

Date: Monday, July 5, 2004
Time: 3.00 p.m.
Place: Committee Room No. 1, City Hall

PRESENT:**Board**

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

Advisory Panel

J. Marshall Representative of the Design Professions (Urban Design Panel)
J. Hancock Representative of the Design Professions (excused 1211 Melville and 988 Richards)
J. McLean Representative of the Development Industry (not present for 1100 W Georgia)
E. Mah Representative of the Development Industry
D. Chung Representative of the General Public

Regrets

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

ALSO PRESENT:**City Staff:**

R. Segal Development Planner
M. Mortensen Project Facilitator
J. Barrett Development Planner
V. Potter Project Facilitator
P. Mondor Rezoning Planner
B. Newson Cultural Planner
M. Thomson City Surveyor

1211 Melville Street

M. Bruckner Hancock Bruckner Eng & Wright Architects
J. Hancock Hancock Bruckner Eng & Wright Architects
P. Kreuk Durante Kreuk Landscape Architects

988 Richards Street

M. Bruckner Hancock Bruckner Eng & Wright Architects
J. Hancock Hancock Bruckner Eng & Wright Architects
P. Kreuk Durante Kreuk Landscape Architects

1100 West Georgia Street

D. Guspie James K.M. Cheng Architects Inc.
C. Phillips PWL Landscape Architects
D. Augaitis Vancouver Art Gallery
J. Sanguinetti LEED Consultant, Keen Engineering

Clerk to the Board: C. Hubbard

1. MINUTES

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of June 7, 2004 be approved with an amendment on p.4, second line, for "retail units" to read "rental units".

2. BUSINESS ARISING FROM THE MINUTES

None.

**3. 1211 MELVILLE STREET - DE408162 - ZONE DD
(PRELIMINARY APPLICATION)**

Applicant: Hancock Bruckner Eng & Wright

Request: To construct a 34-storey residential tower building with 149 dwelling units, including five townhouses on Melville Street and approximately 13,000 sq. ft. of retail space at grade, with a transfer of 19,600 sq. ft. of heritage density from a donor site.

Development Planner's Opening Comments

Ralph Segal, Development Planner, presented this preliminary application requesting 6.6 FSR and a height of 339 ft. for the site at the corner of Bute, Melville and West Pender Streets. The density includes a ten percent heritage density transfer (0.6 FSR). Heritage density transfer is permitted under the DD zoning and the Board has the discretion to relax height beyond 300 ft. Referring to a model, Mr. Segal briefly reviewed the site context. The main issue with respect to this proposal is height. In other respects the built form is supported by staff who believe it will contribute positively to the emerging Triangle West residential area and strengthen the recently-identified neighbourhood shopping role of Bute Street. The proposal meets or surpasses the Downtown Design Guidelines. With respect to the height, staff recommend that the amount of relaxation being sought be reduced by lowering the floor-to-floor height in the tower, as called for in condition 1.2. The floor-to-floor height proposed is 9'-8" to achieve 9 ft. ceilings, which staff believe is fairly generous and could be reduced to lower the tower to 310 - 317 ft. Adjustments to the mechanical penthouse are also recommended (condition 1.1) to reduce its bulk and height. Public realm issues are addressed in the balance of the conditions. In summary, staff recommend approval in principle, subject to the conditions contained in the Staff Committee Report dated June 9, 2004. Staff also recommend that the complete application be dealt with by the Director of Planning on behalf of the Board.

Questions/Discussion

Mr. Segal provided the following explanations in response to questions from the Board:

- In accordance with Council policy, the Board may relax height beyond 300 ft. (up to 450 ft.). As well, a more recent Council policy requires height beyond 400 ft. to be subject to the High Building Policy. The Board has exercised a modest amount of discretion beyond 300 ft. in this area of the Downtown on numerous occasions.

- Staff believe a height relaxation is warranted by the slimmer than typical floor plate on the upper portion of the tower, the contribution of a small corner plaza at the Bute/Melville corner, the positive urban design and architecture of the building throughout, a high degree of livability, and excellent response to the Bute Street public realm treatment. A major contribution of this project is also the use of the heritage density.
- Negotiations are underway between this applicant and the adjacent westerly neighbour, for shared access to parking off West Pender Street. This will reduce the number of sidewalk crossings and improve pedestrian safety.
- Separation from the nearest neighbouring tower (550 Bute Street) is about 100 ft.

Applicant's Comments

Martin Bruckner, Architect, noted that they had originally proposed to locate the tower further east, closer to Melville Street, but it was relocated to improve outlook from the neighbouring Orca building. With respect to the recommendation to reduce the height, Mr. Bruckner explained they wish to maintain the floor-to-floor height as proposed, not only for improved livability of the units but to accommodate the air-conditioning ductwork which requires a minimum clear ceiling height between slabs of 8'-6". He requested that they be permitted to work with staff to achieve something that also satisfies the City. In response to an earlier question from Mr. MacGregor about the impact of the heritage density transfer, Mr. Bruckner said the additional 0.6 FSR equates to about three floors, which also accounts for much of the height above 300 ft. He stressed it is considered to be a public benefit to use heritage density. Mr. Bruckner also confirmed they are in discussions with the developer of the property to the immediate west in order to achieve a single entry on West Pender, which is also a public benefit.

Mr. Bruckner confirmed they are satisfied with the remainder of the conditions recommended by staff.

Questions/Discussion

In response to a question from Mr. Beasley concerning the height, Mr. Bruckner advised that in the event the Board recommends a reduction, his preference would be to reduce the floor-to-floor height as opposed to foregoing the heritage density transfer.

Comments from other Speakers

Grace Kwok, Realtor, spoke in favour of maintaining the floor-to-floor height as proposed. She stressed that the 9 ft. ceiling height is not only for marketing purposes but is to accommodate the equipment for the air conditioning which is becoming more of a necessity in Vancouver. She did not believe the height of the tower as proposed would have a major impact on the area given the context of higher towers in the neighbourhood.

Panel Opinion

Ms. Marshall advised the Urban Design Panel unanimously supported this application. There was general support for the proposed tower height but the Panel requested that additional public benefit be provided such as sustainability, which so far has not been addressed. The Panel agreed with staff that design development is required at the penthouse level.

In response to a comment from the Chair that an approval in principle of the height cannot be revisited at the complete stage, Ms. Marshall said she believed the Panel would be comfortable if the applicant returned with a demonstrated significant public benefit. The Panel was confident this applicant could do this.

Mr. McLean noted the absence of objections from the neighbours on the proposed height, whereas a lower, squatter building with a larger floor plate might have generated concern. Mr. McLean agreed with the applicant that higher ceilings in larger units are highly desirable, especially with air conditioning, noting that air conditioning is likely to become the norm for Vancouver high rise buildings. Mr. McLean therefore questioned condition 1.2, suggesting it might be left to the Director of Planning to work out with the applicant. Mr. McLean added it is important to know the scope of the proposed retail on projects like this in order to ensure it can be properly accommodated to make it viable, noting the need to serve not only residents but also office uses in the area.

Mr. Mah concurred with Mr. McLean's comments. He recommended deletion of condition 1.2 and also noted there have been no concerns expressed by neighbours about the proposed height. He recommended approval in principle.

Mr. Chung concurred with his colleagues that condition 1.2 needs further discussion. He had no concerns about the height and thought the building would be a good addition to the area.

Board Discussion

Mr. MacGregor moved approval in principle, with the deletion of condition 1.2. He noted that Council policy encourages the transfer of heritage density and the majority of the overheight of this tower relates to that additional floor area. This is a very well designed tower that responds well to its context.

Mr. Beasley said he believed that if the neighbouring residential community was concerned about the additional height, conditions 1.1 and 1.2 would be good ways to address the issue without having to forego the extra ten percent density, noting it is a major public policy to encourage sites to accommodate heritage density. He noted that very few views are impacted by the additional height. Mr. Beasley said he agreed with Ms. Kwok that higher ceilings within the units is a major livability advantage for larger units but suggested it may be equally if not more advantageous in smaller units. Also noting the absence of objections from the neighbours, Mr. Beasley said he believed the scheme has a number of public benefits and the heritage density transfer and good livability qualities are sufficient to warrant the extra height. He added, he believed this building could even be a little higher. He agreed with the deletion of condition 1.2 but strongly supported condition 1.1, not because of the height but to deal with the massing at the top of the building which is architecturally uncomfortable as proposed.

With respect to sustainability, Mr. Beasley said that while he sympathized with the Urban Design Panel's approach, unfortunately we do not yet have public policy to require sustainability measures. Rather, applicants are encouraged - for their own benefit and that of future occupants/owners - to design green buildings. He said it is anticipated that Council policy on sustainability will be established in about eighteen months.

Mr. Rudberg voiced some concern that, over time, the Board seems to have become less exacting of applicants in terms of earning additional height and density by way of visible public benefits, particularly in the C-3A zone. However, he said he was persuaded to support the scheme by the lack of neighbourhood interest in the proposal as well as the advice of the Advisory Panel. With respect to sustainability, Mr. Rudberg suggested there needs to be some discussion with staff with respect to the impact of air conditioning on energy use, particularly if air conditioning is becoming more common. He noted that Council has established a draft policy which calls for significantly reducing the amount of energy use in new and existing buildings.

Commenting on Mr. Rudberg's concern about achieving public benefit in return for increased height and density, Mr. Scobie suggested lesser "extractions" in recent years could be a reflection of higher quality applications which warrant relaxations. Mr. Beasley reiterated that the use of heritage density is a very valuable public amenity and the design development conditions will result in a very high quality building, which all warrants the extra height.

Motion

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

THAT the Board APPROVE IN PRINCIPLE Development Application No. 408162, in accordance with the Development Permit Staff Committee Report dated June 9, 2004, with the following amendments:

Delete Condition 1.2;

Amend A.2.1 to add "for" after "Lot A".

CARRIED UNANIMOUSLY

4. 988 RICHARDS STREET - DE408280 - ZONE DD (COMPLETE APPLICATION)

Applicant: Hancock Bruckner Eng & Wright

Request: To construct an 8-storey residential building containing 53 dwelling units including four townhouses on Richards Street and four townhouses on Nelson Street, and two levels of underground parking.

Development Planner's Opening Comments

Ralph Segal, Development Planner, presented this complete application for development of the site at the corner of Richards and Nelson Streets in the Downtown South. The proposal is for a mid-rise (8-storey), L-shaped building at 3.3 FSR. The application seeks a ten percent heritage density transfer (0.3 FSR) and a height relaxation up to 87 ft. On this smaller site the maximum permitted height is 70 ft. However, given the severe slope of the site (12 ft. from Richards Street to the lane), staff are satisfied some height relaxation is warranted under the "hardship clause" of the Interpretation section of the Downtown Official Development Plan. (It was noted the Staff Committee Report incorrectly identifies Section 3.4.2 of the Zoning and Development By-law to allow a height relaxation.) While staff support a height relaxation, some reduction in height is sought in condition 1.1. As well, condition 1.2 calls for improved terracing to achieve a better transition to the adjacent streetwall immediately north. Mr. Segal briefly reviewed the recommended conditions of approval and noted that staff generally support the application, with the exception of the height. The recommendation is for approval, subject to the conditions contained in the Staff Committee Report dated May 26, 2004.

Questions/Discussion

Mr. Beasley noted the proposed rowhouses are not clearly expressed. Mr. Segal advised that greater definition of the townhouses was intended to be achieved by condition 1.4, although more explicit wording might be appropriate. Mr. Beasley said he generally had no problem

with the proposed massing and height but thought the lack of articulation could be quite overbearing at pedestrian level, especially given the neighbouring context of 2 - 3-storey streetwall massing.

In response to a question from Mr. Rudberg concerning the requested height relaxation, Mr. Segal noted there are very few small sites such as this with a similar sloping condition where it is difficult to achieve the 70 ft. height limit. He stressed that staff are not eager to invoke the "hardship" clause but believe it is warranted in this instance. Staff consider a relaxation is also earned by the creation of the indented corner which is seen as an interesting departure in this area, and by the transfer of heritage density to the site.

Responding to a request for clarification from Mr. MacGregor concerning condition 1.2, Mr. Segal explained the intent is to diminish the extent of wall above the existing neighbouring townhouses. The concern is that the proposed windows at the property line may not be achieved under the Building Code, which would result in an undesirable blank wall condition. Mr. Beasley added, it is his understanding that the legal arrangements that are necessary for having windows at a property line are very complicated and difficult to realize. Mr. Segal confirmed it is staff's intention that the majority of the wall will be terraced back, resulting in only one level of wall at the property line, which could be blank.

Mr. Scobie questioned the rationale for requesting a height reduction of 2.5 ft. which would still result in a height more than reflective of the 12 ft. site slope. Mr. Segal explained that staff wished to maintain the positive livability and diversity aspects of the program. Mike Thomson, City Surveyor, noted that on the second occasion the Staff Committee reviewed this project when the response to Notification was available, the Committee was sympathetic to using the "hardship" clause but at the time the amount of the site that was impacted by the additional height was not known. This is now confirmed to be about 30 percent of the site. Mr. Thomson said he believed that had the Committee been aware of this percentage it would not have been concerned about a 15 - 16 ft. overage.

Mr. Scobie drew attention to some misleading information contained in the Staff Committee Report, at the top of p.9, which indicates that less than 30 percent of the building's overall massing will exceed the maximum height of 70 ft. after conditions have been met. This should read "30 percent *of the uppermost floor*".

Applicant's Comments

James Hancock, Architect, briefly described the design rationale, noting they consider the scheme to be a refreshing change from the more typical tower and podium developments in the area. With respect to the concern expressed about the expression of the townhouses, Mr. Hancock said they hope to improve this through materiality as well as articulation. He confirmed they can meet all the recommended prior-to conditions. Mr. Hancock noted the entry courtyard is being counted in the floor space ratio which seems an unfair penalty for providing something positive for the public. He noted the 6 ft. minimum balcony depth is sometimes difficult to achieve but they will make every effort to do so. Mr. Bruckner confirmed the enclosed balconies will achieve the minimum dimensions.

With respect to the inclusion of the entry courtyard in the FSR calculation, Mr. Scobie noted the by-law requires anything with a floor to ceiling height in excess of 4 ft. to be counted as floor space. Mr. Beasley added, this is a policy issue that cannot be considered by the Board for this application.

Regarding the proposed windows at the property line, Mr. Bruckner said the legal agreements are required when there is no conforming Building Code solution for typical windows. However, there are now glazing systems on the market that do provide the required fire rating at the property line which the Building Department has indicated it will accept, without the need for equivalencies or legal agreements. However, with the requirement to pull away from the property line, special glazing systems will be unnecessary. The windows shown are in secondary rooms so it would not be a problem if they are required to be blocked off if the adjacent site is redeveloped.

In response to a question from Mr. Scobie, Mr. Hancock confirmed the items raised by Processing Centre - Building, and Fire and Rescue Services (Appendix C) are resolvable without substantively affecting the proposed building design.

Comments from other Speakers

None.

Panel Opinion

Ms. Marshall advised the Urban Design Panel considered the proposed height to be acceptable and the massing largely acceptable with the exception of the relationship to the adjacent Savoy and concerns about whether the windows at the property line can be achieved. The main concern of the Panel was that the material articulation of the building was not tied to the massing. While the stated intent is for a Yaletown-like building, the Panel noted that Yaletown buildings are generally very simple. It was felt that the roof of this project had a strong role to play and should have the same qualities as the courtyard which was seen as very positive. Ms. Marshall added, there were also comments from the Panel about the "orphaned" lots study which it was thought should not necessarily be restricted to 100 ft. sites.

Mr. McLean said there will be applications coming forward for a number of these small sites. They are very interesting but do require some special consideration because each site will be different. Given the absence of neighbourhood objection, Mr. McLean saw no need to require a height reduction of 2.5 ft. and thought even greater height could be acceptable on this site. Mr. McLean stressed that a project like this is very expensive to build which contributes to its earning the requested relaxations. It is a high quality project and an excellent small building.

Mr. Mah was also satisfied with the proposed height and recommended deletion of condition 1.1. He also thought the site could take even greater height. Mr. Mah said he believed the terracing called for in condition 1.2 will improve the appearance of the building. He also agreed there should be a stronger expression of the townhouses. He recommended approval.

Mr. Chung also recommended approval, having no concerns about the proposed height. Extra height would also be acceptable. With respect to condition 1.4, Mr. Chung said he supported some adjustment to the colour palette.

Board Discussion

Mr. Rudberg said he liked the difference this scheme offers from the more typical tower and podium arrangement. It is refreshing and adds some variety and interest to the streetscape. He moved approval, with amendments to the conditions. He supported retention of condition 1.1 and was satisfied with the recommended 2.5 ft. reduction in height, noting also that the applicant found this condition acceptable.

Mr. Beasley agreed it is a good project and a good counterpoint to other buildings in the area. Commenting on the Urban Design Panel's suggestion that the "orphaned" lots study not be

restricted to 100 ft. sites, Mr. Beasley said the new policy is intended to avoid the creation of a tower on every small site and encourage greater diversity. It also avoids unnecessary land value escalation. Mr. Beasley said the conditions as amended are very important. He said he believed the scheme could be improved subtly with adjustments to materials and colour. He also agreed the north wall should be located so that it can have proper windows because this will lead to a much better image on the street. While supporting Mr. Rudberg's recommended amendments, Mr. Beasley said he believed 1.1 should be deleted because 2.5 ft. is very modest and there are no urban design or public realm implications.

Mr. MacGregor supported the deletion of condition 1.1, noting there has been no neighbourhood objection to the proposed height. He found the indented corner with a view through to the courtyard to be quite interesting and contributing to the requested relaxations. He also acknowledged the higher costs involved in developing a building of this size.

Motion

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

THAT the Board APPROVE Development Application No. 408280, in accordance with the Development Permit Staff Committee Report dated May 26, 2004, with the following amendments:

Amend the **Note to Applicant** in 1.2 to add, after "(The Savoy)", *by pulling the north wall away from the property line so as to avoid blank walls*, and to delete "blank" from the last sentence;

Amend 1.4 to add, after "façade treatment", *and the expression of the townhouses*;

Amend 1.5 to read:
design development to improve the visual quality of the lane environment by increasing the use of brick;

Amend the **Note to Applicant** in 1.8 to replace "All" with *Generally*;

Amend A.1.21 to add, after "through the use of", *suitably treated/coated*;

Add a new condition A.4.1:
provision of a Stage 2 environmental report, to the satisfaction of the Manager of Environmental Protection Branch, with agreements to follow if required, to the satisfaction of the Director of Legal Services;

CARRIED UNANIMOUSLY

It was further moved by Mr. MacGregor, seconded by Mr. Beasley, that condition 1.1 be deleted;

CARRIED (Mr. Rudberg opposed)

5. 1100 WEST GEORGIA STREET - DE408377 - ZONE CD-1
(COMPLETE APPLICATION)

Applicant: James K.M. Cheng Architects Inc.

Request: To construct a 600 ft., 58-storey mixed-use tower with a three storey podium and open space at the base. The proposed tower will include eight floors of hotel, 27 floors of general office live/work space, a service floor, 17 floors of dwelling units and a rooftop garden, all over six levels of parking and below-grade mezzanine hotel/residential arrival area. Proposed for the ground floor and podium are the tower lobbies, a large grocery store, four restaurants and a public sculpture garden and associated open space. A total floor area of 684,515 sq.ft. and an FSR of 13.18 are proposed.

Development Planner's Opening Comments

Jonathan Barrett, Development Planner, presented this application for a 600 ft., 58-storey mixed-use tower with a three-storey podium and open space at the base. Reference was made to three models: the rezoning model, the application model, and a model showing the next stage of refinement. Mr. Barrett briefly described the proposed uses and the immediate context of the site which is at the corner of Thurlow and Alberni Streets on the south side of West Georgia Street. The site was rezoned CD-1 in December 2003 (enactment pending), prior to which the project was subject to the Higher Building review process. Mr. Barrett briefly reviewed eight of the most significant conditions applied at the rezoning stage. Since that time there has been an ongoing design review process and there are no serious outstanding design concerns from that process.

The Development Planner made reference to a memorandum dated July 5, 2004 which adds a condition relating to sustainability, and a Note to Applicant to Condition A.1.19. Mr. Barrett also referred to a letter from the Vancouver Art Gallery dated June 29, 2004 which was previously distributed to Board and Panel members.

Referring to the Staff Committee Report dated June 9, 2004, Mr. Barrett briefly reviewed the principal recommended conditions of approval. It was noted there is some unaccounted below grade FSR that will require a housekeeping Text Amendment to permit the marginal increase in permitted density. In summary, staff consider that this will be one of the most exciting and innovative buildings in Vancouver. It is believed it will fully meet the design excellence aspirations of the City and the Higher Building review process. The recommendation is for approval, subject to the conditions contained in the Staff Committee Report.

Questions/Discussion

Mr. Beasley sought clarification about the proposed sustainability condition which arose as a condition of the rezoning. Some discussion ensued about Council's intent, noting that LEED certification was not specifically referenced. Mr. Barrett advised the rezoning report indicated that "many innovative ideas will be explored and as many as possible will be implemented." Given the rezoning condition, Mr. Beasley suggested the recommended condition of development application approval should be strengthened to "require" rather than "pursue" submission of a preliminary LEED scorecard.

In response to a question from Mr. MacGregor regarding the final appearance of the building, Mr. Barrett advised the objective since the rezoning stage has been for the building to have as clear glazing as possible, i.e., transparent and not highly coloured or silvered. The

specifications have not yet been firmed up because the glazing is part of the sustainability technical requirements that will be refined as the HVAC systems are developed. He stressed that the promise from the applicant is that it will be clear glass. Mr. MacGregor suggested that condition 1.2 which deals with the glazing system should be tightened up to ensure the expected transparency is actually achieved. Mr. Rudberg also sought clarification from the applicant as to the availability of the glazing that will meet all the objectives of sustainability as well as appearance. Mr. Beasley offered a suggested amendment to condition 1.2.

Mr. Rudberg sought clarification about the proposed projection screen in the art plaza. Mr. Barrett advised that its projection beyond the property line is of concern to staff due to potential impact on passing pedestrians and motorists on West Georgia Street. Condition A.2.1 calls for this "art wall" to be pulled back from the property line.

Mr. Hancock sought clarification with respect to the applicant's proposal to extend the plaza paving to the sidewalk. Noting that continuity of the public realm has long been a major goal of the City, Mr. Barrett advised staff believe it should not be extended (Condition 1.5). Staff do not believe the street trees will impede views of the sculptures by virtue of their high canopy.

Applicant's Comments

Dawn Guspie, Architect, advised it is intended to seek LEED Silver certification for the project and it has been registered with LEED BC. While the live/work aspect of the project creates some special challenges, they have a number of interesting ideas to explore and have no problem with submitting a preliminary LEED score card. Ms. Guspie briefly reviewed the changes to the project since the rezoning stage and the current stage of its design, noting the positive ideas which came from the Higher Building review process. With respect to the building skin, Ms. Guspie said they will be looking for clear glass for the two "foil" facades but noting the Low-E coating can change it from a range of green through brown and blue. Investigations are ongoing with their LEED consultant in this regard.

Addressing the Staff Committee Report, Ms. Guspie noted the few conditions they would like to be reconsidered. With respect to the public art (condition 1.5), she noted they are proposing an interruption of the street trees on West Georgia Street because they believe the public art will become an integral part of the public realm. It is also important to extend the paving out beyond the property line to give the artists more flexibility. Ms. Guspie also sought amendments to standard conditions A.1.27, A.2.5 and A.2.8.

Daina Augaitis, Chief Curator, Vancouver Art Gallery, briefly described the nature of the proposed public art program, noting it will be an important civic amenity representing a large investment of \$4 - 5 million. She reiterated Ms. Guspie's request to allow an interruption in the street trees because a noticeable gap will indicate there is a civic space in the middle of the development. They also wish to extend the special paving treatment about 3 ft. beyond the property line.

Questions/Discussion

Mr. Barrett confirmed that the requested revision to A.1.27 would be acceptable, and Mr. Thomson recommended further amendments to A.2.5 and A.2.8.

At the request of Mr. Rudberg, Ms. Augaitis briefly described the nature of the programming of the art space. In response to a question from Mr. MacGregor concerning the cost of the proposed public art program, Bryan Newson, Public Art Program Manager, advised it is

anticipated to be at no cost to the City. The Vancouver Art Gallery will operate the space within the budget managed by the City.

In response to a question from Mr. MacGregor regarding wind studies, Ms. Guspie confirmed the wind study report was very successful and the results of the wind tunnel tests were excellent. Chris Phillips, Landscape Architect, confirmed that the rooftop trees will be in a wind protected environment.

Mr. MacGregor expressed some concern about the visual impact of the low-E coating on the glazing, noting there is no sample provided. Ms. Guspie advised it is tied very closely to the LEED analysis. They are exploring geothermal heating for the entire tower which would give much more flexibility on the energy performance of the glazing. She added, they expect to outperform the glazing on the Shaw Tower which is clear glass with a low-E coating. She stressed that no glass is clear and the low-E coatings create a subtle grey, green or blue hue, and they want the two foil facades of Georgia and Thurlow to be distinguished from the corner piece because the language of the tower suggests a dual skin. Ms. Guspie noted that technology in glazing is improving rapidly. She also confirmed they intend to build a mock-up for the City to review. Mr. MacGregor reiterated his concern that the Board's expectations are met.

In response to a question from Mr. Rudberg, Ms. Guspie confirmed the intent is that the building will be fully air-conditioned, and Jennifer Sanguinetti, LEED consultant, briefly explained the energy models they have run. Ms. Guspie added that if they are successful with the geothermal heating it will have an enormous positive impact on energy utilization.

Mr. Beasley expressed disappointment that the significant landscape shown on the façade of the tower at the rezoning stage has been reduced because it was very interesting and quite unique. Ms. Guspie explained the earlier landscape plan may have been over optimistic, and Mr. Phillips added there were problems related to access to the trees for maintenance. Mr. Beasley said he believed it was a diminishment of the innovative quality presented to Council at the rezoning. He acknowledged that the ground level overall, including landscape, is significantly improved but he thought there has been a less than innovative result on the tower landscaping.

Some discussion took place with respect to Council approval of the form of development. Phil Mondor, Rezoning Planner, explained that if the development application is approved and the applicant satisfactorily meets the conditions, the CD-1 enactment and form of development approval can occur at the same time. A Report to Council is prepared if there are significant changes to the form of development. The necessary Text Amendment can only proceed to Council after CD-1 by-law enactment.

Comments from other Speakers

None.

Panel Opinion

Ms. Marshall reported that the Urban Design Panel was very excited about this proposal and very positively received the refinements that have occurred since the rezoning stage. However, all the Panel's comments were predicated on the applicant's intention to seek LEED Silver certification. In this respect, Ms. Marshall said she believed the proposed new condition 1.7 is critical and should be strengthened to ensure the Urban Design Panel's expectation is met. The Panel also looks forward to design development of the stair that meets the adjacent church because it is essential that this is resolved from an urban design perspective. The Panel

had some concerns about the rooftop expression but otherwise was very supportive. There was considerable discussion about the street trees and the majority of the Panel thought the West Georgia Street public realm requirements should be maintained.

Mr. Hancock said he believes the project has achieved the requirement for architectural excellence for a 600 ft. tower. It will be a very dramatic and powerful building. He felt the public realm treatment could be violated in this instance given the project's magnificent gesture to public art and it should be permitted to extend out to the sidewalk as proposed. It will be more inviting and provide a better tableau for the whole public art experience. He said he looks forward to seeing the project built - it will be a wonderful addition to the city.

Mr. Mah said it is obvious there is no desire for a dark building but recommended an amendment to condition 1.2 that would allow for some tinting on the south façade to provide some flexibility. With respect to the public art, Mr. Mah concluded that the screen and the paving should not project into the public realm. The screen is of sufficient size to be visible. He also did not support extending the paving to the sidewalk but supported a break in the street trees to showcase the area. Mr. Mah said this will be a great signature building for the city and he encouraged its approval and construction.

Mr. Chung also recommended approval. He was also concerned about achieving transparency of the glass and thought there should be a sample provided to the satisfaction of the Director of Planning. He noted the only source of reference seems to be the Shaw Tower in terms of what will be achieved. With respect to the public art plaza, Mr. Chung thought there should be a break in the street trees to make it more inviting. He said he hopes the project can achieve LEED silver certification and looks forward to seeing it built.

Board Discussion

Mr. Beasley said this is a fairly amazing building and an amazing process to get to this stage noting it has a significant public amenity package and is a very complex development. He commended staff and the applicant team. The Higher Building review process was clearly also very important which confirms its value to the process. The very positive collaboration that has occurred on this project is somewhat unusual and also warrants acknowledgment.

Mr. Beasley moved approval, with minor refinements to the conditions which he said will ensure that what the applicant has begun to indicate in the most recent model and drawings will be realized. Mr. Beasley said he had a fundamental difficulty with the requested intrusions into the public realm because any intrusion has the net effect of privatizing that public realm for some segments of the community. Continuity of the public realm treatment is very important. He therefore could not support the request of the applicant and the Vancouver Art Gallery in this regard. With respect to the glazing, Mr. Beasley said there needs to be an explicit statement in the conditions to give direction and a sense of the process to ensure it is followed through. He recommended the Board seek submission of a sample now and confirm that the City will finally approve the glass before the Building Permit is issued. This is consistent with the discovery that must occur with the applicant team as they continue with the requirements for LEED as well as all the other aspects of the process. Mr. Beasley reiterated his disappointment at the loss of the landscaping on the tower exterior but acknowledged it is probably an unrealistic expectation. He noted, however, that it is being achieved elsewhere in the world and said he looks forward to seeing it achieved in Vancouver. Nevertheless, the landscape treatment on this project is exemplary and the ground plane treatment is considerably better than that shown at the rezoning stage.

Mr. Rudberg said this is a rare opportunity to be a part of the approval process for not only an architecturally significant building but one that will pursue LEED designation. It will be the first of its kind in Vancouver and has significant challenges. Mr. Rudberg said he also feels strongly about the importance of protecting the public realm, particularly along West Georgia Street. It is the city's ceremonial street and a significant amount of money has been invested in it.

Mr. MacGregor concurred with the Board's comments and supported approval of the application. With respect to the concerns expressed about the glass, Mr. MacGregor stressed that the Board is relying on the applicant team to follow through on their commitment. He said he would be happy for the final glass to be subject to the approval of the Director of Planning but requested that the Board and Panel members also be invited to review the mock-up. Mr. MacGregor said he, too, could not support the requested intrusions into the public realm. He supported the recommended amendments and said he looks forward to seeing the project get underway.

Mr. Beasley confirmed that Board and Advisory Panel members will be invited to view the mock-up and participate in the final approval of the glass.

In response to a question from Mr. Scobie, Ms. Guspie confirmed they have no concerns with the items identified in Appendix C.

Motion

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

THAT the Board APPROVE Development Application No. 408377, in accordance with the Development Permit Staff Committee Report dated June 9, 2004, with the following amendments:

Amend 1.2 to read:

design development to refine the glazing system on the northerly and easterly facades of the tower to reflect the design excellence aspirations *for a transparent or, in the case of the southwest façade, subtly grey hued appearing glass building, to the satisfaction of the Director of Planning;*

Amend the Note to Applicant in 1.5 to read:

Sidewalk treatment *and street tree spacing* must be according to the requirements.

Add 1.7:

Submit a preliminary LEED score card showing proposed strategies for attainment of LEED silver and arrangements for subsequent submission to LEED BC, to the satisfaction of the Director of Planning.

Add a Note to Applicant after A.1.19:

Approval of any proposed equivalencies should be satisfied prior to the issuance of a development permit.

Amend A.1.27 to read:

Provide a solid, *but demountable* south wall of the public art space for the display of art;

Note to Applicant: Demountable panels or screens over a glass wall for mounting art work *may be considered provided they have sufficient strength for mounting artwork.*

Amend A.2.5 to read:

delete *or redesign* the parallel parking spaces *to comply with the requirements of the Parking By-law;*

Delete A.2.8 and the **Note to Applicant** and replace with:

confirm residential bicycle rooms are located in compliance with the Parking By-law.

CARRIED UNANIMOUSLY

6. OTHER BUSINESS

The Chair made reference to a letter from Ray Robinson dated June 15, 2004, commenting on the process involved in the development application for 1901 Alberni Street. This application was approved by the Board on June 7, 2004. Mr. Robinson offered a suggestion to the Board to institute active pre-hearing mediation for contentious applications. Mr. Beasley noted that preliminary discussions are already underway among senior City officials about the possibility of putting in place some sort of mediation process in very controversial cases. It was also noted that informal mediation has already taken place in some instances recently which has been very helpful. However, a more formal policy is ultimately a Council decision.

There being no further business, the meeting adjourned at 7.45 p.m.

C. Hubbard
Clerk to the Board

F. Scobie
Chair