

Date: Monday, February 4, 2002  
Time: 3.00 p.m.  
Place: Committee Room No. 1, City Hall

**PRESENT:****Board**

F. Scobie Director of Development Services (Chair)  
L. Beasley Director of Current Planning  
B. MacGregor Deputy City Manager  
D. Rudberg General Manager of Engineering Services

**Advisory Panel**

T. Bunting Representative of the Design Professions (Urban Design Panel)  
J. Hancock Representative of the Design Professions (excused 1011 Richards Street)  
J. Ross Representative of Development Industry  
J. Leduc Representative of General Public  
R. Bruce Scott Representative of General Public

**Regrets**

P. Kavanagh Representative of Development Industry  
D. Chung Representative of General Public  
M. Mortensen Representative of General Public

**ALSO PRESENT:**

J.O. Barrett Development Planner  
S. Hein Development Planner  
R. Segal Sr. Development Planner  
M.B. Rondeau Development Planner  
V. Potter Project Facilitator  
L. Schmidt Project Facilitator  
F. Hill Project Facilitator  
M. Thomson City Surveyor

**Item 3 - 1011 Richards Street - DE406304 - Zone DD**

J. Hancock Architect  
A. Chilcott Polygon Development 65 Ltd.  
C. Phillips Landscape Architect

**Item 4 - 1280 Richards Street - DE406223 - Zone DD**

C. Brook Brook Development Planning, Inc.  
J. Schouw Developer  
K. Wiens-Susuki Architect

**Item 5 - 675 West 10th Avenue - DE406273 - Zone CD-1**

R. Henriquez Henriquez Partners  
I. Taller Henriquez Partners  
J. Durante Landscape Architect

Clerk to the Board: C. Hubbard

**1. MINUTES**

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of January 7, 2002 be approved with the following amendments:

p.9 under Ms. Leduc's commentary, to add "Junior School" after St. George's;  
p.10 under Mr. Beasley's commentary, to change "reflected" to "motivated" in line 5.

## 2. BUSINESS ARISING FROM THE MINUTES

None.

### 3. 1011 RICHARDS STREET - DE406304 - ZONE DD (COMPLETE APPLICATION)

Applicant: Polygon Development 65 Ltd.

Request: To construct a 23-storey residential tower containing 184 dwelling units (including 4 townhouses) and two levels of underground parking for 122 cars accessible from the lane. The proposal includes a heritage density transfer which increases the density from 5.0 to 5.5 FSR.

*Mr. Hancock was excused from this item due to conflict of interest.*

#### Development Planner's Opening Comments

The Development Planner, Jonathan Barrett, explained that the report before the Board is an abbreviated report from staff, addressing only the matter of the heritage density transfer. A full analysis of the proposal has been carried out, however, and no significant issues have been identified. The application received the unanimous support of the Urban Design Panel. In September 2001, the Board approved a similar application at 1010 Richards Street by the same applicant, and the Board relaxed the recommended maximum floor plate size of 5,000 sq.ft., on the basis of the ten percent heritage density transferred to the site. Similarly, the additional density in the subject application is also increasing the floor plate size. Staff conclude there is almost negligible impact as a result of this increase. Mr. Barrett pointed out that additional tower height is not being sought, noting the site is affected by two view cones which restrict height to approximately 217 ft.

Mr. Barrett advised the proposed form of development fully meets neighbourly and livability standards and staff support the transfer of density from the heritage inventory. Some design prior-to conditions will be applied that have already been discussed with the applicant.

#### Questions

In response to a question from Mr. MacGregor, it was noted the floor plate size of the 1010 Richards Street tower was approved at 5,635 sq.ft. The subject application seeks a 5,500 sq.ft. floor plate.

Mr. Rudberg asked how much density remains in the heritage inventory. This information was not readily available but can be obtained from Heritage Planning staff.

Mr. Beasley commented on the unusual method of dealing with this application which separates the overall approval by the Director of Planning and the approval of the heritage transfer by the Development Permit Board. Mr. Barrett confirmed that staff believe the application is approvable (with conditions) by the Director of Planning if the density transfer is approved by the Board.

Mr. Ross sought clarification with respect to shadow analysis. Mr. Barrett advised the additional ten percent density adds approximately 4 ft. in all directions of the tower. No public or private open space is affected.

Mr. Bunting noted the Urban Design Panel had some minor comments that are typically incorporated into prior-to conditions. The Panel's minutes and conditions are not included in the report, and Mr. Barrett confirmed the Board is being requested to approve the heritage density transfer requested only.

#### **Applicant's Comments**

Jim Hancock, Architect, advised they have no concerns with the draft prior-to conditions which have already been discussed with staff. Andre Chilcott, Polygon, said he appreciated working with staff on this project as well as 1010 Richards Street which is already under construction. He also appreciated the abbreviated report which allows the project to proceed expeditiously. With respect to the heritage density transfer, Mr. Chilcott confirmed they have a letter of intent from the donor property owner.

#### **Discussion**

Mr. Ross noted that objectives of livability and views, etc., have to be taken into account when considering additional density. The Board is therefore being asked to decide whether the site can accept the extra density, on the assumption that staff have carried out the analysis required to determine its suitability. Mr. Ross also noted the absence of the Urban Design Panel minutes in the report and said he found it quite awkward, not being able to consider some of the pros and cons involved.

Mr. Bunting agreed it is awkward the way the proposal has been presented, and having the full summary of the project would have been valuable for Advisory Panel members. He noted that, ultimately, the Urban Design Panel was very favourable towards the project and assessed it on its overall merits to absorb the density. The Panel found the floor plate size met the requirements for transferring heritage density. Mr. Bunting suggested that in future the prior-to conditions should be provided for reference, as well as a broader presentation from staff on the requirements of heritage density transfer.

Mr. Scobie noted this application was not originally scheduled to come to the Development Permit Board. However, it was ultimately determined that the project could not be approved by the Director of Planning without the Board's approval of the heritage density transfer. On the basis that the project is a mirror image of the previously approved 1010 Richards Street application, and in order not to unnecessarily delay processing the application which was already well underway, the application was brought forward with an abbreviated report, seeking the Board's approval of the transfer of density only. With respect to procedure, Mr. Beasley added, he will look with interest to the opinion of the Advisory Panel and any members of the public who may wish to comment.

#### **Comments from Other Speakers**

None.

#### **Panel Opinion**

Mr. Bunting reiterated that the Urban Design Panel supported the increase in floor plate size and saw no livability impact on neighbouring sites. He added, it would have been helpful for members of the Advisory Panel to have the Urban Design Panel minutes and to be able to assess the project in its entirety given the additional density has to be earned. He recommended support for the heritage density transfer.

Mr. Ross said it is clear that staff are very comfortable with the application and no concerns have been expressed. On this basis and because it is a mirror image of a previously approved application, Mr. Ross said he supported the application for density transfer.

Mr. Scott commented it is easier to make a decision when sufficient information is provided. He said that while he was not totally comfortable, he would recommend support because this is a mirror tower and staff are encouraging approval. He stressed, however, that he would not want to see a similar situation occur in the future.

Ms. Leduc strongly supported the project and said she had no concerns, especially given that it would not have to come to the Board except for the density transfer, and that it is a mirror image of a previously approved tower. She added, should would not want to see the project delayed, also noting the necessity for it to come to the Board was discovered late in the process.

#### Board Discussion

Mr. Beasley noted that in his capacity as Director of Planning, he has reviewed the prior-to conditions and is satisfied that they address the kind of issues that might be of concern to the Board. He said he did not believe the fact that the project is a mirror image to a tower across the street is very relevant to the urban design, given that buildings perform very differently according to where they are located. He noted that staff have assessed very well the specifics of this application in terms of its impacts and performance against the Downtown South Guidelines. Staff have concluded, as did the Urban Design Panel, that it is a laudable design. Mr. Beasley agreed it is very supportable and he moved approval.

Mr. MacGregor agreed with some of the Advisory Panel members that the Board is being asked to approve the application in the absence of full information, noting in particular that increased floor plate size must demonstrate a superior response to the massing objectives described in the guidelines. He added, he had faith that it is being dealt with by staff, including the fact that there is a similar building across the street that has been taken into consideration. Nevertheless, it would have helped the process to have all the information brought forward today. Mr. MacGregor seconded the motion, stating he was prepared to support the application so as not to delay the project. However, he urged that, in future, staff provide full information so that it is clear that the guidelines are being followed in terms of the Board's responsibilities in making decisions on density transfers.

Mr. Rudberg commented that he would fully expect that a building of this scale and in this location would in all cases come before the Board. He agreed with Mr. Beasley that its being a mirror image to a tower across the street is not particularly relevant. He said he was very uncomfortable with proceeding, particularly when dealing with a floor plate size above that recommended in the guidelines. However, in the interests of not delaying the project, and on the assurances of Mr. Beasley who has reviewed the project in greater detail, he was prepared to support the application for density transfer, with the expectation that the concerns of the Board will be reflected in the Director of Planning's review of the full application. As a direction to staff, he reiterated that he would always expect to see this type of development come to the Board, irrespective of any heritage density bonus. Mr. Beasley supported Mr. Rudberg's comments and said he will take the advice back to staff. Mr. Beasley added, his approval was also motivated by the lack of public input which indicates the neighbours must be reasonably comfortable with it.

#### Motion

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

THAT the Board APPROVE the heritage density transfer request contained in Development Application No. 406304, in accordance with the Staff Report dated February 4, 2002.

4. **1280 RICHARDS STREET - DE406223 - ZONE DD  
(PRELIMINARY APPLICATION)**

Applicant: Brook Development Planning Inc.

Request: To construct a 26 storey multiple dwelling building (77 units) with 3 levels of underground parking accessed off the lane as an addition to a previously approved multiple dwelling building under construction (499 Drake).

#### Development Planner's Opening Comments

Board and Advisory Panel members assembled around the model for a presentation by the Development Planner, Scot Hein. The main issues arising from this preliminary application relate to tower placement and the distribution of density and resultant massing.

Referring to the Staff Committee Report dated January 9, 2002, Mr. Hein reviewed the background of the proposal. The development at the northeast corner of Drake and Richards Streets, at 70 ft. and 3.0 FSR, was approved in August 2000 and is now under construction. Since that time, the applicant has been able to secure the balance of the site, up to the podium of The Metropolis (the former Canadian Linen building). Given the site frontage now exceeds that which restricted it to 70 ft. and 3.0 FSR, the applicant is now seeking approval to develop the site with a 300 ft. tower, next to the component now under construction, and to complete the balance of the site with a podium form which extends that previously approved, for a total FSR of 5.0. The site will be consolidated so that it meets the frontage requirement for the height and density proposed. Staff have evaluated the proposal as if the portion now under construction was not already approved but an integral part of a stand-alone application, particularly with respect to urban design evaluation and analysis in the earning of a 5.0 FSR and 300 ft. tower. Mr. Hein reviewed the site context and noted the chequerboard pattern of off-set towers that has been emerging in Downtown South to achieve the minimum 80 ft. tower separation recommended in the guidelines. Referring to the report, Mr. Hein noted there are no technical issues identified in this application. It also meets the guideline requirements in most respects. The most compelling aspect of the application is that approximately 55 percent of the density is in the 70 ft. podium, more commonly seen at 20 - 25 percent and 30 ft. This atypical distribution is reducing the floor plate of the tower component quite significantly, allowing for views to be opened up beyond that achieved with a more typical floor plate in a guideline scheme on this site.

Mr. Hein then reviewed the view analysis and noted a separation of approximately 99 ft. has been achieved between the proposed tower and The Metropolis, contributing to enhanced views and privacy for The Metropolis. A more typical Downtown South tower with a 30 ft. podium would result in greater view impact and a separation of the minimum 80 ft. The Urban Design Panel supported the tower siting, and view analysis has shown that while some views from the lower floors of The Metropolis will be impacted by the 70 ft. high podium, from floors six and above there is an improvement in views over the more typical tower massing. In summary, staff support the application given the tower siting and overall improved view performance. Mr. Hein briefly reviewed the recommended conditions, subject to which the Staff Committee recommends approval in principle, as outlined in the report.

### Questions

Mr. Beasley questioned the necessity for condition A.1.2, to reduce the floor-to-floor heights to 10 ft. maximum, given there is also a condition calling for re-sculpting at the north end, to relate better to The Metropolis. Mr. Hein agreed the question of the floor-to-floor heights would no longer be relevant if the 70 ft. podium is accepted and the transition with The Metropolis is appropriately handled, and this condition could therefore be dispensed with.

Noting the component already under construction was not reviewed by the Board but approved by the Director of Planning, Mr. Scobie questioned condition 1.4 which calls for improvement of the podium roofscape, including the portion already under construction. Mr. Hein acknowledged this was an issue that should have been addressed in the original approval, given the overlook from a number of neighbouring towers. He noted, his understanding is that this condition could be addressed within the construction program already underway.

With respect to the request for an outdoor child play area, Mr. Scobie questioned whether this was also a requirement for the component already under construction. Mr. Hein explained this issue had not been raised previously by Social Planning.

Referring to item 2. of the comments from the Processing Centre-Building (Appendix C), Mr. Scobie questioned what is expected to occur with the building now under construction if the current application is approved. Mr. Hein said his understanding is that the applicant has engaged a Building Code consultant to determine what upgrades might be necessary.

Mr. Rudberg sought clarification regarding condition 1.3, in particular the Note to Applicant which suggests consideration of alternative approaches to tower expression. Mr. Hein said staff are not seeking a specific re-design of the tower. However, the Urban Design Panel, which only narrowly supported the proposal, had a lot of concerns about style and expression, and the intent of condition 1.3 is to ensure that the execution and quality are well considered. The Note to Applicant was intended to allow for further exploration of the tower expression if this was sought by the Board. Mr. Hein agreed deletion of the Note would still allow some further work on the details.

### **Applicant's Comments**

Chuck Brook, Brook Development Planning, commented on the very mixed response of the Urban Design Panel, which did not support the application in its first review and narrowly supported it on the second. Nevertheless, the Panel was consistent in its support of the proposed tower siting, the general massing, the density and the 70 ft. podium. Most of the Panel's comments related to the architectural expression of the building. Referring to condition 1.3, Mr. Brook stated they received a clear and constructive message from the Urban Design Panel that there will have to be a demonstration of very skilful architectural refinement and building quality at the complete stage. Alternative architectural expressions will not be considered but they are committed to improving and refining what is presented in this preliminary application. He therefore requested that the Note to Applicant in 1.3 be deleted.

With respect to condition 1.8, Mr. Brook said they are prepared to provide an outdoor child play area, but fully meeting the City's Housing Families at High Density Guidelines would be onerous. He requested consideration of some alternative wording to give them the ability to work towards the intent of the guidelines but not having to meet them completely. In response to a question from Mr. Beasley, Mr. Hein confirmed that staff would be satisfied with deleting the reference to meeting the guidelines. Referring to the standard conditions, Mr. Brook requested deletion of A.1.2 on the basis that the podium is substantial.

Mr. Brook noted this is an unusual application because it involves, in part, a component under construction and the parking garage had already been completed before Council enacted amendments to the Parking By-law in November 2001. The vertical clearance to the parking garage therefore does not meet the new 7.5 ft. standard. Mr. Brook requested the Board to consider deleting condition A.1.3 in recognition of this situation. He noted the issue relates solely to clearance and not the number of parking spaces. With respect to A.1.6, Mr. Brook advised they will be deleting the loading space. He added, they are satisfied that Building Code issues can be addressed. The developer, James Schouw, explained the intention is that construction of the existing component will proceed during the processing of the subject application.

### **Questions**

With respect to condition A.1.3, Mr. Beasley questioned whether this application would qualify as having been in the process when the revised parking regulations came about. In discussion, Mr. Rudberg also questioned whether the Board is able to relax the vertical clearance under a new application.

Noting this is an unusual proposal, having a fairly massive streetwall compared to most other buildings in the vicinity, Mr. Beasley said he had some concern that the net effect of this much frontage with this height of building is somewhat of a harsh interface with the pedestrian sidewalk. He questioned the applicant's reaction to an additional condition calling for design development to express more clearly the townhouse range at the 2 - 3-storey level so that there is some moderation at the pedestrian level. Mr. Schouw said he would have no problem with this suggestion, noting it is their aim to achieve this anyway with design development.

In response to a question from Mr. MacGregor concerning condition 1.8, Mr. Hein advised the City has been generally consistent in seeking compliance with the City's Housing Families at High Density Guidelines, although the language of this condition may be stronger than is usually applied. For this reason, staff would be comfortable with the play area being provided to the satisfaction of the Director of Planning and Director of Social Planning, without specific reference to the guidelines.

### Comments from Other Speakers

Ms. Elaine Ferbey addressed the Board on behalf of residents of The Metropolis (1238 Richards Street) who are opposed to this project. She referred to her letter of response to notification dated November 14, 2001 (on file). Ms. Ferbey also noted that a petition which contained 43 signatures at the time the Staff Committee Report was compiled, has since grown to a total of 80 signatures. Ms. Ferbey said they were disappointed not to have received a copy of the report until very recently, nor have they been able to see the revised model and drawings until today. The Metropolis residents are very concerned that the proposed tower will be only 99 ft. from their building, which will cause loss of privacy, blockage of views, overshadowing and overall hampered livability. Ms. Ferbey said their main objection to this application is the manner in which it has been "piggy backed" on the application previously approved at the south corner. She questioned why reconsideration of the entire project is being permitted, with the previously approved component now becoming "phase one" and the current submission, "phase two". While Metropolis residents accept the likelihood of a second residential tower on this block they are very concerned about the proposed siting of the tower, which they suggest should be located at the corner, a significant distance away from The Metropolis tower in order to optimize livability for both buildings. She urged the Board to reject the development application.

### Questions

In response to a question from Mr. Rudberg about tower separation, Mr. Hein said typical separation is 80 ft. (40 ft. on each site), in accordance with the Downtown South Guidelines. Given the chequerboard pattern of towers in Downtown South, staff believe that shifting the proposed tower to the corner would further compromise view performance for the Metropolis as a result of future tower siting that would then occur on the site to the east. Overall, staff believe a good separation is being achieved between all the potential sites still remaining in the area.

Responding to a question from Mr. MacGregor about the development potential of this site without the corner site presently under construction, Mr. Hein advised it could be developed to a maximum of 70 ft. height and 3.0 FSR.

Ms. Leduc sought clarification as to why development of the corner site proceeded ahead of this proposal. Mr. Hein noted that when the corner site was approved staff had no knowledge there was an interest in this site by the same developer. Mr. Schouw explained that when the corner site became available he tried hard to acquire the adjoining site (then occupied by the Palladium nightclub). However, it was only much later that acquisition became a possibility. He added, his preference would have been to develop the whole site as one from the beginning.

### Panel Opinion

Mr. Bunting noted the Urban Design Panel saw this project twice. It was not supported in the first review and narrowly supported in the second. The most fundamental issue was tower placement, which the Panel supported as being a good and credible location even if the project had been brought forward in its entirety from the beginning. In considering all the factors, including existing and potential buildings, the Panel felt it was within the context of the Downtown South. There was mixed response to the height of the streetwall massing, with particular concern about the transition with the Canadian Linen Building. Mr. Bunting advised the Panel's concerns in this respect have been adequately addressed in the prior-to conditions. In general, the Panel felt the ordering of the high streetwall could be dealt with, given this is a preliminary application. Mr. Bunting added, he believes this somewhat atypical streetwall should be accepted.

The most contentious issue for the Panel was the architectural expression, with only a slim majority of Panel members endorsing somewhat the direction in which the architecture was moving, but with a great deal of reservation. Many of the comments were to do with seeing how it can be resolved at the complete stage. Mr. Bunting said while he would not recommend exploration of different architectural expressions, there needs to be some pulling together of the stylistic imagery being portrayed. Many of the Panel's comments were to do with the lack of clarity of the architectural language and it was stressed that there needs to be a lot of clear detailing, with large scale section elevations, to show how it was going to be achieved. While many Panel members had

serious reservations about the design, others looked forward to seeing how it could be "pulled off". Mr. Bunting said he believes most of the Panel's comments have been incorporated in the prior-to conditions. However, he suggested that, along with dealing with the podium massing, the tower massing also needs to be addressed. As well, if the Note to Applicant in condition 1.3 is retained, it should indicate consideration of alternative approaches to tower *massing* and expression.

In summary, Mr. Bunting recommended approval in principle, taking into consideration all the Panel's comments to date on the project.

Mr. Hancock commented that, in some ways, there is much to be said that is positive about this project, noting the 70 ft. base massing leads to a very slender tower. He also noted it is becoming more common to see this kind of tower separation (or less) in Downtown South. With the slenderness of the tower and the separation, Mr. Hancock said he felt the applicant had achieved something which is as good as could be expected under the circumstances. He said he found the architectural expression unique and challenging and looked forward to seeing some resolution to what is presently a somewhat simplistic approach. He added, if it is pulled off well, it could be quite a stunning piece. Mr. Hancock recommended support for the scheme. He recommended deletion of the Note to Applicant in condition 1.3 because he felt refinement would be more appropriate than exploring other approaches. He thought provision of a child play area to the satisfaction of the Directors of Planning and Social Planning is reasonable. With respect to the floor-to-floor heights, Mr. Hancock said he had no concern with greater than 10 ft. He had some concern about the vertical clearance for disabled parking and whether it is appropriate to delete this requirement at this time given this is a whole new direction for the site. Disabled parking is a reality and it needs to be addressed. He felt an attempt had been made to express parts of the townhouse base at two storeys, although it could be strengthened.

Mr. Ross commented that the slim tower has not been an issue for people in the area. He said he was concerned about the strong comments from the Urban Design Panel concerning the exterior detail. He suggested the applicant should be given more direction in condition 1.3, albeit the guidelines are silent on architectural merit. He agreed that alternative approaches would not be appropriate but was concerned that the complete submission will be problematic without more prescriptive wording. He strongly supported including a condition to create a two-storey townhouse expression, and concurred with amending 1.8 as discussed. He said he supported approval of the application but with greater direction to the applicant on the architectural expression.

Ms. Leduc said she was somewhat uncomfortable about the project because of the Urban Design Panel's reservations. She would have preferred to see stronger recommendations from the Panel. With respect to tower location, the proposal is probably the only position to place the tower, although it is unfortunate the separation is so small, albeit greater than the guideline minimum. She agreed with Mr. Ross that more direction should be given to the applicant. She also thought it was very important that the transition to the Canadian Linen Building be looked at very carefully. In summary, she recommended approval in principle although noting she had some discomfort because of the Urban Design Panel's response to the design.

Mr. Scott did not support amendment of condition 1.8 but would like to see more details of the play area at the next stage. He said he was also unclear as to whether or not there would be a loading space. Referring to the petition from The Metropolis residents, Mr. Scott encouraged the applicant to meet with the neighbours to discuss some of their concerns. He said he was in favour of the application and looked forward to seeing the complete submission.

#### Clarification

With respect to the matter of the vertical clearance for disabled parking access, Mike Thomson, City Surveyor, advised that under Section 3.2.1(K) of the Parking By-law, the Director of Planning and Development Permit Board have the ability to relax the height clearance on the grounds of hardship.

#### Board Discussion



Mr. Rudberg commented that as Downtown South becomes more developed issues such as building separation and impacts on views and privacy will become more problematic. The fact remains that this tower, as proposed, exceeds the spacing guideline minimum. It is also a much slimmer tower than would have been envisaged in the guidelines. Clearly, residents of the Metropolis are not supportive. Mr. Rudberg said he found the streetwall next to the Metropolis to be somewhat awkward and unfriendly but thought condition 1.1 would go some way to address that transition. He said he was prepared to move approval in principle, noting it is a preliminary application and a number of issues that have been identified can be addressed in the complete submission. He tabled a number of amendments to the conditions. He commented that one of his concerns about Downtown South is that there is some "sameness" that is beginning to develop, with the 3-storey podium with tower schemes being repeated. To see something different, therefore, is refreshing and should be encouraged as further infill development occurs in the Downtown South. He added, he hoped the final details can be worked out to the satisfaction of the Urban Design Panel and staff.

Mr. Beasley noted there is a significant challenge remaining for the design team to address the skepticism of its peers on the details. In seconding Mr. Rudberg's motion, he said the Board is endorsing the applicant's basic approach but will look for quality in the details at the complete stage, noting this is the kind of architectural expression that can either work beautifully or look tacky, depending on how it is executed. Mr. Beasley commented that while the towers are farther apart than the 80 ft. minimum, they are still fairly close. It would therefore be a neighbourly gesture for the applicant team to discuss with the neighbours how a building is constructed close by without necessarily over-viewing, noting there are a number of screening devices that can be used. He supported the addition of condition 1.9 because one of the problems with this kind of massing is that it can have some fairly negative implications for the pedestrian. Overall, it has been very clear in this neighbourhood that there is an infill of towers coming as development occurs and projects such as the subject proposal should be expected by Downtown South residents.

Mr. MacGregor did not support the application, noting that had construction not already begun on the corner development, the Board would be considering a 70 ft. scheme. He felt the application was seeking too much in this proposal. He noted the applicant is unable to meet the guidelines for Housing Families at High Density. Mr. MacGregor said he was not convinced that enough work had been done to warrant approval, even at this preliminary stage. In addition, the parking access will not meet the new Parking By-law standards relating to the disabled, which would not be the case if the entire site was developed as one from the beginning. There is also an issue with respect to the concerns of the residents of The Metropolis who are now faced with a tower as opposed to a 70 ft. high building.

Mr. Scobie noted that, while he is a non-voting member of the Board, he also did not support the proposal. He agreed the application is a challenging and unique proposition, and the extra high podium does allow for a slimmer tower, but he shared the concerns expressed by Mr. MacGregor. He also noted the level of detail in the submission is well beyond what would normally be seen for a preliminary application, which may have led to greater focus on the details than might otherwise have been the case. Mr. Scobie said he was particularly concerned about the unique characteristics of the architectural expression, noting the serious concerns expressed by the Urban Design Panel. He noted the application will be returned to the Board at the complete stage.

### Motion

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

THAT the Board APPROVE IN PRINCIPLE Development Application No. 406223, in accordance with the Development Permit Staff Committee Report dated January 9, 2002, with the following amendments:

Amend 1.3:

design development to refine the proposed architectural *massing and* expression of the tower component, including resolution of significant exterior details, to ensure that the project quality conveyed is ultimately achieved in its execution;

Delete the Note to Applicant in 1.3;

Amend 1.8:  
design development to provide an outdoor child play area ~~which meets the City's Housing Families at High Density Guidelines~~ to the satisfaction of the Director of Planning and the Director of Social Planning.

Add 1.9:  
*design development to moderate the pedestrian scale impacts of the streetwall by better distinguishing the two or three storey ground oriented townhouse expression from the overall podium along Richards and Drake Streets;*

Delete A.1.2;

Amend the Note to Applicant in A.1.3:  
Recent amendments to the Parking By-law requires the provision of four disability parking spaces ~~with a vertical clearance of 7.5 ft. (2.3 m) for all entrances, exits, drive aisles, other access and egress to these spaces~~ *with issues of hardship to be addressed at the complete application stage.*

Amend A.2.6 to change "provision and" to *provision of*.

CARRIED  
(Mr. MacGregor opposed)

5. 675 WEST 10TH AVENUE - DE406273 - ZONE CD-1 (PENDING)  
(COMPLETE APPLICATION)

Applicant: Henriquez Partners/IBI Group

Request: To develop this site with Phase 1 of a two phase Cancer Research Centre Complex. Phase 1 consists of a 15-storey medical laboratory/office/restaurant building with four levels below grade, two of which are for parking, and interim surface parking on the easterly (Phase 2) portion of the site.

**Development Planner's Opening Comments**

Senior Development Planner, Ralph Segal, introduced this application for the new BC Cancer Research facility. The site was the subject of a rezoning from C-3A to CD-1 in July 2001, with a number of rezoning design conditions applied. Until such time as the second phase of this project proceeds, surface parking will be permitted on the easterly portion of the site. Mr. Segal briefly reviewed the site context and noted that Council has also recently approved a Vancouver General Hospital Precinct Plan which encompasses a large area to the south, southwest and west of the site.

No major issues have been identified by staff, noting the proposal was a heavily negotiated form of development at the rezoning stage. There are some issues relating to the detailed ground level edge treatment around the site, in particular regarding the relaxation of the West 10th Avenue 3.1 m setback to accommodate the circular windows and glass sun louvres which project about 1.1 m from the building face. The concrete floor slabs on the office portion of the building also project into the setback by about 0.9 m. These intrusions occur above the second level of the building. Mr. Segal noted the CD-1 by-law does not include a relaxation provision for the 3.1 m setback, the purpose of which was to ensure the expansion of the public realm at ground level. However, there is also a rezoning condition which calls for reducing the apparent visual impact of this massive building through architectural treatment and articulation. The protruding slabs and windows are among the features used by the architect to address this condition, and staff believe they are exceptionally successful in breaking down the mass of the building. At the rezoning stage, staff were unaware that these elements would project into the 3.1 m setback. Given the time involved in taking this issue back to Council and Public Hearing to correct the

situation, staff recommend that the Board use the "hardship" clause of the Zoning & Development By-law (Section 3.2.4) to relax the setback, on the basis that, to literally comply, it would be a hardship to the applicant because (1) the circular elements will encroach into much needed program space if they are pulled back, and (2) making the building flatter in order to comply would compromise the exceptional articulation that has been achieved.

Mr. Segal briefly reviewed the remaining detailed conditions outlined in the Staff Committee Report dated January 9, 2002, subject to which the recommendation is for approval of the application. He tabled an amendment to condition A.2.1 with respect to loading spaces.

### Questions

Mr. Beasley sought clarification regarding the interim parking arrangements. Mr. Thomson advised the applicant has recently submitted a proposal which seems reasonable and will be discussed further. Mr. Beasley commented that the roof treatment appears to be less resolved than that shown at the rezoning stage.

With respect to the setback intrusion, Mr. Ross said while he had no concerns with the situation described, he questioned whether it would set a precedent for other developments to use the "hardship" clause. Mr. Segal noted that staff very rarely make such a recommendation to the Board and generally take a much tougher approach to such requests involving market developments. He stressed this circumstance would not be accepted by staff as a basis upon which a market development could use it as a precedent.

Questioned by Mr. MacGregor about the timing of a Text Amendment to deal with the setback encroachment, Mr. Segal said if it is initiated by the Director of Planning it would take a few months to get it to Public Hearing.

Referring to condition 1.2, Mr. Beasley questioned the request to provide an open fence, which would allow direct visual access down into the parking lot. Mr. Segal said the intent is that trees would be planted below to provide screening at pedestrian level.

Mr. Rudberg commented that the Note to Applicant in condition 1.2, and condition 1.4, seem fairly prescriptive. Mr. Segal noted that all the issues have already been discussed with the applicant. As well, the Note to Applicant in condition 1.2, are only suggestions for achieving the intent of the condition.

Mr. Scobie questioned whether condition B.2.2 is in conflict with A.2.12 and A.1.13 relating to parking and loading. He also questioned the necessity for B.2.4 dealing with phasing.

In response to a question from Mr. Scobie about whether rezoning condition (iii) is properly met, Mr. Segal said he believes the intent of this condition, to provide an active street frontage, is fully met with the provision of a restaurant on Heather Street.

### Applicant's Comments

Richard Henriquez, Architect, addressed the matter of using the "hardship" clause to permit intrusions into the setback, noting there would be no issue if the description "front yard" had been used in the CD-1 by-law rather than "setback". Planning precedent and the by-law itself allows projections into front yards. Planning practice has also allowed rain protection to project into front yards. This project also has rain protection. Mr. Henriquez said the rezoning model clearly indicated that minor projections into the setback would be entertained where it contributed to the articulation of the building, and it was clearly understood from the beginning that there would be projections to provide articulation, and rain protection.

Mr. Henriquez advised they have very few problems with the conditions, having worked closely with staff. The exceptions are as follows: In 1.1, to provide uninterrupted access to the corner entrance plaza, Mr. Henriquez explained it hinges on what level the main floor of the building is placed. It has been placed as low as possible to the street, consistent with achieving headroom for loading at the rear. This has resulted in the main floor being very slightly higher than West 10th Avenue at the corner. Ramps and a few steps have been provided for

access to the corner plaza. Mr. Henriquez said it is not possible, at this point, to lower the building to eliminate all the steps, noting also that he does not believe it compromises the urban quality of the street as proposed. He requested this condition be reworded in accordance with the zoning report, to indicate maximizing uninterrupted access to the corner entrance plaza at grade and minimizing the stairs. Mr. Henriquez also requested rewording of 1.4 so that it reads "ensuring that the plaza stairs and ramps in the 3 m setback not require guard rails along the street". With respect to the request for a conceptual sketch of the second phase, Mr. Henriquez said this is clearly outside their scope of work at the moment. With respect to condition A.1.4, requiring the ground floor covered outdoor area to be included in FSR, Mr. Henriquez pointed out that it was requested that part of the plaza be covered. He requested its exclusion on the grounds that it is an amenity.

### Discussion

In response to a request for clarification from Mr. Beasley concerning calculation of FSR, Mr. Segal explained, if the space to the entrance of the building was two storeys high it would normally be exempt from FSR but one storey space is normally included. Mr. Segal agreed the entry does function as an amenity given its prominence and location on the sunny side of the street. The CD-1 by-law for this site follows the C-3A District Schedule for FSR calculation.

Some discussion ensued with respect to the guard rails at the plaza. The Landscape Architect, Jane Durante, explained the intent at the plaza and along West 10th Avenue is that the guard mechanism would be minimized and also be screened with planting, so that, particularly along West 10th Avenue which is a temporary condition, the plants at the street level will soften the visual impact of the railing.

With respect to the setback encroachment issue, Mr. Beasley commented that he believes using the "hardship" clause is "stretching it", notwithstanding that it may be question of terminology in the CD-1 by-law. Another approach might be to approve the application in accordance with the existing regulations in order for the project to proceed, but then quickly - at the initiative of the Director of Planning because it is a question of clarifying a confusion - have Council make the amendment which would allow the Board not to exercise the "hardship" clause. This would be followed by a minor amendment to the development application to be consistent with the amended by-law. Mr. Henriquez agreed this would be a good approach, with the inclusion of the overhangs and weather protection, etc.

### Comments from Other Speakers

None.

### Panel Opinion

Mr. Bunting noted the Urban Design Panel unanimously supported this application and commended the exceptional design on a very difficult site. Most of the Panel's comments related to the landscape, which are reflected in the prior-to conditions. Some Panel members considered the building too dense for the site, which is resulting in the discussion about FSR inclusion for overhangs, etc. to deal with the mass of the building. Nevertheless, the Panel believes there is every reason to ensure this project proceeds as quickly as possible. With respect to condition 1.4, Mr. Bunting said he believes there are some public realm benefits to keep the building back as much as possible. He suggested the use of glass rails as opposed to concrete to keep it as open as possible. Mr. Bunting added, he endorsed the intrusion into the setback in whatever legal form it can take; it does express the intent of the by-law.

Mr. Hancock said it is an exceptionally handsome scheme and a powerful piece of work that should be supported. With respect to the FSR calculation, Mr. Hancock commented he has always found it very irritating that outdoor space behind a column is counted because it is an impediment and a penalty to good architecture. On the question of the Board invoking the "hardship" clause, Mr. Hancock suggested the Board should have regard to the *intent* of the by-law, which is certainly not to penalize for projections which add a great deal to the building. If it must be considered a relaxation, it is warranted. He strongly recommended support for the application.

Mr. Ross commented that for an institutional use to be as attractive as this design is a real benefit for the city. He strongly supported the project. He had some difficulty with the use of the "hardship" clause and said he would prefer not to use it as a way to address the issue, except as a last resort if the approach suggested by Mr. Beasley was not feasible. With respect to the conditions, Mr. Ross said he had no problem with the applicant's requested amendment to 1.1. He also supported amendment to 1.4. He also supported excluding the outdoor covered area from FSR.

Ms. Leduc commended the applicant on a beautiful and stunning design. With respect to the issue of setback intrusions, Ms. Leduc said she also felt it was within the intent of the by-law, given that projections such as rain protection are usually strongly encouraged. She added, she would like to see the issue resolved so that this situation does not occur again. She agreed the covered outdoor area should not be included in the FSR calculation, and that 1.4 be less prescriptive.

Mr. Scott was not in favour of using the "hardship" clause but supported a relaxation so that construction of the project can begin, given it could set a precedent for other developments. He supported the application and recommended approval.

#### Board Discussion

Mr. Scobie commented he had no procedural difficulty with invoking the "hardship" clause, but cautioned that it should not be considered without ensuring there is a thorough understanding of the reasons for its use, particularly on very site-specific zonings that Council has crafted. Nevertheless, in this instance, he encouraged the Board to consider using Section 3.2.4, but that the by-law also be amended as a matter of course.

Mr. MacGregor moved approval of the application with a number of amendments to the conditions. With respect to FSR calculation, Mr. MacGregor said he was confident that when the FSR is confirmed there will be enough floor area in the development given it is a little under the maximum; also, that it would be interpreted such that it is not a problem. In discussion with respect to the intrusion into the 3 m setback, Board members agreed upon using the "hardship" clause because the intent of the by-law is being met. In further discussion, the Board agreed to leave it to the Director of Planning to deal with amendment to the by-law.

Mr. Rudberg commented that everyone agrees it is a good project that should proceed.

Mr. Beasley also supported the project and commended the work done by the architectural team and staff on this project. It is an extraordinarily dense building in the circumstance and it has been very handily dealt with by the basic design and by working together to resolve the areas where there were impacts.

#### Motion

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

THAT the Board APPROVE Development Application No. 406273, in accordance with the Development Permit Staff Committee Report dated January 9, 2002, with the following amendments:

Amend the approval preamble, to add before "subject to the following conditions":

*including exercise of discretion through Section 3.2.4 of the Zoning and Development By-law to allow intrusion of the circular windows, louvres and floor slabs along West 10th Avenue into the required 3 m setback;*

Amend 1.1 to delete:

-providing uninterrupted access to the corner entrance plaza at grade by eliminating the stairs on West 10th Avenue;

Amend 1.4 to read:  
design development to the mid-block plaza to minimize rail and solid concrete  
walls projecting into the 3 m setback (between Phase 1 and the future Phase 2);

Delete the Note to Applicant in 1.4;

Delete the Note to Applicant in A.1.4;

Amend A.2.1:  
provision of ~~four (4) class A and four (4) class B~~ *six (6) class B* loading spaces for Phase 1  
of the development, to the satisfaction of the General Manger of Engineering  
Services;

Delete B.2.4.

**6. OTHER BUSINESS**

None.

There being no further business, the meeting adjourned at 7.10 pm.

C. Hubbard  
Clerk to the Board

/ch

F. Scobie  
Chair