

Date: Monday, January 30, 2006
Time: 3.00 p.m.
Place: Committee Room No. 1, City Hall

PRESENT:**Board**

F. Scobie Director of Development Services (Chair)
A. McAfee 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
J. McLean Representative of the Development Industry
J. Scott Representative of the Development Industry
K. Hung Representative of the General Public
C. Henschel Representative of the General Public
R. Keate Representative of the Vancouver Heritage Commission (Items 1-3 only)
M. Braun Representative of the General Public

Regrets

G. Chung Representative of the General Public

ALSO PRESENT:**City Staff:**

M.B. Rondeau Development Planner (1252 Hornby Street)
R. Segal Senior Development Planner (1011 West Cordova Street)
V. Potter Project Facilitator (1011 West Cordova Street)
A. Higginson Project Facilitator (1252 Hornby Street)
P. Mondor Rezoning Planner (1011 West Cordova Street)
M. Thomson City Surveyor
P. Pinsker Parking Engineer
K. Magnusson Projects Engineer

1252 Hornby Street

S. Lyon GBL Architects
A. Brudar GBL Architects

1011 West Cordova Avenue

J. Cheng James Cheng Architects Inc.
A. Lai James Cheng Architects Inc.
C. Philips Landscape Architect

Recording Secretary: D. Kempton

1. MINUTES

It was moved by Mr. Timm, 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 16, 2006 be approved with the following amendments:

Amend p.5, fourth paragraph, 3rd line to change "operations" to *staff and visitors*.

Amend p.7, seventh paragraph, 4th line to delete one of the "want to".

2. BUSINESS ARISING FROM THE MINUTES

None.

**3. 1252 HORNBY STREET - DE409789 - ZONE DD
(COMPLETE APPLICATION)**

Applicant: GBL Architects

Request: To develop this site with a 15-storey mixed-use building, with general office use on the ground floor and 70 residential units on floors 2 through 15, all over three levels of underground parking. This application requests additional density through the transfer of heritage density from a donor site at 42-46 Water Street.

Development Planner's Opening Comments

Mary Beth Rondeau, Development Planner, introduced this complete application for a mixed-use development with ground floor office use and the remainder of the development as market residential. This application is on a 100 foot wide site in the Hornby Slope sub-area of the Downtown South District, which is a unique sub-area that boasts a different character of buildings, lack of setbacks on the street and generally different requirements than that of the Downtown South District. Ms. Rondeau noted that this project started as a 70 ft. high solid to the property line building and staff suggested a more contextual response be taken with the existing context of a 2-storey podium hotel next door. The resulting response pushed the form up a bit.

Ms. Rondeau noted the strong street wall proposed on this development which would set up for a future adjacent development to achieve a mini tower such as the one proposed. Ms. Rondeau also noted that the proposed side yard does not quite meet the 80 ft. separation required for the Downtown South District.

Ms. Rondeau said that condition 1.2 addresses concerns that staff have regarding privacy of south facing bedrooms, particularly with future tower separation, and also concerns about potential overheating in the summer. Staff suggest that the amount of window versus spandrel panel be reduced so that it is not clearly a southerly view from the bedrooms. This would also mitigate future complaints about loss of privacy and views when future developments occur. Ms. Rondeau said that the solar gain response would also deal with directing views more towards the street and lane.

Ms. Rondeau reviewed some of the other conditions which involved minor details to provide a more friendly transition around the corner of the building, changing the continuous canopy to only be over top of the office entrances so that the landscaping display gardens will not be covered etc. Ms. Rondeau stated that the most substantial condition is 1.3 which addresses design development to the back area of the building. Staff have also suggested that an outdoor children's play area be included as part of the outdoor amenity space.

In summary, Ms. Rondeau said in the Hornby Slopes sub-area of the Downtown South District, this unusual form is being proposed and staff feel that it is an interesting and unique response which will help to develop the character of the area. Ms. Rondeau also noted that although the contextual response to massing is unusual, it has been well handled and received the unanimous support of the Urban Design Panel. Subject to the conditions noted in the report dated December 7, 2005, the Development Permit Staff Committee recommends approval of the application.

Questions/Discussion

Mr. Timm asked to what extent approval of this application, without the 80 ft. separation, would compromise the potential development of the adjoining site. Ms. Rondeau responded that the issue with separation is access to daylight and privacy. She stated the proposed development does comply with the required horizontal angle of daylight; it is only the 80 ft. separation where there is a deficiency. In this case, staff are suggesting that it should be clear it is not the full face of a bedroom of a typically glassy tower that is facing straight out onto a future tower. The bedroom window should be off to one side and smaller so as to try and create the impression that residents won't have the full southerly view to begin with.

Dr. McAfee questioned whether the adjacent property owner was made fully aware of the possible compromise that might happen when their site is developed as a result of this application not meeting the full separation. Ms. Rondeau said there is no specific documentation to that effect; however all of the surrounding property owners were notified of this application. Ms. Rondeau felt that the tower separation issue was more of a concern for the future residents of this building than for the adjacent property owner.

Mr. Endall asked whether there was any consideration to locate the children's play area on the 6th level on the landscaped roof terrace. Ms. Rondeau responded that the roof terrace is right outside of two residential units so there may be noise concerns if the children's play area was located there, as well there is more room on the ground level and it would have direct access to the indoor amenity space.

Mr. Acton referred to condition 1.2 and questioned whether the response would be sufficient enough to prevent residents of this development from complaining of loss of views and privacy when an adjacent development is constructed. Ms. Rondeau responded that with the reduction of windows and the treatment of windows with vertical spandrel glass for solar gain that should be a sufficient response. In terms of the expectations of future residents, Ms. Rondeau said it is very clear that a tower could be achieved on the adjacent site and whether it has an 80 ft. separation or not will be subject for discussion. Most likely any future tower would also principally face south and west.

Mr. Scobie stated that in the absence of tower control the two guidelines that may begin to impact the viability for a site of this size to accommodate a tower are tower width and floorplate size. He asked what building form would be conceivable on this site with 5 FSR, if not a tower. Ms. Rondeau responded that the original concept of a 70 ft. high solid to the property line building which does not respond contextually would be achievable. Ms. Rondeau

noted that the overdriving parameter in this case is that there is no site size tied to the tower control that is clear in the Council policy as part of the Official Development Plan. She further stated that the ability to achieve 80 ft. separation or floorplate size should not drive whether a tower is achievable here or not. She noted that in this sub-area staff are tending to go outside of the specific provisions of the guidelines because this is seen as a quirky, character area.

Applicant's Comments

Stu Lyon, GBL Architects, said that the original design was for a building that was about 70 ft. wide and not particularly charming to look at. Over several meetings with City staff the mass was pulled up and the end result was a concept that is a three part composition with a base and spine to the building and an observatory top.

Mr. Lyon described the design of the building and noted that the livability of suites was important. There are 4 suites per floor and all of the suites are on corners to enable cross ventilation. There is a much bigger roof terrace that is for the use of the whole building and the suites at the bottom of the building have higher ceilings.

In terms of privacy, with just two suites per side, the building has been organized so that the main living rooms face to the street and lane while the bedrooms face south. Mr. Lyon said that he has agreed to insert a light grey spandrel glass into the façade to address privacy and solar gain issues. He also agreed with the conditions recommended in the Staff Committee report and is willing to address them quite comfortably.

Questions/Discussion

Mr. Endall questioned what options the applicant has considered in response to condition 1.2 and the views of the south west facing bedrooms. Mr. Lyon responded that they will minimize the glass to the bedrooms and introduce full vertical pieces of spandrel glass to the wall. There is about a 7 ft. cantilever on that slab so the structural engineer would not support articulation of the wall.

Mr. Acton questioned the method of addressing the issue of privacy. Mr. Lyon responded that they intend to reduce the area of vision glass as a primary response. Depending on the configuration of a future development, residents of this building could be 60 ft. away from someone else's window.

Mr. Henschel sought clarification regarding the proposed children's play area and the elevation off of the back lane. Mr. Lyon responded that it is 4-5 ft. above the lane and is secured from the lane by a gate. Mr. Henschel asked whether the elevation could be raised a bit so that it would be out of view of passersby. Mr. Lyon responded that the wall could be raised or landscaping could be added.

Comments from other Speakers

None.

Panel Opinion

Mr. Endall said that he was not present at the Urban Design Panel meeting when this application was reviewed, however he has reviewed the minutes and noted the Panel's unanimous support for the proposal. He agreed with the Panel comments that this is a well handled and thoughtful scheme and felt that the conditions, as presented, reflected the very minor Panel comments. Mr. Endall said this is an interesting assemblage of pieces and an improvement on massing than might otherwise be expected on this site.

With regard to tower separation between this tower and a future adjacent tower to the southwest, Mr. Endall said it is his personal opinion that this scheme would not negatively affect the future placement of a tower on the adjacent site. He said that even if the separation were to end up being less than 80 ft. that it could be handled in terms of orienting private spaces within the units more toward the street and the lane.

Mr. Endall encouraged the applicant team to explore other options than simply reducing vision glazing in response to condition 1.2. He suggested that more articulation of the south wall, to orient more to the lane and Hornby Street, might be one solution. Mr. Endall supported the project and recommended approval.

Mr. Scobie asked Mr. Endall about the Panel conclusion regarding continuous weather protection, which was not supported by staff as per condition 1.4. Mr. Endall responded that the continuous weather protection comment seemed to come from one Panel member rather than as Panel consensus. Since continuous weather protection is not a requirement in this sub-area and the reduction in canopy is to allow the landscaping to grow, Mr. Endall was supportive of the condition as presented in the Staff Committee report and felt that in this situation it could be "either/or" in terms of a canopy solution.

Mr. Acton said that the massing design for this proposal is a good solution rather than an unusual solution. With regard to the issues of setbacks, floor plate size and relationship to future developments he would support this application and the conditions so long as the City supported it. With regard to condition 1.2 and views, Mr. Acton said that the reduction in vision glazing does not work for him and although he doesn't like to hamstring the architect, this building's residents will have a sense of ownership of the view unless something is architecturally incorporated into the design.

Mr. Acton did not support condition 1.1 since he felt that the north façade was fine as is. He also felt that condition 1.4 could either have continuous weather protection or not, just as Mr. Endall said. Ultimately, Mr. Acton said it comes down to what staff feel would be best for the area.

Mr. McLean said that this is a very successful design and he agreed with staff that it is much better to have a tower than a 70 ft. high solid block to the property line. Mr. McLean did not have any issue with the proposal not quite achieving the 80 ft. separation. He felt that condition 1.1 was not necessary and in terms of the other conditions, Mr. McLean said that they are very minor and it was his understanding that they could be easily dealt with. He recommended approval and commended the staff and applicant on a lovely project.

Mr. Scott said that this tower will give a unique character to the neighbourhood. He was very supportive of the tower scheme versus the 70 ft. high solid block building that could also have been constructed on this site. He suggested that staff and the applicant work out the issue of glass. He said it was nice to see solar and privacy issues addressed. He supported the application and commended the architect and staff on reaching a good solution.

Mr. Keate said this project is successful and the Vancouver Heritage Commission supports the transfer of density to this site.

Mr. Henschel said he liked the form and massing and felt that the suites from the 6th floor to the top would be very successful. He did not share the concern about the tower separation distance not meeting the 80 ft. guideline because the primary rooms are facing either the lane or the street which means the living and dining rooms will have continuous view possibility. He

did express concern that the amount of spandrel glass on the south wall may result in a solar gain issue, noting that external applications may not have as much of an effect on reducing the solar issues.

Mr. Henschel did not support condition 1.1 as he did not think it was necessary. He stated that the children's play area is too visually accessible to the lane and he would prefer to see it on the 6th floor where it would also get more sun and should have a small indoor amenity area for parents to sit and supervise from. He supported the application and congratulated the staff and proponents for coming up with a great scheme.

Ms. Hung said this is a well thought out project that will be memorable. She did not have any major concerns with the conditions of the report as presented. With regard to the discussion of the glassiness of the south wall and possibly taking measures to restrict the views now so that there are not complaints later when a future development occurs and obstructs the view, Ms. Hung said that anyone moving into downtown should expect that there may be another tower next door and any change to the design of the south wall may change the intent of the observatory.

Mr. Braun said that this project conforms to the Guidelines as much as it can and is a good solution for this particular site. Mr. Braun elaborated on Mr. Henschel's comment regarding tower separation by adding that it appears no one unit would have its view completely blocked by a new tower. He wondered, because of the size of the glass wall and previous issues related to glass walls, whether there might be a notation in one of the conditions that it would be subject to approval by staff.

With regard to condition 1.4, Mr. Braun said that he is reluctant to delete weather protection with all of the rain that Vancouver receives. He supported the application, stating that it was a good solution on a constrained site.

Board Discussion

Mr. Timm said this is an interesting smaller tower and is somewhat unique in terms of the sub-area and its constraints. Mr. Timm concurred with Ms. Hung's comment that the view potential should not be taken away from this development due to concerns about a future development blocking the view. He stressed the importance of informing future purchasers that there is potential for another tower to be constructed in front of this tower and also that this tower is closer to the sideyard than the half of 80 ft. separation that is the guideline for this area. Mr. Timm moved approval with one amendment to the conditions.

Mr. MacGregor agreed with Mr. Timm's comments and also his proposed amendment to the conditions. He said that this is an attractive development and in terms of the views, we have to be consistent with the Guidelines. The adjacent site has the opportunity to develop a tower that does provide quite a bit of separation and the emphasis of condition 1.2 was of privacy and solar gain. Condition 1.2 does not imply that the City is trying to deal with future view issues. He seconded the motion for approval.

Dr. McAfee said it is very interesting to see these kinds of proposals come forward and possibly become illustrative models for elsewhere in the city. She also supported the deletion of condition 1.1 and was very supportive of the application.

Dr. McAfee wondered about the proposed location of the children's play area in terms of supervision; however she also recognized the potential noise issues with relocating it to the 6th floor. This issue is something for the applicant team to work out and she hoped that there

would be capacity to develop the children's play area over time depending on who moves in to the suites.

Mr. Scobie said this application was challenging in terms of questions around the appropriateness with respect to the Downtown South Guidelines which don't fit that well in this area.

Motion

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

THAT the Board APPROVE Development Application No. 409789, subject to the conditions presented in the Development Permit Staff Committee Report dated December 21, 2005 with the following amendments:

Delete 1.1 completely and renumber the remaining conditions.

4. 1011 WEST CORDOVA STREET - DE409730 - ZONE CD-1 (COMPLETE APPLICATION)

Applicant: James Cheng Architects Inc.

Request: To develop a 44-storey mixed-use building including Hotel, General Office Live-Work and ground floor Retail uses, with 6 levels of below grade parking.

Development Planner's Opening Comments

Mr. Segal, Development Planner, introduced this application on a site which is bounded by Burrard Street, Canada Place, Cordova Street, the Shaw tower and the Convention Centre which is under construction. Mr. Segal stated that there was a recent text amendment that modified the form of development from all-hotel use which was previously approved by Council. This new proposal incorporates live/work in addition to hotel use. The height is now lower, at 458 ft. from the previous all-hotel scheme of 472 ft. and this lower height will allow for presentation on the water side with a slimmer element. The tower massing was also modified to rotate away from Burrard Street and open up the view. These issues were all dealt with in a text amendment and form of development that was approved by Council at a public hearing.

Mr. Segal said that this is a highly sophisticated piece of architecture and will be a handsome addition. From a staff perspective there are no substantial issues. Mr. Segal said there is a slight issue regarding tower height which finds the present parapet to be 1.9 ft. higher than the 458.25 ft. provided for in the CD-1 By-Law. He explained that there was some discrepancy in terms of how the base surface was established on the site with the base surface as defined in the CD-1 By-Law referring to Cordova Street. Mr. Segal stated that this could be resolved through a text amendment if the applicant wanted to pursue the 1.9 ft. height overage.

There is a parking shortfall and some other refinements to the parking are being sought with the biggest issue remaining the shortfall of spaces. Mr. Segal described several other refinements that are being sought but are not identified as substantive issues.

He also reviewed the notification process results and informed the Board that there was one written response from the Terminal City Club residents who felt the tower was too high and too

broad. A view analysis was conducted of what would be seen from the Terminal City Club and staff assessment was that this massing is at least as good as, or better than the massing or amount of view obstruction from the previous all-hotel scheme.

The Staff Committee recommendation is approval of the application, subject to the conditions outlined in the report dated December 7, 2005.

Questions/Discussion

Mr. Timm questioned whether this scheme varies from the form of development that was approved by Council by being wider or higher. Mr. Segal responded that further refinements actually slim the top of the tower so it is not wider or higher than what was approved by Council.

Mr. MacGregor said that the elevation along the lower road looks very utilitarian and it was his recollection that the lower road was to be designed not as a back-of-house function because it was expected to receive a lot of use. He asked whether we have moved away from that intention and whether the condition to address that design was strong enough to get the result we want. Mr. Segal responded by saying that the lower road frontage is a parking garage and a wall for almost the entire length with curb cuts for garage access and loading access. He said that although there will not be a lot of glass there; staff are looking for wall treatments to be well articulated with some colour added.

Mr. Scobie supported Mr. MacGregor's comment that the lower road looks utilitarian in terms of the activities with this building. He said there is a desire to make the lower road as inviting and non-utilitarian as possible and questioned Mr. Segal's statement about not having glazing. Mr. Segal explained that the issue with glazing becomes a question of what you are viewing into. From a staff perspective, to treat the wall as a solid wall rather than provide a view into the parkade area that might be superior way to handle that.

Dr. McAfee sought clarification regarding the proposed electronic sign. Mr. Segal responded that it will not be a third party sign and that the details of the sign will be addressed through a public art review process.

Mr. Henschel questioned whether the parking garage entry could be relocated to a less prominent location. Mr. Segal responded that there needs to be a street level entry for the garage and staff as well as the applicant looked at every foot of frontage for other alternatives. After months of searching for other alternatives this was the best location. This location is removed from the Convention Centre entrances and has a minimum frontage for access. Mr. Segal said that this is a significant improvement over the existing Convention Centre condition. Paul Pinsker, Parking Engineer, further explained that this location was selected to minimize pedestrian conflicts as well as addressing functional concerns for the hotel.

Mr. Endall questioned why there was not an allowance for a mid-block pedestrian crossing between Burrard Street to the Convention Centre. Karyn Magnusson, Project Engineer, said that no mid-block crossings are planned because Engineering Services does not support them. Engineering staff would prefer pedestrians go to Thurlow or Burrard Street to cross at controlled crossings. There will be one lane of parking on the south side of the street and one travel lane in either direction so there will be the ability to look at retrofitting a solution there if the need arises.

Mr. Scobie said that the Project Facilitator, Vicki Potter, noted a minor wording change to the report under condition A.1.14 to add the words *must serve* after "This irrigation system".

Mr. Scobie questioned the tower floorplate size cited in the guidelines on the bottom of page 6 and top of page 7 in the report. He expressed some discomfort that unless Council acknowledged, in approving the form of development, the floorplate sizes; then staff are attempting to argue that the Guidelines dealt with the previous proposal which was amended by Council and unfortunately because the Guidelines weren't changed they no longer apply. Mr. Segal responded that the CD-1 Guidelines were a comprehensive document and there was a dilemma about whether to rescind the Guidelines or take precise steps to address one particular point. Staff felt it was implicit that once the proposal had moved from the all-hotel scheme to the mixed-use tower with the form indicated in this application, that the floorplates, being a discretionary matter, would be changed from the particular floorplate Guideline that was precisely tailored to the all-hotel scheme. Mr. Segal said that staff felt it was such a fine point that discrepancy could be accommodated within the Board deliberations.

Mr. Acton asked how the parking shortfall will be resolved. Mike Thomson, City Surveyor, responded that there is a condition that the parking must meet the By-Law minimum.

Applicant's Comments

James Cheng, James Cheng Architects, said that he has had conversations with the designers of the Convention Centre and, in terms of the blank wall in front of the glass lobby; a graphic scheme has been worked out so that people going into the Convention Centre will see what is going on at the hotel. In addition, that area will be treated with a higher level of lighting and there will be an all glass bridge connecting the hotel to the Convention Centre.

Mr. Cheng described opportunities for animation such as the possibility of having cantilevered doors on the lounge so that they could be opened up during the summer and the lounge activity could spill out. The restaurant will be open 24 hours and the ballroom waiting areas will be located in the foyer so that people can look up from the street and see the activity.

Mr. Cheng confirmed that the electronic information board will be related to art and there is no intention of using it for advertising. The two facades of the hotel have been designated as a public art zone and the applicant team is working with the Public Art Committee to find an artist that works with light and colour to provide something there. The hope is to create a major public art statement that will be seen as people travel down Burrard Street to the Convention Centre.

In terms of floorplate differences from the all-hotel scheme, Mr. Cheng said that part of the corner of the building was lopped off so that people could see the Convention Centre and the square footage was packed into a tighter envelope. The increase in tower floorplate size occurred where the jagged profile of the previous all-hotel scheme was filled in.

In response to the parking shortfall issue, Mr. Cheng said that there is only a shortfall of 10 spaces and he asked the Board to consider providing a relaxation to allow tandem parking under the Parking Management Plan for valet and employee parking.

Mr. Cheng said that he would like to address condition A.1.1 through a text amendment to allow the additional 1.9 ft. of height. He explained that when this project began it was a virtual site without any grades. In between the Council report, which was based on a flat plane, and the authorship of the final By-Law, the grade became based on elevation 48 and not

the base surface. Because of the view cone, Mr. Cheng said that the building would have to lose an entire floor to accommodate the 1.9 ft. overage.

Questions/Discussion

Mr. Scobie questioned whether the only way to deal with the 1.9 ft. height overage was a text amendment. Mr. Segal responded that it is staff's opinion that the only way to deal with this issue is a housekeeping text amendment.

Mr. Timm suggested amending the wording of condition A.1.1 to be more general and to read as follows: building height to comply with the requirements of the CD-1 By-Law. Mr. Segal said that the revised, more general wording, as suggested by Mr. Timm would help to speed the text amendment through the process.

Mr. Henschel asked if this proposal would impinge on the view cone. Mr. Segal responded that it would encroach into the Council approved view cone from 12th & Cambie. Council gave approval and it is also in the text amendment that this tower may encroach into the view cone a certain degree. In response to a question from Mr. Henschel, Mr. Segal said that the Board is not required to permit the tower to encroach into the view cone.

Mr. MacGregor asked how tall the trees proposed for the roof top would be and how well they would be anchored. Chris Philips, Landscape Architect, said that the trees will not be huge and they will be anchored and tied at the base. The applicant will also provide technical responses to the wind impacts on the trees.

Mr. Scott asked how far the Terminal City building is from this proposed tower. Mr. Segal responded that the Terminal City building is a full city block plus two streets away, approximately 200 ft.

With regard to the parking entrance, stairwell and the blank wall between the two, Mr. Timm questioned whether it would be possible to move the stairwell closer to the parking entrance and reduce the blank wall. Mr. Cheng responded that having the stairwell in the middle of the block does not have as great an effect and at the ground level there will be glass so that people can see into the driveway as they walk by and not create a blank wall. Mr. Cheng believed he has a solution to improve the pedestrian environment there.

Comments from other Speakers

Sue Grant, President of the Terminal City Club residential strata, addressed the Board and Advisory Panel. Ms. Grant said she lives on the 29th floor of the Terminal City Club building and responded to the notification in opposition as did Mr. Stoki who lives on the 25th floor. If this tower is constructed Ms. Grant said that she will no longer have a view of Stanley Park and the Lions Gate Bridge which will be a real loss. Ms. Grant said that she is representing everyone on the west side of her building that has a view and is asking that the proposed building be moved to the west by 25%. In addition to moving the proposed building, Ms. Grant also hoped that the Board would reduce the proposed height of the tower.

Ms. Grant expressed concern that when she purchased her suite in 1995 she was told that only towers less than 300 ft. would be permitted to be constructed and now the proposed maximum height is 430 ft. She stated that it is solid concrete along Cordova from Thurlow to Burrard and would appreciate anything that the Board could do to preserve views.

Mr. Scobie noted that Phil Mondor, Rezoning Planner, was in attendance and asked Mr. Mondor to provide a brief history of this application and a summary of Council deliberations and when

the public hearings were held. Mr. Mondor described the rezoning process which began with Burrard Landing being rezoned in 1996 and anticipated for these two properties a much larger area with no Canada Place anticipated at that time. It was thought that there would be three towers with height limits of 300 ft.

In the summer of 2000 another rezoning application was submitted and in early 2001 a report went to Council which recommended that the view cone height limit not be exceeded. In anticipation of a discussion of alternatives, staff put forward three options for Council to consider and one recommendation was that a height of 428 ft. be met with no appurtenances above that. On the basis of an applicant's submission, the case was made that the economics of a large hotel required the flexibility of height and also that the impact of a landmark building could be construed as a positive benefit. The City Council of the day, lead by Mayor Owen, chose to approve the option that saw a full relaxation of the height along the lines of the applicant's proposal.

A couple of years ago Mr. Cheng, and the property owner at that time, came to the City and reasoned that the economics of a large hotel, particularly after 9/11, would not be achievable on this site and a mixed-use possibility needed to be considered. Staff and the applicant conducted a number of workshops to see if they could achieve a building height that was more consistent with the view cone limit. Over the past years there were three public hearings, one in mid-1990, another in 2001 and finally one last year. Ms. Grant responded that she attended one of the public hearings.

Mr. Scobie explained that this application is consistent with what Council approved-in-principle and this Board does not make policy, but rather administers policy that Council puts in place. This proposal is compliant with the By-Law that Council approved, and the form of development also approved-in-principle by Council. Therefore, Mr. Scobie said he did not believe that the Board could satisfy what Ms. Grant hoped it could do by reducing the height of the tower.

Panel Opinion

Mr. Endall said that the Urban Design Panel unanimously supported this application and was generally impressed with the presentation and material provided. The Panel found this application to be extremely refined and sophisticated for a challenging site. There were several minor suggestions for improvement, with consensus for the applicant to consider continuing the special paving on-site and another suggestion for improvement by a couple of Panel members to reconsider the roof top trees and provide low planting on the upper most roof given the fact that the tower was in the view cone and pushing the outer limits. Mr. Endall noted that comments at the Panel meeting regarding the penthouse level warranting additional consideration was addressed in the conditions.

Personally, Mr. Endall commented that there was much discussion about the streetscape and ways to improve the street front experience; however on a project of this size and complexity it is difficult to address the street experience as well as the mechanical uses etc. Mr. Endall said the applicant has done a good job and the project is moving in the right direction.

Mr. Acton echoed Mr. Endall's comments and expressed concerned regarding the specific language and design suggestions used in the wording of the prior-to conditions. He gave examples of where more open ended wording could be used so as not to be so prescriptive.

With respect to the shortfall in parking, Mr. Acton said that the applicant's solution of tandem spaces for the valet parking makes sense. He thought that the parkade entry solution was well

resolved. As for the loss of views from the Terminal City Club, Mr. Acton said that the zoning changes approved by City Council clearly accommodated this proposed development and the summary provided by staff demonstrated that. He supported the application and said that it was an excellent design solution.

Mr. McLean concurred with Mr. Acton's comments about the conditions being too prescriptive. He commended the City for going through such an inclusive process and recommended approval of the application with the Notes to Applicant left to the judgment of the Director of Planning and the architect to work out.

Mr. Scott said this project will be a very significant and sophisticated contribution to the waterfront and to the city. He recognized that this is a massive project and the limited number of prior-to conditions for a project of this scale indicates that staff have worked hard with the applicant and speaks a lot to what can be accomplished. Mr. Scott said that the parking shortfall seems to be a minor issue, as is the 1.9 ft. height difference, and he is very confident that those issues can be resolved.

Mr. Scott expressed significant concern about the placement of trees on the rooftop. He said that trees on buildings this high are under tremendous wind loads and putting something smaller up there would be a better idea.

Mr. Henschel found the design of the building exciting and well thought out. He agreed with the comments to give the architect the freedom to find resolutions to the issues without being so prescriptive. He was disappointed with the parking entry way but understood the reasoning behind its location and appreciated the lengths that the applicant went to in order to find an alternate solution. Mr. Henschel said that he would like to see a mid-block crossing planned for now, not later, and that the grilles should not be located where the crossing will happen.

Mr. Henschel said the first time he saw this proposal he thought that the floorplate was 10% too big and he still feels that the floorplate size is too large. He also said that he cannot accept that the City has protected view cones throughout Vancouver and now is letting a building pop into it. It is not fair to everyone else that was not permitted to project into the view cone and it goes against the nature of view cones. Despite the spectacular nature of the building, Mr. Henschel said he could not support approval based on the floor plate size and height.

Ms. Hung said this is a very fine project that is high quality and will be a signature building. The fact that this building is on the waterfront and is a massive building raises minor concerns about view blockage; however the height has been supported by Council so this is not a matter that should hold back the application. Ms. Hung said everything on the sidewalk level should be high quality and she believed that the conditions would address that. She strongly reinforced Mr. Acton's comments that the conditions should allow the architect the flexibility to find the best design solutions.

Overall Ms. Hung said she was pleased with the project, however if there is no mid-block pedestrian crossing planned then she suggested that landscaping be placed to deter pedestrians from darting across the street.

Mr. Braun said that this project is a very "Vancouveresque" solution and transitions well between the square Vancouver Centre and the triangular Shaw tower. He felt that intelligent design and planning had gone into this application and in consideration of this, while he would not like to recommend a relaxation of the Parking By-Law he felt that the applicant had done

everything possible to make parking work and would be able to meet the parking and loading needs for this project.

One area of concern for Mr. Braun was the electronic screen. He said that what can seem minor in a project of this scope can greatly affect the public realm. With a Times Square type of screen mid-block and nowhere to watch the screen he wondered how that might play out. Mr. Braun also worried that a future owner might like to take advantage of media revenue and use the screen for something other than public art. He hoped that through condition A.2.1 the Director of Planning and Office of Cultural Affairs would give careful consideration to this aspect of the project.

Mr. Braun said he hoped the Board would make it as easy as possible for the applicant to achieve the 1.9 ft. height increase and thought it was important to note that this will be the largest square foot skyscraper ever built in Vancouver. This will be a stellar addition to one of last two sites on the waterfront.

Mr. Segal responded to the comments offered by Mr. Acton regarding the flexibility or lack thereof in the prior-to conditions. Mr. Segal stated that these are very carefully crafted conditions; not to restrict flexibility but to combine the CD-1 Guidelines, policy, feedback from the Urban Design Panel and staff's judgment about where a possible solution might be headed and staff always try to err on the side of flexibility. Mr. Segal also explained that the difference between a condition and a Note to Applicant is that a Note to Applicant is considered to be a helpful suggestion to the designer.

In response to a question from Mr. MacGregor regarding the 17,400 sq. ft. hotel portion of the floorplate, Mr. Segal confirmed that it was discussed at that size at the last rezoning stage and it is consistent with the Council approval.

Board Discussion

Mr. MacGregor said that in terms of views, it has to be clear, there were a number of opportunities for those opposed to this proposal to speak at Council. It is unfortunate that the view from the Terminal City Club will be limited; however residents cannot expect a view from that angle to be maintained. He noted the open space westerly adjacent to the Terminal City Club and benefiting its residents, was only achieved through City action. The concerns with this application are not of views or floor plate sizes since those issues were already decided by Council.

In terms of the Advisory Panel advice that the conditions in the report are too specific, Mr. MacGregor said that there aren't that many conditions in the report and the ones presented are not absolutely prescriptive and he felt that staff and Mr. Cheng would be able to work together to meet the conditions. Mr. MacGregor further stated that he does not have a problem with the conditions and thought they were well worded.

With respect to the treatment and lighting of the waterfront road frontage as addressed in condition 1.4, Mr. MacGregor said it has to be well handled. He said that if the parking is down to a shortfall of 10 spaces, staff and the applicant could work together to deal with that. In a parking garage of this size Mr. MacGregor felt that there would be a solution to find the additional 10 spaces and therefore a parking relaxation, beyond what is recommended in the report, is not required. Mr. MacGregor moved approval with a couple of amendments.

Dr. McAfee seconded the motion for approval and said that as the final work continues on this project the sidewalk level is what people will see and experience so the applicant should

consider anything they can do to make that a safe and interesting space that will accommodate large numbers of people.

Mr. Timm said this is an extremely significant site in the city and he is very pleased to see a building of this quality; that will become a landmark, being proposed here. Mr. Timm stated that Council has already set a policy regarding the views and floorplate size so those matters are not up for discussion by the Board. He echoed Mr. MacGregor's comments regarding the significance of the waterfront road frontage and thought that condition 1.4 was an important condition to put forward. Mr. Timm said that there is a completely different function for this building than the building across the street which is the front door of the Convention Centre.

With respect to the requested parking relaxation to allow for tandem parking spaces, Mr. Timm said he would not accept that as a solution to deal with the issue of a small parking shortfall on a site of this size. He also expressed concern that a relaxation to allow tandem parking would set a precedent which is not something he would want the Board to do.

Mr. Cheng stated that he is simply suggesting that valet parking should be counted differently or that there be some wording in the Parking Management Plan to allow for overlapping uses. Mr. Scobie responded by saying that it sounds like the applicant team can continue to work with staff to resolve the parking shortfall and that the Board does not support any further relaxation than what is outlined in the report.

Mr. Scobie said that the Board's latitude on a project such as this, which has been through an exhaustive public process and Council approval, is very, very narrow. Mr. Scobie said he hoped there would have been a way for the height to not have to be subject to further Council process and a text amendment. He expressed some anxiousness about the tower floor plate size but said he was confident that Council fully understood that it was approving the floor plate from the last approved scheme. He commended the staff for the care and attention that they brought to the report and said he felt confident that staff had gone to the level of detail required for this application.

Motion

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

THAT the Board APPROVE Development Application No. 409730, subject to the conditions presented in the Development Permit Staff Committee Report dated December 7, 2005, with the following amendments:

Amend A.1.1 to read: *building height to comply with the requirements of the CD-1 By-Law*;

Amend A.1.14 to add the words *must serve* before "all common areas"

4. OTHER BUSINESS

None.

There being no further business, the meeting adjourned at 7:00 p.m.

D. Kempton
Assistant to the Board

Q:\Clerical\DPB\Minutes\2006\jan30.doc

F. Scobie
Chair