



## Committee of the Whole Report

For the Meeting of May 13, 2021

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**To:** Committee of the Whole **Date:** April 22, 2021

**From:** Karen Hoese, Director, Sustainable Planning and Community Development

**Subject:** Development Permit with Variances Application No. 000543 for 975 and 983 Pandora Avenue

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### RECOMMENDATION

That, subject to minor plan revisions to address the following:

- a. Corrections to the paving patterns and street furnishings consistent with the Downtown Public Realm and Streetscape Plan to the satisfaction of the Director of Engineering and Public Works.
- b. Clarification of the details on the preliminary Utilities Plan to the satisfaction of the Director of Engineering and Public Works.
- c. Further details regarding the double vehicle access gate system and staging area for garbage and waste collection to the satisfaction of the Director of Engineering and Public Works.
- d. Corrections to irrigation system, street trees and planting schedules, to the satisfaction of the Director of Parks, Recreation and Culture.
- e. Further consideration of the fence design and application of building materials at the street level along Pandora Avenue to ensure a positive pedestrian experience, to the satisfaction of the Director of Sustainable Planning and Community Development.
- f. Incorporation of perimeter wind screens on the south side of the lower level amenity spaces and on the terraces of level 14 as recommended in the Pedestrian Wind Assessment.
- g. Confirmation of whether CREST would be required to occupy equipment on the roof level for a new communication transmission site, to the satisfaction of the Fire Chief.
- h. Corrections to plans to ensure the compliance with the BC Building Code.

And that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00683, if it is approved, consider the following motion:

“That subject to receipt of a letter from the Ministry of Environment confirming that the landowner has met the requirements of Section 557(2) of the *Local Government Act* with

respect to contaminated sites that Council authorize the issuance of Development Permit with Variances Application No. 000543 for 975 and 983 Pandora Avenue in accordance with:

1. Plans date stamped February 12, 2021.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. Increase the height from 45m to 47.68m
  - ii. Increase the number of storeys from 15 storeys to 16 storeys
  - iii. Increase the height of the proposed breezeway fence from 1.22m to 3.12m.
3. Final plans to be generally in accordance with plans date stamped February 12, 2021.
4. The Development Permit lapsing two years from the date of this resolution.”

## LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the revitalization of an area in which a commercial use is permitted, a Development Permit may include requirements respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

## EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variance Application for the property located at 975 and 983 Pandora Avenue. The proposal is for the construction of a sixteen-storey mixed-use building consisting of ground floor commercial with residential units above. The proposal is concurrent with Rezoning Application No. 00683. There are variances requested to increase the building height, number of storeys and the height of the proposed fence to the breezeway.

The following points were considered in assessing this application:

- the proposal is generally consistent with design guidelines in the *Downtown Core Area Plan*, 2011 (DCAP), *Advisory Design Guidelines for Buildings, Signs and Awnings* (2006), and *Guidelines for Fences, Gates and Shutters* (2010)
- the subject property is designated Residential Mixed-Use District in the DCAP which encourages multi-residential development
- the requested variances to increase the building height to 47.68m is higher than the maximum building height of 45m described in the DCAP; however, this extra height is in relation to the rooftop mechanical room and has minimal impact on the surrounding properties.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to construct a 16-storey mixed-use building with one commercial unit on the ground floor and approximately 121 residential units above. The proposed height is 47.68m.

Major design components include:

- commercial unit at the corner of Pandora Avenue and Vancouver Street
- music room, bike repair room and outdoor residential amenity space located on the ground floor
- double height gym and shared laundry facilities located on level two
- shared indoor and outdoor residential amenity space located on level four
- main residential building lobby entrance on Vancouver Street
- secure long-term bike parking for 271 stalls located on parking level 1
- vehicle parking including 102 residential stalls, 12 visitor stalls and 6 commercial stalls located underground in three levels
- public realm streetscape improvements on Vancouver Street and Pandora Avenue
- exterior building materials including:
  - a mixture of grey metal panels, brick and coated architectural concrete in grey and white for the podium level
  - a mixture of metal panels in grey and white, spandrel panels and brick for the tower
  - aluminium windows in dark grey
  - glass railings with dark grey frames
  - custom designed metal gate for the breezeway.

The proposed variances are related to:

- an increase in the building height from 45m to 47.68m
- an increase in the number of storeys from 15 to 16
- an increase in the height of the breezeway gate from 1.22m to 3.12m.

### **Sustainability**

As indicated in the applicant's letter dated April 22, 2021 sustainability features are noted as LED electrical fixtures and occupancy sensors for all common areas. In addition, a pre-vegetated green roof is included on levels five and six.

### **Accessibility**

The *British Columbia Building Code* regulates accessibility as it pertains to buildings. The proposed amenity areas on the ground floor and level four are designed to be accessible.

### **Existing Site Development and Development Potential**

The site is presently vacant and surrounded with construction fencing.

Under the current CA-43 Zone, Pandora Harris Green District Zone, the property could be developed up to a density of 2:1 FSR and with a range of permitted uses including commercial, institutional and mixed-use residential.

## Data Table

The following data table compares the proposal with the existing CA-43 Zone, Pandora Harris Green District Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone. The relevant policy guidance is also provided.

Zoning Criteria	Proposal	Existing Zone CA-43	OCP	DCAP
Site area (m <sup>2</sup> ) – minimum	2043.80	n/a	-	-
Density (Floor Space Ratio) – maximum	<b>5.46:1*</b>	2:1	3 - 5.5:1	3 - 5.5:1
Total floor area (m <sup>2</sup> ) – maximum	<b>11,155.88*</b>	4087.60	-	-
Height (m) – maximum	<b>47.68*</b>	15.5	-	45
Storeys – maximum	16	n/a	20	-
Site coverage % – maximum	65	n/a	-	-
<b>Setbacks (m) – minimum</b>				
Front (north) – Pandora Ave.	<b>1.50*</b> building <b>0.00*</b> canopy	3.00	-	0
Rear (south)	3.50	0 – 3.00	-	see Building Separation Guidelines
Interior (west)	0.00	0 – 3.00	-	see Building Separation Guidelines
Flanking Street – Vancouver	<b>1.50*</b> building <b>0.00*</b> canopy	3.00	-	0
Vehicle parking – minimum				
Residential	102	101		
Visitor	12	12		
Commercial	6	6		
Bicycle parking				
Long term	271	147		
Short term	14	14		

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Downtown Residents Association CALUC at a Community Meeting held on October 11, 2018. Revised plans were most recently circulated to the CALUC on March 18, 2021. A letter dated March 1, 2019 is attached to this report. If further correspondence from the CALUC is received it will be forwarded to Council for consideration.

This application proposes variances, therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

## ANALYSIS

The following documents were considered in assessing this application:

- *Official Community Plan, 2012 (OCP)*
- *Downtown Core Area Plan (2011)*
- *Advisory Design Guidelines for Buildings, Signs and Awnings (2006)*
- *Guidelines for Fences, Gates and Shutters (2010).*

The matters under consideration are the supportability of the variances and the consistency with the relevant design guidelines.

### Official Community Plan

#### Development Permit Area and Design Guidelines

The *Official Community Plan* identifies this property in Development Permit Area 3 (HC): Core Mixed-Use Residential. The key objectives of this designation are:

- to transform the function, form and character of the Core Residential area through mid-to-high-rise residential mixed-use and commercial buildings
- to conserve and enhance the heritage value and special character and significant historic buildings, features and characteristics of this area
- to enhance the area through high quality architecture, landscape and urban design.

The proposal is generally consistent with the objectives of DPA 3 (HC) for the construction of a multi-unit and commercial building that responds to the surrounding context of mid and high-rise buildings.

The proposal is also generally consistent with the placemaking policies for buildings and sites including consideration of new infill that responds to context, encouraging human scale in tall buildings with particular attention to street level, and maximizing shop windows and entrances at ground level to support active land uses and for pedestrian interest.

The architecture of the new building is generally consistent with the design guidelines that apply in Development Permit Area 3 (HC), each of which will be discussed below:

## **Downtown Core Area Plan**

The *Downtown Core Area Plan* identifies this site within the Residential Mixed-Use District (RMD), which encourages multi-residential development appropriate to the neighbourhood up to 45m in height and to include active street-level businesses, where appropriate, to provide commercial services and contribute to increased pedestrian activity. Detailed Urban Design Guidelines for the Downtown Core Area address the importance of sensitive built forms through building height, scale, massing, setbacks, floor plate restrictions and street wall design. The current proposal is generally consistent with these objectives as it contributes new street-level commercial space in the RMD, which is further supported by residential uses above.

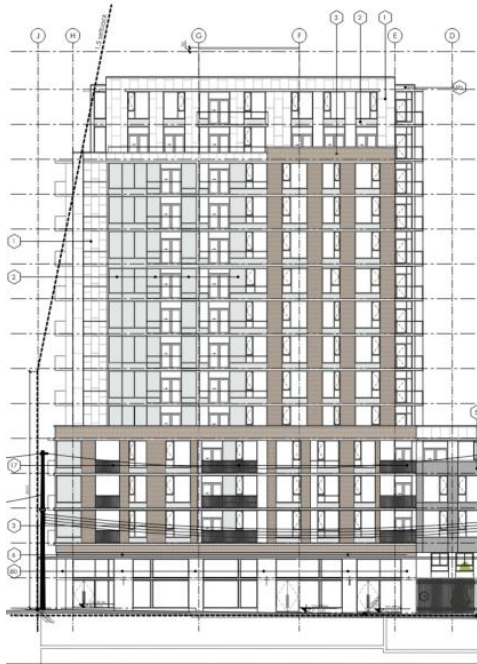
The proposed increase in building height from 45m to 47.68m is approximately 2.7m higher than the DCAP policy. However, the majority of this additional height relates to the rooftop mechanical room, which is setback approximately 7m from the roof parapet, which will not have a significant or negative impact and therefore recommend that Council consider supporting this variance.

The DCAP provides both broad urban design objectives for the Downtown Core and more detailed design guidelines for specific districts. The DCAP also includes policies related to the design of buildings. Overall, staff consider that the proposal is generally consistent with these policies, however, some discrepancies with the design policies are discussed below.

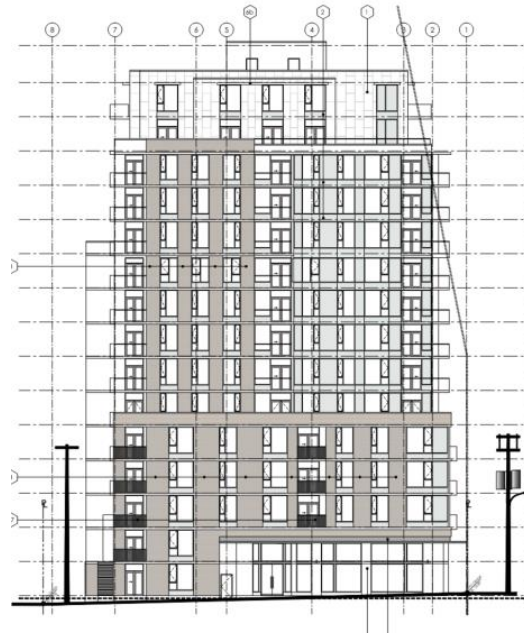
### **Built Form and Massing**

The DCAP includes a number of design guidelines related to built form which include reducing the building bulk of upper storeys to minimize the effects of shading and wind vortices, to maintain views to the open sky and to avoid the presence of bulky upper building mass.

The upper storeys on levels 12, 13 and 15 encroach into the 1:5 building setback ratio along Vancouver Street as shown in Figure 1 below. However, staff consider these to be relatively minor in nature, since parapets, cornices, guardrails or other architectural elements are excluded. Similar minor encroachments exist for the Pandora Avenue frontage as shown in Figure 2.



**Figure 1:** 1:5 setback ratio along Vancouver Street



**Figure 2:** 1:5 setback ratio along Pandora Avenue<sup>1</sup>

In relation to floorplate sizes, the upper stories for levels 11 to 13 exceed the maximum prescribed in DCAP by approximately 75m<sup>2</sup> (800ft<sup>2</sup>), which equates to roughly the same size as a two-bedroom unit. Shrinking the size of these three floors to be compliant with the guidelines would potentially create other issues related to proportionality of the tower. A more slender tower would have been preferable but the applicant has expressed a desire to proceed with the current design. Overall, the proposed design has been improved upon in relation to massing, with the current proposal having a less bulky podium than previous design iterations.

The applicant has submitted a Pedestrian Wind Assessment which concludes that wind speeds are expected to increase slightly at building corners although these are still considered acceptable for active pedestrian use. Wind speeds on the fourth and fifth level as well as the upper level terraces, are also expected to be slightly higher than desired during some times of the year. It is recommended that a taller parapet wall, and local landscaping features be implemented at these levels. Appropriate wording to require these changes, is included in the staff recommendation.

### Building Separation Distances

The proposal is consistent with the residential building separation distance guidelines, which is of particular importance given the proximity to the development under construction to the south (The Wedge). The guidelines require a minimum clearance from the rear property line of 3m for the building and 3.5m for balconies for portions of the building up to 30m in height. After this the setback increases by an additional 3m for the building face and by 2.5m for balconies.

The design guidelines also state that where feasible, additional clearances for windows are encouraged to enhance the livability for residential units. The proposal does comply with the

<sup>1</sup> Setback ratio prepared by staff

guidelines, and slightly exceeds the minimum standards by approximately 0.5m for levels 1 to 10 (building), 0.2m on levels 11 to 15 (balconies) and 1.5m on levels 14 and 15 (building).

It should also be noted that the adjacent development does not comply with the building separation distances for the level two decks, which are approximately 3.3m below the minimum standard. The proposal has attempted to address this interface by reducing the size of the bedroom windows and adding aluminium slat screens for the balconies of all units closest to the south property line. Although the building separation distances between the proposal and the Wedge development to the south are less than optimal, this is largely a result of the current design guidelines which are under review.

### Relationship to the Street

New buildings should be designed to relate well to public streets and sidewalks and have quality architectural materials and detailing in building bases and street walls. In earlier design iterations, staff raised concerns in relation to the potential CPTED (Crime Prevention Through Environmental Design) concerns associated with the breezeway. These have largely been addressed by replacing vehicle access with seating and tables, enhanced lighting and including overhead garage style doors with glazing for the music room. Ensuring a vibrant street edge along Pandora Avenue is an important consideration and staff have advised the applicant to design the proposed retail space with flexibility in mind, to ensure that a range of uses could help lend a sense of vibrancy and vitality to this street edge. To that end, the applicant has included a number of doorways to allow for multiple tenants.

The use of coated architectural concrete as the primary building material along the street edge does not fully meet the design guidelines for sufficient high quality materials. Staff recommend the treatment along this high-traffic interface is reconsidered to ensure a positive street relationship along Pandora Avenue. This suggested revision has been captured in the staff recommendation.

On balance, staff feel the proposal generally meets the DCAP design guidelines and that areas that can be improved upon are captured in the recommendation for Council's consideration.

### **Advisory Design Guidelines for Buildings Signs and Awnings**

These Guidelines state that an acceptable application will include consideration of an attractive streetscape and that the architecture and landscaping of the immediate area be identified and acknowledged. In evaluating a design, particular emphasis will be placed on the solution to these general aspects: comprehensive design approach, relevancy of expression, context, pedestrian access, massing, scale, roofline, detailing, street relationship, vistas, landscaping plan, colours and textures. The proposal is consistent with these Guidelines.

### **Guidelines for Fences, Gates and Shutters**

The *Guidelines for Fences, Gates and Shutters* provide a framework for considering the proposed installation of fences and gates in the development to ensure they are well designed and complement their surroundings. The guidelines encourage fences and gates to complement the character of the street, to integrate with building design, finishes and materials, be subordinate to the building façade, be constructed of high quality and durable materials, and to be incorporated into the landscape design with consideration of crime prevention through environmental design (CPTED) principles.



The proposed breezeway fence generally meets the design guidelines but the height variance to the Fence Bylaw being requested (from 1.22m to 3.12m) does raise the question of whether a more discreet but effective solution could be considered. Other similar developments have incorporated a glass security wall in lieu of metal gates and this may help to detract from the need for security in this location, as well as having the added benefit of reducing the anticipated wind tunnel effect through the breezeway (as identified in the Pedestrian Level Wind Comfort Study). Staff have included appropriate wording for Council's consideration, requesting the applicant reconsider this aspect of the design.

## **Regulatory Considerations**

### Height and Number of Stories

A variance is being requested from 45m (the maximum height recommended in the DCAP guidelines for the site) to 47.68m. This is considered supportable since it relates largely to the rooftop mechanical structure.

### Fence Height

The applicant proposes a fence that exceeds the maximum height of the Fence Bylaw by 1.9m. Staff are of the opinion that further design exploration is required that may help mitigate the potential impacts of this requested variance. Appropriate wording is in the recommendation for Council's consideration.

### Parking

The application does meet the minimum requirements for vehicle and bicycle parking set out in Schedule C – Off-Street Parking. However, it is worth noting that the *Zoning Regulation Bylaw* does not distinguish between traditional households and shared accommodation, so for the larger co-living units where up to five separate rooms will be rented to potentially five separate "households", parking demand may be higher. However, the subject site is located within the Urban Core within walking distance from daily amenities, near to multiple transit routes, and the Vancouver Street and Pandora Avenue All Ages and Abilities cycling routes, all of which provide good access to a wide range of mobility options. Added to the on-street parking restrictions in the neighbourhood that facilitate parking turnover, the potential impacts are expected to be minimal. Additionally, the proposal represents a new response to housing need and adds to the diverse range of housing options required to serve the City's residents.

## **Other Considerations**

A number of minor plan revisions and points of clarification are required prior to the application being considered at a Public Hearing. These relate to paving patterns and street furnishings, utilities, vehicle access and waste collection, landscaping (irrigation, street trees and planting), CREST communications and *British Columbia Building Code* compliance (where it may affect the exterior design of the building). The need to resolve these aspects of the proposal, is captured in the recommendation and can be addressed by the applicant as the application progresses to a Public Hearing should Council advance the application for further consideration.

## **Advisory Design Panel Review**

The application was reviewed by the Advisory Design Panel at its November 26, 2020 meeting and the Panel recommended approval of the development permit with the following changes:

- Consideration of the relationship to the adjacent development to the south and the fenestration on the south elevation as it relates to the livability of units.
- Consideration for the addition of openings from the music room onto the breezeway.

Full meeting minutes are attached to this report. Staff feel that the applicant has adequately addressed the Advisory Design Panel's concerns as follows:

- the large proportion of cementitious panels on the south elevation has been replaced with metal panels
- bedroom windows on portions of the south façade closest to the property line have been replaced with clerestory windows and aluminium slat screening has been incorporated around the balconies
- garage style overhead doors have been added to the music room on the ground floor, to enhance the connectivity to the breezeway.

## CONCLUSIONS

The proposal to construct a 16-storey, mixed-use commercial and residential apartment building is generally consistent with the *Downtown Core Area Plan, Guidelines for Fences, Gates and Shutters, and Advisory Design Guidelines for Buildings, Signs and Awnings* which are applicable to this proposal. Overall, staff are satisfied that the recommendations from the ADP have been addressed and that the plans before Council are an improvement from the original submission and have a greater consistency with the relevant Guidelines the recommendation includes direction related to a number of further refinements and corrections that the applicant has indicated a willingness to address should Council advance the application through the process.

## ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 000543 for the property located at 975 and 983 Pandora Avenue.

Respectfully submitted,

Charlotte Wain  
Senior Planner – Urban Design  
Development Services Division

Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

**Report accepted and recommended by the City Manager.**

## List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans received March 12, 2021, deemed February 16, 2021
- Attachment D: Letter from applicant to Mayor and Council dated April 22, 2021
- Attachment E: Letter from applicant in response to ADP and staff comments, dated February 11, 2021
- Attachment F: ADP staff report dated November 10, 2020
- Attachment G: ADP minutes from the meeting of November 26, 2020

- Attachment H Community Association Land Use Committee Comments dated March 1, 2019
- Attachment I: Pedestrian Wind Assessment dated February 7, 2020
- Attachment J: Transportation Impact Assessment dated October 5, 2020
- Attachment K: Correspondence (Letters received from residents).