

Meeting: No. 477
Date: Monday, April 3, 2000
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

P. Grant Representative of the Design Professions [Urban Design Panel]
[for J. Hruda]
J. Hancock Representative of the Design Professions
A. Gjernes Representative of Development Industry [for Item 3 only]
P. Kavanagh Representative of Development Industry
R. Mingay Representative of General Public
M. Mortensen Representative of General Public [for Items 2 and 3]
R. Roodenburg Representative of General Public

Absent

J. Hruda Representative of the Design Professions [Urban Design Panel]
B. MacGregor Deputy City Manager
J. Leduc Representative of General Public

ALSO PRESENT:

R. Segal Development Planner
M. Kemble Development Planner
L. Schmidt Development Planner
N. Peters City Surveyor

Item 3 - 1253 Johnston Street - DE404138 - ZONE FCCDD
[COMPLETE]

Mr. Hotson Hotson Bakker Architects

Item 4 - 1138 Melville Street - DE404799 - ZONE CD-1
[COMPLETE]

[No representation] Architectura

Item 5 - 1680 Bayshore Drive - DE404799 - ZONE CD-1
[COMPLETE]

Mr. Ehman Downs/Archambault & Partners
Mr. Shearing Blue Tree Management Inv. [Canada] Ltd.

Acting Clerk to the Board: M. Penner

1. MINUTES

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of March 20, 2000 be approved, with minor amendments.

2. BUSINESS ARISING FROM THE MINUTES

None.

3. 1253 Johnston Street - DE404138 - Zone FCCDD [Complete Application]

Applicant: Hotson Bakker Architects

Request: To add a four-storey [1 715 m² 32-room] annex and to alter a portion of the interior and exterior of the existing hotel.

[**Note:** Due to conflict of interest, Mr. Mortensen left the Panel for this item]

Development Planner's Opening Comments

The Development Planner, Ralph Segal, introduced this four-storey project which would increase the number of rooms from 54 to 86 to the existing Granville Island Hotel located in the north-east end of Granville Island. Mr. Segal referred to a couple of minor issues: one being the ground level units, close to the walkway, which would require some element of screening to be worked into the design [to be addressed by Mr. Hotson]; the second issue was the proposed height which would be somewhat higher than portions of the existing hotel. However, the applicant had undertaken a comprehensive view study which concluded there would be no substantial view impacts on residents of False Creek.

Mr. Segal went on to explain staff's process which had referenced this proposed hotel expansion to the Granville Island Reference Document [GIRD] which regulates this Federal land, and that Council had ratified this increase. He also referred to a minor floor area discrepancy that CMHC had raised, but confirmed that this proposed addition would be well within the provisions of the GIRD. Mr. Segal next referred to the discovery that 12 parking spaces would be displaced, rather than 10 as noted in the Standard Engineering Conditions; however, he assured the Board there would be sufficient parking to accommodate this addition.

Mr. Segal informed the Board that 780 residents on Granville Island and surrounding neighbourhood had been invited, by letter, to an Open House. Only 31 individuals attended, none of which were False Creek residents, and all voiced their approval for this project. To the Planner's knowledge, no neighbouring issues had been raised and staff were pleased to recommend approval.

Mr. Beasley enquired if there had been any commentary from the floating home co-op community next door; Mr. Segal advised their responses had all been supportive.

The Chair referred to the discrepancy of 12, rather than 10, parking spaces being displaced and asked if this would require an amendment to Condition A.2.3. Mr. Segal confirmed that it would.

Mr. Rudberg interjected that at times it was a question of how the inventory was prepared and how many spaces had been allocated to that area; there is a possibility of there having been 10 spaces for inventory purposes, which later were re-striped to indicate 12, and suggested that Condition A.2.3 perhaps be amended to read "reduced to a number to be verified by the City Engineer".

The Chair referenced CMHC's letter [Appendix F] which quoted a price for each of the 10 stalls, but suggested this should be worked out between the applicant and the Trust, and between the Trust and City Engineer.

Ms. Lo enquired about the location of parking in relationship to the hotel and Mr. Segal confirmed it would be close to the hotel. Mr. Hotson advised there were no assigned parking spaces on Granville Island, with a few exceptions, i.e., Emily Carr, as well as a couple of tenants who had their parking spaces “grandfathered” into their lease agreement. He further noted that as the Granville Island Hotel was situated on the quiet end of the Island, there would be no difficulty for hotel guests to park close to the hotel.

Applicant's Comments

Mr. Hotson first dealt with the Permits and Licenses Department’s requirements and stated that in the early design stages a code consultant had reviewed their concept, had informed them of the various required procedural steps and would strategize the proposed solutions in a report that would accompany their building permit package.

The Chair drew attention to P&L’s Item 3 which referred to Drawing A-204 and asked the applicant for an explanation re the proposed floor separation. Mr. Hotson advised this had resulted from the way in which the 4th level of the building would be exited; i.e., by way of stairs leading down to the 3rd floor for a combined exit and that an equivalency would be presented to P&E for this unusual proposed approach.

In response to Mr. Beasley’s question concerning views and screening as per Condition 1.1, Mr. Hotson referred to their recent presentation to the Urban Design Panel and that the issue of ground level units had generated various solutions, which had ranged from a reduced level of glass to the introduction of landscaping for partial screening. After advising the Panel of the hotel’s use of wooden shutters on the inside of all their windows, and that the proposed use of these low grade units would often be for small meeting rooms, with adjacent sleeping quarters, the Panel had agreed that this would be the most logical and practical solution, thereby leaving the screening to the discretion of the occupants.

Mr. Beasley asked Mr. Segal whether he had any difficulty if Condition 1.1 were deleted. Mr. Segal stated this would not be a problem.

Comments from Other Speakers None

Panel Opinion

Mr. Grant confirmed the Panel’s unanimous support for this well-designed project and that all issues had been resolved. A discussion concerning the issue of glass at the ground plane of the two units at the north end had ensued, but the members had concurred with Mr. Hotson’s solution of voluntary screening, in the form of wooden shutters. The lack of late afternoon sun on the courtyard which would be created by this proposed addition had also been discussed and satisfactorily resolved.

The Chair asked whether the Panel did not wish to proceed with Condition 1.1. Mr. Grant agreed.

Mr. Hancock approved of this commendable project, liked the creation of a courtyard and felt the hotel’s close proximity to the water would be a plus. He had no objection to the deletion of Condition 1.1, and presumed the floor separation was a code issue to be dealt with later. He found this to be a supportable project.

Mr. Kavanagh agreed with the previous speakers and the deletion of Condition 1.1. He felt no need to protect the inhabitants of the base grade units from the view; and that Condition A.2.3 should be amended to read “to the satisfaction of the City Engineer”.

Ms. Mingay agreed with all previous comments, thought it was a nice project and supported it.

Mr. Rootenberg also agreed with all other speakers and concurred with the deletion of Condition 1.1.

Members of the Board

Mr. Rudberg reflected that he had been present during the proposed floating hotel addition and felt this was a much better solution. He moved approval with the deletion of Condition 1.1 and amending Condition A.2.3 as previously discussed.

Mr. Beasley seconded Mr. Rudberg's motion and added that this process, while it had been slower than hoped for, had in fact been the right way to proceed, even though there was no applicable by-law for us to administer, but to have Council's endorsement to consider this application made it a mandate of this Board to consider it. He concluded by stating this was a good, gentle solution which would be advantageous for the Island and was pleased to support this motion.

Ms. Lo agreed with the above.

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. DE404138, in accordance with the Development Permit Staff Committee Report dated March 22, 2000 with the following amendments:

Delete Condition 1.1

Amend Condition A.2.3 by striking out the words "by 10 spaces" and inserting instead "*to a number to be verified by the City Engineer*".

4. **1138 Melville Street - DE404833 - Zone DD**
[Complete Application]

Applicant: Architectura

Request: To change the use of amenity and parking areas [originally excluded from FSR computation] to Cultural/Recreational use [ceremonial space] and ancillary storage use for a total area of 315.2 m² by way of heritage FSR transfer in accordance with Section 3.12 of the DODP By-law.

The Chair noted that neither the applicant, nor representative from Architectura, were present and enquired whether staff discussions with the applicant to this point had suggested there was any area of concern on the part of the applicant? Mr. Kemble responded “no” and the Chair proceeded.

Development Planner's Opening Comments

The Development Planner, Mike Kemble [Retired], advised that this building was nearing completion on the south side of Melville Street, where the First Nation’s land claims were going to be taking place shortly. This application would allow a change of use of amenity space on the 2nd floor for ceremonial use, and a portion of parking level 4 area to storage space, to be accommodated via an approximate 34,000 sq. ft. density transfer. Mr. Kemble advised that the areas referred to had previously been excluded from FSR calculations, and would not impact on the bulk or appearance of this building

The Chair asked whether this would impact on parking. Mr. Kemble said it would not - that there actually was an overage.

Mr. Beasley enquired where this density would be coming from and was informed by Mr. Kemble it was from the old Vancouver Library on Robson Street.

Applicant’s Comments None

Comments from Other Speakers None

Panel Opinion There were no comments.

Members of the Board

Ms. Lo recommended approval of this use of density transfer from the City’s heritage pool. The Chair acknowledged this would make headway towards resolving, or re-using, accrued density that had been derived from the former Vancouver Library site.

Mr. Rudberg asked whether transfers of density required Council’s approval or could the Board approve it, and was advised that up to 10% of density otherwise permitted on a site could be added via transfer without Council approval.

MOTION

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

THAT the Board APPROVE Development Application No. DE404833, in accordance with the

Development Permit Staff Committee Reported dated March 22, 2000.

5. 1680 Bayshore Drive - DE404799 - Zone CD-1
[Complete Application]

Applicant: Downs/Archambault & Partners - Mark Ehman
- Jane Durante, Landscape Architect

Developer: Blue Tree Management inv. [Canada] Ltd. - Norm Shearing

Proposal: To construct a 22-storey multiple dwelling development containing 92 dwelling units with three levels of underground parking.

Development Planner's Opening Comments

The Development Planner, Mr. Mike Kemble [Retired], opened his presentation by correcting the last line of Condition 1.1 in the "Note to Application", which should read "1 ft. 8 in." not "1.8 ft.", also Condition A.1.13 should start with "consideration be given to . . ." and end with "if possible." The Chair stated "if possible" was not needed.

Mr. Kemble introduce Tower 'C' as the last of the Georgia Street towers on the Bayshore Site; Towers 'A' and 'B' had been completed and Tower 'D' had recently received approval from the Board. He stressed Tower 'C's key position on this 120 ft. x 180 ft. site along Georgia Street, which has a 9 ft. slope in topography from Georgia Street down to Bayshore Drive.

Mr. Kemble referred to 1990s-approved design guidelines for this site, which were revised approximately 1 year ago. He noted the Bayshore site was to have contained a series of distinctive gardens, each with its own character. For this site, there was to be a formal landscaped plaza with rose arbours, and formal walkways at Bidwell Street, also adopted was a consistent 33 ft. setback to accommodate formal spacing for the towers along Georgia Street, as well as a future transit right-of-way. However this application presents a less formal treatment of the public area, with more green space, more terrace planters on the west side, to include water feature and public garden, as well as an indirect 5 ft.-wide sidewalk connection. He also pointed out that the "family" of towers on Georgia Street had been raised on "pilotis" to maximize views and transparencies of the bases.

Mr. Kemble also referred to development issues of tower heights noting that building grades had been measured from Georgia Street as Bayshore Drive had not existed at that time - thus Tower 'B' exceeded the permitted guideline height by approximately 10 ft. The establishment of Bayshore Drive, which is at a lower elevation than Georgia Street, resulted in the north side of Tower 'C' being approximately 5.4 m above guideline height; however, a text amendment was in progress to calculate height from Georgia Street and if approved, the proposed height would meet the guidelines. He also noted there would be some minor shadowing from this tower from noon till approximately 2:00 p.m. He advised that the Panel supported the height relaxation and staff recommended approval.

Mr. Kemble drew attention to the first two towers, Towers 'A' and 'B' on Georgia Street, as having a low base clearance of only 11.5 ft. with blank walls facing Georgia Street. Therefore staff insisted that considerable improvements would be required for this application, in order to clear the base height above Georgia Street by 15 ft.; this would still not bring it up to Tower 'D's height (located at 699 Cardero Street) at approximately 20 ft. Therefore, staff were seeking another 20 in. reduction in height, i.e., approximately 1 inch per floor - which would reduce the floor-to-floor heights from 9 ft. 1 inch to 9 ft. so as to maximize the views between Towers 'D' and 'C'

which are primary pedestrian and public view points as seen from Georgia Street, as per Condition 1.1
Mr. Kemble also confirmed staff's recommendation for further open space design development which would improve its sense of publicness, providing a more welcoming and direct pedestrian linkage to Marina Park, extend the lookout point farther north, and widen the walkway so as to be more consistent with other diagonal connections to the east - as per Condition 1.2.

With respect to the notification of this proposed development, in response to 472 neighbouring property owners having been notified, only 3 had responded and that their concerns about the area density and increased traffic had been covered during the last rezoning stage in 1999.

In conclusion, Mr. Kemble referred to the considerable improvements over the previous Georgia Street towers; but stressed that minor improvements to tower base height and substantial improvements to the public open space treatment were being recommended to the applicant and that, in general, this was a high quality proposal.

Mr. Beasley enquired that at the time of the rezoning of this entire site, had this area not been indicated as barrier free access? Also, had the Disabled Committee been asked for advice, and had they supported this access pattern? Mr. Kemble answered that the rezoning document had not actually identified a principal pedestrian connection across this particular site; the Disabled Committee had not been asked for input but stated that if specific access requests had been made, they would have been incorporated in the guidelines.

Ms. Lo referenced the main view corridors between Towers 'D' and 'C', and requested the merit of Condition 1.1's recommendation to increase the base height 20 inches and what difference would this make, also, why 20 inches, why not 22 inches? Mr. Kemble responded that the 20 inches related to the 20 storeys where the height could be reduced by 1 inch in the floor-to-floor height - and that any height decrease that could possibly be negotiated would make a difference at grade level; at which time Ms. Lo questioned the cost/benefit of such a change.

Mr. Gjernes enquired about the size of the ground floor base, and what would the footprint be on this proposed tower, vs footprints of the other towers at ground level. Mr. Kemble wasn't sure of the actual figures but thought they were more or less the same size.

The Chair asked for clarification of Condition A.2.8 and noted this could possibly be an error in the plans that had been submitted with respect to building grades, and asked whether the lowered building grades would further impact building height. Mr. Kemble confirmed this was obviously an error the architect had made and that the figure being revised reflected official City building grades. The Chair asked whether correct building grades had been used for calculations. Mr. Kemble confirmed the plans had incorrectly referenced building grades, but correct building grades were used in calculations.

The Chair queried Condition A.1.10 - specifically the implied uncertainty in "provide existing grade at the interior corner of the site from the survey plan". Mike Kemble confirmed no grade had been shown on that corner and Mr. Peters acknowledged that grades along Bayshore Drive were set at City building grades, that the lot corner didn't abut the street, and therefore staff had asked that a land surveyor determine what the existing grade was. The Chair translated that the base surface had not included that corner of the site but actually had only gone along the northerly boundary of the site along Bayshore Drive.

Messrs. Peter and Rudberg confirmed that as this corner of the site was currently excavated as part of adjoining site development, this condition was not required.

The Chair stated that if a hole did exist at this location, then Condition A.1.10 was redundant and could be deleted.

The Chair enquired about Condition A.2.10 - that if this referred to the diagonal walkway which would go across the site at Tower 'D' to the central green, would it be that statutory right-of-way, referred to in Condition A.2.10 clause (a), or did that statutory right-of-way refer to the western edge? Mr. Peters said Condition A.1.10 referred to modification of the right-of-way across the northeast corner of the site.

Mr. Beasley enquired whether there was in fact a statutory right-of-way securing public access running diagonally between Towers 'A' and 'B'. Mr. Kemble did not think so and thought this was an oversight.

The Chair enquired how the western pedestrian route would go through the site or the view lookout for that matter. Mr. Kemble advised this would have to be defined by a right-of-way, as noted in Condition A.1.14.

Mr. Beasley asked Mr. Kemble if he had any problems with those conditions and was advised no.

Applicant's Comments

Mr. Ehman confirmed that Tower 'C' had been considered to be a "sister" tower to 'B' and thus the similarity in height and massing. He explained that in order to eliminate the understorey of Towers 'A' and 'B', their clients had allowed the second floor slab to be raised which enabled them to reduce the ceiling height of the typical floors by 1", from 2,800 mm in Tower 'B' to 2,775 mm in Tower 'C'. They had also been able to develop a more efficient structural design which enabled them to eliminate the thick transfer beam at the 2nd storey which enabled the 15 ft. rise at the base, 5 ft. 3 inches higher than Tower 'B'. He confirmed that the UDP had supported this design as is, and thought it to be a real improvement from Towers 'A' and 'B'. Mr. Ehman referred to the City's request for a further reduction in the soffit height beyond the 15 ft. which would result in a floor-to-floor height reduction and cause their client marketing concerns. He referred to their discussion with staff which had resulted in a reduction of the soffit by 16 inches, not 20 inches as noted in the report, provided that the penthouse level would remain at the same elevation as the existing Tower 'B' penthouse, noting this had been a commitment made to the owner of the Tower 'B' penthouse. He suggested perhaps some opportunity would arise during the finalization of the working drawings to further raise that soffit; however, technical considerations would need to be given for incorporating plumbing etc. under the 2nd floor.

Mr. Shearing confirmed they and their client had recognized that Towers 'A' and 'B' were not very successful in terms of their urban design. He further noted they had tried to improve the design of the proposed Tower 'C', by reducing the floor-to-floor height from that which had been marketed in Towers 'A' and 'B', which had resulted in one storey being absorbed in the tower, and that the UDP had supported this. Mr. Shearing referred to their subsequent meeting with staff that had culminated in a more realistic soffit height of 16 inch. He also referred to staff's comments about a text amendment being initiated by the developers of Tower 'D', which, if approved, would allow them an increase in height, and would also affect the Georgian Street towers. However, Mr. Shearing reiterated that this text amendment had been initiated by Tower 'D' owners, not by Blue Tree Management, and had anticipated any height increase would be supported by the merits of their application. He further remarked that initially these towers had been seen as urban "book ends" for the Bidwell Plaza and that Tower 'C's height could be increased but that would defeat their original plans of keeping these two towers identical and asked that the Board consider 1 ft. 4 inches, as opposed to 1 ft. 8 inches. He asked Ms. Jane Durante to discuss their proposed landscaping and open space concept - and advised that additional drawings had been brought in [for references only] during the Board's recess, but that staff had been apprised of this.

Ms. Durante referred to the 1990 rezoning of this whole project, with the intent that the Georgia Street residential towers would be situated in a series of gardens, incorporating water elements, different architectural character and that this had basically come to fruition and in order to achieve as much green space as possible for these two recent towers, they had stepped 14 ft. away from the western end. In order

to ensure that the pathway between the building would be the major view corridor for the pedestrians walking down Georgia Street, a number of alterations had been made: the pedestrian outlook plaza had been widened from 9.5 m to 18 m across the face, the pathway had also been widened in both the “stepped” and “ramp” alternatives, which changed their relationship to Bayshore Drive; the proposed public art will remain as planned, and the paved portion had been extended and will encircle the public art. Ms. Durante noted the ramping of the walk was only 5%, would require no handrails, landings, etc. and was intended to draw the public to the open green space.

The Chair enquired whether or not the 5% slope in the ramp had been incorporated in response to the anticipation of the Staff Committee’s recommendation and how did Ms. Durante feel about that element in terms of the environment created relative to the stepped pathway. Ms. Durante confirmed that either is acceptable.

Mr. Beasley asked whether a public right-of-way had been registered. Ms. Durante advised there was no right-of-way registered. He further enquired of staff why the City didn’t have a right-of-way between Towers ‘A’ and ‘B’, and Mr. Rudberg said he wasn’t sure.

Mr. Beasley continued, stating this was no doubt a mistake as the intent would be to have public access on both of the proposed paths between Towers ‘A’ and ‘B’, and between Towers ‘C’ and ‘D’. He further asked when the 1 ft. 4 in. additional height in the base would be achieved, what would the clear dimension be between floor-to-ceiling that would be marketed and how would that compare to what exists on the adjacent building to the west. Mr. Shearing responded it would be 2 inches shallower/lower. Mr. Beasley enquired as to the exact numbers; Mr. Shearer advised that floor-to-ceiling height in Towers ‘A’ and ‘B’ was 8 ft. 7 in. and in Tower ‘C’ they were now at 8 ft. 5 in., bearing in mind this would be a fully air conditioned building, requiring a dropped ceiling to accommodate the mechanics.

Mr. Kavanagh requested clarification of the penthouse tenant in Tower ‘B’ who had been referred to somewhere in the middle of the applicant’s presentation. Mr. Shearing answered that an agreement had been made with the penthouse owner in Tower ‘B’, which had been purchased showing Tower ‘C’ in its previous form and place as a neighbouring building, at which time the levels were equal and that they now found themselves in a predicament in wanting to honour what had been marketed and satisfying their neighbours, yet were now faced with a staff recommendation to raise the tower height or unacceptably reduce floor-to-floor height.

Mr. Gjernes commented that although the applicant had suggested they would not rely on the text amendment related to Tower ‘D’, rather preferred to stand on their own, he understood that the actual permitted height under the zoning would allow this applicant to stand on their own, as Tower ‘C’’s height was just in excess of the guidelines and technically the Board could approve this relaxation knowing that the pending text amendment could affect the whole site.

Mr. Shearing wished to address staff’s Condition A.1.14 concerning a required statutory right-of-way. He stated that at no time during the rezoning in 1992 had it been contemplated that there would be a need for a statutory right-of-way over the portion of the Tower ‘C’ site, although it had been recognized and carried out in the planning that the plaza would be required to provide public access - but this had not been secured under a right-of-way. Two years ago when Phase I was being developed, a request had been made by the Fire Department to increase their access to the restaurant along the western boundary of the hotel. This resulted in the Fire Department’s request for additional width associated with the right-of-way which was then explored extensively through various City departments. The conclusion was that it was too late, as this had not been contemplated at the time of the rezoning; additional right-of-way should not be required and that the Fire Department would need to deal with the 20 ft. which

had originally been contemplated. Mr. Shearing went on to liken that to the condition that existed now - that they had every intention of providing a public plaza and access through to Bayshore Drive, but felt the encumbrance of a statutory right-of-way over that land at this point would be incredibly onerous.

The Chair advised Mr. Shearing that he recalled the Phase I right-of-way issue and thought it had been different because the requested extra width a right-of-way would have caused some significant design implications relative to what had been contemplated, whereas in this case he couldn't see any change in the intended use of this space - that it was simply a staff recommendation that it be secured by way of a public right-of-way to use what had been intended to be a public plaza. He noted there would certainly be legal, marketing and presumably liability issues that would go along with that, but didn't believe it had the same design implications as did the Fire Department's access with respect to the hotel, which had been satisfied via access from another direction.

Mr. Shearing referred to the principle of this issue - that it had not been contemplated originally, that it had not appeared in any legal agreements and should, therefore, not be a required condition at this time.

Mr. Beasley asked whether the City had been a party to their client's promise to the Tower 'B' penthouse owner. Mr. Shearing replied that this gesture went back to being a responsible developer in that what was presented to those purchasers was in good faith and to communicate to them any changes, e.g., such as the text amendment for the Cardero precinct; however, to approach these owners now would be creating a hardship.

Mr. Beasley assured Mr. Shearing that he understood this agreement but the fact remained a legal agreement with the owner did not exist. Mr. Shearing advised he had not been a party to those sales agreements; however, while a legal document may have not been executed, his client felt there was an obligation that must be respected.

Mr. Beasley reflected that a portion of the proposed development exceeded guideline heights and that the applicant had requested appropriate flexibility to accommodate their private program needs and that staff had no difficulty with this. However, it seemed that height became more important in one case than the other which he had difficulty understanding and that should a legal agreement exist that the City had been party to, he would indeed concur with the applicant's views on this penthouse matter. Mr. Shearing reflected that this went back to Tower 'B' which had gained support for its height and that the height presented for Tower 'C' was supported by staff based on the criteria just presented. He felt what had been requested and what would be achievable would perhaps be a split, i.e., 1 ft. 6 in.

The Chair referred to Ms. Lo's earlier comment about cost vs benefit and asked if there was an analysis that would demonstrate what the benefit would be of the 1 ft. 6 in. height and how it would be affected if it were only 1 ft. 4 in. vs 1 ft. 8 in.? Mr. Shearing admitted the difference was marginal and suggested that this condition be reworded to read "1 ft. 4 in. or higher, if possible". Mr. Beasley stated that he would support the amendment.

The Chair asked whether Mr. Shearing had any further comments he wished to make on any other conditions. Mr. Shearing suggested the following amendments/deletions: Condition 1.1- requested the wording be changed to read "1 ft. 4 in. or higher, if possible"; delete Condition 1.2 as well as the first two points - agree with the third point; and delete Condition A.1.14.

Mr. Rudberg referred to protected public linkage at the foot of Bidwell Street to Bayshore Drive and noted it was a prime public linkage as Bidwell Street connects to the north towards the major central park. All previous zoning documents reference this public open space and therefore, without a right-of-way to ensure the public's access, it could be gated and having a right-of-way would ensure the envisioned public space would remain so. To have it otherwise would be to digress on our part, inviting gating or some other form of discouragement to deny public access to this amenity.

Mr. Shearing rebuttalled that those were valid points, however the main issue was land. He stated they could develop some design conditions, alter ways of ensuring that it wouldn't be gated particularly in terms of allowing public access; however, not within a statutory right-of-way and felt there were other ways to assure the City that public access would be achieved.

The Chair voiced his curiosity as to what those other ways might be and referred to the site visit just prior to this meeting with Messrs. Beasley and Segal. They had walked a block to the east, to Harbour Side Towers, which does have a public right-of-way through the middle of that site, and coming down northward to the street had observed a chain link fence running the full length of that site with a "Private Property" sign affixed to it. Either end had vehicular access into that property; however, there's no trespassing for the public, and that was with the existence of a right-of-way. It would be difficult to know what would be done if there were no legal obligation on title to provide that access and although the applicant could design alternate public access, the owners can ultimately take control of "their" property - that is staff's concern.

Mr. Gjernes stated that a right-of-way was not giving up title to land, but rather provided access through the land. Mr. Shearing acknowledged this fact, but voiced concern for the neighbouring residents' right to enjoy their living space, without providing a gathering place for the public, to generate noise and activity.

Mr. Beasley stressed that the problem would not be with the applicant or the development, but rather when a strata corporation decides to 'privatize' the area by erecting fences and installing gates. He stressed the difficulty would be in the signage which would intimidate the public and that the right-of-way was in the spirit of the original zoning, i.e., rather than taking a road to connect through on the existing grid as would have been done elsewhere, staff had decided to proceed with a variety of gardens, pathways, etc. and if this public open space were not to be maintained, we would have lost something by virtue of that not having been achieved. He challenged the applicant that if an alternate to a right-of-way was viable, it be tabled at this time.

The Chair questioned whether the Board would be inclined to approve this condition, with the opportunity for the applicant to come back to the Board and ask for that condition be revisited if they had an alternate that would adequately protect the open space and the Board would then decide whether or not it wished to go for an alternate rather than a right-of-way?

Mr. Beasley referred to the word "arrangements" in the condition and that if the applicant could come up with an alternate arrangement, then fine - but felt the Board should make it clear that it would not settle for something with less impact than a right-of-way.

Mr. Gjernes confirmed that an applicant could always come back with another proposal but thought that the very reason the owner wants to control that space, runs counter to the public's objectives; the intent of the zoning documents was to have an open space for the public to access and some measure of control would be lost in the future if this area would be gated, fenced or have signage and that would not be what the term "public open space" had intended.

Mr. Shearing queried that if the right-of-way were to happen, would the City take over the maintenance and care of the public art facility? Mr. Beasley replied that as this would not be a dedication, rather a right-of-way, the City would not be responsible for landscape maintenance, etc.

Mr. Gjernes noted that Appendix D, Page 3 of 3, Item 1.1.5 referred to "Plaza and Landscape Design: The Source Garden and the Water Terrace" and that no reference had been made to this being public.

Mr. Kemble referred Mr. Gjernes to Appendix E, Page 8 of 8, clause 4.1.4 which refers to public access and that policy requirements clearly indicate this entire area as being public open space.

Mr. Grant asked whether the applicant was proposing an alternate to the connection between West Georgia Street and Bayshore Drive. The Chair advised there were two alternatives: one being the discovery path that had been widened to 2 m and the second one being the 1.5 m-wide ramp. Mr. Grant asked whether the applicant would go forward with either or and the Chair advised that would be for further discussion with staff, however, suspecting they would lean towards the walkway, rather than the ramp

Mr. Beasley interjected that that submission was not before the Board.

Mr. Rudberg noted there would obviously be a trade-off between a direct, wider-stepped connection and a more circuitous, narrower barrier-free connection, and sought advice from the Advisory Panel.

Public Delegations: None.

The Board viewed the models and posted materials at this time

Comments from the Advisory Panel

Mr. Grant advised the issues the Design Panel had struggled with were few; generally the building was well-received and the siting and resolution to the ground plane had been well thought out. The issue of base height had not presented an issue with the Panel - it was felt that the architectural execution relative to the buildings next door was superior. He noted there had been more debate about the nature of the landscape between Towers 'D' and 'C', but there had been no resolution as to how it should be resolved; some Members felt there should be disabled access from one level to another, but not by others. However, he commented that the presentation today might profit from a little more study of organic nature of the rather lengthy, barrier-free access from one level to another.

The Chair referred to the Panel's comment, which made reference to the last phrase in the first paragraph and quoted ". . . and consideration for partial rain cover over some of the Bidwell Street plaza." had that been the opinion of a few members or a position generally held? Mr. Grant answered the suggestion had come from just one member.

Mr. Shearing interjected by advising the Board that three of their attendees had made notes during their presentation to the UDP and none had any recollection of coverage having been mentioned. He also referred to a letter he had written to the UDP Chair suggesting that perhaps the minutes had been confused with the previous application at that UDP meeting.

The Chair noted he was seeking and had obtained clarification from Mr. Grant, on behalf of the Panel, that that issue had been adequately brought forward in the Staff Committee Report.

Mr. Hancock stated this was a well executed scheme and he was very supportive of it. He preferred it to Towers 'A' and 'B' which, when looking along Georgia Street the height is higher than that of the second floor of several buildings behind. Towers 'A' and 'B' were 16 typical and 4 penthouses and this proposed tower had 16 typical and 5 penthouses - all within a permitted 22 storeys - that meant that the lowest floor is a full floor as opposed to a ½ floor tucked in beneath. In order to achieve that increased soffit height there is an inch taken out of each floor. This floor-to-floor height was getting pretty tight for an air conditioned building and the request to reduce this by another inch may cause some difficulties. He recommended the underside of that soffit should be set to match Towers 'A' and 'B' - not to match Tower 'D', and if this requires a little bit more of a height relaxation, so be it. He

felt this would be the right thing to do because the public perception of the tower grouping at ground level is very important. He also didn't see the need for disabled access in this case, favouring the stepped walkway.

Mr Kavanagh agreed with much that had been said; he would rather see the building be a bit higher and thought there were arguments to be made for Tower 'C' being a transition between Towers 'B' and 'C', not necessarily being the same pilotis height as Tower 'B' and not going up as high as Tower 'D'. He would prefer not to see the ceiling heights reduced and therefore concurred with the deletion of Condition 1.1 and would prefer to see the tower height increased to achieve a higher soffit rather than achieve the latter by decreasing floor-to-floor ceiling heights. If its imperative that that tower height be achieved then developer should recognize the anticipation of the text amendment in the near future. He agreed with the suggestion regarding Condition 1.2 also thought it should be registered as a right-of-way and when it comes to the 2 alternatives he preferred the ramp over the stepped walkway. He saw the in the zig-zag form as a diagrammatic presentation only and felt this could be refined to be softer.

Mr. Gjernes recommended approval of the project. He thought with regard to the 15 ft. base height we were "splitting hairs" over the extra 1 ft. 4 in. He would recommend to relax the height, rather than compromise the floor-to-ceiling height. Mr. Gjernes questioned the issue of the towers needing to line up with buildings across or beside, because being separated by several hundred feet, he wasn't sure whether this would be obvious to the public. He commended Ms. Durante for the care and attention paid to the public space and suggested she not revisit it. He suggested that Condition 1.2 be deleted in its entirety. However, he did agree that this project have a public right-of-way, but would like to have it confined to the plaza rather than the whole area and made reference to the concern about fencing.

Mr. Kavanagh stated that if staff wish to ask for a higher podium as a public benefit then he thought the applicant had earned the right to a height increase.

Mr. Roodenburg stated these towers were a family of buildings that link together. He referred to this area as being a young subdivision. He felt Georgia Street and Bayshore Drive were very public, and park access to the east should be provided as this would be a way of connecting people between the West End and Pender Street. He moved that this be approved with the aforementioned amendments/deletions.

Ms. Mingay agreed with previous comments and felt the height should be relaxed.

Mr. Mortensen agreed with the various deletions of and amendments to Conditions as per other Panel members and felt that as the soffit height increase was so minimal that a building height relaxation should be approved to achieve it. He was also in support of a public right-of-way.

Motion

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

THAT the Board APPROVE Development Application No. DE404799, in accordance with the Development Permit Staff Committee Reported dated March 22, 2000, with the following amendments:

Amend the Note to Applicant following Condition 1.1 by adding the words “*or some other trade-off measure,*” after the words “heights of the tower”. . . and amend “1.8 ft.” to read “*1 ft. 4 in. or more, if possible*”.

Amend the first “bullet” in the Note to the Applicant under Condition 1.2 to read “extending the public lookout point as far north as possible, but leaving a landscaped edge to screen the driveway below;”

Delete Condition A.1.10

Delete Condition A.1.13

6. OTHER BUSINESS

None.

There being no further business, the meeting adjourned at 7:10 p.m.

M. Penner
Acting Clerk to the Board

F.A. Scobie
Chair