the applicant's development pro forma and have concluded that, after factoring in the costs associated with the provision of secured market rental housing units for the longer of the life of the building or 60 years, no further contribution towards public benefits is appropriate in this instance

Implications/Related Issues/Risk

Financial

As noted under the section on Public Benefits, there are no public art contributions or CACs associated with this rezoning.

The site is within the Citywide Development Cost Levy (DCL) District and it is anticipated that the applicant will pay \$706,294 in DCLs.

The secured market rental housing, secured by a Section 219 Covenant for the longer of the life of the building or 60 years, will be privately owned and operated.

CONCLUSION

Assessment of this rezoning application has concluded that the proposed land uses, density and height are supported, subject to the recommended changes as outlined above and in Appendix B. Further, the public benefits of this project would provide a significant contribution towards secured market rental housing targets in the Victory Square area of the Downtown Eastside.

The General Manager of Planning, Urban Design and Sustainability recommends that the application be referred to Public Hearing together with a draft CD-1 By-law as generally shown in Appendix A and with a recommendation of the General Manager of Planning, Urban Design and Sustainability that these be approved, subject to the Public Hearing, along with the conditions of approval listed in Appendix B, including approval in principle of the form of development as shown in plans included as Appendix E.

* * * * *

424-428 West Pender Street
DRAFT CD-1 BY-LAW PROVISIONS

Note: A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

Zoning District Plan Amendment

1. This By-law amends the Zoning District Plan attached as Schedule D to By-law No. 3575, and amends or substitutes the boundaries and districts shown on it, according to the amendments, substitutions, explanatory legends, notations, and references shown on the plan marginally numbered Z-() attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D, to By-law No.3575.

[Note: Schedule A, not attached to this appendix, is a map that amends the City of Vancouver zoning map. Should the rezoning application be referred to Public Hearing, Schedule A will be included with the draft by-law that is prepared for posting.]

Uses

- 2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 ().
- 2.2 Subject to Council approval of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this By-law or in a development permit, the only uses permitted within CD-1 (), and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:
 - (a) Dwelling Units in conjunction with any of the uses listed in this By-law;
 - (b) Retail Uses, limited to Grocery or Drug Store, Neighbourhood Grocery Store, Retail Store and Small-scale Pharmacy;
 - (c) Service Uses, limited to Barber Shop or Beauty Salon, Beauty and Wellness Centre, Laundromat or Dry Cleaning Establishment, Photofinishing or Photography Studio, Repair Shop - Class B, Restaurant - Class 1 and Restaurant - Class 2; and
 - (d) Accessory Uses customarily ancillary to the uses listed in this section.

Conditions of Use

- 3.1 The design and layout of at least 8% of the dwelling units must:
 - (a) be suitable for family housing;
 - (b) include two or more bedrooms; and
 - (c) comply with Council's "High Density Housing for Families with Children Guidelines".
- 3.2 Except for residential entrances, no residential uses are permitted on floors located at street level.

Floor Area and Density

- 4.1 Computation of floor space ratio must assume that the site consists of 579.7 m² [6,240 sq. ft.], being the site size at the time of the application for the rezoning evidenced by this By-law, and before any dedications.
- 4.2 The floor space ratio for all uses must not exceed 8.14.
- 4.3 Computation of floor area must include all floors, including earthen floor, above and below ground level, having a minimum ceiling height of 1.2 m, measured to the extreme outer limits of the building.
- 4.4 Computation of floor area must exclude:
 - (a) open residential balconies or sun decks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that:
 - (i) the total area of all such exclusions must not exceed 12 % of the residential floor area, and
 - (ii) the balconies must not be enclosed for the life of the building,
 - (b) patios and roof gardens only if the Director of Planning first approves the design of sunroofs and walls;
 - (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing; those floors or portions thereof so used, which are at or below the base surface, except that the exclusion for a parking space must not exceed 7.3 m in length; and
 - (d) all residential storage area above or below base surface, except that if the residential storage area above base surface exceeds 3.7 m² for a dwelling unit there will be no exclusion for any of the residential storage area above base surface for that unit.
- 4.5 Computation of floor area may exclude:
 - (a) where floors are used for off-street parking and loading, those floors or portions thereof so used which are above the base surface, if:
 - (i) the grade of the floors is no more than 2.0 m above the base surface at any given point,
 - (ii) the area is located within the southern 17 m of the site,
 - (iii) the maximum exclusion for a parking space does not exceed 7.3 m in length, and

- (b) amenity areas, except that the total exclusion for amenity areas must not exceed 10% of permitted floor area.

4.6 The use of floor area excluded under sections 4.4 and 4.5 must not include any purpose other than what which justified the exclusion.

Building Height

5 Building height, measured from base surface, must not exceed 32 m.

Horizontal Angle of Daylight

6.1 Each habitable room must have at least one window on an exterior wall of a building.

6.2 The location of each such exterior window must allow a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, to encounter no obstruction over a distance of 24.0 m.

6.3 Measurement of the plan or planes referred to in section 6.2 must be horizontally from the centre of the bottom of each window.

6.4 If:

- (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
- (b) the minimum distance of unobstructed view is not less than 3.7 m;

the Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement.

6.5 An obstruction referred to in section 6.2 means:

- (a) any part of the same building including permitted projections; or
- (b) the largest building permitted under the zoning on any site adjoining CD-1 ().

6.6 A habitable room referred to in section 6.1 does not include:

- (a) a bathroom; or
- (b) a kitchen whose floor area is the lesser of:
 - (i) 10% or less of the total floor area of the dwelling unit, or
 - (ii) 9.3 m².

Acoustics

- 7 All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of dwelling units listed below do not exceed the noise level set opposite such portions. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq) sound level and is defined simply as noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
Bedrooms	35
Living, dining, recreation rooms	40
Kitchen, bathrooms, hallways	45

* * * * *

424-428 West Pender Street
DRAFT CONDITIONS OF APPROVAL

Note: Recommended approval conditions will be prepared generally in accordance with the draft conditions listed below, subject to change and refinement prior to finalization of the agenda for Public Hearing.

CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by IBI Group Architects, and stamped "Received City Planning Department, July 8, 2016", provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

Design Development

- 1. Design development to provide and maintain the use of high-quality materials for the proposal at all stages of the approval process, including subsequent development permit approval review.

Note to Applicant: The use of cementitious panel material such as hardi-siding is not considered to be a high quality material.

- 2. Further design development to the Pender Street elevation is required as follows:

- (i) Further detail, development, and articulation of the base cornice;
- (ii) Revise the balcony design of the upper levels 9-11 to be incorporated into the overall design, i.e. not of a horizontal nature;
- (iii) Revise the datum of the retail cornice to neighbouring buildings and to the proposal at 454 West Pender Street.

- 3. Design development to the 11th floor amenity spaces to improve their ability to serve the needs of all residents, including families and children.

Note to Applicant: This can be accomplished by revising the proportions and increasing the size of the indoor amenity room, and providing an accessible washroom and kitchenette. The amenity of the outdoor space may be improved by adding play features for children. See also Housing condition 27.

- 4. Design development to the rooftop urban agriculture space to include children's play elements and to provide a minimum of 25% of the roof area to be intensive green roof.

Note to Applicant: Consider the inclusion of landscape elements that create opportunities for creative play, co-located with the proposed urban agriculture space.

Note to Applicant: If rooftop access is to be excluded from the calculation of height, rooftop urban agriculture space must be provided in accordance with the *Urban Agriculture Design Guidelines for the Private Realm* and *Roof-mounted Energy Technologies and Green Roofs - Discretionary Height Increases Bulletin*.

5. Provision of adequate storage for each unit.

Note to Applicant: A total of 41 storage units are proposed in the basement level. Storage is required for each unit, whether in the unit or below grade, as anticipated in the *Bulk Storage and In-Suite Storage - Multiple Family Residential Development Bulletin*.

6. Provision of a vertical vent space to accommodate future exhaust from the commercial level.

Note to applicant: Intent is to allow for a wider range of uses, including restaurants, without requiring the retrofitting of exhaust ducting on the outside of the building. This condition also supports the continuation of a future restaurant use on the site, in response to the heritage value of the existing building, which has had a restaurant or café on site since the year of construction in 1922.

7. Submission of a bird friendly strategy for the design of the building and landscape is encouraged in the application for a development permit.

Note to applicant: Strategy should identify any particular risks with regard to the *Bird Friendly Design Guidelines* and propose design features or to reduce these risks. For more information, see the guidelines at <http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>.

8. Provision of high quality and durable exterior finishes, as proposed in the rezoning submission, are to be carried forward and remain through the development permit process.

Crime Prevention Through Environmental Design (CPTED)

9. Design development to respond to CPTED principles, having particular regards for:
 - (i) theft in the underground parking;
 - (ii) residential break and enter;
 - (iii) mail theft; and
 - (iv) mischief in alcoves and vandalism, such as graffiti.

Note to applicant: Building features proposed in response to this condition should be noted on the plans and elevations. Consider use of a legend or key to features on the drawings.

Sustainability

10. Confirmation that the application is on track to meeting the *Green Buildings Policy for Rezonings* including a minimum of LEED® Gold rating, with 1 point for water efficiency and stormwater management and a 22% reduction in energy cost as compared to ASHRAE 90.1 2010, along with registration and application for certification of the project.

Note to applicant: A Sustainable Design Strategy must be submitted as part of the Development Permit that articulates which credits the applicant will be pursuing and how their building application, as submitted, incorporates strategies, features or technologies that will help achieve these credits. The design strategy, along with the LEED checklist must be incorporated into the drawing submission. A letter from a LEED Accredited Professional or Administrator must confirm that the proposed strategy aligns with the applicable goals of the rezoning policy. Proof of registration from the CaGBC must be provided with the application and the project registration number incorporated into the drawings. Application for Certification will be required at a subsequent stage.

Landscape

11. Design development in coordination with the General Manager of Engineering Services and Urban Design staff with regard to the public realm treatment.
12. Design development to the integration of the planters on slab with the overall architecture to provide maximum plant growing depth (exceed BCLNA Landscape Standard) to support plant health.

Note to Applicant: Variations in the slab may be required in combination with appropriate growing medium. In the horizontal plane, soils should be contiguous, wherever possible.

13. At time of Development permit:
 - (i) Provision of a detailed Landscape Plan illustrating common and botanical name, size and quantity of all existing/ proposed plant material.

Note to Applicant: Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. The landscape plan should include all exterior hard and soft surface elements (site furniture, gates, fences, surfaces, screens, walls), the public realm treatment (to the curb) and all existing or proposed street trees, adjoining

landscaping/ grades and public utilities such as lamp posts, hydro poles, fire hydrants.

- (ii) Provision of large scale architectural and landscape sections [typical] through planted areas, including the slab-patio-planter relationship, the lane interface, common areas and upper levels.

Note to Applicant: The sections should include the planter materials, tree stem, canopy and root ball.

- (iii) Provision of large scale detailed elevations/sections for rooftop landscape structures, gates, fences, walls and privacy screens.
- (iv) Provision of high efficiency irrigation for all planted areas, hose bibs for garden plot areas and private patios of areas equal or greater to 9.3 m² (100 sq. ft.).

Note to Applicant: in addition to hose bibs, drip irrigation should be provided for planters on private patios. Illustrate symbols, written specifications and notations on the landscape plans in this regard.

- (v) Provision of new street trees adjacent to the development site, to be confirmed prior to the issuance of the building permit, to discretion of the General Manager of Engineering.

Note to Applicant: Contact Eileen Curran, Streets Engineering, 604.871.6131, to confirm tree planting locations and Park Board, 604.257.8587 for tree species selection and planting requirements.

- (vi) Provide a notation on the plan, "Final spacing, quantity and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6cm caliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches in deep. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion".
- (vii) Provision of the following statement on the landscape plans "A landscape plan is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive "For Construction" approval and related permits are issued. Please contact your Engineering Services Building Site Inspector or Kevin Cavell at 604.873.7773 for details."

Engineering

14. Provision of separate garbage storage facilities for the retail and residential uses.
15. Confirmation that the canopy is intended to encroach beyond the Pender Street property line and if so an application to the General Manager of Engineering Services is required. Please confirm bus bench location and review for adequacy of canopy to provide weather protection for bench users prior to submission of a canopy application.

16. Provision of required parking.

Note to applicant: A parking shortfall of three spaces is noted. The Parking By-law makes provision for alternative strategies to achieve the required amount of parking including additional car share provision, substitution of Class A bicycle spaces, payment lieu and off-site parking.

17. Provision of at least one enhanced Class A loading space is required.

Note to Applicant: A relaxation from one Class B loading space to one enhanced Class A loading space can be supported. Class A loading space provided for this site must be at least 7 m (23 ft.) in length, 2.7 m (8.6 ft.) wide, and 2.8 m (9.2 ft.) high.

18. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: Please refer to the *Parking and Loading Design Supplement* at the following link:

<http://former.vancouver.ca/engsvcs/parking/admin/developers.htm>

- (i) Provision of turning diagrams showing maneuvering in and out of the proposed loading space.

Note to Applicant: Additional length is required for parallel spaces.

- (ii) The portion of the overhead roll up door to be at least 3.65 m (12 ft.) wide.

Note to Applicant: The width of the door does not include the portion obstructed by the retail parking space.

- (iii) Confirmation that existing wood poles do not obstruct access to parking and/or loading entries otherwise arrangements are to be made to the satisfaction of the General Manager of Engineering Services and the applicable utility companies for relocation of the poles.

19. Modify the bicycle parking to meet Parking By-law and *Bicycle Parking Design Supplement* requirements.
- (i) Provision of Class B Bicycle parking as per bylaw requirement

Note to Applicant: Class B bicycle parking, including parked bicycles, must be contained on private property.
 - (ii) Bicycle room(s) must not contain more than 40 bicycle spaces except where the additional bicycle spaces are comprised of lockers.
 - (iii) Modify access to the bicycle parking:
 - (a) Provide automatic door openers on the doors providing access to the bicycle room(s).
 - (b) Provision of a letter of commitment from the facility operator to allow bicycles in the elevators.
 - (c) Provide interior elevator dimensions of 1680 mm x 2050 mm for all elevators to accommodate bicycles.

Neighbourhood Energy Utility

20. The proposed approach to site heating and cooling, developed in collaboration with the City and the City-designated NES Utility Provider, shall be provided prior to the issuance of any development permit, to the satisfaction of the General Manager of Engineering Services.
21. The building(s) heating and domestic hot water system shall be designed to be easily connectable and compatible with Neighbourhood Energy to supply all heating and domestic hot water requirements. Design provisions related to Neighbourhood Energy compatibility must be to the satisfaction of the General Manager of Engineering Services.
- Note to Applicant: The applicant shall refer to the *Neighbourhood Energy Connectivity Standards - Design Guidelines* for general design requirements related to Neighbourhood Energy compatibility at the building scale. The applicant is also encouraged to work closely with City staff during mechanical design to ensure compatibility with a neighbourhood-scale system. As a pre-condition to building permit, a declaration signed by the registered professional of record certifying that the Neighbourhood Energy connectivity requirements have been satisfied will be required.
22. Building-scale space heating and ventilation make-up air shall be provided by hydronic systems without electric resistance heat or distributed heat generating equipment (including but not limited to gas fired make-up air

heaters, heat producing fireplaces, distributed heat pumps, etc.) unless otherwise approved by the General Manager of Engineering Services.

23. Provide for 21 m² of adequate and appropriate dedicated space to be utilized for an energy transfer station connecting the building(s) to the City-designated Neighbourhood Energy System, as outlined in the Neighbourhood Energy Connectivity Standards Design Guidelines, at development permit.
24. Detailed design of the building HVAC and mechanical heating system at the building permit stage must be to the satisfaction of the General Manager of Engineering Services

Housing

25. The proposed unit mix including 32 studio (44.5%), 34 one-bedroom units (47.2%) and 6 two-bedroom units (8.3%) is to be included in the Development Permit drawings.

Note to Applicant: Any changes in the unit mix from the proposed rezoning application may only be varied under the discretion of the Director of Planning or Development Permit Board provided that the combined total number of dwelling units designed to be suitable for families with children at 424-428 West Pender Street and 454 West Pender Street does not fall below 25% of the total number of all dwelling units.

26. Design development to ensure that a minimum of 25% of the combined total number of dwelling units of 424-428 West Pender Street and 454 West Pender Street are designed to be suitable for families with children.
27. The building is to comply with the *High-Density Housing for Families with Children Guidelines*, and include a common amenity room with kitchenette and accessible washroom.

Note to Applicant: Indoor and outdoor common amenity areas should be adjacent to one another and have direct visual and physical connection between them.

CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services and to the Director of Planning, the Managing Director of Social Development, the General Manager of Engineering Services, the General Manager of Community Services and Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. Consolidation of Lots 5 & 6, Block 35, DL 541, Plan 210 to create a single parcel.
2. Provision of building setback and a surface statutory right-of-way (SRW) to achieve a 4.5 m (14.8 ft.) distance from the back of the City curb to the building face on Pender St. A legal survey of the existing dimension from the back of the City curb to the existing property line is required to determine the final setback/SRW dimension. Note doors are not to swing over the setback line.
3. Provision of a Services Agreement to detail the on and off-site works and services necessary or incidental to the servicing of the site (collectively called the "Services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.
 - (i) Provision of new concrete sidewalks adjacent the site in keeping with the area standards.
 - (ii) Provision of a bench to serve the adjacent bus stop to be located on public property below the proposed awning/canopy. Please note the canopy width is to be adequately sized to provide weather protection for bench users.
 - (iii) Provision of street trees adjacent the site where space permits. Note that bus stop requirements may impact tree placement. Please contact engineering services for bus stop details.
 - (iv) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicant's mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.
 - (v) Provision of adequate sewer (storm and sanitary) service to meet the demands of the project. The current application lacks the details to determine if sewer main upgrading is required. Please supply project details including floor area, projected fixture counts and other details as required by the City Engineer to determine if sewer system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the

Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any sewer system upgrading that may be required.

4. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. 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.
5. Confirm that the rooftop-level canopy above the eighth floor shown in the renderings is intended to encroach onto Pender Street; and if so, make arrangements (legal agreements) to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services. Any encroaching elements are to be lightweight and demountable, and the applicant must provide rationale (i.e. that they are necessary in order to meet LEED or other standards).

Note to Applicant: An application to the City Surveyor is required. For general information, see the *Building Encroachments Guide*.

6. Provision of a natural watercourse agreement. Records indicate a natural watercourse passes through this site, a legal agreement should be provided, ensuring that should the watercourse be discovered or impact the site during development and beyond that its flow will not be obstructed.
7. Enter into a Shared Vehicle Agreement with the City to secure the provision, operation and maintenance of four Shared Vehicle(s) and the provision and maintenance of four Shared Vehicle Parking Space(s) for use exclusively by such Shared Vehicle(s), with such parking spaces to be in addition to the minimum parking spaces required by the Parking By-law, on terms and conditions satisfactory to the General Manager of Engineering Services and the Director of Legal Services, including the following:
 - (i) Provide four Shared Vehicle(s) to the development for a minimum period of three years;
 - (ii) Enter into an agreement with a Shared Vehicle Organization satisfactory to the General Manager of Engineering Services to secure the operation and maintenance of the Shared Vehicle(s);
 - (iii) Provide and maintain the Shared Vehicle Parking Space(s) for use exclusively by such shared vehicles;

- (iv) Make arrangements to allow members of the Shared Vehicle Organization access to the Shared Vehicle Parking Space(s);
- (v) Provide security in the form of a Letter of Credit for \$50,000 per Shared Vehicle; and
- (vi) Registration of the Shared Vehicle Agreement against the title to the development, with such priority as the Director of Legal Services may require and including a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, securing these conditions.
- (vii) Updating of the existing letter of commitment from a car share company indicating their willingness to supply four car share vehicles on this site at building occupancy.

Note to Applicant: All shared vehicle spaces are required to be full sized and a minimum width of 2.9 m (9.5 ft.), and may not be small car space, nor behind added gates, unless agreed to be the car share company and the City.

- 8. Provision of a shared use loading agreement to allow the loading to be available for both retail and residential users.

Neighbourhood Energy Utility

- 9. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to a City-designated Neighbourhood Energy System (NES), if and when the opportunity is available and in accordance with the City's *Neighbourhood Energy Strategy* and the that may include but are not limited to agreements which:
 - (i) Require buildings within the development to connect to the City-designated Neighbourhood Energy System at such time that a system becomes available;

Note to Applicant: The Development will be required to connect to a NES prior to occupancy if the General Manager of Engineering Services deems a connection is available and appropriate at the time of development permit issuance. If connection to a NES is not available at that time, the agreement will provide for future connection.

- (ii) Grant access to the mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling NES connection and operation; and
 - (iii) Grant use of and access to suitable space required for the purposes of an energy transfer station as established in the *Neighbourhood Energy*

Connectivity Standards Design Guidelines, to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: Until a City-designated NES utility provider has been identified, the Owner will be prohibited from entering into any third party energy supply contract for thermal energy services, other than conventional electricity and natural gas connections, unless otherwise approved by the General Manager of Engineering Services.

Note to Applicant: At the building permit stage, the applicant will be required to submit final detailed drawings, signed and sealed by a professional engineer where necessary, for review by Engineering Services to confirm final room dimensions and technical information.

Housing

10. Make arrangements to the satisfaction of the General Manager of Community Services and the Director of Legal Services to enter into an agreement securing all residential units as rental housing for the longer of 60 years or the life of the building, and subject to the following additional conditions:
 - (i) A no separate-sales covenant.
 - (ii) A non-stratification covenant.
 - (iii) None of such units will be rented for less than one month at a time.
 - (iv) Such other terms and conditions as the General Manager of Community Services and the Director of Legal Services may in their sole discretion require.

Note to Applicant: The General Manager of Community Services may also require the applicant to enter into such additional agreements as may be required to ensure that 454 West Pender Street and 424-428 West Pender Street are developed and completed concurrently such that the minimum 25% family unit required is actually delivered.

11. To secure achievement of the 25% family housing requirement for rental housing as measured across both the subject site at 424-428 West Pender Street and its companion project at 454 West Pender Street, the zoning by-law for 454 West Pender Street must be enacted prior to enactment of the by-law for the subject site.

Note to Applicant: The 44% family housing requirement specified for 454 West Pender Street must be secured in a legal agreement (Section 219 covenant) for that site, before the by-law for the subject site can proceed to enactment. Should the applicant wish to proceed with enactment of the by-law for the subject site prior to enactment of the by-law for 454 West Pender Street, the housing mix for the subject site must be adjusted

to require a minimum 25% family units and the Conditions of Use section of its draft by-law must be likewise amended.

Soils

12. If applicable:
- (a) Submit a site profile to the Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
 - (b) As required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
 - (c) If required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Planning, the General Manager of Engineering Services and the Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until a Certificate of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

Note: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as registered charges pursuant to Section 219 of the Land Title Act.

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject sites as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-laws.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

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424-428 West Pender Street
DRAFT CONSEQUENTIAL AMENDMENTS

DRAFT AMENDMENTS TO THE SIGN BY-LAW No. 6510

Amend Schedule E (Comprehensive Development Areas) by adding the following:

“424-428 West Pender Street [CD-1#] [By-law #] B (DD)”

DRAFT AMENDMENTS TO THE NOISE CONTROL BY-LAW NO. 6555

Amend Schedule B (Intermediate Zone) by adding the following:

“[CD-1#] [By-law #] 424-428 West Pender Street”

DRAFT AMENDMENTS TO THE PARKING BY-LAW NO. 6059

In Schedule C, Council adds:

Address	By-law No.	CD-1 No.	Parking requirements
424-428 West Pender Street	()	()	Parking, loading and bicycle spaces in accordance with by-law requirements on [date of enactment of CD-1 By-law], except for the following: <ul style="list-style-type: none"> (i) A minimum of one Class A loading space shall be provided.

424-428 West Pender Street
ADDITIONAL INFORMATION

1. Urban Design Panel

The Urban Design Panel (UDP) reviewed this application on two occasions:

- April 6, 2016 (non-support)
- June 15, 2016 (support)

1.1 UDP Minutes - April 6, 2016 (NON-SUPPORT 4-5)

Introduction: Linda Gillan, Rezoning Planner, introduced the policy for the proposal at 424-428 West Pender Street that is being considered under the Downtown East Side Plan (DTES Plan). Under the policy rezoning applications can be considered for projects providing a public benefit including social housing, secured market rental housing, or heritage rehabilitation. The maximum height that can be considered under the policy is 105 ft. Density is based on urban design performance. As a rezoning application, the green building rezoning policy applies requiring a minimum of LEED Gold or equivalent. Timothy Potter, Development Planner, provided an overview for the project. The site is an infill site that is 52 ft. wide and 120 ft. deep and served by a lane. The base zoning is the Downtown District Official Development Plan (DD ODP). The proposal is for a 32.2 m high (105 ft.), 11-storey mixed-use development seeking 8.18 FSR and is comprised of 72 units of secured market rental housing, a commercial space at grade, four car-share spots, one accessible parking space, one standard parking space and 90 bicycle parking spaces.

Advice from the Panel on this application is sought on the following:

1. Are the proposed height, massing, and density sought in this application supportable?
2. Please comment on the design of the light wells and their effect on livability, and their response to context and influence on future adjacent developments;
3. Does the Panel have any preliminary advice on the overall design with regard to:
 - a. Landscape design;
 - b. LEED Gold strategies and Rezoning Policy for Greener Buildings;
 - c. Indicative materials and composition.

Applicant's Introductory Comments: The applicant noted that the site is in the Victory Square Policy Plan area and noted the project seeks a good fit with the heritage context. The built form is at the property line on all four side sides.

The building is a mid-block project with a building step at 70 ft. where the remaining levels are set back by 18 ft. to achieve the saw tooth effect that is described in the guidelines. The building step also improves the daylight angle providing sunlight on the north sidewalk at noon.

There is a difference in grade from, Pender Street down to the lane of approximately 6 ft., which makes parking access at the ground level challenging. Therefore, the applicant is seeking a parking relaxation because of this challenging site condition. The light well rendering shows the cladding of the light well with reflective materials. Furthermore, the windows are staggered and have optical vision glass positioned to mitigate privacy and overlook concerns. There was strong support for the light well and its contribution to the livability of units, but there were questions about the details such as opposing windows in adjacent buildings.

The design of the decks is related to fire escape stairs in historic districts. Both buildings are sibling buildings, one with punched windows and the other with a window system and bay windows. Both buildings have large display windows at ground level, a historic reference to the buildings in Gastown. On the lane the middle portion of the building projects outward to take advantage views down the lane. Two wings of the building step back to reduce the massing and improve privacy to adjacent sites.

There is no landscape per se at the ground plane; the design is a city standard sidewalk with banding, paving and street trees. There are upper level patios on the 9th floor on the north side for private residences, and an amenity room on the 11th floor at the south side.

The sustainability target is LEED Gold.

Panel's Consensus on Key Aspects Needing Improvement:

- The overall design lacked sufficient detail for the panel to make a decision on rezoning
- There was concern about the street elevation and a sense that it had not been developed and informed by an understanding of the context
- More definition at street's commercial level should be pursued
- Landscape could have more tree canopy and improvement in the lane as well as rain harvesting

Related Commentary: The panel had concerns that the urban design performance had not been reached to merit the support for the rezoning at this stage. The panel had difficulty understanding the façade because there was insufficient information in the package. There was a concern that the panel cannot comment on the form of development without a better understanding of how the proposal relates to its context. One panel member noted that a running streetscape would show the context and that without it there was no way to understand how the proposed façade relates to the surrounding buildings. The panel decided to proceed with comments on the design and later make a decision after comments were offered.

The panel determined that there was not enough info to support the project. One panelist mentioned the Victory Square Policy Plan area is a historical district, and its character should be respected. This panelist was not convinced that the design earns or justifies the increased FSR sought. In essence, the architecture is not strong enough to warrant the 8.0 FSR.

The rental units are a compelling reason for density, but the height and density are not decisively supportable because the architecture is not yet resolved. The height and density

are contingent on the architectural design demonstrating good compatibility with the context. At the east end of the block, for example, there is a significant historical building; the proposal could be a reinterpretation of the heritage elements of that building. There are also missing elements and details in the building elevations. There needs to be cornice lines that match adjacent buildings, for example. The material and detailing need further development for the building expression to shine.

The two buildings, 424 and 454 West Pender, broadly speaking work well together. The heritage buildings have a rhythm, symmetry and overall composition of elements that give them strength, but the modern building design does not have this strength. The sun shades at the top levels were not supported because they seem orphaned. The form is awkward at the top.

One panel member thought that the market will determine if the light wells are successful but the impact on neighbours should be decided by city staff. The light wells were generally supported by the panel. More info is needed about how the light will perform with the reflective materials. It was also unclear how the light well works at the ground floor.

There was near support for the proposed FSR however there was one non-support vote on account of a lack information in the proposal that resulted in an overall vote of nonsupport for the project. The dark brown brick and the white windows seemed suburban. The panel suggested that maybe a dark brown brick and a darker window would be more urban and might weather better as well. The tonality of the proposal needs to take into account the context. The panel thought that both buildings need more decoration, surprise and strength in the composition of elements. The relationship to neighbors is a challenge because the neighbouring buildings are small in scale. Pender is a commercial street, and the contribution of the buildings to the streetscape is important. It was thought that the proposal looks too suburban and not urban enough. There should be high quality glazing and handrails for example. The detailing and quality should be modern but avoid low quality glass handrails. The buildings appear to be disconnected with the rest of the neighbourhood.

The lane elevation is the strongest elevation, and there was concern about the street elevation and how it will respect the existing context in the whole area. The massing and urban response was supported however the stepping seemed to be random and not explained sufficiently.

The landscape is sparse. It was noted that the landscape design, as it relates to the LEED strategy, could use more tree canopy and a more vegetated garden to improve the heat island effect of the roof. Similarly, it was suggested there could be water collection and rainwater harvesting. While the landscape design is minimal, it is well thought through for the amenity space. One panelist thought the minimal approach to the landscape design is urban, and therefore appropriate.

It was noted that the small area of windows is helpful to reach a LEED Gold rating however the concrete side walls and the proposed slab edges will need to be carefully insulated.

In conclusion the panel noted that the streetscape is important and needs to be understood. It was thought that there should be consideration for pedestrian use in terms of the development of the commercial uses at grade. The lines of the building to the east are a

strong feature of the context and should be respected. It was thought that there is no strong pattern to the design of the building's elevations, and that the composition of the existing buildings should be evident in the proposals for 424 and 454 W Pender Street.

Applicant's Response: The applicant is seeking support and recognizes shortcomings, but they also felt they addressed them well.

1.2 UDP Minutes - June 15, 2016 (SUPPORT 11-0)

Introduction: Linda Gillan, Rezoning Planner, introduced the two rezoning applications for 424 and 454 West Pender Street. The site is in area C-2 of the Downtown District (DD) Official Development Plan. It is also subject to the Victory Square Policy Plan. Rezonings can be considered for projects providing public benefits, including social housing, secured market rental housing, or heritage rehabilitation.

The maximum height for this site is 105 ft., with density based on urban design performance. The Green Buildings Policy for Rezonings is applicable to the proposal which requires a minimum of LEED Gold or equivalent.

Tim Potter, Development Planner, continued the presentation noting the site is an infill site that is 52 ft. wide and 120 ft. deep and served by a lane. The proposal is to rezone and enact a CD-1 Comprehensive Development District under the DTES Plan with a proposed density of 8.18 FSR and a proposed height of 105 ft.

At the last review the panel consensus items needing improvement were as follows:

- The overall design lacked sufficient detail for the panel to make a decision on rezoning;
- There was concern about the street elevation and a sense that it had not been developed and informed by an understanding of the context;
- More definition at street's commercial level should be pursued; and
- Landscape should have more tree canopy and improvement in the lane as well as rain harvesting.

Advice from the Panel on this application is sought on the following:

1. Have the previous comments of the panel been satisfactorily addressed?
2. Please comment on the expression and composition of the building facades in relation to the existing context.
3. Are the proposed height, massing and density sought in this application supportable?

Applicant's Introductory Comments: The applicant team noted that at the last appearance they did not provide a running streetscape so they brought boards to illustrate that.

The applicant team noted that the mid-block site has different massing. It is meant to accentuate the saw tooth pattern of the other buildings. Pushing the upper floor back improves the shadow performance on the sidewalk. There are dark metal components with concrete cornice, and simple masonry pillars with punched windows in between. There are also Juliet balconies, although some of them are not seen as the guard is inside the units.

There is an articulated concrete sidewall, and the proposed brick rises all the way up to the top of the building. Moveable screens with metal framework add privacy and sun screening to the units. The proposed materials are steel, concrete, brick and metal cladding that emphasizes the frames around the windows. There are also steel canopies and a steel cornice executed in a modern way to create a shadow pattern somewhat like a traditional cornice. Three varied colour tones of materials have been selected to reinforce the tri-partite composition of the building.

The design for the sidewalk and public realm will reflect the city standard for pavers and trees. There is a residential balcony with planting on Level 9. At the roof, the program remains the same as previously presented - a social/recreational space that also has an area for urban agriculture. The number of trees has been doubled to expand the tree canopy, and the area for urban agriculture and raised planters has also been increased. A series of rain channels have been introduced to direct water towards the planting beds. There is no room for landscape treatment at the lane.

The applicant team then took questions from the Panel.

Panel's Consensus on Key Aspects Needing Improvement:

- There are concerns about the architecture not being innovative enough to successfully capture a contemporary expression of a building that is informed by a heritage context;
- The horizontal expression of the blank wall is fine, but these walls could be better designed to make each of the buildings unique;
- The lane elevations appear too delicate and disjointed from the muscular street expression; they should be tied together.

Related Commentary: The panel noted that the previous panel comments seem to have been substantially addressed, and that the height, massing, and density are supportable. The building is a modern interpretation of traditional principles.

The decision to increase the height of the building base was good and the expression and composition relate well to the context. The horizontal treatment at the cornice level is also successful; however, the horizontal balconies appear to be discordant with the overall design. Special attention should be paid to the details of the cornices, steel plate covers and canopies because these details are really important to the success of the building.

The broad concrete cornice above the building base seems to be just a plane. Greater relief and detail is needed to improve the motif; if the design for the concrete cornice is left as is it might weather badly very quickly. The building is muscular and has the right 'grit' for the area, but the back of the building is unrelated to the front. Think about tying in the language of this side to the front better. The applicant should also consider design development of the blank wall(s) to distinguish the buildings from each other. One panel member mentioned that it would be good if there was more architectural innovation and the development of a new vocabulary for the design of the facade instead of just paying "lip-service" to old buildings. The design at present shows good potential, however at the development permit stage it will be interesting to see if design development progresses further along these lines.

Applicant's Response: The applicant team thanked the panel for their comments, especially those relating to the attempt to modernize.

2. Public Consultation Summary

Public Notification

Rezoning Application: December 21, 2015

A rezoning information sign was installed on the site on February 19, 2016. A community open house was held on March 7, 2016. A total of 8,212 notifications were distributed within the neighbouring area on or about February 19, 2016. Email notification was sent to the Downtown Eastside Plan listserv, which includes 432 individuals and 23 neighbourhood groups and organizations. Notification and application information, as well as an online comment form, was provided on the City of Vancouver Rezoning Centre webpage (vancouver.ca/rezapps).

Revised Rezoning Application: July 8, 2016

A revised rezoning information sign was installed on the site on July 25, 2016. Approximately 8,729 notifications were sent out to surrounding residents and businesses on or about July 21, 2016. Email notification was sent to the Downtown Eastside Plan listserv which includes 434 individuals and 24 neighbourhood groups and organizations. Notification and application information, as well as an online comment form, was provided on the City of Vancouver Rezoning Centre webpage (vancouver.ca/rezapps).

Public Consultation

March 7, 2016 Community Open House

A community open house was held from 5:00-8:00 pm on March 7, 2016, at Vancouver Community College, 250 W Pender St. An invitation to the community open house was included as part of the postcard and email notification for the rezoning application. Staff, the applicant team, and a total of 26 people attended the Open House.

Public Response

Rezoning Application: December 21, 2015

Public responses to this proposal have been submitted to the City as follows:

- In response to the March 7, 2016 open house, a total of 3 comment sheets were submitted from individuals.
- A total of 3 letters, e-mails, and online feedback forms were submitted from individuals.

Figure 1: Public Notification and Response (March 7, 2016 Open House)

Total notifications	8212
Open House attendees	26
Comment sheets	3
Electronic feedback	3

Those who responded to the proposal included the following feedback, grouped by theme and listed in order of frequency:

- *General support:*
There was general approval of the proposal. Respondents felt it would have a positive impact on the area.
- *Few Parking Spaces:*
Some respondents supported the low number of vehicle parking spaces, and the inclusion of car-share spaces.

The following miscellaneous topics were also raised by individual respondents:

- Concern was raised about the impact of construction from both 424 and 454 West Pender Street on the building in-between, 430 West Pender Street.
- The illuminated glass pavers were praised as attractive.
- The addition of rental stock was welcome in the area.
- There was no reference to homelessness issues in the area in the application.
- The sawtooth streetscape and the upper setback in the proposed design for 424 West Pender Street were not preferred.
- Further articulation on the façade of 454 West Pender Street, such as recessed windows, was preferred.
- One respondent had concerns about the development team based on perceived problems with their previous buildings.
- Local tenants for the commercial space on the ground floor was preferred.
- The blank walls on the sides of the buildings provide a good opportunity for public art; the respondent wanted a mural on the space.
- The open house was held in an “obscure location”.
- Those who currently park regularly on the 454 West Pender Street site should have parking spaces provided to them.
- Street parking along Richards Street should be eliminated to allow for an expanded sidewalk.

Revised Rezoning Application: July 8, 2016

The City has not received any feedback regarding the revised rezoning application.

Figure 2: Public Notification and Response (July 8, 2016 Revised Application)



* * * * *

3. Heritage

3.1 Heritage Statement of Significance

Statement of Significance



Smile Diner Building - 1922

424 West Pender Street, DTES

Vancouver, BC

Ance Building Services ~ Heritage Consulting ~ March 2016



Description of Historic Place

The Smile Diner Building is a one-storey brick-veneered commercial block comprising two spaces, housing one large restaurant and one small store, on the south side of West Pender Street in Vancouver's Downtown Eastside.

Heritage Value

The heritage value of the Smile Diner Building lies in its relatively late construction date for the area, in its design and contribution to the historic streetscape, in its association with its architect H. S. Griffith, and in its history of use.

Constructed in 1922, the Smile Diner Building is valued as one of the later commercial buildings to be constructed in this area of downtown Vancouver at a time when it was already established as the city's commercial core. Commercial development occurred here predominantly in the Edwardian-era years of 1909-1913, in the form of a second wave of development, replacing earlier, lower wood-frame structures, and redefining the area around Victory Square. The Smile Diner Building's development filled in the last two lots on this block which had not been commercialized before the war. Its one-story, modest scale illustrates the post-war depression and continuing the shift of downtown westward, where buildings of more significant stature were beginning to appear.

The Smile Diner Building's design illustrates a simple variation of vernacular commercial design, a broad range of which is present on this block in ornate and eclectic variations. The

building's veneer of horizontal long, thin Roman bricks signal the property's partial change of use from semi-industrial (automobile service) to a completely retail oriented facade, while capturing popular storefront design trends of the 1950s. This one-storey building and its modest-scaled neighbours on either side are dwarfed by the much taller corner building, and by the hotels and offices across the street, each playing an important role in maintaining the 'sawtooth' character of the streetscape, a roofline pattern which illustrates the boom and bust eras of Vancouver's early development.

This building is valued as an example of the work of architect Henry Sandham Griffith (1865-1943), a prominent English-born architect known for his design diversity and long-spanning practice in Western Canada starting in the 1890s in Manitoba and Saskatchewan and in BC from 1907-1943. Griffith also designed the notable Dominion Trust Building at the corner (402 W Pender - 1912) and dozens of other commissions in Vancouver and the Lower Mainland right up until his death in 1943.

The The Smile Diner Building is valued for housing businesses that served people working or shopping downtown. Of the four businesses, which varied from services such as auto garage (off-street entrance still discernible in the westernmost storefront of the building), shoemaker, confectionary and sales offices - a diner/restaurant is the one consistent use that has been present here since 1922. With names like Mac's Lunch (1924-1933), Louis Lunch (1935-1945), Silver Fox Café (1946-1964), Pender Place Restaurant (1970s) and Smile Diner since 1981, this locale has been serving coffee, business lunches and afterwork drinks in downtown Vancouver for over 90 years. In recent decades it has also become a popular film location for numerous TV and movie productions such as X-Files the Fantastic Four.

Character Defining Elements

- Location on West Pender Street in Vancouver's historic Downtown Eastside
- Continuous commercial/retail use since 1922
- Siting at the property line with no setbacks and spanning the entire width of the property
- Single-storey, modest scale, commercial form as expressed in its rectangular massing and its storefront facade
- Prominent storefronts with large wood sash windows and low sills with one surviving recessed doorway and evidence of the separate former auto garage entrance evident in the westernmost storefront
- Horizontal, thin, long Roman brick veneer on facade
- Large cornice base at roofline

Current photographs



Current front view



Current rear view

Context photographs



Current aerial view of the 400 block of West Pender with its variety of building heights.

The subject property, as seen from the south, is marked with a red arrow.

source: Bing maps



Current view of the subject property with its slightly taller neighbouring buildings to the west.

Archival photographs



Partial view of a 1936 photograph of the 400 block of W Pender in the snow. The subject property with its original tin cornice and two recessed entrances can be seen on the left. Canada Garage had a street entrance with the arrow shaped neon sign as seen in this photo, leading customers to the lane.

Vancouver Archives CVA 677-276.7



Partial view of a 1946 photograph of the 400 block of W Pender. The subject property now has only one recessed entrance. The Silver Fox Cafe, which opened this year, amalgamated the three first stores and had its own neon sign. Canada Garage, with a new neon sign, will operate here for another 10 years until 1954.

Vancouver Archives CVA 586-4225



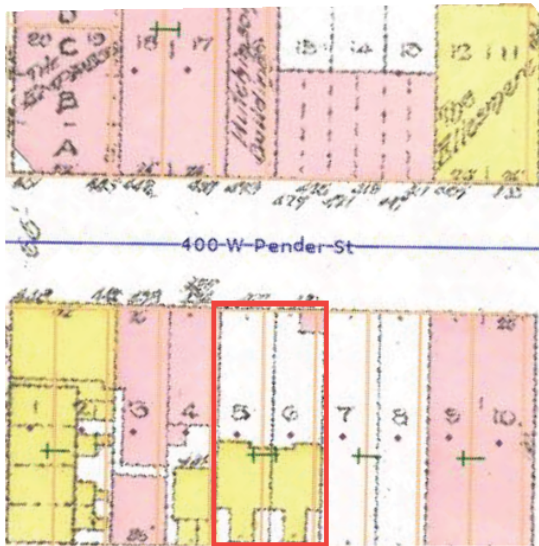
Partial view of a 1947 photograph of the 400 block of W Pender. The Silver Fox Cafe's neon sign is visible on the left.

Vancouver Public Library - 27506



Partial view of a 1981 photograph of the 400 block of W Pender. By the 1970s the cornice had been lost. The Smile Restaurant's sign no longer survives. Vancouver Achives CVA 779-E10.22

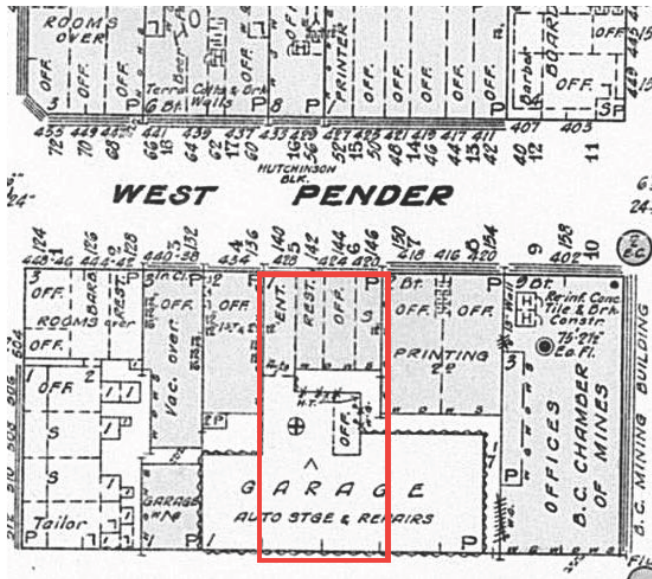
Fire insurance maps



View of the 400 block of West Pender on the 1912 Goad's Atlas for Vancouver. The subject property is outlined in red. In 1912 it housed a small brick office for Mrs. Sarah McLellan's boarding houses, and two large wood-framed rooming houses at the back. The rooming house operation started in 1903 but a dwelling had stood here since 1888.

The two lots to the east were still vacant but would be developed in 1914 when the two-storey Western Canada Building would be built.

source: Goad's 1912 layer on vanmapp



View of the 400 block of West Pender on the 1926-1940 Goad's Atlas for Vancouver. The new building, covering both lots 5 and 6, was built in 1922. The subject property is outlined in red. The four storefronts are labeled from left to right: 'entrance' (for the massive garage operation in the lane), 'restaurant', 'office' and 'store'.

Auto repair services and semi-industrial operations became scarce in downtown Vancouver by mid-century. Canada Garage closed down in 1954. The garage structure was not demolished until approximately two decades later.

source: Vancouver Archives Map 599 Vol 1, plate 110.

Research findings (from building permit, water connection and city directories)

Civic Address: 424 W Pender (originally 420-28 W Pender)

Legal Description: Lots: 5-6 Block: 35 District Lot: 541

Original Owner: Canadian Financiers Ltd.

Building Permit # 2139

Date: October 25, 1921

Owner: Canadian Financiers Ltd.

Builder: J.R.B. Wilson

Architect: H.S. Griffith

Address: 424-6 & 428-30 W Pender

Legal Address: DL 541 Block 35 Lot 5/6

Purpose: Stores & Offices

Value: \$5800

Water Connection application # 488 dating August 21, 1922

Tenants at 424 West Pender Street

- 1922:
 - o 420 W Pender: William Chrisos (confectionary shop)
 - o 424 W Pender: Rod MacDonald (shoemaker)
 - o 426 W Pender: Frank Pearce (restaurant)
 - o 428 W Pender: Shipton Electric Pig Iron & Steel Smelting Co. Ltd. (entrance only)
- 1923:
 - o 420: William Chrisos (confectionary)
 - o 424: Sundstrand Sales Agency (adding machines)
 - o 426: Albert McCaulay (restaurant)
 - o 428: Canada Garage Repair Shop (entrance only)
- 1924:
 - o 420: William Chrisos (confectionary)
 - o 424: Sundstrand Sales Agency; Green & Wilkinson
 - o 426: Mac's Lunch (restaurant)
 - o 428: Fullford & McBeth (auto repairs); Canada Garage; Independent Auto Towing Ltd. (entrance only)
- 1934:
 - o 420: OK Confectionary
 - o 424: Cash Register Shop
 - o 426: Louis Lunch
 - o 428: Canada Garage

- 1944:
 - o 420: People's Book Store
 - o 424: A Bellerby typewriter service
 - o 426: Louis Lunch
 - o 428: Canada Garage
 - 1946: (stores amalgamate for the first time)
 - o 424: Silver Fox Café (first year it appears)
 - o 428: Canada Garage
 - 1954:
 - o 424: Silver Fox Café
 - o 428: Pride Cleaners & Dyers
 - 1964:
 - o 424: Vacant
 - o 428: Norm's Quick Lunch
 - 1974:
 - o 424: Pender Place Restaurant
 - o 428: Vacant
 - 1984:
 - o 424: Bill's Restaurant
 - o 428: Diamond Grocery
 - 1986:
 - o 424: Smile Restaurant* (first time it appears as 'Smile')
 - o 428: Diamond Grocery
 - 1994:
 - o 424: Smile Restaurant
 - o 428: Diamond Grocery Research resources
- * A 1981 photograph (see page 7, shows the restaurant named as Smile)

Research Resources

City of Vancouver Archives - City Directories, Fire Insurance Maps, Property Tax Assessment Rolls, Archival Photographs

Heritage Vancouver - Vancouver Historic Building Permits online database

Kalman, Harold & Phillips, Ron & Ward, Robin. 1993. Exploring Vancouver: The Essential Architectural Guide. UBC Press

Kluckner, Michael. 1990. Vanishing Vancouver. Whitecap Books.

MacDonald, Bruce. 1992. Vancouver: a Visual History. Talon Books.

Vancouver Public Library, Special Collections - historical photographs and online directories

Vancouver Daily World newspaper - various archived issues from 1888-1924

3.2 Heritage Register Evaluation

HERITAGE REGISTER EVALUATION :: Smile Diner Building

424-428 W Pender Street, Vancouver (DTES)

Date of Construction: 1922

ARCHITECTURAL HISTORY

1	Style/Type	Fair A vernacular commercial design, many of which exist all over the city, which has lost much of its original architectural elements	0
2	Design	Fair A design of no special significance or quality. There are better and more original examples in the DTES.	0
3	Construction	Good Roman brick is an out-of-use material.	5
4	Designer/Builder	Good The work of Architect Henry Sandham Griffith, whose local, provincial and national commissions include numerous prominent buildings. His long and diverse career is of some importance locally and provincially.	5

(Maximum 40) _____ 10 _____

CULTURAL HISTORY

1	Historical Association	Good Associated with a string of moderately important long-term, local downtown diners and as a lunch hub for people working or shopping downtown for over 90 years.	12
2	Historical Pattern	Good Its one-story, modest scale compared to some of the much taller Edwardian-era buildings on the block (and in the area), illustrates the post World War I depression and the continuing shift of downtown westward.	10
		(Maximum 35)	<u>22</u>

CONTEXT

1	Landscape/Site	Fair No significant and recognizable landscape features	0
2	Neighbourhood	Good The building plays an important role in maintaining the 'sawtooth' character of the streetscape, a roofline pattern which illustrates the boom and bust eras of Vancouver's early development.	6
3	Visual/Symbolic	Fair A neighbourhood fixture for over 90 years, its familiarity documented and augmented by its use as a film location in many local and international productions.	0
		(Maximum 25)	<u>6</u>
		Subtotal	<u>38</u>

INTEGRITY

Recognizable alterations are the loss of the original tin cornice and projecting neon signage, along with the amalgamation of the three eastern stores into one big space, the conversion of the garage entry to a retail space and the addition of the Roman brick veneer. These do not significantly detract from the style, design or construction. -8

TOTAL _____ 30 _____

Evaluation Date _____ March 15, 2016 _____ Classification Group _____ C _____

3.3 Vancouver Heritage Commission Minutes (April 25, 2016)

Register Subcommittee Report

The Staff Liaison reviewed the report of the Statement of Significance and Vancouver Heritage Register Subcommittee meeting of April 11, 2016, and responded to questions.

MOVED by Commissioner Anthony Norfolk
SECONDED by Commissioner Richard Keate

- A. THAT the Vancouver Heritage Commission supports adding the following buildings to the Vancouver Heritage Register as C-listings:
- 509 East 11th Avenue - Munro Residence;
 - 517 East 11th Avenue - Anderson Residence;
 - 756 East 14th Avenue - Armstrong Residence; and
 - 424 West Pender Street - Smile Diner Building.
- B. THAT the Vancouver Heritage Commission requests that the Statements of Significance for the following buildings be referred back to the consultants for revisions and, where necessary, to complete revisions to the Vancouver Heritage Register evaluations:
- 756 East 14th Avenue - Armstrong Residence;
 - 509 East 11th Avenue - Munro Residence;
 - 517 East 11th Avenue - Anderson Residence; and
 - 424 West Pender Street - Smile Diner Building;

FURTHER THAT while the Commission considers 2088 East 20th Avenue, the Rosenberg Residence, to be worthy of addition to the VHR, it requests that the SOS and draft HRE be referred to the consultant for further research and revisions that reflect more thoroughly the values connected to the construction, historical association and historical pattern of this house and site, and that the SOS and VHR evaluations be re-submitted.

- C. THAT the Vancouver Heritage Commission supports the staff recommendation to remove 3738 Cypress Street, the Henry O. Alexander Residence, from the list of protected properties in the FSHCA ODP.

CARRIED UNANIMOUSLY
(Commissioner Joel Massey absent for the vote)

* * * * *

424-428 West Pender Street FORM OF DEVELOPMENT

Figure 1: Site Setbacks

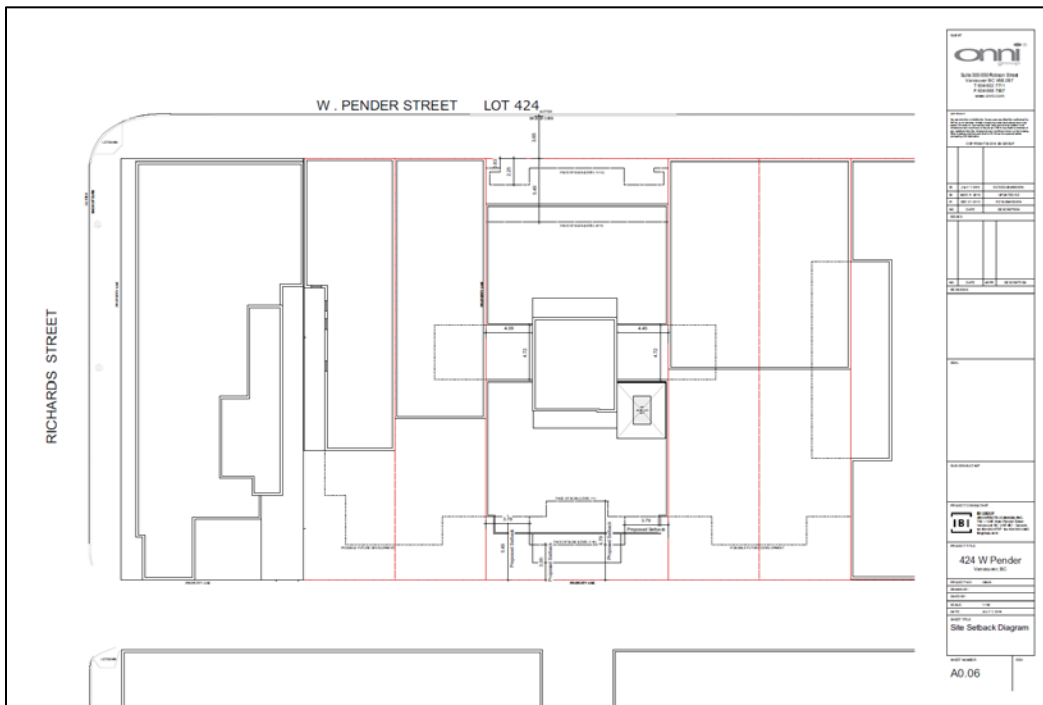


Figure 2: Basement Plan

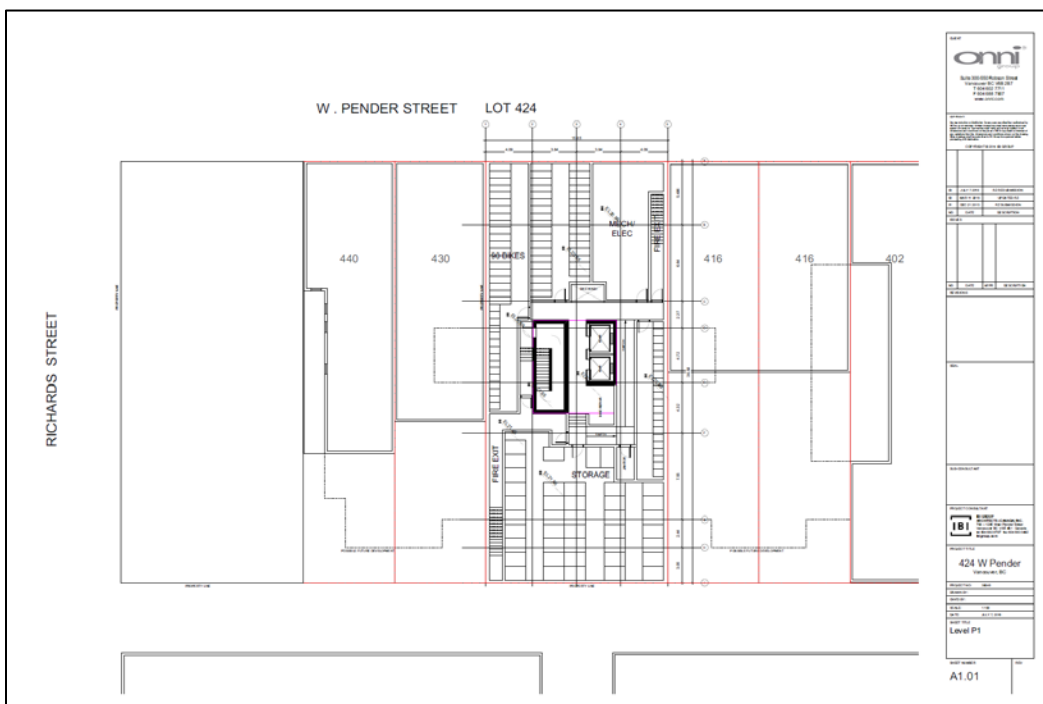


Figure 3: Ground Floor

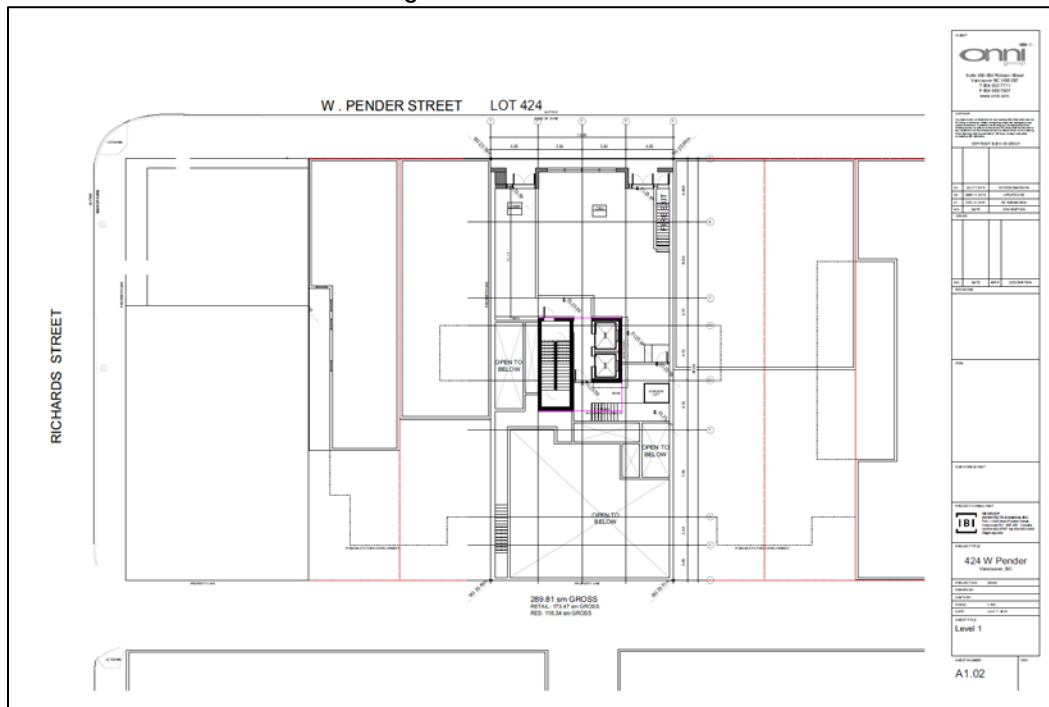


Figure 4: Vehicle Parking and Loading

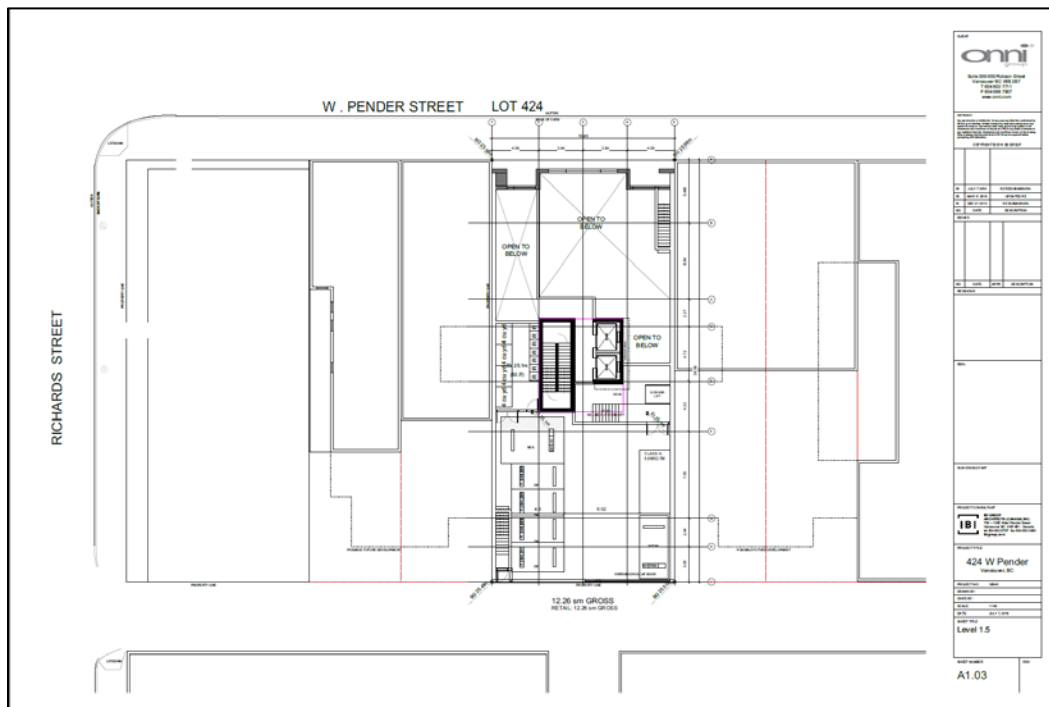


Figure 5: Second Floor Plan

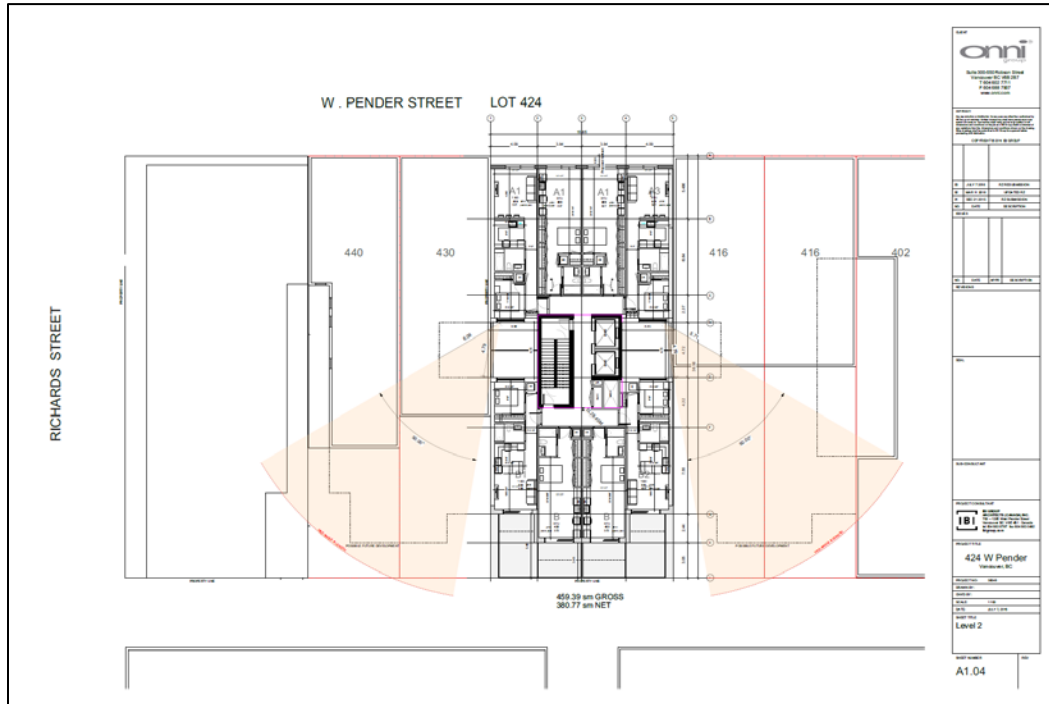


Figure 6: Floor 3-8 Plan

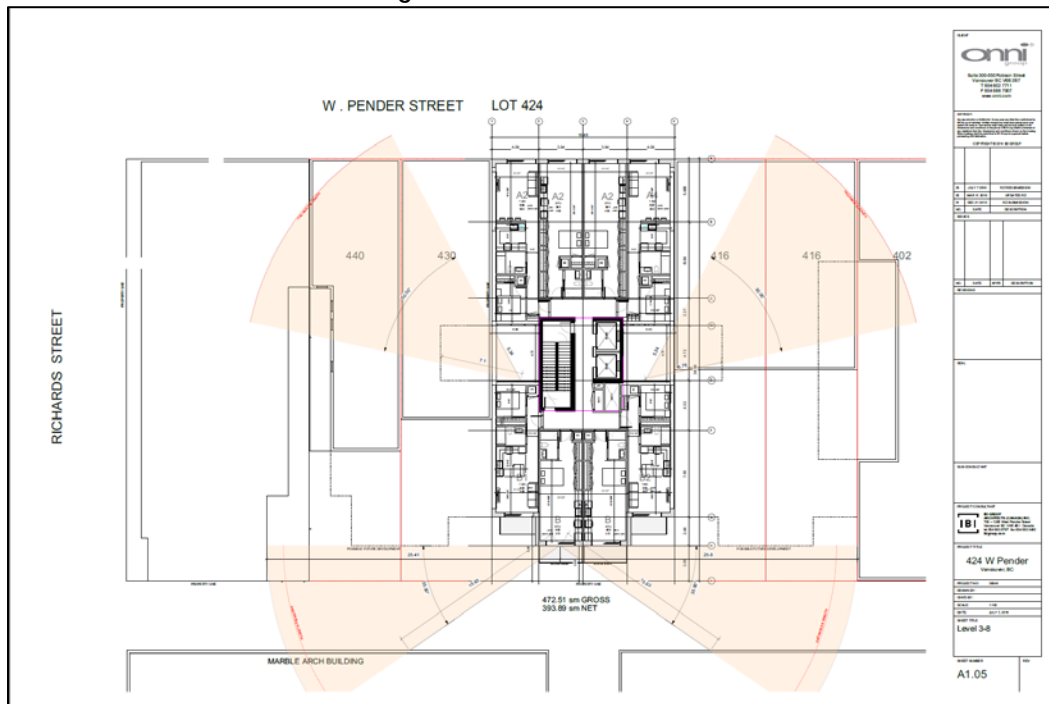


Figure 7: Ninth Floor Plan

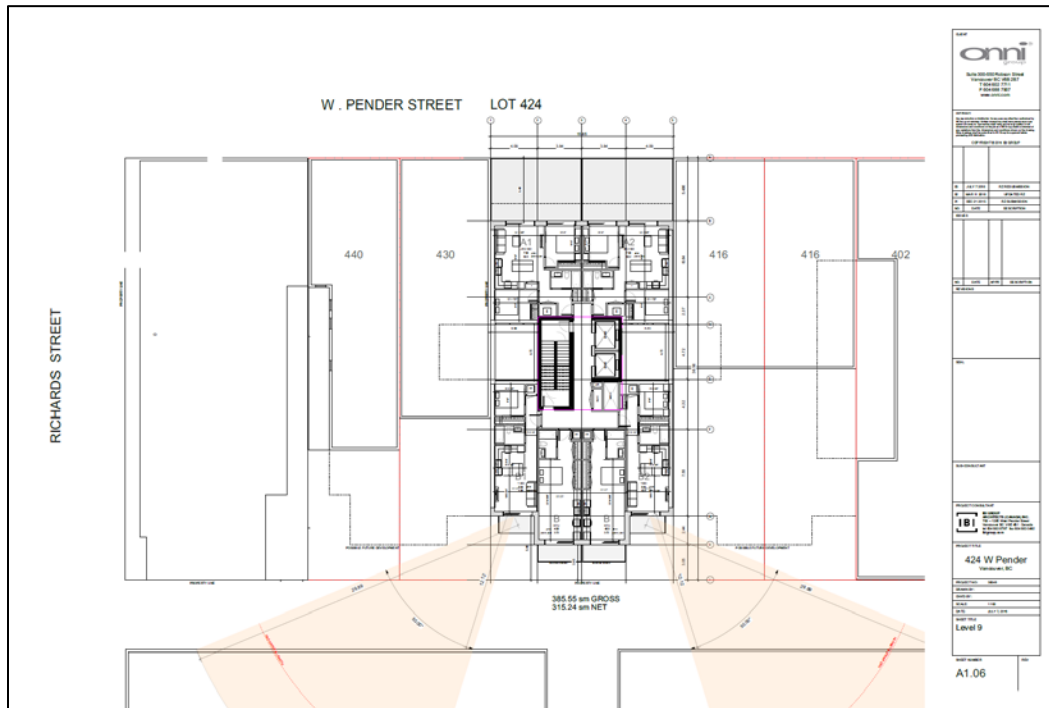


Figure 8: Tenth Floor Plan

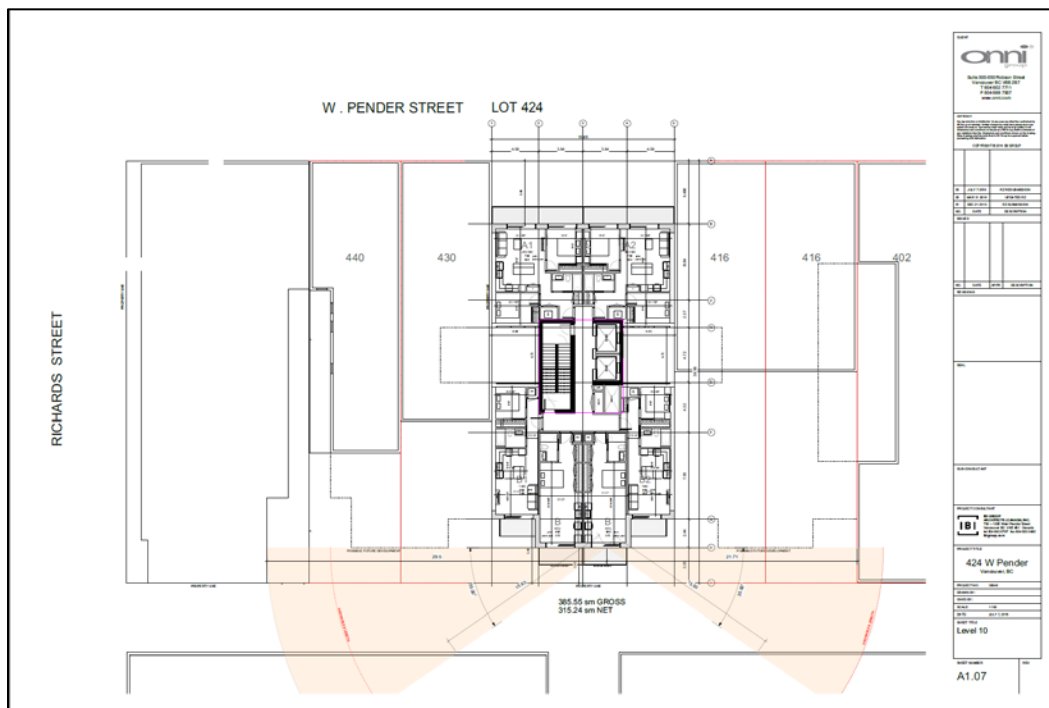


Figure 9: Eleventh Floor Plan

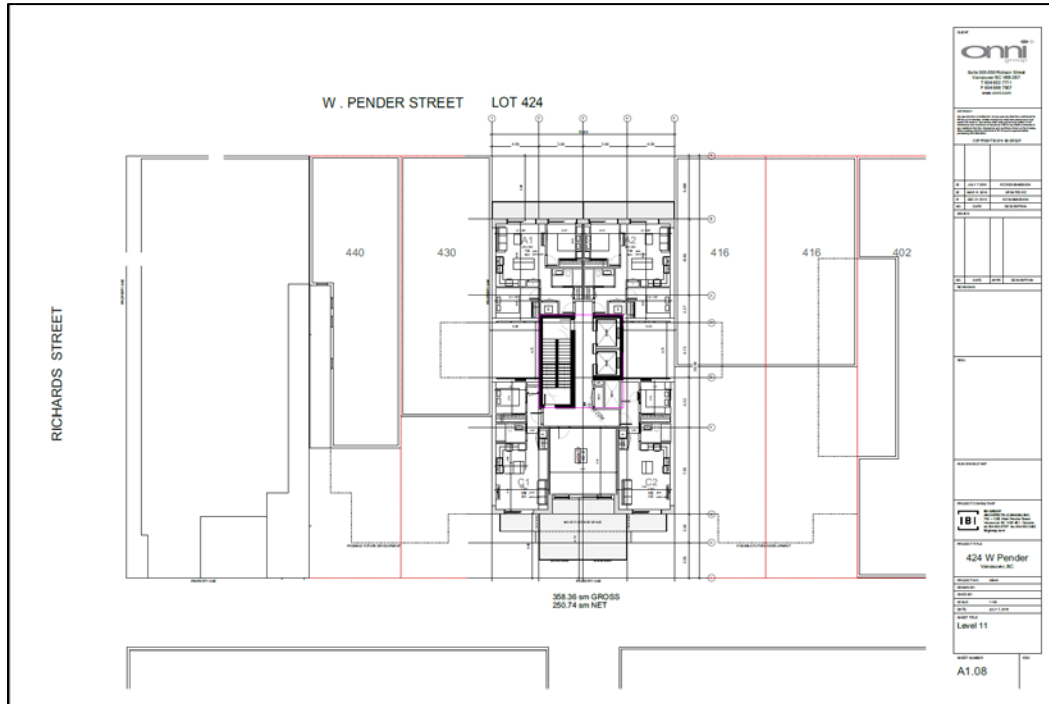


Figure 10: Roof and Landscape Plan

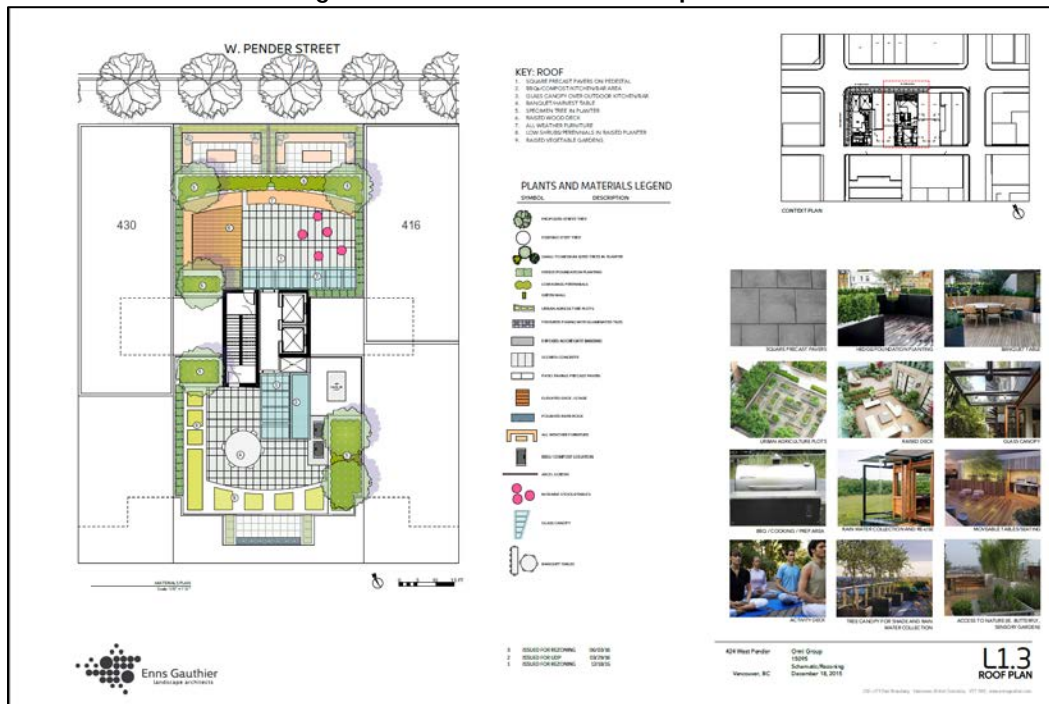


Figure 11: North Elevation (Pender Street)



Figure 12: West Elevation

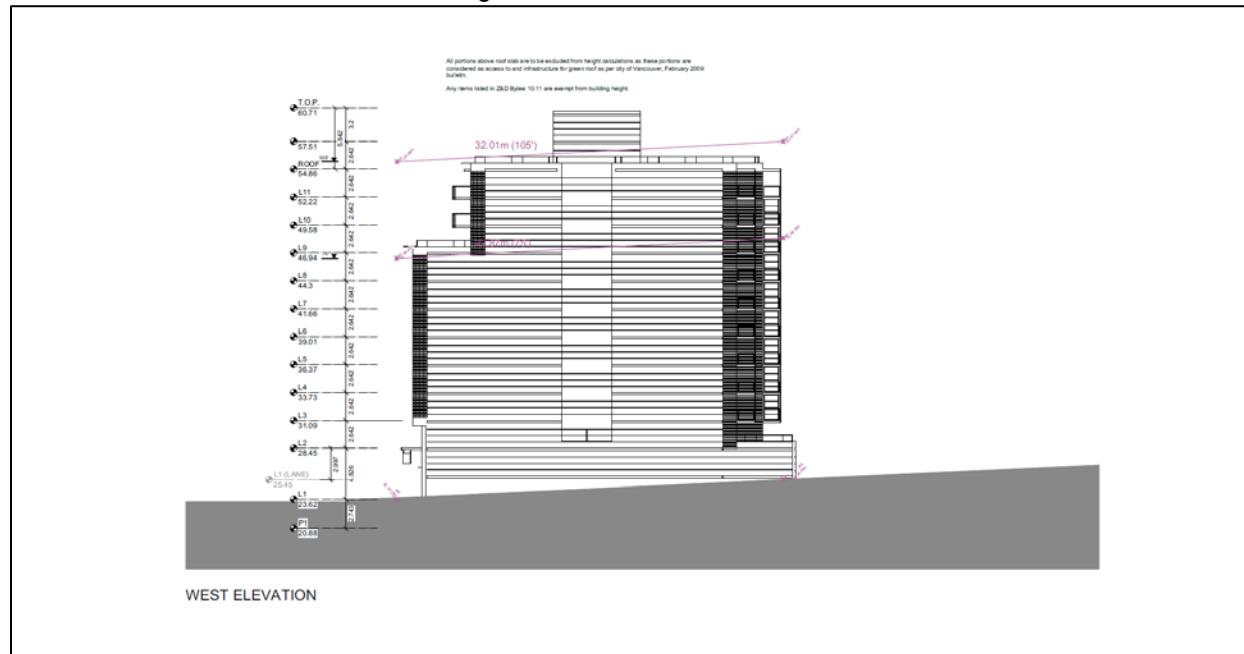


Figure 13: South Elevation (Lane)

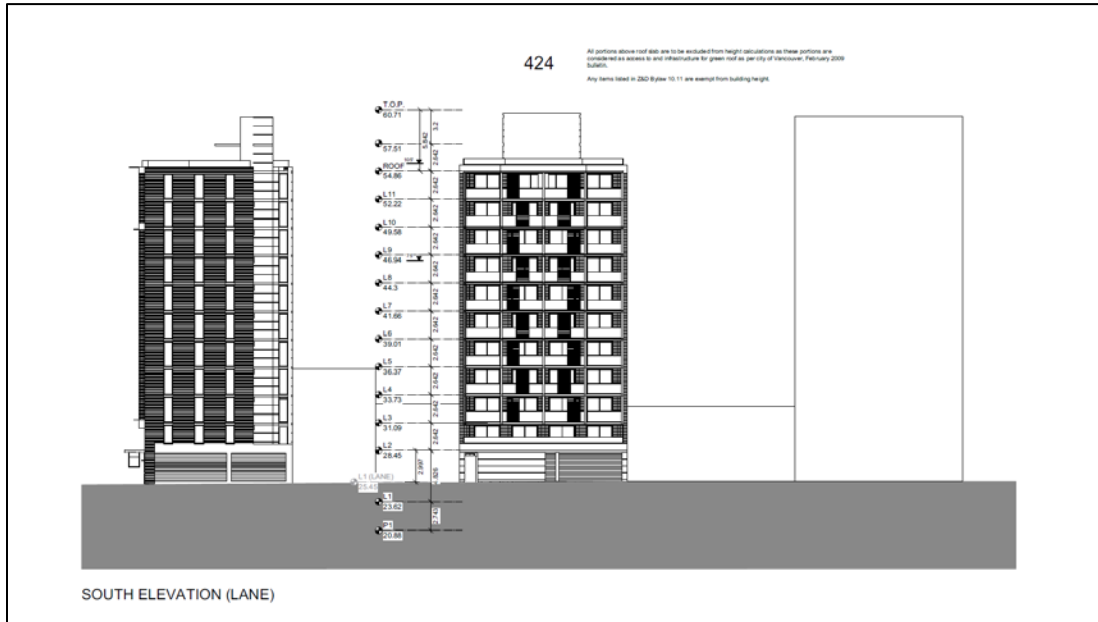
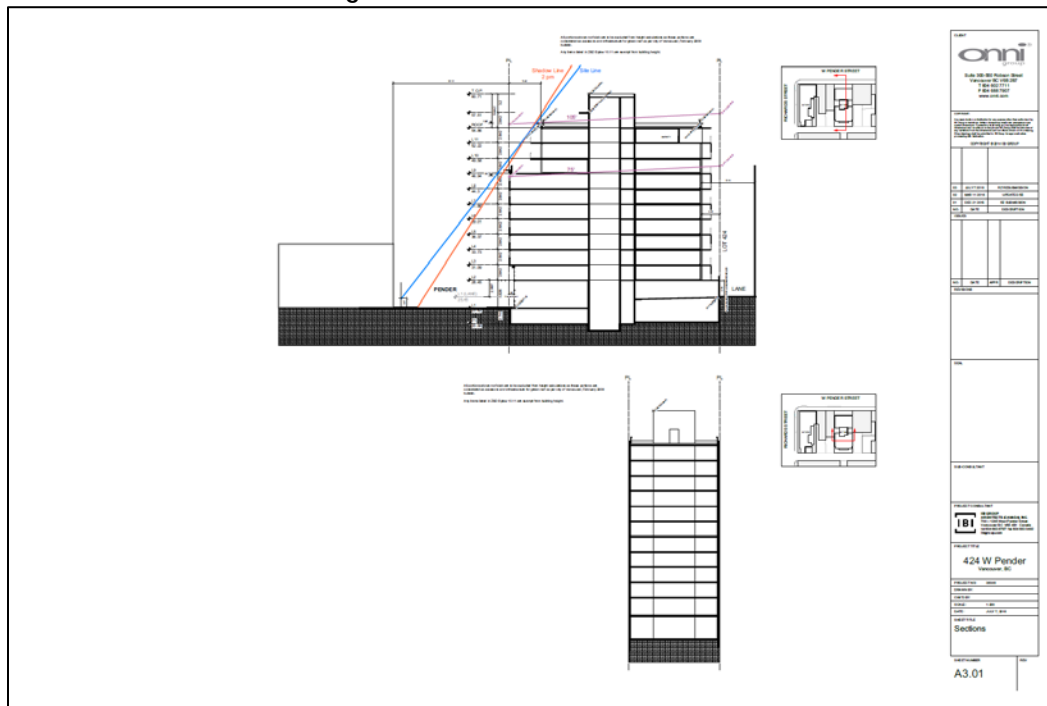


Figure 14: North-South Section



424-428 West Pender Street
PUBLIC BENEFITS SUMMARY

Project Summary:

Eleven-storey mixed use building, with 72 secured market rental housing units and commercial at grade.

Public Benefit Summary:

68 units of secured market rental housing.

	Current Zoning	Proposed Zoning
Zoning District	DD (Area C2, DODP)	CD-1
FSR (site area = 580 m ² / 6,240 sq. ft.)	5.0 (note 1) 6.0 (note 2)	8.14
Floor Area (sq. ft.)	31,200 sq. ft. (note 1) 37,440 sq. ft. (note 2)	50,776 sq.ft.
Land Use	Mixed-use	Mixed-use

Public Benefit Statistics		Value if built under Current Zoning (\$)	Value if built under Proposed Zoning (\$)
Required*	DCL (City-wide) (\$13.91 sq. ft.)	\$520,790 (note 3)	\$706,294
	DCL (Area Specific)		
	Public Art (\$1.98/sf)	(note 4)	(note 4)
	20% Social Housing		
Other Public Benefits Offered	Heritage		
	Childcare Facilities	N/A	
	Cultural Facilities		
	Green Transportation/Public Realm		
	Housing (e.g. supportive, seniors)		
	Parks and Public Spaces		
	Social/Community Facilities		
	Unallocated		
	Other		
TOTAL VALUE OF PUBLIC BENEFITS			\$520,790

Other Benefits (non-quantified components):

72 units of secured market rental housing

* DCLs, Public Art and Social Housing may have exemptions and/or minimum thresholds for qualification. For the City-wide DCL, revenues are allocated into the following public benefit categories: Engineering (22%); Replacement Housing (32%); Parks (41%); and Childcare (5%). Revenue allocations differ for each of the Area Specific DCL Districts.

Notes:

1. Area C2 of the DODP: maximum FSR for all uses, residential limited to 3.0 FSR
2. Area C2 of the DODP: if 100% of the residential is secured market housing or 20% of the floor area is social housing, discretionary increases in height and density may be considered.
3. For a secured market rental housing project at 6.00 FSR, where there is no DCL waiver anticipated.
4. The floor area for this site, whether developed under zoning or through a rezoning, does not meet the threshold for a public art contribution.

424-428 West Pender Street
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

Applicant and Property Information

Address	424-428 West Pender Street
Legal Descriptions	Lots 5 and 6, Block 35, District Lot 541, Plan 210, PIDs 012-167-363 and 012-167-380 respectively
Developer	Onni Contracting Ltd.
Architect	IBI Group Architects
Property Owner	Onni Development (Pender) Corp., Inc. No. 783159

Site Statistics

Site Dimensions and Area	15.8 m (52 ft.) x 36.6 m (120 ft.)	580 m ² (6,240 sq. ft.)
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Development Statistics

	Permitted Under Existing Zoning	Proposed	Recommended (Other Than Proposed)
Zoning	DD (Downtown) District	CD-1 (Comprehensive Development) District	--
Uses	Hotel; Light Industrial; Office Commercial; Other Commercial, including a Body-Rub Parlour; Parking Area And Parking Garage, subject to the provisions of Section 5; Parks And Open Space; Public And Institutional; Residential; Retail Commercial; Residential; Social, Recreational And Cultural, including Casino - Class 1 And Bingo Hall.	Residential; Commercial	Residential; Retail; Service.
Max. Floor Space Ratio (FSR)	5.0 FSR (note 1) 6.0 FSR (note 2)	8.14 FSR	--
Floor Area	2,899 m ² (31,200 sq. ft.) (note 1) 3,478 m ² (37,440 sq. ft.) (note 2)	Residential: 4,531 m ² (48,776 sq. ft.) Commercial: 186 m ² (1,999 sq. ft.) Total: 4,717 m ² (50,776 sq. ft.)	--
Maximum Height	22.9 m (75 ft.) (note 3) 32 m (105 ft.) (note 2)	32 m (105 ft.)	--
Unit Mix	--	Studio: 32 One-bedroom: 34 Two bedroom: 6 Total: 72	--
Parking Spaces	Per Parking By-law (note 4) Equivalent to 26 spaces	4 car share, 1 standard and 1 disability stall Equivalent to 23 spaces	Meet Parking By-law requirements
Loading	Per Parking By-law (note 4) Class A: 0 Class B: 1	Class A: 1 Class B: 0	Loading relaxation is supported
Bicycle Spaces	Per Parking By-law (note 4) Class A: 90 Class B: 6	Class A: 92 Class B: 0	Meet Parking By-law requirements

Notes:

1. Area C2 of the DODP: maximum FSR for all uses, residential limited to 3.0 FSR
2. Area C2 of the DODP: if 100% of the residential is secured market housing or 20% of the floor area is social housing, discretionary increases in height and density may be considered.
3. Area C2 of the DODP: basic maximum height
4. Number of spaces required for the rezoning proposal, per the current Parking By-law regulations