

Meeting: No. 462
Date: Monday, April 19, 1999
Time: 3.00 p.m.
Place: No. 1 Committee Room, City Hall

PRESENT:**Board**

F.A. Scobie Director of Development Services (Chair)
L.B. Beasley Co-Director of Planning
E. Lo General Manager, Corporate Services
D. Rudberg General Manager of Engineering Services

Advisory Panel

N. Shearing Representative of the Design Professions (Urban Design Panel) (except Item #6)
J. Hancock Representative of the Design Professions
A. Gjernes Representative of Development Industry
P. Kavanagh Representative of Development Industry (except Item #6 and part of #3)
D. Chung Representative of General Public
B. Parton Representative of General Public
R. Roodenburg Representative of General Public

Absent

R. Mingay Representative of General Public

ALSO PRESENT:

R. Segal Development Planner
M. Kemble Development Planner
B. Adair Development Planner
N. Peters City Surveyor
S. Harvey Cultural Affairs (Item #6)

Item 3 - 1238 Seymour Street - DE403978

Michael Ramsay Applicant

Item 4 - 623 West 8th Avenue - DE403940

Wing Ting Leung W. T. Leung Architects Inc.
Andrew Rosen W. T. Leung Architects Inc.
Peter Kreuk Durante Kreuk Landscape Architects

Item 5 - 1177 West Pender Street - DE403824

Frank Musson Musson Cattell Mackey Partnership
Jorg Helssen Musson Cattell Mackey Partnership
Mark Galvin

Item 6 - 955 Richards Street - DE403980

Charles Brook Brook Development Planning Inc.
Foad Raffi Architect
Andre Chilcott Bosa Ventures

CLERK TO THE BOARD:

Carol Hubbard

1. MINUTES

It was moved by Mr. Beasley, seconded by Mr. Rudberg, and was the decision of the Board:

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of February 22, 1999 be approved.

2. BUSINESS ARISING FROM THE MINUTES

None.

3. 1238 SEYMOUR STREET - DE403978 - ZONE DD
(COMPLETE APPLICATION)

Applicant: Michael Ramsay

Request: To construct a minor loft space addition to one existing residential unit in this tower.

To receive an additional 51 sq.ft. (along with previously-approved transfers, totalling 6.89 percent of permitted density) of heritage density bonus floor area transferred from the former Vancouver Public Library site (750 Burrard Street), pursuant to Section 3.12 of the DODP By-law.

The Chair noted a discrepancy in the agenda and Staff Report which state this application is to receive an additional 51 sq.ft. The applicant has advised this should be 56.5 sq.ft., in accordance with information received from Mr. Rick Michaels in the Planning Department.

The Chair explained this application is one of a number of transfers to this site to deal with difficulties encountered by units being altered to create additional floor area in the over height spaces in the building. Such applications have to be considered by the Development Permit Board because there is no authority for them to be dealt with by the Director of Planning on the Board's behalf.

The applicant, Mr. Michael Ramsay, had no comment, and there being no member of the public coming forward to comment, the Director of Engineering Services moved approval of the application.

Motion

It was moved by Mr. Rudberg and seconded by Mr. Beasley, and was the decision of the Board:

THAT the Board APPROVE Development Application No. 403978, in accordance with the Staff Report dated April 19, 1999, amending the amount of floor area to 56.5 sq.ft.

CARRIED UNANIMOUSLY

4. **623 WEST 8TH AVENUE - DE403940 - ZONE C-3A**
(PRELIMINARY APPLICATION)

Applicant: W. T. Leung Architects Inc.

Request: A 3-storey low-rise and 8-storey residential mid-rise building complex containing 143 strata-titled rental units. To increase the FSR from 1.0 to 2.72 and the building height from 30 ft. to 77 ft.

In his introduction of this application, the Chair noted an amendment requested by staff, to revise the Note to Applicant in condition 1.4, and to delete 1.5.

Development Planner's Opening Comments

The Development Planner, Bob Adair, presented this application. Following a brief description of the site context, he described the proposal for a 3-storey low-rise building on the western two thirds of the site and an 8-storey mid-rise component on the eastern one third. The application also proposes a public open space at the juncture of the two buildings off West 8th Avenue. Two levels of underground parking have access from the lane at the rear. High quality materials are proposed, predominantly brick with a metal panel system. The application seeks to relax the density from the outright permitted 1.0 FSR to 2.72 FSR, and the height (for the mid-rise portion only) from the outright permitted 30 ft. to 77 ft. In return for these relaxations, the application proposes a good quality of design and a useful and secured public open space. This site was rezoned from FM-1 to C-3A in 1995, at which time Council approved site-specific guidelines to limit the height on the western two-thirds of the site to 30 ft. This was done to maintain views from the residential/commercial developments to the south across West 8th Avenue.

Mr. Adair reviewed the major concerns identified by staff. These relate to the public open space, street level pedestrian interest on West 8th Avenue and Ash Street, the massing of the mid-rise building, and the impact on street parking in the neighbourhood. Mr. Adair briefly explained how staff believe these concerns can be addressed, as outlined in the prior-to conditions. With respect to traffic issues, Mr. Adair noted the application proposes five more parking spaces than required by the by-law; however, staff are concerned about the impact on parking in this neighbourhood where insufficient on-street parking is already a serious problem. Additional parking spaces are requested in condition 1.6.

The majority of responses to the notification came from residents of the 4-storey building to the north (the "Omega") which also has townhouses facing Ash Street. The main concerns are height, shadowing, and parking. Staff believe these concerns are addressed by the proposed reduction in the upper floor massing and the proposed increase in parking. Letters of opposition were also received from residents and owners of buildings to the south who are concerned about view obstruction. Mr. Adair noted there will be a marginal increase in views resulting from the recommended upper level setbacks of the mid-rise building. The views through this site are also protected to a far greater degree by the 30 ft. height restriction on the westerly two thirds of the site.

In summary, the Staff Committee recommendation is for approval in principle, subject to the conditions outlined in the report dated April 7, 1999, and as amended by the revised conditions tabled today. Staff believe that if the conditions are met the application will have earned the relaxations being sought.

In the question period that followed, it was noted by Ralph Segal, Senior Development Planner, that the site to the north was previously occupied by a BCTel building, the foundations of which were maintained in the development of the recently constructed 4-storey residential building it now contains. This C-3A site could have also pursued the higher density and height that can be sought in this zone.

Applicant's Comments

Mr. Wing Ting Leung, Architect, referred to the prior-to conditions contained in the Staff Committee Report and advised that 1.1 and 1.2 are acceptable. 1.3 is also acceptable, however, they would prefer the last sentence of the Note to Applicant to be deleted, to allow greater flexibility. With respect to the revised 1.4, Mr. Leung said he understood the rationale for requesting a reduction in the mid-rise massing, but questioned whether the increases to the setbacks should be to the 5th to 7th floors rather than 4th to 8th as written, noting the 8th floor is the very small amenity area which is screening the elevator penthouse. 1.5 can be addressed. Regarding 1.6, Mr. Leung said they believe that one parking space per unit is reasonable. 1.7, 1.8 and 1.9 are acceptable. With respect to the proposed public open space, Mr. Leung advised the right-of-way can be secured on title.

In response to the amendments requested by the applicant, Mr. Adair said deletion of reference to the amenity area is acceptable provided the intent of the condition is clear to the applicant. Regarding condition 1.4, Mr. Adair reiterated that setback of the 8th floor is requested. A setback at the corner of the 4th level is also sought in order to create a more sensitive transition to the building across the lane. In response to a question from the Chair, Mr. Leung said they appreciate the intent is to reduce shadowing on the neighbours to the north; however, his concern is that the condition is too prescriptive in how the reduction is achieved, noting also that this is a preliminary application. In discussion, Mr. Segal advised that staff would prefer the condition to remain as written.

Members of the Board and Advisory Panel then took a few minutes to review the model and posted drawings.

Comments from Other Speakers

Mr. Steve Shaw, developer of the property to the north at 638 West 7th Avenue, said he was advised by Planning staff in 1995 and 1996 that the subject site was unlikely to be developed above 30 ft. He was also advised that staff would not support anything higher for his site and it was subsequently developed at 4 storeys. Mr. Shaw noted a previous development application for the subject site proposed a 4 and 3 storey development. This was not pursued and the site was sold. Given the history, Mr. Shaw said he was very surprised to find that the subject 8-storey proposal was now being considered.

Mr. B. Fodchuk, solicitor for the owner of Broadway Plaza to the south of this site, said his client is significantly affected by the proposed development. He noted the application seeks approximately three times the allowable height and density in return for a small amount of public open space. He questioned both the usability of the public open space and its potential impact on the security of the building's residents. He advised his client's major objections to the development are the proposed height and its massing at the easterly end of the site. He urged the Board to deny the requested relaxations. He also noted the inadequacy of the proposed parking. In addition, Mr. Fodchuk questioned the impartiality of the staff report. He noted that the C-3A District Schedule requires that the Board consider *existing views*, which receives inadequate response in the report.

Ms. Noreen Angus, owner of a packaged office business on the 4th floor of Broadway Plaza tower, explained she recently signed a ten-year lease for her office space, based on advice she received from the leasing agent that there would be no blockage of views. If this development proceeds, a number of her offices will be impacted, which may require her to reduce the rental rates for the space. Ms. Angus said she does not believe the proposed development will be good for the neighbourhood.

Some discussion took place with respect to which floors of the Broadway Plaza would be impacted by the proposed development. Mr. Rudberg noted a view analysis had not been provided. Mr. Adair explained staff felt they had a reasonable idea of the view impacts, given the height being proposed and the fact that so much of the site is severely restricted in height. He also noted the Broadway Plaza is splayed, with its views being more to the northeast and northwest. In discussion, it was noted an analysis of private views would provide greater clarification. Responding to a question concerning the guidelines for this site, Mr. Segal advised the documentation is silent with respect to the easterly portion of the site, except to note that the overall C-3A guidelines prevail.

Mr. Michael Luco, 2345 Ash Street (the "Omega"), questioned the neighbourly appearance of such a massive building, noting there is nothing above four floors from the east side of Ash to Hemlock and 8th to 2nd. He stressed that he and his neighbours moved into the building based on advice from their developer that this site to the south would not exceed four floors. Mr. Luco noted he owns a townhouse on Ash Street at the lane and will be severely impacted by this development. He did not believe that remassing the corners of the 4th to 6th floors would alleviate the shadowing impact on his unit. He added, he did not consider the quality of building materials and small amount of public open space was a fair trade-off for the height and density requested. The inadequate number of parking spaces relative to the number of units in the building also suggests the density is too great for the site. Mr. Luco urged that existing area residents be taken into account when considering the development of the remainder of this block.

Mr. Michael Mark, "Omega" resident, was also concerned about the massing of the proposal, noting he also believed this site would be limited to approximately the same height as his building. He did not believe the recommended stepping would result in a significant reduction in the massing.

Mr. Otto Papasedaro, "Omega" resident, noted the increased traffic in the lane will have a major impact on the residents of his building many of whom have bedrooms at the rear. He also said there is little value in the proposed public open space and the proposed height is totally out of character.

Mr. Michael Alston, "Omega" resident, noted the units in his building have large rear decks which have become an extension of the units themselves. The proposed development will have a major shadowing impact and create an invasion of privacy. The height is unacceptable. The site should be developed with something that is in tune with everything else in the area.

Mr. Segal noted this is one of the largest remaining development sites in Fairview Slopes; other developments in the area would be on "infill" sites. In discussion, it was noted this site could have been considered for an office development.

Panel Opinion

Mr. Shearing, representing the Urban Design Panel, advised the Panel considered the proposed public open space to be inadequate, and the direction from staff to make it a linear park along West 8th Avenue is consistent with the Panel's advice. Mr. Shearing questioned how the size of the open space was determined and how it will interface with the low-rise units. Access to the low-rise units as well as the townhouse units on Ash Street was also a major issue for the Panel, so the separation of the entry for the mid-rise building from the townhouses is very supportable. Regarding the massing of the mid-rise building, Mr. Shearing noted some Panel members felt it could be higher although the majority supported the 8 storeys proposed. He supported the proposed changes to the massing. He noted the Panel understood the impact of the massing on surrounding views. The impact on the building to the south is minimized by its being at 45 degrees to the grid. As well, the lower floors of that building would be affected by an "outright" development on this site. Similarly, the building to the north would also be impacted by a 35 ft. building on West 8th Avenue. Mr. Shearing supported the additional parking recommended by staff.

Mr. Hancock said he had some sympathy for the residents of the building to the north of this proposal. He noted that after the suggested sculpting of the building the density will likely be reduced to something in the order of 2.4 FSR, which could be easily achieved in three and a half storeys. He said

he saw very little benefit in inserting a higher building between Ash and Hemlock where everything else is low-rise. Mr. Hancock therefore suggested a major re-working of the proposal at a lower height. He said he was less concerned about view blockage for buildings to the south, noting the Broadway Plaza tower is rotated and its views are less impacted. He said the proposed height is not earned. The proposed public open space will be more of a problem than a public benefit, noting its proximity to the private open space of existing residential units.

Mr. Gjernes said it is an attractive project. He said he had little concern about view impact on Broadway Plaza to the south but sympathized with the residents to the north. He said he was concerned that for an all-residential project the density is too high and the impact on the community too much, noting the C-3A zoning contemplated some mixed use projects with bigger floor plates that could probably accommodate the density without the additional height. He agreed with Mr. Hancock that density in the range of 2.45 FSR should be achievable in three and a half storeys, perhaps with a fourth or even fifth storey on the corner. As proposed, it is not quite the appropriate form of development for this site.

Mr. Roodenburg agreed fully with Mr. Hancock's comments. He added, as a former resident of Fairview Slopes, it is an attractive neighbourhood with the three and four storey developments. He was also concerned that approval of this application would set an undesirable precedent in the area. He recommended that the project be redesigned to a lower scale.

Mr. Chung agreed that this site should be developed with something more consistent with the neighbourhood. Sculpting the corners is not the solution.

Ms. Parton also agreed with Mr. Hancock that this site is unsuitable for a high building. She was also concerned about the open space because it is not conducive to public use and is too close to the doors and windows of residences in term of safety and privacy. She urged that the project be redesigned as a low-rise building.

Board Discussion

Mr. Beasley said he was convinced by the comments of the speakers, and particularly by the Advisory Panel. He said he had felt the building needed to be re-shaped to deal with the shadow impacts to bring it down to something similar to the impact of a 30 - 35 ft. building, but noted the advice of the Panel is that the project really needs to be reconsidered. Mr. Beasley said he felt Council did intend some additional height on the eastern edge of the site by virtue of setting an explicit height limit on the western two-thirds of the site. He therefore did not believe the easterly edge should also be restricted to 30 ft. The scheme must, however, meet some performance expectations in terms of restricting shadowing on the building to the south, although the impact of anything below about 35 ft. should not be a consideration. He thought the application should not be approved but reconceived and brought back for consideration. He added, he did not agree there is no value to the green open space, noting the crowds that occur from the mosque next door; however, the amenity must be achieved without causing negative impacts on the surrounding development.

Noting this is a preliminary application, Mr. Rudberg agreed that a refusal would not be appropriate but that it should be reworked and returned for further consideration. He stressed that this site is zoned C-3A and not FM-1 and there is an expectation of some additional density. Clearly, during the rezoning the westerly 200 ft. was restricted to 30 ft. and it was anticipated that the corner of the site would have some additional height. The height as proposed, however, is excessive. He suggested the eight storeys should be reduced to five, with sculpting at the rear to reduce the visual impact and open up some light. Reducing it by three storeys would begin to bring it into an acceptable range, in which case further view analysis would not be necessary to determine impact on properties to the south. Some reworking of the parking needs to be done as well in order to ensure there is one parking space for each unit, and some additional visitor parking.

Ms. Lo said she had concerns about parking and encouraged the applicant to give this further consideration. She supported the recommendation to defer the application.

Motion

It was moved by Mr. Beasley and seconded by Mr. Rudberg, and was the decision of the Board:

THAT the Board DEFER Development Application No. 403940 for further discussions between the applicant and staff, taking into consideration the comments of the Board, Advisory Panel and members of the public.

CARRIED UNANIMOUSLY

The Chair said he believes the scheme requires reworking, not only with respect to the height of the mid-rise component but with respect to the public amenity. Mr. Beasley suggested that staff ensure that the members of public who spoke today are notified of when this application is next on the Board's agenda. It was also noted that the site sign will be amended when a revised scheme is submitted.

5. 1177 WEST PENDER STREET - DE403824 - ZONE DD
(PRELIMINARY APPLICATION)

Applicant: Musson Cattell Mackey Partnership

Request: To construct an 18-storey retail/office building with four levels of underground parking.

To comprehensively design the existing four lots and create a single site covenant over these two sites, thus permitting the transfer of 2.0 FSR of unused density potential from the existing easterly site to the new westerly development.

To receive 20,648 sq.ft. (approximately 10 percent) of heritage density bonus floor area transferred from an undetermined downtown site, pursuant to Section 3.12 of the Downtown Official Development Plan By-law.

Development Planner's Opening Comments

The Development Planner, Mike Kemble, presented this application. After briefly reviewing the zoning context, Mr. Kemble noted the entire site consists of four parcels comprising two separate sites, each having a frontage of 132 ft. The proposed new 18-storey retail/office building will be on the westerly half of the site and the existing office building on the easterly half will be retained. The proposal is to establish a single site covenant over both properties to enable the unused density from the existing building to be transferred to the new office tower. The proposal also includes the transfer of 10 percent heritage density to the new development site.

Following a description of the project, Mr. Kemble reviewed the issues raised by staff, namely, the upgrading of the interface of the existing office building with the adjacent public realm, and whether there should be a secondary entrance and office tower lobby on Hastings Street. He briefly reviewed the prior-to conditions recommended to address these concerns. In summary, staff support the proposal and recommend approval in principle, subject to the conditions contained in the Staff Committee Report dated March 24, 1999.

Applicant's Comments

Mr. Frank Musson, Architect, noted the design of the tower has been generally well received by the Urban Design Panel and staff. Referring to the Staff Committee Report, Mr. Musson said condition 1.1 causes difficulty because the Vancouver Building Code precludes adding structure to an existing building without doing a full upgrade of the entire building to comply with all current codes. This project could not proceed if this was required. Otherwise, he said they could consider bringing retail out to the property line, as recommended. There is no problem with linking the canopy with adjacent properties. With respect to condition 1.3 which requires increasing the height of the retail to two storeys, Mr. Musson pointed out that the buildings to the east and west both have single storey structures. While it would be possible to comply with the condition, he said he did not believe it was necessary for achieving continuity. With respect to 1.2, Mr. Musson suggested staff may be too optimistic regarding the potential for viable retail, noting there is currently no successful retail in this area, particularly on this side of Hastings Street. As well, trying to put retail into the existing building where there is a mechanical room and involving the deletion of some parking would not be practical. The best solution is to leave the north face of the building as it is. Regarding condition 1.4, Mr. Musson stressed that the lobby for this building is on Pender Street. Any secondary entrance on the Hastings Street level will be small, connecting to the main Pender Street lobby and elevators. Conditions 1.5, 1.6 and 1.7 will be addressed.

Regarding the proximity of this building to its neighbour, Mr. Musson noted the floor plate is very small on this fairly tight site, and if the floor plate is reduced further it will make the office space unusable. Further, both properties have the same owner.

Discussion

Responding to a question from Mr. Beasley regarding the possibility of a shared parkade entrance, Mr. Musson agreed it might be possible. Mr. Beasley also asked for clarification regarding the applicant's position with respect to condition 1.1. Mr. Jorg Helssen, Architect, noted the existing building is 33 years old and the arcade was intended to separate some of the retail units from the street. Change of use and the addition of usable floor area would both trigger the requirement to upgrade the building which has many code deficiencies because of its age (e.g., seismic standards, sprinklers, handicap access, etc.). He agreed that, if the requirement to bring the entire building up to code can be avoided, it would be technically

possible to comply with staff's recommendation, although they think it is debatable from a design point of view. He agreed, however, that they could consider it. Mr. Musson added, if the retail use is limited to Pender Street it would be viable, but not on Hastings Street. Mr. Musson also saw no need to provide weather protection on the Hastings Street side, noting it is already very intermittent in this area. Their preference would be to retain the existing landscaping.

Concluding Comments from Staff

Mr. Kemble pointed out that the weather protection approved on the Pinnacle site to the east is fairly extensive. Mr. Segal noted the landscaping is on City property. With respect to the viability of retail on Hastings Street, Mr. Kemble pointed out that while the retail in this area may not be thriving currently, considerable changes will occur over the next five to ten years and consideration needs to be given to how Hastings Street is expected to develop. Staff believe retail will be very viable on both Hastings and Pender Streets.

Responding to a request for clarification from Mr. Beasley regarding standard condition A.1.2, Mr. Kemble advised a reconfiguration of the tower is not intended. However, there may be ways, perhaps through the type of glazing used, to improve the privacy between the two buildings.

Mr. Scobie pointed out there is no reference in the conditions to a single site covenant, which could be incorporated in condition A.2.5.

Comments from Other Speakers

None.

Panel Opinion

Mr. Shearing reported that the Urban Design Panel was very much in support of the tower and the massing. The 36 ft. separation was considered acceptable and it was noted there is precedent in the area for this type of building separation. The Panel's main comments were around the Pender and Hastings Street elevations where the Panel felt the scheme had not gone far enough in its integration with the adjacent building, particularly on the Pender Street side. Mr. Shearing suggested the applicant investigate whether the need to fully upgrade the building is necessary if the addition is only a certain percentage of the overall floor area. If this is the case and the full upgrade can be avoided, it would be preferable if the retail could be brought out as suggested by staff. The Panel also felt that increasing the ground floor retail to two storeys on Pender was important. The Panel also felt that not enough had been done to integrate the two buildings on Hastings Street. The suggestion of combining the parking entrance into one and working out the ramps will provide some opportunity for more retail or display space. Providing weather protection along this elevation is important as well. The Panel thought an entrance on Hastings Street was critical to give the building a presence on Hastings Street, perhaps with a shuttle elevator to the main lobby on Pender Street. It needs to be something more than a side door off the north/south landscaped stair as currently proposed.

Mr. Hancock said he liked the scheme and thought it was well conceived and skilfully massed. It is also a reasonably good fit in its context. With respect to condition 1.1, he noted it is a consideration item and, Building Code issues notwithstanding, it should be left in for further study, noting there may be an opportunity to work with a percentage increase as suggested by Mr. Shearing. Mr. Hancock said he felt the spirit of condition 1.2 was in the right direction. He agreed that Hastings Street does need some animation and some effort has to be made to bring some life back to the street. Mr. Hancock agreed the one storey expression on Pender Street is consistent with what is there and he saw no benefit to going to two storeys on Pender. He agreed with the remainder of the conditions and recommended approval of the application.

Mr. Kavanagh agreed with the previous speaker. He recommended retention of conditions 1.1 and 1.2 and with the deletion of 1.3. He suggested rewording 1.4, transferring the reference to a secondary entrance as a consideration item in a Note to Applicant. He also agreed with the staff recommendation that the complete application be dealt with by the Director of Planning.

Mr. Gjernes suggested that the Board delete conditions 1.1 to 1.5. The project in its context is adequately shown and the conditions may be requiring too much reworking in this case.

Mr. Roodenburg noted that conditions 1.1 to 1.5 are closely linked design development issues. He agreed with the applicant that it would be better to retain the landscaping than to create a covered walkway that will not be used. He suggested that, in general, too much emphasis is being given to providing weather protection. The proposal is very nicely proportioned and is a good fit.

Mr. Chung agreed with Mr. Roodenburg regarding the canopies, and with Mr. Hancock that single storey retail is appropriate. He also supported investigating a shared parkade entrance. He recommended approval.

Ms. Parton thought it was a good proposal, noting it is encouraging to see an older building being saved rather than demolished. She felt there should be elevator access on Hastings Street. She agreed that one storey retail is sufficient, adding it will be a nice addition to the street. She commended the design and recommended approval of the application.

Board Discussion

Mr. Rudberg said it is a good development, nicely designed. He said he would prefer to leave the design development issues along both Hastings and Pender frontages to negotiations between staff and the applicant as it proceeds to a complete submission. He noted he agreed somewhat with the architect regarding pedestrian continuity and said he thought the degree of design changes may not be as significant as recommended by staff. He recommended amendments to the conditions, adding he agreed the complete should be referred to the Director of Planning but noting it can be returned to the Board in the event of disagreement between staff and the applicant.

Mr. Beasley said he was pleased to see how this project was progressing. He concurred with Mr. Rudberg regarding the retention of conditions 1.1 and 1.2, noting there is a responsibility to deal with the streetscape of the existing building given the project takes advantage of 70,000 sq.ft. from that building. Although not recommending an amendment to condition 1.2, Mr. Beasley said he did not feel strongly about the need to include some retail use within the existing parking structure. He agreed with Mr. Kemble's comment that this part of the city is evolving and Hastings Street will be very different once it is extended into Coal Harbour. He urged the applicant to consider this condition very carefully, noting it will not take extraordinary measures. He concurred with Mr. Rudberg's suggested amendments, with the addition of 1.8 regarding the parkade entrance, which Mr. Rudberg accepted. Mr. Beasley said he believes a shared parkade entrance deserves further consideration.

Mr. Scobie commented that it is regrettable that the issue concerning the Building By-law was not clarified earlier, which highlights the need to involve all interested parties in the very early stage of a development application. He urged staff to ensure the involvement of Permits & Licences in the Staff Committee review of applications.

Motion

It was moved by **Mr. Rudberg** and seconded by **Mr. Beasley**, and was the decision of the Board:

THAT the Board APPROVE IN PRINCIPLE Development Application No. 403824, in accordance with the Development Permit Staff Committee Report dated March 24, 1999, with the following amendments:

Amend the Note to Applicant in 1.1:

Consideration should be given to extending the existing ground level retail use out to the property line for a portion of the frontage on Pender Street, subject to Vancouver Building By-law considerations, and etc.

Delete 1.3;

Amend 1.4:

design development to the Hastings Street frontage to enliven this section of the street;

Note to Applicant: Consideration should be given to providing a secondary entrance and building lobby, to improve pedestrian flow for retail use on this side of the site.

Add 1.8:

consideration to be given to sharing the parkade entrance in order to create a more positive frontage for the existing and new buildings on Hastings Street;

Amend A.2.4:

arrangements shall be made, to the satisfaction of the General Manager of Engineering Services and Director of Legal Services, for dedication of the south 7 ft. of Lot 15 for road, and 16 and 17 if not previously dedicated;

Amend A.2.5 (a):

total site consolidation or consolidation into two parcels and a single site covenant, or other arrangements, to the satisfaction of the Director of Planning, General Manager of Engineering Services and Director of Legal Services;

CARRIED UNANIMOUSLY

**6. 955 RICHARDS STREET - DE403980 - ZONE DD
(COMPLETE APPLICATION)**

Applicant: Brook Development Planning Inc.

Request: To construct two residential towers (21 and 30 storeys) on a three to four storey townhouse podium, containing a total of 352 units and a 5,496 sq.ft. civic art gallery with three levels of underground parking.

To increase the building density from 5.00 to 6.16 FSR, an increase of 1.16 FSR (48,713 sq.ft.) for residential use in exchange for donating the contemporary art gallery facility to the City as a civic amenity, in accordance with Section 6.11 of the DODP By-law.

Development Planner's Opening Comments

The Development Planner, Mike Kemble, presented this application, noting a similar scheme for this site was approved in March 1998 and a development permit issued in February 1999. The subject proposal is identical except in two aspects, namely, the change from retail to gallery use on Nelson Street, and the increase in residential density and the increase the heights of the towers to accommodate the additional residential units. The podium treatment is as previously approved. The site is in Downtown South (New Yaletown) District which allows 5.0 FSR and 300 ft. height. The proposal involves the provision of a 5,500 sq.ft. art gallery facility to accommodate the Contemporary Art Gallery. In return for providing this amenity the proposal generates a density bonus of 48,700 sq.ft. of additional residential area which translates into 73 more residential units, adding another 5 storeys to each tower. However, the previous scheme had a 9 ft. 6 in. floor-to-floor height which has now been reduced to the conventional floor-to-floor height of 8 ft. 7 in. The increase in height is therefore 22 ft. and 34 ft., respectively, to the north tower and south towers. The height remains below the 300 ft. limit. Shadow analysis indicates that additional impact on the City park at Smithe and Richards Streets will be minimal.

Mr. Kemble advised that concerns have been expressed by the Downtown Residents Association about the appropriateness of bonussing non-local cultural uses. Mr. Kemble noted this use is permitted in the Downtown District and is documented as being a civic priority. The recommended prior-to conditions are fairly minor. Staff support the amenity bonus proposal and believe it a very appropriate use for the area and the site is well located for the gallery. The recommendation is for approval, subject to the conditions contained in the Staff Committee Report dated March 24, 1999. In addition, Mr. Kemble tabled revised standard Engineering conditions A.2.1 and A.2.2, and an amendment to A.2.11 to delete the word "exclusive".

Ms. Sue Harvey, Cultural Planner, Office of Cultural Affairs, noted the Contemporary Art Gallery was formerly a civic institution and it still holds the City's collection of contemporary art. It has long been a priority to find a space that is large enough for the art gallery to exhibit the City's collection. The gallery is currently housed in a small space not far from this site.

Applicant's Comments

Mr. Chuck Brook advised they are in concurrence with the Staff Committee Report, and recent discussions with Engineering staff have resolved issues that arose from the conditions which have now been revised. He added, they are pleased to be able to provide a new home for the Contemporary Art Gallery. He thanked staff for working with them to meet their schedule objectives by accommodating the change for the art gallery. He confirmed that the issues raised in the report will be addressed in condition 1.3.

Comments from Other Speakers

Mr. Noel Best, member of the Board of Directors, Contemporary Art Gallery, advised they are very supportive of this proposal and believe it is the kind of facility they need. He expressed appreciation for the work done by Social Planning, the developer and the architects.

Mr. Brook advised he was requested by the applicant for the project across the lane (940 Seymour) to advise the Board that the model illustrates the previously approved development permit for that site. The applicant, Buttjes Architecture, will be submitting a revised form of development with two smaller towers rather than one tower.

Panel Opinion

Mr. Hancock noted this project has been well scrutinized and all the issues that have arisen have been addressed. He recommended approval.

For the record, Mr. Gjernes noted that the owner of this development, through a separate company, does a lot of work with his company, Greystone, and one of the participants in this project is one of their shareholders. He supported the project and said he felt the gallery was a very fair trade-off for the extra density.

Ms. Parton also supported the application and agreed it is a good deal for the City. She commended the architects on the design.

Mr. Chung recommended approval, stating it is a unique project.

Mr. Roodenburg noted the additional density has minimal impact. It is a wonderful project and the space for the art gallery is fully supportable. He recommended approval.

Board Discussion

Mr. Beasley said this is precisely the situation in which the amenity bonus, as a tool, works very well, when the impacts are so small and the developer has been so accommodating in dealing with the detailed issues in such a positive way. Ms. Lo added her supported, noting that these days it is very difficult to get funding for cultural facilities.

Motion

It was moved by **Mr. Beasley** and seconded by **Ms. Lo**, and was the decision of the Board:

THAT the Board APPROVE Development Application No. 403980, in accordance with the Development Permit Staff Committee Report dated March 24, 1999, with the following amendments:

- A.2.1 provide 16 visitor parking spaces, including 1 disability space, located to the satisfaction of the General Manager of Engineering Services; the disability space plus 5 other visitor parking spaces are to be made available to the amenity bonus (art gallery) during regular operating hours, and signed accordingly.
- A.2.2 provide a parabolic mirror at the top and bottom of the ramp from elevation 55' on level P1B to elevation 51' on level P2A for improved visibility.

Delete the word "exclusive" from A.2.11.

7. **OTHER BUSINESS**

The Chair noted there will be a tour of built projects on Monday, May 3, 1999. There will be no regular Board meeting that day.

Mr. Beasley raised a question regarding the Board's procedure. At the time the Board and Panel members break to review the model and drawings, he said he would prefer it if the applicant and members of the public remained seated. Mr. Scobie expressed some concern that members of the public also have the opportunity to review the materials. In discussion, members of the Advisory Panel said they felt it was more productive to be able to review the material separately from members of the public. Mr. Rudberg concurred.

There being no further business, the meeting adjourned at 7.30 p.m.

Carol Hubbard
Clerk to the Board

F.A. Scobie
Chair

/ch