

Date: Monday, January 16, 2006
Time: 3.00 p.m.
Place: Committee Room No. 1, City Hall

PRESENT:**Board**

F. Scobie Co-Director of Development Services (Chair)
L. Beasley Co-Director of Planning
B. MacGregor Deputy City Manager
T. Timm General Manager of Engineering Services

Advisory Panel

A. Endall Representative of the Design Professions (Urban Design Panel)
R. Acton Representative of the Design Professions
K. Hung Representative of the General Public
C. Henschel Representative of the General Public
M. Braun Representative of the General Public

Regrets

G. Chung Representative of the General Public
J. McLean Representative of the Development Industry
J. Scott Representative of the Development Industry
R. Keate Representative of the Vancouver Heritage Commission

ALSO PRESENT:**City Staff:**

M.B. Rondeau Development Planner
J. Greer Project Facilitator
M. Thomson City Surveyor
P. Pinsker Parking Engineer

700 Hamilton Street

J. Bakker Hotson Bakker Boniface Haden
W. Francl Walter Francl Architects
P. Arbuckle CBC
K. Golemba CBC
J. Adair CBC
D. Savage Concord Properties
D. Negrin Concord Properties
M. Meehan Concord Properties
B. Hemstock Landscape Architect

Recording Secretary: D. Kempton

1. MINUTES

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of November 21, 2005 be approved.

2. BUSINESS ARISING FROM THE MINUTES

None.

**3. 700 HAMILTON STREET - DE409307 - ZONE DD
(COMPLETE AFTER 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 project containing retail and residential uses, with a 21-storey residential tower and a 31-storey residential tower, containing a total of 450 dwelling units, over a retail/residential podium and five levels of underground parking.

Development Planner's Opening Comments

Mary Beth Rondeau, Development Planner on behalf of Ralph Segal, introduced the application and noted that this is a complete after preliminary application for a full block that has the existing CBC building on it, the operations of which are very important to downtown.

The application received approval-in-principle from the Board at the preliminary stage. Ms. Rondeau said that as a result of consultation with community groups condition 1.4 was added to provide technical support in the Hamilton Street outdoor spaces. She said there has been significant improvement to the Hamilton Street frontage and that staff consider that area to be well resolved.

Ms. Rondeau reviewed the conditions and details of the conditions noting that the recommendation at the preliminary stage to reduce tower floorplates was addressed. The west tower is almost the same; however the east tower now has 87 ft. tower separation and the floorplate was reduced by approximately 800 sq.ft. Staff consider the shape and form of the towers to be well resolved.

In terms of architectural treatment, at the Urban Design Panel the specific colour palate was discussed and there was consensus that a more subdued treatment would be preferred. Ms. Rondeau stated that the applicant has undertaken further design development and there is a model on display, for information only, that indicates the intended response to the commentary from the Panel. The Panel comments are also reflected in condition 1.1.

Ms. Rondeau reviewed the amenity spaces, noting that a very large amenity space has been proposed for residential use as well as community amenity space in the form of a studio space that would be offered on a rotating basis to community groups, and also a large room for the

community to use. Both of the community amenity spaces would be available at low cost. Ms. Rondeau said that the Official Development Plan caps the amenity exclusion at 10,000 sq.ft. and these three spaces total 22,000 sq.ft. Staff support the Board's relaxation of this limitation via use of the hardship clause in this case to exclude a maximum of 20,000 sq.ft. of amenity space because the amenity is very valuable and meets the intent therefore qualifying for relaxation.

Ms. Rondeau summarized the proposed parking, noting that all residential parking will be provided on-site. The parking by-law requirement for CBC is 240 spaces which in the past has been reduced to 104 spaces. The applicant is proposing to provide 75 parking stalls for CBC use and staff believe that this is a significant parking reduction from the by-law requirement and it is important to achieve the 104 spaces as per condition 1.8. Ms. Rondeau also brought a minor housekeeping item to the Board's attention in the form of an amendment to condition A.2.3 as per the memo provided by John Greer, Project Facilitator.

In conclusion, Ms. Rondeau said that staff consider this proposed development to be a very well crafted residential addition to the site, plus significant improvements to the existing open areas and active public areas of the CBC building. With the conditions noted in the report, the Development Permit Staff Committee recommends approval of the application.

Questions/Discussion

Mr. Beasley questioned what public purpose would be served by the reconsideration of the colour palate as recommended in condition 1.1. Ms. Rondeau responded that under conditional developments the advice of the Urban Design Panel is sought and staff agreed with the Panel that the colours were too busy in terms of the red frame and different coloured balconies. However, there is no applicable Council policy or guideline pertaining to building colour.

Ms. Hung sought clarification for the purpose of the proposed antenna on the residential tower. Mike Thomson, City Surveyor, responded that at the preliminary application stage it was determined that the antenna would be for emergency broadcast use only. Mr. Scobie further clarified that at the preliminary application stage the Board concluded that it would be appropriate to approve the antenna at this location subject to specific dimensional aspects.

Mr. MacGregor questioned the difference in parking space numbers from 104 at the preliminary application stage to 75 in the complete application. Paul Pinsker, Parking Engineer, responded that the CBC site currently only has approximately 50 parking spaces on site that are true parking spaces and the rest are used for storage or fleet vehicle purposes. He noted that this is a concern for staff and they have been working with the applicant team to differentiate between parking spaces and fleet storage spaces so that the preliminary approval of 104 spaces can be achieved. Mr. Pinsker said that the applicant has made good strides and the gap in parking shortfall is closing. He expressed confidence that through working with the applicant team the issue could be resolved.

Mr. Scobie cautioned the Board members that the amenity exclusion proposed could be seen as precedent setting. He suggested that since the studio space is publicly accessible it could be looked at not as a 10,000 sq.ft. amenity but rather as a true public amenity. Mr. Scobie asked the applicant team to address in their comments the fact that they are seeking an exclusion of approximately 22,000 sq.ft. for amenity spaces and staff are recommending only 20,000 sq.ft. for exclusion. He asked the applicant to describe where they would reduce 2,000 sq.ft. of amenity space if the Board were to limit the exclusion to 20,000 sq.ft.

In response to a question from Mr. Beasley regarding consideration of the amenity space as a public amenity bonus rather than a project amenity exclusion, Mr. Greer confirmed that Council advice would be required to treat the space as a public amenity bonus. He also confirmed for Mr. MacGregor that a text amendment to permit the exclusion of amenity space was not considered.

Mr. Acton asked where the bicycle parking had been relocated to since the preliminary application. Mr. Greer responded that the bicycle parking now complies with the by-law and is located below grade.

Applicant's Comments

Mr. Bakker, Hotson Bakker Boniface Haden, said that in general the applicant team is in agreement with the conditions. He provided some background on the guiding principles that were established for the redevelopment of this site and how that affected the amenity space proposal. He noted that there will be improved access to Studio One and significant improvements to the space adjacent Hamilton Street to make it an active and integral part of the public realm. The first public amenity area for exclusion from FSR is the 8,500 sq.ft. space that abuts the public courtyard and the second public amenity area for exclusion is the "black box" which would be available to the public/community perhaps for townhall meetings, community group meetings etc. with an added outdoor stage to enhance the space. Mr. Bakker stated that he does not have any issues with condition 1.5 and felt that the applicant team and City staff were on common ground.

With respect to the issue of parking, Mr. Bakker stated that condition 1.8 took the applicant team by surprise; however they have been working with Mr. Pinsker to resolve the parking shortfall and would like the opportunity to continue to work with staff during the resubmission.

In response to the question from Mr. Scobie regarding the possible approval of only 20,000 sq.ft. of amenity space versus the requested 22,000 sq.ft., David Negrin, Concord Properties, responded that the intent would be to modify the proposed amenity space in the Concord buildings in order to comply. The applicant team would prefer to have an approval for the entire 22,000 sq.ft.; however they could work with a 20,000 sq.ft. approval.

In response to a question from Mr. Henschel about the provision of public washrooms on site, the applicant responded that the amount of public washrooms on site will be increased and located in an area adjacent to the front door of the CBC and at a lower level. The applicant stated that it is their intent to provide a new public lobby to Studio One and a floor above that would have new public washrooms. The applicant team also confirmed that the proposed antenna is only to be used in emergency circumstances as per an earlier question posed by Ms. Hung.

Questions/Discussion

Mr. Beasley asked the applicant to describe how the project would change if the Board did not grant the relaxation sought for amenity spaces. Mr. Bakker responded that there would be a significant delay in concluding the business agreement between CBC and Concord because the financial arrangements are contingent on a specified amount of development.

Mr. Beasley asked the applicant to comment on the advice from the Urban Design Panel regarding colour and staff support for that advice. The applicant responded that commentary from the Panel and staff was taken as friendly commentary and they have tried to respond to that advice positively. As a result of discussions with the client, purchasers and staff it was

decided to tone the colour down and go with a green/yellow colour for the shorter tower and a blue/purple colour for the taller tower. The applicant team is pleased with that solution.

Mr. Timm expressed concern about the residential occupants being located next door to an outdoor public amenity space. Mr. Negrin stated that the applicant team held an open house and invited all of their purchasers to the open house where it was made clear, and was also part of the marketing scheme, that this is a downtown site that will be an active site. This concept of activity has been a huge part of the marketing scheme and the applicant team is comfortable and confident in what was presented.

Mr. Beasley asked whether the two amenity spaces located in the CBC building would be secured by legal agreements so that they can't be used by the CBC for general use. Ms. Rondeau responded that condition B.2.7 addresses securing the amenity spaces.

Mr. Timm stated his discomfort with the applicant's intention to meet the parking requirement by managing the spaces. He said that fleet spaces should be used by fleet vehicles and there needs to be a minimum of 104 parking spaces at this location for CBC staff and visitors. Mr. Timm did not find it an acceptable solution for a CBC employee to drive to work, move a CBC van so that they can park their vehicle in that stall and then take the van out for the day and consider that space a parking stall when it is actually a fleet stall. He also reminded the applicant that the City provides meter exemption permits for reporters who use the parking meters in front of the CBC building because there is not adequate on-site parking presently provided.

The applicant stated that they do not have any issues with the Building By-law and Fire Department issues as identified in Appendix C.

Comments from other Speakers

None.

Panel Opinion

Mr. Endall said that the Urban Design Panel reviewed this project on three occasions and noted a steady improvement in the quality of the public realm along Hamilton Street, quality of architectural expression and the commitment from the applicant to provide public amenity space. The Panel strongly supported this application.

With respect to the Panel comments regarding the proposed colours of the building, Mr. Endall stated that the most significant comment from the Panel was that the red frames on facing facades of the towers needed reconsideration. Mr. Endall clarified that the Panel commentary centered on the fact that there were strong forms proposed for the towers with a high level of architecture and thought being given to colour and expression of the towers; however there was some opportunity to introduce a level of sophistication and subtlety.

Mr. Endall supported the deletion of the second and fourth bullets of condition 1.1 since the applicant team has responded to the Panel comments. Mr. Endall felt that it was not necessary to have that level of detail regarding colour in a condition.

Mr. Acton agreed with Mr. Endall's comments regarding amendments to condition 1.1 and went further by suggesting the deletion of the Note to Applicant as well. Mr. Acton expressed concern about constraining the applicant and noted that the applicant team did respond to the Panel commentary and came up with a great looking scheme.

With regard to condition 1.5 and the issue of residential amenity space, Mr. Acton agreed with Mr. Negrin that it would be a shame to see the residential amenity space reduced and said that so long as the applicant is meeting the intent of the guidelines and the CBC public amenity is an actual benefit to the public then he would support the exclusion as requested by the applicant. Mr. Acton said that he felt the parking issue, as brought up by Mr. Timm, would best be dealt with by the Engineering Department.

Mr. Henschel congratulated the proponent and staff for the progress that this project has made. With respect to condition 1.1, Mr. Henschel said that he would like to see the Board give the applicant the freedom to maximize the architectural expression within market acceptance and not be limited by condition 1.1. He would support the deletion of condition 1.1 or deletion of the notes in condition 1.1. Mr. Henschel said that in some locations within the city it is appropriate to have a building that is more expressive and vibrant and this development, in conjunction with the broadcasting building, is a place to have a building that is a sculpture piece and is architecturally expressive.

Ms. Hung noted that this was the first time she had seen this application and overall she was pleased with the project. She felt that the glassy studios would invite activity and the proposed development would liven up that particular area of downtown. Ms. Hung agreed with the previous comments that the CBC building is a creative place and the expression of creativity and colour are appropriate on this site.

In terms of the amenity space, Ms. Hung supported increasing the amount of space that could be excluded. She felt that the location of the antenna, for emergency broadcast use only, was acceptable although she has concerns with antenna and satellite dishes in general because they are unsightly.

Mr. Braun supported the comments of some other Advisory Panel members in recommending that the Board delete condition 1.1, because he didn't believe the City should get involved in the architectural design of development proposals other than through applicable by-laws and guidelines which presumably address aspects such as livability, compatibility with neighbouring developments, and the public realm.

Although Mr. Braun understands the Board's concern for setting a precedent by excluding all of the proposed amenity space in this application, he felt that the benefit of having this space outweighed any concerns. Mr. Braun felt that, in terms of pre-purchasers of this development, they are aware that there will be active public space within this site.

With respect to the condition which addresses parking, Mr. Braun said it was acceptable as written since he heard the applicant say that they would meet the minimum of 104 parking spaces.

Board Discussion

Mr. Beasley said that although he was not present at the time of preliminary approval he has monitored the application closely and felt that it was coming along very well. With respect to the condition related to architectural refinement, Mr. Beasley said that because of the conditionality of the application the Board does have a right to impose a related condition; however it should be in the interest of serving a public purpose. In this case, Mr. Beasley said that he cannot find a public purpose to be served by the condition and although he agreed that the architect should take the friendly advice or commentary from the Urban Design Panel and the Board, they should also have the room to reach their own conclusions. Therefore, Mr. Beasley recommended deletion of condition 1.1.

In terms of the proposed amenity space and requested exclusions, Mr. Beasley said he was supportive of the relaxation for all of the proposed amenity spaces primarily because this development is attempting to fit new construction within existing construction and one of the parties involved is a cultural convener of our country and it is likely they will use these spaces in a way that will be helpful to our community. Further to that, Mr. Beasley stated that the amenity space should be secured with a legal agreement, the details of which will be approved by the Director of Planning and the Director of Legal Services but should be a soft agreement. The agreement should secure the public use of the space, availability and rates of availability so that if the CBC were privatized that space would be protected.

Mr. Beasley said that he would leave the issue of parking spaces to the Engineering Department staff and the applicant to work out since staff have indicated there is an ability to achieve the minimum requirement. He would entertain further amendments to the parking condition from Mr. Timm.

In conclusion, Mr. Beasley said this project will be a very good addition in that it will help to bring quality of interest and urbanism to the area. He moved approval of the application as outlined in the staff report and with several amendments to the conditions.

Mr. Timm concurred with Mr. Beasley's recommendation to delete condition 1.1. He supported the relaxation for all of the amenity spaces given the scale of this development. Mr. Timm said that this site could have been subdivided with the same overall density and twice as much excluded amenity space. In addition to that the space will benefit the community and over half of the space is community amenity space; with that in mind a case can easily be made to apply the hardship clause.

Mr. Timm stated that his concern regarding noise potential from the outdoor space and impact on residential occupants is still unresolved. At this meeting the Board understood that the applicant's marketing strategy clearly described to potential residential occupants what the intent of the outdoor space would be.

With regard to parking, Mr. Timm offered an amendment to the Note to Applicant in 1.8 for Mr. Beasley's consideration. Mr. Beasley accepted the amendment. Mr. Timm seconded Mr. Beasley's motion to approve the application.

Mr. MacGregor supported the comments of the Advisory Panel as well as Mr. Beasley and Mr. Timm. Mr. MacGregor noted significant progress since the preliminary application stage and stated that he liked the additional width between the towers in this application. He does not want to make a mistake in estimating the operational needs of the CBC and therefore supported Mr. Timm's amendment to the Note to Applicant in 1.8.

In terms of the amenity space, Mr. MacGregor supported the relaxation to the full extent as Mr. Beasley suggested. He also supported a soft agreement to ensure that the amenity space for the residential building is not lost and likewise the amenity space for the general public. Mr. MacGregor said that he supported the use of the hardship clause in this case because the developer and the CBC are converting space to make it accessible to the public and if they did not do that it could be a hardship for the public. Mr. MacGregor stated his support for approval with the recommendations and amendments of the report.

Motion

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

THAT the Board APPROVE Development Application No. 409307, subject to the conditions presented in the Development Permit Staff Committee Report dated January 4, 2006, with the following amendments:

Delete 1.1 completely and renumber the remaining conditions;

Amend 1.5 to read:

Clarification of, *and securing through a legal agreement to the satisfaction of the Director of Planning and the Director of Legal Services*, the use of *all* proposed "Community Use" spaces *and amenity spaces that are excluded throughout the project*;

Amend the **Note to Applicant** in 1.5 to delete ", (See also Standard Condition A.1.2)" and also at the beginning of the second sentence to delete "A letter of undertaking, signed by the owners, shall be provided which assures" and replace with *The Legal agreement shall assure*

Amend the **Note to Applicant** in 1.8 to add at the end:

Fleet vehicle storage spaces may not be counted as employee or visitor parking spaces unless they are occupied by vehicles which are also regularly used for employee commuting.

Delete A.1.2;

Amend A.2.3 to delete the words "curb return" and replace them with *street design*

Amend the **Note to Applicant** in A.2.3 to read:

The proposed crossing conflicts with existing bus stop and lamp standard/trolley pole. Arrangements to the satisfaction of the General Manager of Engineering Services and Coast Mountain Bus Company are required for relocation of the bus stop *including the concrete passenger landing area*. The applicant's drawings do not agree with City records which indicate the existing bus stop extends to the lamp standard/trolley pole #8/7 located on the north side of the proposed crossing. Reducing the radius of the curb return *may be required to* lengthen the bus stop zone of Hamilton Street and improve the clearances between the bus stop and the proposed Hamilton Street crossing.

4. OTHER BUSINESS

None.

There being no further business, the meeting adjourned at 5:10 p.m.

D. Kempton
Assistant to the Board

F. Scobie
Chair