

Date: Monday, August 29, 2005
Time: 3.00 p.m.
Place: Committee Room No. 1, City Hall

PRESENT:**Board**

F. Scobie Director of Development Services (Chair)
T. French Assistant Director of Current Planning
B. MacGregor Deputy City Manager
P. Judd Deputy City Engineer

Advisory Panel

A. Endall Representative of the Design Professions (Urban Design Panel)
R. Acton Representative of the Design Professions - Present for Items 1 & 2 (Part of the Applicant Team for Item 3)
J. McLean Representative of the Development Industry - Present for Items 1 & 3
J. Scott Representative of the Development Industry
C. Henschel Representative of the General Public

Regrets

K. Hung Representative of the General Public
G. Chung Representative of the General Public

ALSO PRESENT:**City Staff:**

R. Segal Development Planner
M.B. Rondeau Development Planner
J. Greer Project Facilitator
M. Thomson City Surveyor

1238 Seymour Street

L. Bengel

700 Hamilton Street (CBC)

J. Bakker Hotson Bakker Boniface Haden
W. Francl Walter Francl Architects Inc.
K. Galumba CBC
J. Adair CBC

350 Kingsway

M. Ostry Acton Ostry Architects
R. Acton Acton Ostry Architects
S. Jadavji Lotus Pacific Holdings
S. Krilanovich Lotus Pacific Holdings
D. Redden Redden Development Management
A. Tim Redden Development Management

Recording Secretary: D. Kempton

1. MINUTES

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of August 2, 2005 be deferred to the next meeting for approval.

2. BUSINESS ARISING FROM THE MINUTES

None.

**3. 1238 SEYMOUR STREET - DE409464 & DE409549 - ZONE DD
(COMPLETE APPLICATION)**

Applicant: AIKID Design/Management Inc.

Request: Interior alterations to remove an existing stairway, construct a 131 sq. ft. addition to the existing mezzanine, and install a new spiral stairway in suite #1107, and construct a combined total of 318 sq. ft. of additions to expand existing mezzanines in suites #501 and #506 in the existing Multiple Dwelling/Residential Unit with Artist Studio - Class A building on this site, thereby seeking a total of 449 sq. ft. by way of a transfer of heritage floor space pursuant to Section 3.12 of the Downtown Official Development Plan.

Development Planner's Opening Comments

Ralph Segal, Development Planner, presented these applications, noting that these minor applications are before the Board because the applicants are seeking heritage density transfer. The existing building has double height floors and the previous mezzanine gained legality by heritage density transfer, this is a further application of that premise. Staff do not see any issues.

Staff recommendation is for approval to allow the existing mezzanine to be expanded to the amount shown on the drawings. The Board has previously approved such applications in this building. The maximum 10% heritage density transferable to this site will be completely used with approval of the applications.

Questions/Discussion

Mr. Scobie noted that this building has been a challenge because of the amount of illegal construction within the double height space. He questioned how many units will be lawful and how many suites will contain unlawful additions after these applications are completed. Mr. Segal responded that it is a possibility some suites will still contain illegal lofts (unlawful additions) after the 10% heritage density transfer has been fulfilled. At that time a rezoning process could be undertaken to bring further density to the site.

Applicant's Comments

None.

Comments from other Speakers

None.

Panel Opinion

Mr. Endall noted that the application will have no effect on the building exterior envelope and he has no concerns.

Mr. Acton is supportive of the application.

Mr. Henschel supports the application.

Board Discussion

Mr. Scobie stated that this is a housekeeping application in which 3 units are seeking to have unlawful construction made lawful. The Board has approved such requests on other occasions to deal with circumstances where a number of individual purchasers have taken advantage of double height and created mezzanines. These applications have come to the Board because the Director of Planning is not authorized to permit heritage density transfers.

Motion

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

THAT the Board APPROVE Development Application No. 409464 & Development Application No. 409549, in accordance with the Development Permit Board Report dated August 29, 2005.

**4. 700 HAMILTON STREET - DE409307 - ZONE DD
(PRELIMINARY APPLICATION)**

Applicant: Hotson Bakker Boniface Haden

Request: Alterations and additions to the existing CBC/Radio-Canada building; and the development of the south (Robson Street) portion of the site with a mixed-use development containing retail and residential uses, with a 17-storey residential tower and a 29-storey residential tower over a retail/residential podium, over five levels of parking (on the south portion of the site only).

Development Planner's Opening Comments

Ralph Segal, Development Planner, presented this application for alterations and additions to the existing CBC/Radio-Canada building; and the development of the south (Robson Street) portion of the site with a mixed-use development containing retail and residential uses. The current CBC site comprises an entire city block and is a notable building constructed in the late 60's/early 70's. This application will involve substantial renovations and additions to the CBC complex as well as adding 2 residential towers on Robson Street with 2 levels of retail and 3-storeys of residential on top forming a podium.

Referring to posted drawings, Mr. Segal reviewed the site context in relation to Library Square, the QE Theatre and the recently approved 21-storey building at 821 Cambie Street. This preliminary development application is requesting 5 FSR including 2.8 residential FSR. The 2 residential towers at Robson/Hamilton Streets and Robson/Cambie Streets would be 184 ft. high and 293 ft. high respectively. Referring to page 1 of the Development Permit Staff

Committee report dated August 17, 2005, Mr. Segal noted the reference at the bottom of the page to the number of storeys which should be corrected from 17-storeys to 19-storeys. Also the bottom line of the report should change from 29- storeys to 31-storeys although the total height in feet remains the same. These changes are a result of debate about whether the podium was included in the storey count.

Mr. Segal referred to the landscape drawings and described the series of open spaces, green roofs and public spaces on the Hamilton Street side, predominantly. There is a proposed courtyard to allow the public to venture onto the site and take routes through the site, as well as an amenity for pedestrians along Hamilton Street. The proposed Courtyard also has provisions for a café frontage with setback and a stage area (if approved in principle). The intent is to have programmed activities in the stage area. The existing Georgia/Hamilton plaza will be revamped for various broadcast studios. The Robson Street end of the site contains a Grand Stair coming up from the street and accessing an arcade level public area forming one of the means in which public can permeate the site. Staff are recommending the north end of the tower be pulled in so as not to extend as much as it does over the open space. Currently the north end of the tower projects over top of the water feature and courtyard which are seen as a public benefit. Generally staff believe that this application responds quite well to the desire for pedestrian amenity in the area and building massing is sympathetic to the area.

One significant issue for the Board to consider is the height of the 2 proposed towers. This site lies in area C of the DD zone where the height maximum is 150 ft. The Board may increase that height up to 450 ft. although there is a view cone passing over the site. This proposal is requesting approximately 300 ft. with the taller of the 2 towers meeting that height and the lower tower slightly over 150 ft. There is a proposed emergency broadcast antenna which would protrude into the view cone and Mr. Segal noted that staff are recommending it be removed.

Staff assessment has concluded that adhering to the 150 ft. height maximum would result in a massive building along Robson Street which staff feel is not desirable for the Robson Street frontage. Generally staff believe that the notion of a taller and slimmer building form plays out well and would allow more opportunity to generate public open space (permeability) for the general public.

Mr. Segal described the improvements to open spaces that are included in this proposal, noting that the applicant is seeking to have 12,000 sq. ft. of community amenity floor area excluded as well as the above grade bicycle storage. The by-law limits exclusion of floor area on any one site to 10,000 sq. ft. and the applicant is currently proposing 15,000 sq. ft. for exclusion. In order to exclude the bike storage the Board would have to employ the hardship clause. Staff recommend that the applicant adhere to the premise that bike storage should be at or below grade and that the Board should not employ the hardship clause in this case.

The neighbourhood notification resulted in a number of objections from residents of buildings across Robson Street. The objections were predominantly regarding the proposed height. Mr. Segal noted that the applicant has done an expansive view analysis and staff concluded that while some higher units will suffer view loss, overall the taller slimmer formula is better way to go. The mid to lower level units will have view slots that would not be available if the 150 ft. height maximum was applied.

In summary, staff feel this proposal has a great many benefits that will enhance a city block in terms of public realm. The recommendation is for approval in principle.

Questions/Discussion

Mr. MacGregor referred to condition 1.6 regarding weather protection and sought clarification about weather protection in between the towers. Mr. Segal responded that the pedestrian weather protection would be continuous at a height of 9-10 ft where the tower sits on columns 30-40 ft. above.

In response to questions about the proposed emergency antenna, Mr. Segal deferred to the Applicant, Mr. Bakker, who described the overall size of the antenna as 12 in. square at the base, 6 in. square at the top and 75 ft. high from the base at deck level to the top. Mr. Scobie said that the Official Development Plan states that no part of the building may extend into the view cone except that the Board may permit a building height to not more than 10% above the limits. The Board may allow for a building or part of a building to project 30 ft. into the view cone and further the hardship provision would have to be used which would be a relaxation. Mr. Segal said that if the Board did not allow the antenna to be installed at this location then CBC would have to find another location to install the antenna or rent a space on another tower for the antenna.

Mr. MacGregor questioned the size of the proposed floor plates at 7,900 sq. ft. in comparison to other projects in the area. Mr. Segal responded that typical floor plates in the downtown south area are 6,500 sq. ft. and typical office floor plates are 12-15,000 sq. ft. In this instance the proposal is not in downtown south so it becomes a factor of reasonable application of residual density available for residential use. Mr. Segal noted that an earlier version of this proposal indicated somewhat smaller floor plates but with a desire for more open space on site the floor plates played out larger. Staff were sensitive about the larger floor plates but given the way the tower dimensions were handled the impacts were acceptable. Mr. MacGregor stated that he would like to hear from the Applicant regarding their rationale for the floor plate size.

In response to a question from Mr. MacGregor about the uses of the Grand stair, Mr. Segal explained that it will be central along the Robson Street frontage. The Grand stair will lead up to the public arcade and existing concourse running north/south along the linear façade of the CBC. The west elevation of the existing CBC building and stair finds its way up to the public concourse or arcade level and leads to a series of penetrations to the courtyard area and the main entrance to the CBC complex. Mr. Scobie questioned whether the requirement for a continuous retail frontage along Robson Street would allow for the Grand stair. Mr. Segal responded that it is allowable to have a narrow portion of frontage given to the entrance to a non-retail function.

Mr. MacGregor asked Mr. Segal to clarify the need for the bike storage to be excluded or relaxed using the hardship clause. Mr. Segal explained that the bike storage is meeting the requirements in terms of the number of spaces; however it is presently configured in one very large space in an area that doesn't have, volumetrically, an obvious alternative use. CPTED policies prescribe that the bike storage be broken up into smaller areas instead of one vast space. There would be some reconfiguring of parking and loading areas if the bike storage were to be put at or below grade in order to get the hardship exclusion. Ms. French inquired about previous situations where the hardship clause had been applied with regard to above grade bike storage exclusion. Mr. Segal answered that he was not aware of the Board exercising the hardship clause to exclude above grade bike storage in the past.

Mr. MacGregor sought clarification on the proposed stage area along Hamilton Street, particularly with regard to how many people could gather to watch an event and how well the area would be used. Mr. Segal deferred to the applicant for an answer to those questions.

Mr. Henschel questioned whether this site always intended to have a residential development or if it was intended to have commercial/industrial uses. Mr. Henschel further questioned whether residential development on this site fits in with the City's plans. Mr. Segal explained that historically, the CBC's ambitions for the block were that it be part of a cultural precinct consisting of the QE Theatre and Library Square. As a Federally owned block of land there could have been many Federal uses for the site and several years ago there was a proposal for a Federal office building on this site. Council recently dealt with an interim policy in Area C that is now trying to put a lid on residential expansion. The interim policy allows, on the north side of Robson Street, for some component of residential development to the bylaw limit as it now exists of 3.0 FSR.

Mr. Henschel requested further information with regard to shadowing effects. Mr. Segal advised that an extensive shadow analysis was done and noted that many of the open spaces being created will not be sunny places throughout the day. However, from noon to 2:00 p.m. the sun will penetrate between the towers and a good portion of the courtyard will receive a reasonable amount of sun. The taller, slimmer tower design will provide for more sun than the 150 ft. high tower massing would allow.

Mr. Endall sought clarification with regard to lost density of the west tower going on top of the building in condition 1.2 which requests a reduction in the west tower's Hamilton Street length. Mr. Segal stated that the west tower is now at its maximum height in terms of shadowing and overall scale. The intent of condition 1.2 is for the floor plate of the west tower to be reconfigured in a way that could pull in its length and punch out in some less obvious areas without going higher. There is some area at the north east portion of the tower floor plate where units could be laid out differently.

Mr. Scobie questioned, what areas of the existing CBC facility are being eliminated from the counted square footage. Mr. Segal responded that the majority of areas being eliminated are below grade functions which aren't counted because they are below grade. Mr. Segal also noted that quite a bit of area has been given over to parking which is below grade and therefore excluded. There is a community space for which the Applicant is seeking exclusion in the amount of 12,000 sq. ft. Staff believe the concept of the community space is appropriate; however the excludable amount is limited to 10,000 sq. ft.

With regard to the proposed height increase and where Council addressed the issue of height of the Ford Theatre, Westin Grand and Library Square for the Federal Office building proposal, Mr. Scobie questioned whether the Staff Committee had contemplated whether departing from the 150 ft. height the Board should seek input from Council. Mr. Segal answered that there were two precedents that staff felt were leading in the direction that Council would be likely to take. Staff review was confident in the Board using their discretion.

Mr. Scobie questioned the amount of density proposed on the southerly portion of the site. Mr. Segal responded that there have been many inquiries on the CBC site over the last nine years and all of these have focused on the southerly portion of the site. Maintaining and upgrading the existing CBC facilities and studios makes sense in terms of maintaining jobs downtown, however it does restrict the site development to the southerly portion. Mr. Scobie quoted from the Downtown South Guidelines and asked whether staff contemplated retention and low scale development. Mr. Segal responded that staff looked at the existing complex, patterns

developing along Robson Street, guidelines affecting Georgia and Hamilton Streets as well as development options for the site that could result in a higher building mass and all of those factors resulted in staff conclusion that this is not an inordinate loading up of the southerly portion of the site. Mr. Segal stated that this configuration is a good response to the guidelines.

Mr. Scobie asked about the loading adequacy of the site and how many spaces the plans show. Mr. Thomson, City Surveyor, advised that the Applicant will work with staff but it is unlikely they will achieve the 18 loading spaces as required by the by-law. Staff will need to know the use of the site before making judgments on loading. Mr. Scobie asked the applicant to speak about on site vehicular circulation.

Applicant's Comments

Joost Bakker, Hotson Bakker Boniface Haden, noted that this is a preliminary application and the applicant team has been working well with staff and the design panel to get this proposal right. There have been meetings with regard to parking, loading and access issues.

Essentially there are two points of entry to the site. One point of entry will remain off of Cambie Street which is the existing access for CBC parking and loading. Since Cambie Street has been converted to a two way street it makes dealing with the larger mobile units more challenging. The proposal is designed to come down to lowest level and have the trucks assemble on the Hamilton Street side with smaller vehicles use the existing Cambie Street loading docks. The residential parking would use the same point of entry but turn off before the loading area to allow CBC to close off the servicing gates. Required retail parking will be provided on the first level.

The second point of entry at the site is off of Hamilton Street. Mr. Bakker explained that all of the CBC parking will be relocated to a new structure below grade. That parking area will have access to CBC facilities via a new elevator.

One last point of entry is the existing loading bay area off of Cambie Street which will be used by some of the smaller panel vans. Mr. Bakker concluded that the proposal is to reuse two points of entry and introduce a new point of entry on Hamilton Street.

Mr. Bakker responded to issues arising during the foregoing discussion:

- With respect to the antenna, Mr. Bakker explained that it is an emergency transmitter for CBC radio with a proposed location on the tallest tower. The antenna is 12 in. square at the base, 6 in. square at the top and 75 ft. from the deck to the top. The antenna is virtually invisible from Cambie Street and West 12th Avenue. Mr. Bakker stated that it is appropriate to be located on the CBC site for access and maintenance issues and is asking the Board to drop condition 1.8.
- The intent of the stage area is to create a dynamic public presence on Hamilton Street. There has been a conscious design to create a grassy open space that could accommodate a maximum of 1,000 people. One part of the space is in a studio that is visible from the street. CBC has received unsolicited enquiries from Coastal Jazz and others.

Walter Francl, Walter Francl Architects Inc., responded to earlier questions regarding the floor plates. This CBC site borders the downtown office cores and draws its direction for the floor

plates from those buildings. Mr. Francl noted that to the southeast one may count as many as four residential tower on a block like this. Given the constraints of the site with the existing CBC facility it seemed an appropriate site where one would locate a taller tower. The applicant team feels that the masses as currently designed are meant to minimize the effect on residential properties to the south. Mr. Francl stated that much of the floor plates and massing is buried in below grade FSR.

Responding to the issue of bike storage, Mr. Francl described its current location immediately above the loading/parking entry locations. On the existing CBC site there is a 2 storey concrete wall on the Robson Street side which is unusable for retail or residential and thus seemed like a good fit for bike storage or some other non-accommodation use. Mr. Francl explained that it may be possible to bring bikes out at grade on Hamilton Street but to go below grade the bike storage would be located 3 storeys down. A typical building would have mechanical space below grade; however this site has 27,000 sq. ft. of above grade mechanical space counted in FSR.

Referring to the Grand Stair from Robson Street to the courtyard, Mr. Francl pointed out that it will provide access to all green space on site and public amenity spaces while serving both CBC staff and the public.

Questions/Discussion

Mr. MacGregor questioned the proposed density on the site noting that the Zoning and Development By-law limits residential FSR to 3.0, but this is a maximum that can be obtained and not an outright allowance. Mr. Scobie confirmed that in this area residential use shall not exceed 3.0 FSR and overall density 5.0 FSR. Mr. MacGregor queried the size of floor plate on the approved development across the street. Mr. Segal responded that the building on that development tiers up and reduces on the 9th floor with mid section floor plates greater than 6,500 sq. ft. and above that the floor plates comply with 6,500 sq. ft. or less.

Mr. Judd sought clarification on the circumstances where the proposed antenna would be used. Mr. Galumba, CBC, stated that it is for emergency use only such as after an earthquake. The proposed antenna is a back up in the event that another antenna is lost. Ms. French queried whether there was not already an existing emergency back up antenna. Mr. Galumba stated that there is none at present and this is a future upgrade for facilities. Mr. Scobie questioned the desire to have the antenna on site for ease of access if the site is likely to be subdivided and possibly not owned by CBC in future. Mr. Bakker responded that there will be a right of way or easement on the site to provide for the antenna. Mr. Galumba further explained the need to have the antenna close by in the case of an emergency because the site already has back up power which a remote connection may not be able to provide. The CBC building itself, Mr. Galumba stated, is not high enough for the antenna.

Mr. Scobie referenced Appendix C in the Development Permit Staff Committee report, being comments of the Processing Centre - Building and of Fire and Rescue Services requirements, and asked the applicant if they had looked at those requirements and found anything that is so problematic to resolve that the scheme is in jeopardy. Mr. Bakker responded that the applicant team has been collaborating with code consultants as well as having had preliminary discussions with staff at the City to find solutions to these problems. Mr. Bakker is confident that these requirements will not have a significant impact on the scheme.

Comments from other Speakers

The following delegations spoke in opposition of this application:

Miyoung Lee, CBC Employee

Pierre Claveau, CBC Employee

J.J. Lee, CBC Employee

Monique Forier, CBC Employee

Miyoung Lee, member of the Canadian Media Guild and employee of CBC radio, addressed the meeting and advised that she is in no way opposed to the development but she is asking the Board to delay approval of the application until business is back to usual at CBC. The 5,500 locked out employees of CBC are asking the City not condone people crossing their picket line to erect signs or fences related to the CBC proposal. The locked out employees have not disrupted any labour services, have not disrupted any CBC sponsored events or services that would affect the residents of Vancouver and have been respectful and peaceful to the area. Ms. Lee is asking for delay of approval because she doesn't want anything to change in terms of peacefulness on the picket lines.

Mr. Scobie noted that this is only a preliminary development application and if the Board gives approval the proposal would go back to the applicant for more work and it would be a better part of a year away from development construction beginning.

Ms. Lee stated that she is aware of the timeline; however the employees have been notified of surveyors wanting access to the site. Mr. Thomson responded that this particular lot is defined on a single plan and access to the site for surveying should not be required. Mr. Thomson made a note of possible early construction hoarding going up.

Pierre Claveau, member of the Canadian Media Guild and employee of CBC radio, stated that the Canadian Media Guild is asking all level of government to intervene in resolving this lockout situation. He recognizes that this is very early in the permitting process and requests that the application not be approved until CBC is back to business as usual. Mr. Claveau asked that the Board postpone the approval of this very first step until CBC comes back to business, if it comes back to business. He stated that this morning there were construction staff starting to erect beams and stating that there will be a permit in place this afternoon and construction will begin tomorrow. Mr. Claveau concluded that the locked out workers are asking the Board to postpone, to delay, approval for as long as the CBC is not operating at full capacity.

J.J. Lee, member of the Canadian Media Guild and employee of CBC Radio, requested the Board delay approval for this plan. Mr. Lee is concerned that the liveliness and effectiveness of the planned concert space and stage precinct relies on CBC employees and they are not available due to the lockout situation. Mr. Lee is concerned that the CBC will not be able to fulfill its promise to bring life to Hamilton Street right now. Mr. Lee notes that so many of the programmed activities that exist in this project are based on funding with the CBC staff working there. He feels that CBC cannot guarantee that they will be a cultural partner. Mr. Lee is concerned that the City could end up with a hulk of a building that cannot be backed financially or programmatically without the CBC employees. Mr. Lee believes that the tenant of the building makes a difference and although the locked out employees are not residents of 700 Hamilton Street, they do live there.

Monique Forier, CBC employee, supports her colleagues who are asking for the approval to be delayed.

The following spoke in support of this application:

Ken Galumba, CBC

Ken Galumba, CBC, stated that he doesn't believe the CBC staff is against the project because of the promise it holds for staff and the future of CBC. Mr. Galumba believes that this project is good for CBC and Vancouver. He thinks that the proposal will give life to Hamilton Street and suggests that CBC's confidence in this project is their commitment to Vancouver.

Panel Opinion

Mr. Endall advised the Urban Design Panel reviewed the first application and voted a non-support. After reviewing the second application with a number of significant revisions, all positive, the Urban Design Panel unanimously supported the application. Mr. Endall noted the improvements to streetscape and animation, overall quality and experience, as well as the increase in access to internal areas of the development. Along with those improvements there was also less of an emphasis on the upper arcade as a casual place and it was made more of a destination. All of these changes are seen as extremely positive. One good by product of the reworked design is that it is much more responsive and relates better to the order and massing of the original CBC building. With regard to areas that require further attention, Mr. Endall noted the townhouse elements fronting Robson Street and the courtyard to the north could use some further consideration to scale in order to allow maximum visibility and daylight to the upper courtyard area. Some Panel members suggested that the townhouse units are somewhat of a foreign element in between the two towers; however that was not a majority opinion of the Panel.

Mr. Endall stressed the need for careful design development to allow access from Hamilton Street to the courtyard. He asked the applicant to consider carefully the existing wall surface and facades around it. The street trees along Hamilton should be maintained in a continuous pattern. In summary the Panel was encouraged and supportive of the application recognizing the complexity.

Mr. Endall's own comments to the applicant are to reduce the bulk of the west tower. He has concerns that there is pressure on the west tower to accommodate the area and is not sure where the FSR area will go on the site since the height has already increased. With regard to bike storage, Mr. Endall thinks it is logical to put it where it is proposed. With respect to the antenna, Mr. Endall doesn't see it as a big intrusion on the view cone.

Mr. Acton said that he finds the project to have a lot of potential with good work done on the overall concept. Mr. Acton recommends support of 300 ft. height on the towers, although he cannot support the antenna placement given the current requirements.

Mr. Acton stated that the bike storage location seems logical but there isn't a mechanism other than the hardship clause to have it excluded and he cannot recommend support for exclusion given the by-law. He would support weather protection being created within the project.

Lastly, Mr. Acton supported the floor plate sizes stating that he finds the floor plate area design to be quite engaging and well resolved.

Mr. Henschel commented that this is a difficult site with a number of issues to deal with. Mr. Henschel does not support condition 1.2 with regard to floor plate size as he believes the larger floor plates are better in this circumstance because they relate more to the commercial tower of Library Square. He feels that a more massive tower will hold the Library the way it should be held.

Mr. Henschel is supportive of the antenna location noting that the idea of putting an emergency antenna in the view cone was not a concern. He feels it is an interesting juxtaposition but will not cause a great impact on the view. Mr. Henschel would ask CBC to do an investigation in an attempt to locate a site nearby for the antenna and if there isn't another site available then leave it as proposed.

Since the bike storage is being slipped into existing volume, Mr. Henschel supports its exclusion from FSR. He believes that it is better to have bike storage near grade instead of in the bowels of the building. Mr. Henschel noted that the CBC labour conflict is not a part of what the Board is dealing with here; however he agrees that the public functioning areas of the CBC north wedge of the site need input from users of site and the people developing the programs. If those people are not available to be part of the design process then Mr. Henschel is concerned that those spaces will not reach their potential. Mr. Henschel recommends an amendment to condition 1.13 to add "involving users of the site".

Board Discussion

Mr. MacGregor emphasized the point that it is not the Board's position to get involved in a labour dispute. He agrees with some of the comments from the Advisory Panel; however there are some fundamental issues with the development. Referring to page 7 of the Development Permit Staff Committee report, dated August 17, 2005, Mr. MacGregor quoted from the Downtown Design guidelines with respect to public open space wherever possible. Mr. MacGregor expressed his concern for bulky towers and maximizing floor space on this site and questioned what amenities are being provided for the FSR. He would be prepared to see the loss of floor plate going to an increase in height and notes that the applicant may not be able to achieve the maximum FSR on this site. Mr. MacGregor will be looking for substantial reduction in floor plates when this comes back as a complete application.

Mr. MacGregor does not support the request for exclusion of bike storage stating that if it was Council's wish to exclude bike storage it would be in the by-law. Mr. MacGregor would like to see a complete plan for Hamilton Street at the complete stage of application, making sure that the spaces are designed well so that people are going to use them. Mr. MacGregor commented that the Grand Stair appears more functional than grand.

Mr. MacGregor moved approval with amendments to the conditions, accepting a friendly amendment from Ms. French with respect to condition 1.1 and 1.8.

Ms. French said that the applicant has come up with a very creative set of ideas to try and rejuvenate the CBC development. Ms. French does not share Mr. MacGregor's concerns over the size of the proposed floor plates and cannot support the motion regarding massing, noting that there needs to be some tweaking in the course of design development to complete application. Overall Ms. French stated that the massing and shaping of the towers is suitable for this development.

Ms. French stated that she is not in favour of excluding the bike storage or increasing the amenity exclusion. She also does not support adding condition 1.13

Mr. Judd sought clarification from the Chair on the issue of floor plates and the antenna height flexibility.

Motion

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

THAT the Board Approve Development Application No. 409307, in accordance with the Development Permit Staff Committee Report dated August 17, 2005, with the following amendments:

Amend Preamble on page 1 of report to read:
19-storeys and 31-storeys respectively;

Amend 1.1 to read:
design development of the Hamilton Street Public Realm interface to be undertaken in consultation with users to maximize pedestrian interest, animation, programming, landscape quality and residential adjacency impacts;

Amend 1.8 to read:
design development of the proposed antenna, functional for emergency use, on east (taller) tower to a maximum design of 12 in. square at the base, 6 in. square at the top and 75 ft. above the roof deck and confirmation that there be no signage or other appurtenances on the antenna;

Insert new 1.13
design development to further explore the tower design with particular regard to floor plate size having regard to Downtown South Design Guidelines, the development across Robson Street and tower siting and impacts on privacy, views and shadow.

Correct references in condition A 1.8 to reference Standard Engineering Conditions A.2.8, A.2.9 and A.2.12

5. **350 KINGSWAY - DE409433 - ZONE C-3A
(COMPLETE APPLICATION)**

Applicant: Acton Ostry Architects Inc.

Request: To develop this site with a 13 storey building containing a vehicle dealer with ancillary motor vehicle repair shop on the ground and 2nd floors and 97 residential units on the 3rd to 13th floors all over 3 levels of underground parking.

Development Planner's Opening Comments

Mary Beth Rondeau, Development Planner, presented this application. Ms. Rondeau noted that this prominent site is located at 12th & Kingsway. The site itself is two separate sites bisected by a public lane which will be closed with a right of way for the utilities. This proposal includes a Honda car dealership with residential use above which is supportable in this Mount Pleasant location.

Ms. Rondeau stated that the applicant is requesting the maximum 3.0 FSR on this site and height of 126.6 ft. and 135.6 ft. to the top of the mechanical unit. Other approvals in this area have been around 80 ft. but staff are looking beyond that for this location. Staff feel the

proposed building will fit well with the streetscape and other buildings in the area while being a dominant building on the prominent corner of Kingsway.

Ms. Rondeau said that staff expect to achieve a well resolved building with high quality materials. Ms. Rondeau described the design concept for the triangle space on the site which will come across as a fully public plaza connecting to the wellness walkway of 12th Avenue and Kingsway. The wellness walkway is well used and accessible for all residents including those with disabilities. Ms. Rondeau noted that the 12th Avenue streetscape should continue with large street trees on each side.

Ms. Rondeau stated that the Urban Design Panel brought forward the idea of reintroducing a single driveway onto the plaza where the lane was. This driveway would provide relief for traffic not finding it easy to use Sophia Street as well as providing a surface loading bay with maneuvering on site.

Lastly, to complete the amenity of the open space, there is a proposed addition of a pedestrian activated signal for people crossing 12th at Sophia Street. The developer will contribute \$23,000 dollars and the remainder of funding, as noted in Appendix G, will come from the City.

Ms. Rondeau acknowledged the applicants request to have a free standing sign on the corner to provide direction to the Honda dealer and noted that staff are requesting a no sign covenant on the plaza.

In summary, this proposal is in a C-3A zone and in order to earn the increase in height and density the applicant is providing a public plaza, wellness walkway treatments, high quality materials, deletion of 5 driveways, pedestrian amenity and high quality streetscapes.

The Staff Committee recommendation is for approval of the application, subject to the conditions outlined in the report dated August 17, 2005.

Questions/Discussion

In response to a question from Mr. MacGregor regarding cost sharing of the pedestrian signal, Ms. Rondeau explained that the cost sharing is based on precedent and previous approvals in C-3A. The large open space being proposed would typically satisfy the request for extra height and density in C-3A and that is how staff came to a partial contribution.

Mr. MacGregor asked if a traffic report had been done for the site and whether staff were satisfied with the proposed access and loading. Ms. Rondeau confirmed that a traffic study was completed and with regard to loading there will be Class A loading on the inside of the site for smaller and medium sized trucks. Staff have reviewed, and support, the unloading of large car transport vehicles on Sophia Street, noting it is anticipated that this will be limited to approximately twice a month. Mr. Thomson, City Surveyor, stated that the great concern for staff was trying to limit access from Kingsway.

Ms. French sought clarification about staff concerns with the proposed signage. Ms. Rondeau responded that the signage and space don't work together because one is a commercial effort and the other is a public amenity. Staff are looking for openness and a sign would take away from that. Ms. Rondeau explained that staff have asked the applicant for alternatives which haven't been provided.

In response to a question from Mr. Henschel about the feasibility of a pedestrian crossing signal at Sophia Street, Mr. Thomson responded that Engineering staff concluded it is the right thing

to do at this location given Council priority for pedestrians. This crossing location will be safer than the very long crossing at 12th Avenue and Kingsway and it is anticipated it will ultimately be heavily used.

Mr. Henschel sought clarification about the building height in relation to the nearby Uno development and other neighbouring buildings. Ms. Rondeau stated that this proposal is for a building 30 ft. higher than the Uno building. The rationale for the extra height, beyond getting the public open space, is because this site is in a prominent location as the gateway to Mount Pleasant.

Mr. Henschel questioned the proposal to unload cars on Sophia Street which he thinks could be problematic. Ms. Rondeau explained that on a larger scale development the City would require on site loading, however, that may not even be possible on a site this size as it would take up most of the lower level. Mr. Thomson clarified that condition A.2.9 seeks to confirm a delivery schedule for car transport vehicles. Mr. Thomson further explained that to accommodate on site loading for the large car transport vehicles would mean the loss of public plaza.

Mr. Scobie stated that the architectural quality or character of building and seems transparent except for the southwest elevation which seems less well developed. Mr. Scobie would like to see a more desirable end state for the southwest façade.

Ms. Rondeau responded to a question from Mr. Scobie regarding possible use of auto body repair on this site, stating that auto body repair would definitely not be permitted on this site due to fumes.

In response to questions from Mr. Judd and Ms. French regarding retail frontage continuity in the area Ms. Rondeau explained that Mount Pleasant is emerging as a shopping area and staff have worked hard on other developments in regards to ensuring a sympathetic retail frontage, however this site is locked in as a car dealership for a long time. This location does not the same type of a retail frontage that you would see closer to the core of Broadway and Main Street.

Applicant's Comments

Mark Ostry, Acton Ostry Architects, presented the application stating that the proposed scheme optimizes good urban design while maintaining a high standard of residential livability. Mr. Ostry said that considerable effort has gone into the design of the public open space at 12th and Sophia Street which will be constructed and maintained by the developer.

Mr. Ostry stated that the success of the car dealership on this corner is related to the visibility to the parking entrance which works into the importance of identity and signage. In proposing to reduce the existing five crossings to one on this site, negotiating the quality of public open space and losing access off of Kingsway it was the applicants understanding that a sign would be permitted in the public open space. Honda Canada recognizes that the building itself provides signage and the additional signage would be modest and in compliance with the City's sign by-law.

Mr. Ostry requested that the Board and Panel give consideration to the following minor revisions of conditions:

- Condition 1.1 (b) Mr. Ostry would like to have consideration given for not providing continuous street trees on 12th Ave and Sophia Street as the condition requests. Mr.

Ostry explained that their intent in not providing one additional street tree on 12th Avenue is to bring the public realm around and define the building. The applicant wants the public open space and wellness walkway front and centre and part of the public realm.

- Condition 1.1(h) Mr. Ostry asked to have this condition regarding signage deleted.
- Condition 1.13 Mr. Ostry requested the word "continuous" be removed on both Sophia Street and 12th Avenue.
- Condition 1.5 Mr. Ostry feels it is too prescriptive.

Ms. Rondeau responded that Condition 1.5 addresses the proposed steps and seating that staff believe will not enhance the public realm. It is Ms. Rondeau's understanding that any future grade change can be handled by the sidewalk.

- Condition 1.2 Mr. Ostry proposed the following addition to the pedestrian signal condition "Engineering to determine of the viability of a left hand turn signal to improve traffic onto Sophia Street" .

Mr. Thomson responded that a left hand turn signal would change the cost as well as timeline as it would no longer be just a pedestrian signal. All of this would result in a much larger redesign.

- Condition 1.3 Mr. Ostry asked that the Note to Applicant regarding design development with building interface and corner plaza be deleted as it is too restrictive. He would also like to have to word "vines" deleted.

Mr. Scobie stated that the first sentence of the Note to Applicant deals with a CPTED issue. With regard to deleting the word "vines" the condition should read, "specify planting at the base of the wall".

- Condition 1.6 Mr. Ostry requested that the Note to Applicant be deleted. Mr. Ostry feels there are a number of design development solutions to improve the design of the townhouse frontage and the reference in the condition to the tower is just one of the possible solutions.

Ms. Rondeau responded that staff were looking for articulation of materials in that condition such as the introduction of coloured glass.

- Condition A.1.4 with regard to enclosed balconies, Mr. Ostry asked to have the first sentence beginning with design development and up to the word "provision" deleted. Mr. Ostry requested that under the Note to Applicant that the part of the first sentence which refers to changing the depth of balconies also be deleted.

Ms. Rondeau encouraged the Board not to amend the Note to Applicant in Condition A.1.4. Ms. Rondeau explained that this is a conditional use and the C-3A guidelines do not address specific dimensions.

- Condition A.1.7 Mr. Ostry requested consideration to delete the entire condition because bulk storage rooms comply with the by-law and guidelines.

Ms. Rondeau responded that this proposed bulk storage room has a window which is not acceptable.

- Condition A.1.17 Mr. Ostry requested it be deleted. The applicant team wants to explore the full range of options to address the overlook from other residents.

Ms. Rondeau responded that the green roof concept was discussed at Staff Committee. The Board has asked for a green roof in the past where there are overlooking residences. Ms. Rondeau indicated that she would consider amending the wording to read, "design development of the intent of the townhouses is to improve".

Questions/Discussion

Mr. Endall suggested the applicant explore other design possibilities for the car pull out concept. Mr. Ostry stated that he would be more than happy to take another look at that.

Comments from other Speakers

None.

Panel Discussion

Mr. Endall stated that the Urban Design Panel was strong in its support of the proposal. The Panel appreciated the broader urban design proposal brought forward. The Panel noted significant benefits to on site livability, the high quality of architecture and urban design and the perceived potential of the triangle open space merited both the height and density being requested. All of the concerns regarding height, density and open space have been addressed thoroughly in the conditions.

Mr. Endall stated that there is some concern about the prominence and visibility of the residential entry. The applicant has requested that the Note to Applicant in condition 1.3 be deleted, however Mr. Endall suggests it be reworded at the end of the first sentence to read, "with the intent of strengthening the visibility and prominence of the main residential entry". Mr. Endall encouraged the applicant to give consideration to the design of the proposed vehicle pull out. As well, Mr. Endall asked the applicant to give consideration to the depth of retail space on Kingsway, the streetscape and storefronts along Kingsway to develop those areas as viable storefronts.

Mr. Endall supports the deletion of the Note to Applicant in condition 1.6 with respect to the townhouse frontage and notes that the panel was impressed with the quality of the application and gave strong support.

Mr. McLean stated that C-3A zoning is challenging within the City. Mr. McLean said that the height is supportable and he likes the massing and the idea of the tower and townhouse. Mr. McLean supports the idea of a small sign on site. He feels that the elevations of tower need some work.

Mr. Henschel said that he is impressed by the architectural expression of the modified version of the building. He supports the proposed sign location stating that he believes it will help people to safely find where they need to go. Mr. Henschel supports the intent of the conditions however he would like to see some room for the applicant to bring the best solutions to the problems. Mr. Henschel suggested that very specific notes under the conditions should be crossed out to give more architectural freedom to the applicant.

Mr. Henschel suggested specific amendments to conditions as follows:

- Add condition 1.7 to require architectural expression in concurrence with what we are seeing.
- Condition 1.1(b) change wording to "provide mostly continuous street trees on Kingsway"
- Condition 1.4 add "provide consideration of the elevation change in the showroom"
- Add condition 1.8 to seek design development to conform to the massing and height standards of the surrounding neighbourhood and a height reduction of 2-3 storeys.

In summary, Mr. Henschel said that he loves the look of the building but he cannot support the extra 3-storeys of height. He feels that the extra height is out of line with recent approvals across the street and the small park provided is not enough to warrant the extra 3-storeys.

Board Discussion

Mr. MacGregor said that this is innovative for a C-3A project and a good use of the location with the proposed car dealership and residential use on top. Mr. MacGregor stated that although he struggled with the request for extra height he can rationalize it through the significant improvements to pedestrian needs and the livability of the units. He is happy with the Staff Committee recommendations and is not willing to make many of the changes that the applicant was proposing. Mr. MacGregor also stated that he would like to see more work done on the open space.

Mr. MacGregor moved approval with amendments to the conditions.

Mr. Judd agreed with Mr. MacGregor's comments and seconded the motion as put.

Ms. French noted that with respect to signage at the corner of the public plaza she believes that identification of the business will be met without the sign and people who use the city will not have a problem finding a way into the development. Ms. French also agreed with the motions as put.

Mr. Scobie commented that he is pleased to see this development happen and at the same time is disappointed that this site and other C-3A sites are developing in the absence of applicable current guidelines. With the movement away from height restrictions Mr. Scobie suggested the Planning Department conduct a review of the C-3A planning guidelines.

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

THAT the Board APPROVE Development Application No. 409433, in accordance with the Development Permit Staff Committee Report dated August 17, 2005, with the following amendments:

Amend condition 1.0 preamble to add after Director of Planning:
in consultation with the General Manager of Engineering Services as required for regulatory approval;

Amend 1.1(g) to move the word "public" onto the other side of the word "access";

Amend condition 1.2 to add after approval of the signal:
and cost sharing is required by City Council;

Amend condition 1.3 to add:

with intent to strengthen visibility and prominence of the residential entrance;

Amend the Note to Applicant in 1.3 to add:

reconfigure exit door provided right of way allows. Delete the words "and vines";

Delete the Note to Applicant in 1.5;

Delete the Note to Applicant in 1.6;

Amend condition 1.6 to add after "Kingsway":

to the satisfaction of the Director of Planning;

Delete the Note to Applicant in A.1.16;

Amend A.1.17 to read:

design development to improve the roof of the townhouses to improve the overlook for surrounding residents with finishes such as a green roof or equivalent;

Amend the second sentence of A.1.19 to remove the word "the" and insert "any" second row of trees;

Amend A.2.1(a) to add after words "within the lane":

under terms and conditions to the satisfaction of City Council. Delete the rest of the sentence and also the Note to Applicant;

Add a Note to Applicant after A.3.4:

It is the expectation of the Board that noise and air quality impacts do not exceed current background levels.

6. OTHER BUSINESS

Mr. Scobie brought to the attention of the Board a recent decision from the BC Court of Appeal with respect to the Flatiron project. He distributed copies of the decision explaining that the Court of Appeal has found that Development Permit Board decisions are not subject to appeal to the Board of Variance unless the Development Permit Board exercises discretion in relaxation of the by-law provision. The essence of this decision by the Court of Appeal will take some sorting out. Mr. Scobie stated that this is a powerful decision in support of the Development Permit Board. There will be a discussion between the legal counsel for the Board of Variance and the Development Permit Board counsel.

There being no further business the meeting adjourned at 8:20 p.m.

D. Kempton
Assistant to the Board

F. Scobie
Chair