

Date: Monday, July 18, 2005
Time: 3.00 p.m.
Place: Committee Room No. 1, City Hall

PRESENT:

F. Scobie Director of Development Services (Chair)
L. Beasley Co-Director of Planning
J. Forbes-Roberts General Manager of Community Services
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

Regrets

G. Chung Representative of the General Public
C. Henschel Representative of the General Public

ALSO PRESENT:**City Staff:**

R. Segal Development Planner
V. Potter Project Facilitator
R. Michaels Mgr. Enquiry Centre-Development Services
A. DiNozzi Asst. City Surveyor
K. Mulji Engineering Services-Projects

50 Pacific Boulevard

D. Negrin Concord Pacific Group Inc.
B. Savage Concord Pacific Group Inc.
V. Knudsen Walter Francl Architects

Recorder: C. Hubbard, Raincoast Ventures

1. MINUTES

Mr. Beasley requested the following amendments:

- delete the extra "that" in the third sentence of the third paragraph under Board Discussion, p.4;
- delete the seventh paragraph, beginning "On balance," under Board Discussion, p.12.

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of June 20, 2005 be approved as amended.

2. BUSINESS ARISING FROM THE MINUTES

None.

**3. 50 PACIFIC BOULEVARD - DE409317 - ZONE BCPED
(COMPLETE APPLICATION)**

Applicant: Walter Francl Architects

Request: To construct two temporary presentation centres on this site with associated surface parking and new access from Pacific Boulevard on the Carrall Street Right-of-Way with 62 associated parking spaces and one loading space.

**Note from Clerk: The agenda and report incorrectly identified the zoning as CD-1. The zoning for this site is BCPED (BC Place Expo District)*

Development Planner's Opening Comments

Ralph Segal, Development Planner, presented this application for the temporary relocation of two of three existing Concord Pacific presentation centre buildings to the corner of the future Creekside Park extension. The proposal includes a driveway from Pacific Boulevard to a parking area, with the two presentation buildings fronting on the sea wall. The buildings are currently located in the Beach Neighbourhood, at the foot of Homer Street. Concord Pacific wishes to reduce the number of times its presentation centre is relocated. It has already been moved twice and the intent is that this proposal will be its last temporary location until the remaining sites in the area have been developed.

Referring to posted drawings, Mr. Segal briefly reviewed the site context and noted that the future vision for this sub area is to extend Creekside Park to the Carrall Street right-of-way and extend the sea wall. This will occur once areas 6A and 6C are developed. Area 6A has been rezoned and is currently under development and rezoning of Area 6C is anticipated in 2006, at which time the developer is obligated to begin work on the park extension.

The principal issue for the Board to consider is the use because presentation centres such as this were not originally envisioned when the overall plan for False Creek North was evolving. The proposed use is not cited specifically in the BCPED or the False Creek North Official Development Plan (FCN ODP), although interim uses are alluded to in some portions of the FCN ODP. However, Staff support the proposal for a time-limited, three year period and believe it

will result in a number of benefits. It will not compromise the ultimate vision for the site since the Creekside Park extension is not anticipated to occur for at least five years. The requirement to complete the park is triggered by development on Area 6A and 6C and this is unlikely to occur for at least three years. Staff believe the presentation centre in this location will contribute to improving existing undesirable conditions on the site and in the immediate area, including late night nuisance activities which are of particular concern to the neighbours, because it will provide greater surveillance and control of the site. Mr. Segal noted the use of Section 3.2.4 (the "hardship" clause) of the Zoning and Development By-law, as recommended by staff, is rarely applied but staff believe is appropriate in this instance given it is an abnormal situation that could not have been envisioned in the zoning. There are precedents for the Board's previous application of Section 3.2.4, most recently in 2004 for a health resource centre at 116 East Hastings Street where retail was required at street level.

Referring to the Development Permit Staff Committee Report dated June 20, 2005, Mr. Segal briefly reviewed the recommended conditions. The recommendation is for approval of the application, subject to the conditions outlined in the report. Mr. Segal also referenced a letter dated July 5, 2005 from the Citygate Inter-tower Community Group, which generally supports the proposal and offers a number of recommended conditions of approval.

Questions/Discussion

Mr. Beasley sought clarification regarding the intent of condition 1.1 with respect to fencing. He noted that fencing presently exists only at the interface with the waterfront walkway but at a recent meeting between Citygate residents, the City and the developer, the residents reported that most of the nuisance problems are occurring on the street side. Mr. Segal advised that condition 1.1 as written does not specifically require the applicant to install fencing on the street side of the site and this could be added. Mr. Beasley noted that this is of particular concern to the neighbours and fencing could be easily and inexpensively provided.

Mr. Beasley questioned whether there can be differentiation provided for bicyclists and pedestrians on the part of the sea wall that is to be widened, noting that Engineering Services is currently recommending to sign it as a joint use area. Karima Mulji, Projects Engineer, agreed that separation is ideal where there is adequate width but in this case the additional width is only being requested in front of the site and not the entire sea wall walkway. Noting there is a requirement for developing the greenway to the north, which goes well beyond the site, Mr. Beasley questioned why there is no requirement for developing the walkway along the water at a slightly greater width for the whole site. Ms. Mulji agreed that Engineering Services would have no concerns with a condition to widen the temporary sea wall by 5 ft. from end to end.

With respect to the future Creekside Park extension, Mr. Beasley noted there have been some discussions with the Park Board about phasing the park, perhaps from east to west, so that there could be some additional park earlier than the anticipated date for delivery of the complete extension. Mr. Segal confirmed that the proposed temporary location for the presentation centre would impose no limitations on phasing the park east to west.

In response to a request from Mr. Beasley for staff comments on the seven conditions recommended by the Citygate Inter-tower Community Group, staff responded as follows:

1. Orientation of the buildings. The relatively handsome buildings present their narrowest aspect to CityGate and the conditions require additional landscaping on the easterly edge (condition 1.4).

2. Maintenance. This is addressed in condition 1.1.
3. Garbage under the Georgia viaduct. This will be brought to the attention of Sanitation staff.
4. Security. This is addressed in condition 1.1. The area will be fenced without restricting access for legitimate use.
5. Cleaning and maintenance of the walkway and foreshore area, including removal of trees. Cleaning and maintenance is addressed in condition 1.1 and the seawall will be widened as noted earlier. Removal of the trees can be investigated.
6. People living underneath the existing pier structures in Creekside Park. This is not under the purview of this application and will be brought to the attention of City enforcement.
7. Period of the relocation. Staff recommend a three year time-limited development permit from the date of occupancy or required development of Creekside Park, whichever occurs first.

Mr. Timm sought clarification from staff regarding the recommended use of Section 3.2.4. Mr. Segal confirmed that the zoning does not specifically refer to the proposed use but the False Creek North ODP and the False Creek North Broadsheets do indicate that interim uses such as this were contemplated. Staff believe the time limited permit satisfies the FCN Broadsheet requirement that time limited interim uses are to be secured through a legal agreement.

Ms. Forbes-Roberts sought clarification on process with respect to the Site Management Plan sought in condition 1.1. Mr. Segal said it is anticipated there will be further meetings with the neighbourhood after the applicant has responded to the conditions. Depending on the specificity of any amendments the Board may make condition 1.1, the proposal will be returned to the community either for information or further input.

Mr. Scobie questioned whether the Board has previously invoked Section 3.2.4 to allow a use that is not permitted in the zoning. Rick Michaels, Manager of the Enquiry Centre, Development Services, advised that the use of this section for the 166 East Hastings Street site was to vary the ODP use provision which required retail continuity at grade level. In discussion, Mr. Scobie commented that staff's recommendation that the Development Permit Board's use of Section 3.2.4 is an extremely encompassing interpretation, noting that the Board of Variance is not able to consider varying any use provision in the Zoning and Development By-law.

Referring to the Staff Committee Report, Mr. Scobie sought clarification about the definition of "the site". Vicki Potter, Project Facilitator, advised the references to "site" refer to the proposed area of Sub-Area 9 on which the presentation centre would be relocated (outlined in black on the context map). "Overall Site" refers to the boundaries of the future Creekside Park Extension.

Applicant's Comments

Barry Savage, Concord Pacific Group, said they believe the Board's use of Section 3.2.4 to permit the proposed use is appropriate.

David Negrin, Concord Pacific Group, responded to the issues arising during the foregoing discussion:

- Concord supports the installation of a fence, which had earlier been refused by the City;
- Under the agreements now in place the sea wall is not required to be open. Concord would like to obtain cost estimates for widening it 5 ft. from Creekside Park to the Plaza of Nations. They have no concerns with widening the sea wall for the length of the subject site;
- A number of issues arose at the meeting with the neighbours that were the responsibility of either Concord or the City. Concord Pacific will assume responsibility for its issues and assumes the City will similarly address those issues under its jurisdiction;
- With respect to the removal of trees, Mr. Negrin said while they have no concern about removing them, an earlier proposal to remove the trees for the Dragon Boat Festival elicited a number of calls from concerned residents who did not want them removed.

With respect to maintenance of the sea wall, Mr. Timm noted that to date the City has not taken responsibility for maintaining any part of the sea wall until it becomes public right-of-way. In discussion, he agreed that if Concord widens the sea wall as discussed and it is open to the public on a full-time basis, then the City would take responsibility for its maintenance (i.e. garbage) for the interim period.

Questions/Discussion

In response to a question from Mr. Endall as to the rationale for the chosen site, Mr. Negrin said one consideration was views of False Creek. With respect to landscaping on the site, Mr. Negrin stressed it is their intent to make it as attractive as possible, with trees lining the street to the centre. There will also be trees in the parking area. Mr. Negrin added there is an issue with respect to soils remediation on this site which precludes lifting the concrete for any construction or landscaping.

In response to a question from Ms. Forbes-Roberts about satisfying conflicting neighbourhood issues about the trees, Mr. Segal suggested the trees in question could likely be pruned to satisfactorily address the concerns. In further discussion about the trees and any possible Dept. of Fisheries' issues relating to the foreshore, Ms. Potter noted this matter has arisen only recently and has yet to be fully investigated.

Mr. McLean questioned whether the proposed three-year limited permit is adequate. Mr. Negrin said while they believe three years is tight, they are hopeful that a rezoning of Area 6C will occur within the next year which will enable pre-sales to be completed in the next two years. Given they have the ability to request an extension if necessary, Mr. Negrin confirmed the three year period is acceptable.

Comments from other Speakers

John Carmichael questioned why the presentation centre would not be located on a development site. Mr. Segal noted the Concord Pacific lands are very extensive and it is considered to be advantageous not to have to move the presentation centre more than necessary. He stressed that locating it in the future Creekside Park extension area will not restrict the overall vision for the park. Mr. Negrin noted that this location will allow the flexibility to market whichever building sells the fastest and the centre will be required until the sites are fully sold out.

Questions/Discussion

Mr. Acton questioned whether any consideration had been given to the use of the buildings after their life as a presentation centre. Mr. Negrin said the buildings are presently used exclusively for sales purposes. CityGate residents have asked whether the centre could be donated for use in the park and this will be considered later; however, the current location is in no way intended to be permanent. Mr. Negrin added that all the parks in the Concord neighbourhoods have been phased and Creekside Park will also very likely be phased. Mr. Beasley noted the Park Board has also indicated that the park can be designed so that some of it can be delivered earlier. Mr. Negrin also noted they do not intend to delay any of the development in this neighbourhood which they hope will be fully sold before the 2010 Olympics. This means the park will also be delivered as early as possible.

Mr. Carmichael questioned whether the centre could be used for marketing Concord projects off the Expo lands. In discussion, Mr. Segal said it is assumed the centre will be used only for marketing projects in False Creek North but there is nothing that limits its use for marketing sites elsewhere. Questioned by Mr. Beasley about his response to Concord possibly also marketing other sites in this centre, within the three year time limit, Mr. Carmichael confirmed it would not be a concern. He stressed that his main concern is that the permit is not extended and completion of the park is delayed. In further discussion, Ms. Forbes-Roberts stressed that development of the park is tied to the development of sites 6A and 6C and as soon as they start to develop, Concord is obligated to proceed with development of the park.

Panel Opinion

Mr. Endall noted this application was not reviewed by the Urban Design Panel and his comments are his own opinion. He noted the application does not trigger any negative impacts on the long term intended use or timing of the park. In fact, it triggers a number of substantial benefits that can be derived from it, including enhancing the Carrall Street greenway, additional fencing, a wider waterfront walkway and interim landscaping improvements. He supported the application, subject to minor amendments to the conditions as discussed, including the Board's use of Section 3.2.4.

Mr. Acton concurred there are a number of benefits resulting from this proposal. Recognizing there are a number of existing problems in the area, he suggested that consideration might be given to addressing the issues in greater detail in the conditions. For example, the fencing, albeit temporary, should be adequate for the purpose for which it is intended. Mr. Acton supported extending the area of the sea wall to be widened, including separation between cyclists and pedestrians if possible. Mr. Acton noted that development in the area is considerably ahead of schedule and it would be beneficial if the park completion could be accelerated, noting the proposal provides considerable financial benefit to the developer by eliminating the need for any further relocation of the centre. Mr. Acton said that consideration for ultimate re-use of the buildings for the public would be positive. Finally, Mr. Acton urged that the City should take care of its responsibilities in the area. He supported the application, with some finetuning of the conditions.

Mr. Mclean recommended approval. He stressed how successful the development of False Creek North has been, which is the result of successful pre-selling by Concord Pacific. He commended the applicant and said he believed the park will be completed well ahead of schedule.

Mr. Scott also supported the application which he said is a win-win situation for all concerned. He said he was satisfied that the conditions are able to address the neighbours' concerns and he noted the Citygate Community's letter helped him to better understand the situation. He

urged that the City also address the issues within its jurisdiction. He supported the suggested security measures and recommended that the fencing should last at least the life of the sales centre. With respect to the park, Mr. Scott noted that the faster the remaining sites are sold, the sooner it will be achieved. The proposal also provides a good opportunity to widen the sea wall, which he fully supported, including extending the widening as discussed earlier. He said the proposal also provides an opportunity for a more attractive presentation centre and he looked forward to its approval.

Ms. Hung supported the temporary use of the site. It is currently poorly maintained so any development on the site will be beneficial. She supported condition 1.5 to initiate the design process for the park. She also suggested it would also be advantageous for the design drawings to be finalized by the time the temporary permit expires to avoid any delay. Ms. Hung said her only concern with the presentation centre was the setback from the sea wall path which, once the path is widened, could be somewhat close for pedestrians. Overall, she said the proposal will be a good addition to the neighbourhood.

Board Discussion

Mr. Beasley commented that this proposal elicited considerable negative public response at the beginning. It was through a very positive process with Concord Pacific that a number of the residents' concerns have been resolved, and the residents now appreciate that it will be a major benefit to have the presentation centre in their neighbourhood. Mr. Beasley said he is satisfied the concerns raised by the residents are very real and it is time they are addressed.

Mr. Beasley said he had no concern in this case about the use of Section 3.2.4. It is an unusual use of this section but a significant hardship would be created if the presentation centre had to continue to be moved. However, there are a number of conditions necessary for approval of the application, noting the neighbours have had to tolerate a very negative condition for almost a decade. Mr. Beasley said he appreciated the reasons why the hard surface cannot be lifted and hoped the residents also understood. However, fencing, security, and site management are crucial. He said it is appropriate for the sea wall to be widened slightly but it can be a temporary and not an expensive undertaking. It also should be widened from the existing park to the east to the Plaza of Nations which allows for much better management. Mr. Beasley said he believed the residents will get a very good piece of architecture here and having it very close to the walkway is beneficial in this area in providing pedestrian interest. Mr. Beasley said he did not believe it would be appropriate for the Board to dictate what is sold in the centre, although the time period should not be extended for any off-site marketing. He moved approval with amendments to the conditions.

Mr. Beasley said he agreed the City needs to do more in the area and the appropriate City departments should be urged to act expeditiously.

Ms. Forbes-Roberts commended Concord Pacific. She agreed it is a sensible proposal and an appropriate use of Section 3.2.4 to avoid the presentation centre potentially being moved a further two or three times. She also agreed it is a win-win for both the neighbourhood and Concord, and the sooner the project proceeds, the better. There are unacceptable conditions in the area currently which must be addressed. She seconded Mr. Beasley's motion of approval, and his additional motion to refer matters under City authority to appropriate City staff for follow-up.

Mr. Timm supported the Board's decision. He noted he carefully considered the use of Section 3.2.4 because it is unusual to employ this for relaxing use provisions as compared to regulations and he agreed with staff that it is in keeping with current Council policy to permit temporary

uses such as this proposal. While it may be going further than the Board has done in the past with respect to Section 3.2.4, in this case it is entirely logical and supportable on the basis it is for interim use only. Mr. Beasley endorsed Mr. Timm's conclusions in this respect.

Mr. Scobie commented he was not entirely convinced about the use of Section 3.2.4 but acknowledged it is acceptable for interim uses noting the support provided by the later adopted ODP in the absence of a specific reference to this use in the earlier adopted zoning.

Motion

It was moved by Mr. Beasley and seconded by Ms. Forbes-Roberts, and was the decision of the Board:

THAT the Board APPROVE Development Application No. 409317, in accordance with the Development Permit Staff Committee Report dated June 22, 2005, with the following amendments:

Amend 1.1 to read:

provision of an overall Site Management Plan, to the satisfaction of the Director of Planning in consultation with nearby neighbours, that: provides measures, including the use of traffic calming measures and fencing on the street sides of the larger area 9 (but preferably not fencing along the sea wall) to limit vehicular access and thereby limit late night, undesirable activity such as drag racing; ensures proper overall site maintenance, including regular litter clean up on the overall site; and identifies a community liaison contact to respond to neighbourhood concerns on these issues;

Note to Applicant: Clarification is required of the extent and condition of existing fencing around the overall site. The fencing should ensure proper ability to supervise the overall site, while not limiting its appropriate use for special events, pedestrian and bicycle access and recreation.

Amend 1.2 to read:

design development of a temporary design standard to provide temporary pedestrian lighting, signage and appropriate markings along the seawall walk/bike route from the developed part of the existing Creekside Park to the Plaza of Nations.

Amend 1.4 to read:

deletion of the portion of fence north of the seawall and widening of the sea wall by approximately 5 ft. from the developed part of Creekside Park to the Plaza of Nations, including along this site;

Note to Applicant: A simple demarcation of separate bicycle and pedestrian lanes should be achieved. Arrangements for maintenance between Concord Pacific and the City should be made to the satisfaction of the General Manager of Engineering Services. Further evaluation of existing trees along the route should be undertaken without necessarily leading to their removal.

Amend 1.5 to read:

arrangements for initiation of the design process for the future Creekside Park extension and consideration of phasing, in consultation with neighbours and to

the satisfaction of the General Manager of the Park Board in consultation with the Director of Planning and General Manager of Engineering Services;

Amend the **Note to Applicant** in A.2.6 to add a comma after "storm discharge";

Amend B.2.1 to add "or the Development Permit Board".

CARRIED UNANIMOUSLY

FURTHER THAT the matter of clean-up of the area under the Georgia Viaduct be referred to Engineering Services for follow-up and the matter of people living underneath the existing pier structures in Creekside Park be referred to the appropriate enforcement and social planning officials for follow-up.

CARRIED UNANIMOUSLY

4. OTHER BUSINESS

Mr. Scobie reported on a developer's ongoing legal appeal with respect to the Board of Variance's decision to overturn the Development Permit Board approval of 1280 West Pender Street. The Court had upheld the Board of Variance decision, which is now being considered by the Court of Appeal. The Court of Appeal decision is not yet known.

Mr. Beasley acknowledged the attendance of Trish French, Assistant Director of Planning, noting it is anticipated Ms. French will be appointed as second alternate Development Permit Board member for the Co-Director of Planning. In discussion, it was noted that consideration needs to be given to identifying a second alternate for the Deputy City Manager.

There being no further business, the meeting adjourned at 5.00 p.m.

C. Hubbard
Raincoast Ventures

F. Scobie
Chair