

Date: Tuesday, April 10, 2007
Time: 3:00 p.m.
Place: Committee Room No. 1, City Hall

PRESENT:

Board

F. Scobie Co-Director of Development Services (Chair)
B. Toderian Director of Planning
B. MacGregor Deputy City Manager
P. Judd Deputy City Engineer

Advisory Panel

J. Wall Representative of the Design Professions (Urban Design Panel)
N. Shearing Representative of the Development Industry
J. Stovell Representative of the Development Industry
M. Braun Representative of the General Public
H. Hung Representative of the General Public
C. Nystedt Representative of the General Public
K. Maust Representative of the Vancouver Heritage Commission

Regrets

D. Chung Representative of the General Public
S. Tatomir Representative of the Design Professions

ALSO PRESENT:

City Staff:

M. Thomson City Surveyor
R. Segal Development Planner
S. Barker Project Facilitator
M. Schwark Engineering Services

1575 HOMER MEWS - DE410905 - ZONE CD-1

W. Francl Walter Francl Architect Inc.
M. Ashby Walter Francl Architect Inc.
M. Meehan Concord Pacific Group Inc.
E. Hughes Concord Pacific Group Inc.

Recording Secretary: L. Harvey

1. MINUTES

It was moved by Mr. MacGregor, seconded by Mr. Toderian, and was the decision of the Board:

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of March 26, 2007 be approved with the following amendments:

Amend page 4, in the paragraph that begins "Mary Beth", in line two, change "southwest" to *southeast*;

Amend page 12, fourth paragraph, in line ten, to add *grocery* before stores.

Other minor typographical errors were also noted for correction before signature of the minutes.

2. BUSINESS ARISING FROM THE MINUTES

None.

**3. 1575 HOMER MEWS - DE410905 - ZONE CD-1
(COMPLETE APPLICATION)**

Applicant: Walter Francl Architects Inc.

Request: To develop a floating marina with docks and facilities for 22 boats; a 75 m² marina accessory building on a new float; a bridge and landing connecting the marina to the seawall; glass gate enclosures to maintain security; and off-street parking and loading located off-site.

Development Planner's Opening Comments

Ralph Segal, Senior Development Planner, introduced the application for a 22 berth marina. In 2002, Council, through a rezoning, approved the marina use and approved in principle the Form of Development. The Development Permit Board approved a similar development application for the marina on March 28, 2006, with a series of detailed conditions which sought further improvements. The Board of Variance overturned that approval and subsequently Concord Pacific Group submitted a new development application responding to all the conditions of approval the Development Permit Board imposed in 2006.

Mr. Segal reminded the Board that in the 2002 rezoning there were a number of public benefits achieved that resulted in the marina approval. These benefits included: shifting numerous berths that were part of the False Creek Yacht Club (FCYC) site to improve the views over the water from George Wainborn Park, legal agreements for the continuation of the seawall/walkway through FCYC lands, and provision in the FCYC for visitor moorage, as well as a pump-out station.

Mr. Segal noted that the current application includes a reduction in size of the accessory building, the lowering of its height and the narrowing of its width. As well, the marina accessory building has been appropriately identified on all drawings. The access ramp in the previous application was oriented at 45 degrees to the seawall and the Board asked for the ramp to be perpendicular to the seawall, if technically feasible. Staff agree that technical and functional factors prevent a perpendicular orientation to the ramp. A 30 degree alignment is supported, as are the proposed reductions in the landing and ramp float. Mechanical services will be enclosed in the marina accessory building or on the marina floats within screened enclosures. The pump-out equipment will be insulated to address noise factors when the pump is in operation.

In addition, the Board asked for four berths to be reserved for sailboats, to which the applicant had agreed, and these berths will be located in the southwest corner of the marina. Mr. Segal noted that all required approvals and permits from other jurisdictions will be obtained before the marina is constructed. The requirement that a contact person be in place for any complaints has not yet been satisfied and has been carried forward as Condition 1.1. There are eleven parking spaces identified as a requirement for the marina and they are to be located at 1500 Homer Mews. Regarding the loading spaces, Concord Pacific Group is offering one Class B loading space to be located off-site at Homer Mews, as well as one Class A loading underground at 1500 Homer Mews. Two Class A loading spaces were previously secured off-site as a condition of the rezoning. As the walking distance between the marina and the parking area exceeds 45 metres, the applicant is seeking a relaxation. Staff support the relaxation as the distance is comparable with all of the marinas in False Creek.

In terms of neighbourhood notification, Mr. Segal said there was considerable response and opposition to this marina proposal. Forty-seven letters of opposition have been received, and they cover an extensive array of issues as summarized in the Staff Committee Report.

The Staff Committee recommendation is for approval of the application, subject to the conditions outlined in the report dated February 28, 2007.

Questions/Discussion

Mr. MacGregor sought clarity on the walking distance between the parking and the marina. Mr. Scobie noted that the Parking By-law reference is located on page 15 of the Staff Committee Report. Mr. Thomson added that staff looked at the distances between the loading spaces and the marinas in the city and the distance varied between 80 and 120 meters. In all of the marinas the parking distance was generally greater than proposed here.

Ms. Nystedt inquired if Council had made any adjustment to its position as a consequence of the Board of Variance ruling. Mr. Segal replied that it had not.

Mr. Toderian inquired about any proposed sustainable aspects for the marina regarding motorized and non-motorized vessels. Mr. Segal replied that there is a Council policy regarding False Creek east of the Cambie Street Bridge to phase out motorized vessels. This Council Policy does not apply to phasing out motorized vessels to the west of the Cambie Street Bridge. Mr. MacGregor added that the policy had a lot to do with cleaning up the water quality of False Creek which was worse in the eastern portion and the desire to not stir up contaminants and sediments from the bottom of the creek.

Mr. Toderian asked if there was an effort to improve public views. Mr. Segal replied that public views from George Wainborn Park had been improved with the shifting of the berths via the rezoning in order to change the orientation of the boats and improve the views.

Regarding Condition B.2.5, Mr. Scobie inquired if the wording would preclude meetings and other legitimate gatherings in the accessory building. Mr. Segal noted that the neighbourhood had concerns regarding excessive noise and suggested that the Board could add wording to the condition regarding time provisions or specific meeting types.

Mr. Scobie asked if Condition B.2.6 was clear enough with respect to mooring only sailboats in the southwest corner of the marina. Mr. Segal replied that Concord Pacific Group understands that those berths will be used only for sailboats, but agreed that the condition could be more specific.

Regarding Condition 1.6, Mr. Scobie asked if there was only one outstanding obligation. Mr. Thomson replied that all other requirements to release the No Development Covenant have been satisfied. Mr. Scobie also asked if there was anything to impede pedestrian access across the lots. Mr. Thomson replied that False Creek Yacht Club leases the land under the Granville Street Bridge and there currently is no legal right for pedestrian access. As well, the area is now secured by way of fences and gates.

Mr. Shearing inquired as to why there was a requirement for four sailboats. Mr. Segal replied that the condition was imposed by the Development Permit Board at the March 28, 2006 meeting to allow for less view obstruction. Mr. Scobie added that Concord Pacific Group was encouraged to provide for some accommodation in the southwest corner for sailboats as they were seen to have a lesser impact on views from Promontory Point. In response, it was offered that four berths would be restricted to sailboat moorage, being the four southwesterly berths. Mr. Thomson referred Mr. Shearing to Appendix J, page 9 of 9, which include the amendments to staff's conditions made by the Board at the 2006 meeting. The amendments are reflected in the current application and Staff Committee report.

Applicant's Comments

Matt Meehan, Concord Pacific Group, thought that the wording in Condition B.2.5 was too tightly worded. He noted that no charter boats ("party boats") will be allowed in the marina and the only gatherings in the accessory building would likely be for meetings. Regarding Condition B.2.6, Mr. Meehan stated that they stand by their commitment for four sails boats in the southwest corner as a way to improve the views from Promontory Point. The provisions for the pedestrian walkway as noted in Condition A.1.4 will be dealt with through the lease with the False Creek Yacht Club.

Walter Francl, Architect, noted that the loading was to consist of two Class A loading spaces underground in the parkade at 1500 Homer Mews, as supported by Council in granting rezoning approval. In this application the applicant has proposed one Class A loading space underground and a Class B loading space off Homer Mews.

Mr. Francl said they have responded to all items in the prior-to conditions in the original development permit approval. The roof on the accessory building has been lowered by two feet, the width has been reduced by five feet and the overhang has been cut back. Mr. Francl stated that the angle of the ramp could not be perpendicular to the seawall because of a small rise in the creek bottom. The top of the landing has been reduced as well as the float area at the bottom of the ramp. The marina services float area has also been reduced and the service equipment will be enclosed and screened. Mr. Francl noted that the pumps that service the marina will be acoustically insulated. The last four berths on the southwest corner are reserved for sailboats. Mr. Francl added that the marina accessory building will have a nautical character using fine grain metal siding with a glazed overhang on the roof.

Mr. Meehan , noted the off-site parking and loading relaxation is a requirement because the Parking By-law never entertained dealing with marinas and Council understood that when it approved the marina rezoning.

Questions/Discussion

Mr. MacGregor sought clarity regarding the loading. Mr. Meehan replied that they can provide either two Class A loading spaces underground or one Class A loading space underground and a Class B loading space off Homer Mews. He added that they thought it would be more accommodating to have one loading space on the surface which could be used by the residents at 1500 Homer Mews, as well as the marina.

Mr. Scobie noted the technical table on page 3 of the Staff Committee Report indicates one Class B loading space is required. Council, in approving the rezoning, acknowledged the loading space would not be provided on-site and Council accepted two Class A loading spaces off-site. The applicant is now able to provide a Class B loading space, which the By-law requires, and they will augment that with a Class A loading space. Mr. Meehan noted that the Concord Pacific Group would prefer not to have two Class A loading spaces and one Class B loading space but to have one Class A loading space underground in "The Erickson" and a Class B loading space on the surface. Mr. Thomson agreed that one Class A loading space and one Class B loading space off Homer Mews would be acceptable.

In response to a question from Mr. Scobie, Mr. Meehan confirmed the items raised by the Processing Centre - Building, Fire and Rescue Services (Appendix C) are resolvable without substantively affecting the proposed building design.

Mr. Meehan added that they have met with a certified building specialist regarding the provision of a barrier-free access from the street to the marina. The strategy proposed to City staff, and accepted in principle, was to provide access at Quayside Marina, which has a barrier-free accessible ramp with a lift and expected to be under common management with this marina. In addition marina staff would be available for assistance. Mr. Meehan agreed that this issue could be problematic, but was resolvable.

Mr. Toderian inquired about sustainability measures for the marina. Mr. Francl replied that they will be using either locally sourced or recycled materials. Mr. Meehan added that there will be no dredging in order to build the marina.

In reply to a question from Mr. Toderian, Mr. Meehan noted that Tourism Vancouver has stated that boaters often bypass Vancouver as there is no place to moor their vessels in the summer months.

Mr. Toderian asked if the adjacent building was sold in 2002, and were the buyers aware that they would be looking out at a marina. Mr. Meehan replied that they would have sent out notices regarding the marina to all the owners under contract at that time.

Comments from other Speakers

The Board briefly discussed Mr. Cooley's request to give a Power Point presentation and it was decided to have the delegations speak first and then, if time allowed, Mr. Cooley would be given the opportunity for his presentation.

The following delegations spoke in opposition to the application:

Gerry London
Ryder Cooley

Brian Higgins
Lance Ewing
Rex Anderson
Joseph Schuler
Matthew Ma
Don Paulsen
Susan Boutwood
Carolyn Creamer

Comments in opposition included:

- The marina will make for more pedestrian and vehicle traffic;
- Possible congestion in the area;
- Safety of the public being compromised;
- The marina will block views;
- Would like to see the southern row be all sailboats;
- Class B loading space would be located in the fire lane and will cause more congestion;
- Homer Mews is already overcrowded with vehicles;
- Concern about emergency vehicles being able to access area;
- Purchasers in adjacent buildings were not advised of the marina;
- Impact on cyclists due to more traffic;
- Allow 24 hour access to kayakers and canoeists;
- Easement agreement for pedestrian and vehicle access for emergency vehicles was between the "King's Landing" and "The Erickson";
- Concern regarding fire protection in the marina building;
- The four large vessels are going to be a problem with retaining the views of False Creek from the pedestrian walkway;
- Design of the marina building is basic and poorly conceived;
- Reduce the scope of the boats and the size to reduce greenhouse gases;
- Would like to see the size of the marina reduced with only one row of boats;
- Possible fumes from the boat engines.

The following delegations spoke in support of the application:

Mike Robson
Earl Overall
Chris Reardon, Chair, FCYC

- Hard for visiting boaters to find boat moorage in Vancouver;
- Existing boat owners can't find moorage;
- People are reluctant to buy boats as there is a limited amount of moorage spaces;
- The bollards could be moved forward 50 feet to give more space in the turn-about in Homer Mews;
- Marina will enhance the area and will increase property values;
- Most of the slips will be used by residents in the area so there won't be more cars as they will walk from their residents;
- Marina contributes to the vibrancy and colourfulness of the area;
- When the seawall reopens in front of "The Erickson" the amount of pedestrian traffic will be reduced on Homer Mews;
- Boats are a way of life in Vancouver;
- Provides a welcome centre for boaters visiting the city.

In response to some of the questions raised by the delegations, the following clarification was provided:

- Emergency services response time would have been looked at for the surrounding buildings as part of their development permit;
- The Class B loading space is not in the fire lane and will be located entirely on "The Erickson" site on the east side of Homer Mews and the same width of street would be there with or without the Class B loading space;
- Concord Pacific Group would not have been able to register an easement if they were not the owner of Lots 250, 251 and 249;
- The entrance to the marina accessory building will be located in the northwest corner;
- The marina accessory building is required to have a sprinkler system (NFPA 303 per Article 2.16.1.1 of the Vancouver Fire By-law);
- The review from the Park Board referred to the sweep of view from the tip of Promontory Point and, as a consequence, the third row of boats was removed from the proposal as part of the rezoning approval.

It was the decision of the Board to give Mr. Coeey ten minutes for his Power Point presentation.

Considering the commentary from the public delegation regarding the Class B loading space, Mr. Scobie asked the applicant if the Class B loading space was not approved by the Board, were they prepared to include the Class B loading space in "The Erickson" development, noting a minor amendment to the development permit would be necessary. Mr. Meehan replied that the Class B loading space would also serve "The Erickson", so they would be prepared to apply for a minor amendment in order to secure the loading space. Mr. Meehan noted that there is a lot of congestion in the area right now due to construction. He further noted that the cul-de-sac in Homer Mews is yet to be completed.

Mr. Toderian asked if there would be an economic hardship if the entire southern row of slips was dedicated to sailboats. Mr. Meehan replied that there would be an economic advantage and flexibility to having a variety of boats in the marina.

Regarding sustainability, Mr. Meehan noted that Concord Pacific Group is prepared to fully embrace all sustainable practices and materials in the accessory building.

Mr. Toderian asked staff how the proposed surface loading area might affect the continuity of the public realm. Mr. Segal stated that a review might be necessary regarding any possible impacts as well as other functions for the loading space. He added that this could include a minor amendment to "The Erickson" development.

Mr. Thomson noted that emergency access was originally designed for access to the seawall down the length of Beach Crescent. He added that the seawall is dedicated as "Road" and was constructed to accommodate emergency vehicles.

In reply to a question from Mr. Toderian, Mr. Thomson noted that the Chief Building Official and his staff would address all fire suppression that is necessary from a life safety perspective for the accessory building at the building permit stage.

Mr. Toderian inquired if pedestrian and vehicle accidents were monitored in Homer Mews. Mr. Thomson replied that Homer Mews is on private property and he did not have any knowledge regarding accidents.

Mr. Toderian asked if the Noise By-law would apply to partying on boats or in the marina. Mr. Segal replied that the Noise By-law would apply and added that Condition 1.1 asks for a contact person regarding any complaints.

Mr. Segal noted that Homer Mews was congested due to construction and the fact that the seawall is closed in front of "The Erickson". When opened, fewer pedestrians and cyclists will use Homer Mews to access the seawall.

Panel Opinion

As the application was not reviewed by the Urban Design Panel, Mr. Wall stated that his comments were as a representative of the Design Professions. Mr. Wall thought the street end views for the marina were carefully considered and noted that the boats had been grouped to allow for a variety of massing. Mr. Wall thought the accessory building was appropriate and had a simple nautical theme with a lot of transparency. He encouraged the applicant to consider the quality of the roof material such as a standing seam metal.

Mr. Wall noted that Vancouver is a port city with little access to the working port and thought Council's objective was to have a variety of experiences and active uses on the waterfront. He added that he supported the proposal.

Mr. Wall thought the congestion in Homer Mews was temporary and would be mitigated by the completion of the seawall. Mr. Wall thought having the Class B loading space on the surface was an easy solution for people loading their boats. He suggested having the loading space south of the turning circle to relieve congestion. He also suggested moving the bollards south but would leave it to staff to find a good solution. Mr. Wall thought the wording in Condition B.2.5 was too limiting and suggested wording to allow for meetings.

Mr. Stovell said he was sympathetic to the supporters of the marina, as there is limited moorage in Vancouver. Regarding sustainability, Mr. Stovell noted that sailboats have diesel motors that are not much smaller than power boats. Mr. Stovell stated that he supported having the Class B loading space. Regarding Condition B.2.5, Mr. Stovell suggested broadening the wording to include appropriate meetings.

Mr. Shearing thought the biggest concern was the congestion, although he thought it would decrease once construction was concluded. Mr. Shearing thought it was important to have the Class B loading space within "The Erickson" property and that it would go a long way to solving any congestion. Mr. Shearing stated that he took a great deal of pleasure in viewing boats and thought there was a variety of experiences on the seawall. In order to make the marina work financially there needs to be a great deal of flexibility as to boats that can be accommodated. He suggested not putting restrictions on the marina as to the type and size of boats as he felt restrictions were unwarranted.

The Vancouver Heritage Commission had been approached with a request that the shoreline in False Creek to be designated as a heritage shoreline. Ms. Maust stated that the Commission declined to do so as the heritage issues had been addressed in the Official Development Plan for both sides of the shore.

Ms. Nystedt noted that Council did not view the Board of Variance's overturning of the Development Permit Board's previous decision as sufficient to adjust the zoning. Ms. Nystedt stated that she supported staff's recommendations that the proposal be approved, since the Development Permit Board does not make policy, but instead responds to the direction of Council.

Mr. Hung thanked the general public for their comments and Mr. Coeey for his Power Point presentation. He thought the traffic issue would be reduced once the construction was finished on "The Erickson" and the seawall was completed. He supported having the two Class A loading spaces in the underground and he was also in favour of having only sailboats in the southern row of the marina.

Mr. Braun recommended approval of the proposal as it is in keeping with what Council decided. He thought the City secured some additional benefits beyond the original zoning with the accessory building being reduced in height by two feet, and the designated berths for the four sailboats which had been part of the last development application approval. Mr. Braun thought the screening of the services was well done. Mr. Braun recommended having the Class B loading space to help reduce congestion. Regarding Condition B.2.5, Mr. Braun would delete the condition as he didn't think the marina would become a party area and the Noise By-law would cover any problems. Mr. Braun was hesitant with regard to the Board deciding on the type and size of vessels for the marina.

Board Discussion

Mr. MacGregor expressed disappointment with Mr. Coeey's presentation noting it was not accurate. In the original Official Development Plan, the marina went half-way across the park promontory and all of Mr. Coeey's pictures for False Creek were taken at high tide and the Coal Harbour pictures were at low tide.

Mr. MacGregor gave a history of Council's decisions regarding the clean up of False Creek. He noted that in 2002, Council took into consideration the type of boats, the size of boats, and the views. Council made a unanimous decision on the marina rezoning and Council has not made any suggestion to change the zoning since. Mr. MacGregor noted that the entire development and all the public benefits that people now enjoy on the north shore of False Creek were provided by Concord Pacific Group. They negotiated with False Creek Yacht Club to get public benefits to help deal with some of the illegal moorage in False Creek. He thought it was a credit to Concord Pacific Group and the process, and acknowledged Concord Pacific Group for addressing the conditions from the previous Development Permit Board. Mr. MacGregor moved approval of the application with several amendments to the conditions.

Mr. Toderian thanked the members of the public for their participation. He noted that it was not the role of the Board to reconsider issues that have already been approved by Council. The role of the Board is to make sure all the details work well as a result of the negotiations, and that the conditions reflect any outstanding concerns. Mr. Toderian stated that the basics regarding the size and number of berths have already been debated and considered by Council. Mr. Toderian agreed with the amendments proposed by Mr. MacGregor.

Mr. Toderian appreciated the commentary regarding the overall achievements regarding sustainability in the False Creek area. He added that he felt there was an agreement between the developer/applicant, the developer/applicant's architect and the Director of Planning to embrace all opportunities for sustainability. Mr. Toderian stated that sailboats were a more sustainable approach and he looked forward to the day when society looks down on people who make poor choices regarding sustainability. He added that he felt staff were not in the

position of regulating sailboats versus power boats in the absence of Council policy and having four berths reserved exclusively for sailboats was a good compromise. Mr. Toderian agreed with the commentary regarding the need for balance within a port city between livability and the need for activity and commerce.

Regarding the Class B loading space, Mr. Judd noted that the drawings weren't very clear and that concerns could be alleviated by a properly located, well-designed loading space. He added that the amendment put forth by Mr. MacGregor will hopefully resolve some of the issues. Mr. Judd supported approval of the application.

Motion

It was moved by Mr. MacGregor and seconded by Mr. Toderian, and was the decision of the Board:

THAT the Board APPROVE Development Application No. DE410905, in accordance with the Staff Committee Report dated February 28, 2007, with the following amendments:

Amend Condition A.1.6 to read:

provision of a Loading Management Plan for the Class B loading space at Homer Mews, **and a Class A loading space located underground, provided the Class B loading space is within "The Erickson" lot at 1500 Homer Mews and located on-surface, or in the alternative, provision of two underground Class A loading spaces;**

Amend Condition B.2.5 to read:

Use of the marina accessory building shall not include overnight occupancies *or gatherings which extend past midnight;*

Amend Condition B.2.6 by adding **only** after sailboats to read:

A minimum of four (4) marina berths shall be designated for sailboats **only** at the southwest corner of the marina.

Mr. Scobie said he appreciated Mr. MacGregor's commentary on the history of the development and having it recorded that the public amenities were not provided by the City, but by Concord Pacific Group, as he believed the public is unaware of how the public benefits came into being.

4. OTHER BUSINESS

- 4.1 Mr. Scobie brought to the Board's attention a memo dated April 2, 2007, noting the final arrangements that have been made to the automated parking at 830 West Hastings Street. It was a decision of the Board that left open for further consideration the provision of an automated parking proposal. The Director of Planning subsequently relaxed all 225 off-street parking spaces, because none of them complied technically with the Parking By-law, to allow for the automated parking system, based on advice from the City Engineer, as was proposed, subject to conditions.
- 4.2 Mr. MacGregor thought the Board would be interested to hear the comment of the Judge at a recent legal case on a rezoning matter that was being challenged by the public. The Judge said "that the right to be heard by City Council does not include the right to have one's submission accepted". He thought this perspective was also applicable to the Board's deliberations.

5. ADJOURNMENT

There being no further business, the meeting adjourned at 8:00 PM

L. Harvey
Assistant to the Board

F. Scobie
Chair