

Date: Monday, June 10, 2002
Time: 3.00 p.m.
Place: Committee Room No. 1, City Hall

PRESENT:**Board**

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

Advisory Panel

W. Francl	Representative of the Design Professions (Urban Design Panel)
P. Kavanagh	Representative of Development Industry
J. Ross	Representative of Development Industry
J. Leduc	Representative of General Public
M. Mortensen	Representative of General Public
R. Bruce Scott	Representative of General Public

Regrets

J. Hancock	Representative of the Design Professions
D. Chung	Representative of General Public

ALSO PRESENT:

J. Barrett	Development Planner
A. Higginson	Project Facilitator
M. Thomson	City Surveyor

900 Burrard Street

C. Brook	Brook Development Planning Inc.
F. Rafii	Foad Rafii Architect
C. Bosa	Bosa Ventures Inc.

Clerk to the Board: C. Hubbard

1. MINUTES

Mr. Scobie noted a few minor typographical errors in the minutes of May 27, 2002. In addition, Mr. Beasley tabled the following corrections:

p.3, **Questions/Discussions**, the question concerning "the fifth mature oak tree" should refer to whether the four mature oak trees on the eastern side of the site had been assessed ... and whether the fifth oak tree in the centre of the property could be assessed to determine whether it could be retained and/or relocated. A similar reference under **Applicant's Comments** on p.3, also requires amendment.

p.3, "the Staff Committee reported" should read "Staff Committee Report";

P.5, last line, change "applicant's" to "owners'".

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of May 27, 2002 be approved as amended.

2. BUSINESS ARISING FROM THE MINUTES

None.

3. 900 BURRARD STREET - DE406534 - ZONE CD-1 (COMPLETE APPLICATION)

Applicant: Foad Rafii Architect

Request: To construct a 24-storey mixed-use complex at 8.148 FSR including: retail use; restaurant use; cultural/entertainment uses with nine cinemas (2,140 seats); 466 dwelling units; and 677 parking spaces of which 150 spaces are to be designated for "The Electra" building at 989 Nelson Street.

Development Planner's Opening Comments

Jonathan Barrett, Development Planner, presented this application. A previous application for this site was approved by the Development Permit Board on June 14, 1999 but was not pursued. The current proposal is very similar in form to the previous application but is about 15 percent less in mass and above-grade volume. The previous application comprised entirely retail and entertainment uses which resulted in large volumes that required relaxation of the CD-1 Guidelines. The current proposal includes some cinema uses but about 30 percent less than the previous scheme. The previous application also included bowling lanes and an ice rink which caused some concern to residential neighbours about potential noise impacts. A significant difference between the current and former proposals is that the applicant has now introduced a large component of residential use, which responds to City policy objectives and is supported by staff. As well, parking demand is substantially less than the previous proposal, causing far less traffic impact on Hornby, Smithe and Burrard Streets.

The current application proposes ground floor retail use with access points for the residential and cinema uses. The second level contains amenities and support facilities for the residential use. The project also contains two levels of theatres (nine cinemas, approximately 2,100 seats) and 466 residential units at the upper levels, including significant pieces of semi private open spaces.

Mr. Barrett noted that when the Board approved the previous application serious concern was expressed about *maintaining* the quality of the architecture and the Board's relaxation of the Guidelines was contingent upon achieving a very high level of architectural quality. Mr. Barrett reviewed the major prior-to conditions recommended by the Staff Committee, noting the first condition calls for substantially improving the building character. The drive aisle which extends between Burrard and Hornby Streets through the centre of the site also needs significant improvement (condition 1.2). Staff also seek improvement to the residential component to enhance livability (condition 1.3), in particular with respect to the long corridors. The guidelines call for individual retail premises to have a maximum 15 m frontage whereas the proposal contains no delineation. Condition 1.4 seeks closer compliance with the guidelines to increase variety and visual interest on the street. Condition 1.5 seeks compliance with the by-law with respect to floor space ratio, and 1.6 is for the Board's consideration, that the applicant's response to the conditions be referred back to the Urban Design Panel for advice on the quality of the architectural design. Subject to satisfactory resolution of the conditions, the Staff Committee recommendation is for approval, as outlined in the report dated May 29, 2002.

Questions/Discussion

In response to a question from Mr. Beasley, the Development Planner confirmed the residential component contains two vertical circulation cores that are linked to serve both wings of the building. There are two access points, the main residential access being off Smithe Street.

Mr. Scobie sought clarification with respect to the covenant that restricts the FSR to 7.5 and up to 8.148 as may be approved by the City. Mr. Barrett advised the covenant was part of the CD-1 By-law and no criteria were established for evaluating the higher FSR. He confirmed the covenant was to allow anything more than 7.5 FSR potentially to be transferred off the site if it could not be accommodated on the site.

Mr. Scobie noted the previous application for this site had been quite challenging for the Board because it was such a departure from the Guidelines. However, the Board ultimately was supportive because it was a promising scheme in terms of its exemplary architectural quality. Mr. Scobie questioned whether the Staff Committee considered the current proposal to be as meritorious in terms of its design and program to warrant similar Guideline relaxations, noting the analysis focussed on comparison with the previous scheme, rather than on the approved guidelines. Mr. Barrett noted the Staff Committee did struggle with this issue, and considered that the current proposal did not meet the architectural standards of the previous application, which resulted in the substantive design conditions. He stressed, however, that the objective is to meet the same standard as the previous scheme. He said he believed the earlier relaxation of the guidelines did set a precedent in that it indicated there was a form of development of a certain shape and size that achieved a neighbourly relationship with the Electra. In this respect, the subject proposal is superior to the previous form. As well, there are certain public aspects that are superior, namely, fewer cinema seats, deletion of other entertainment uses, and the substantial advantage of the residential component. It is a balance between uses and relationships with the Electra as well as the architecture.

While the density of the current proposal is higher than the previous proposal (8.148 vs. 6.663 FSR), an advantage is that it does not entail a future transfer of heritage density off-site. At the rezoning stage it was determined that the site may not be able to accommodate more than 7.5 FSR, in which case it allowed for the additional density up to the 8.148 maximum to be transferred off-site. Any unused density below 7.5 FSR could not be transferred.

Applicant's Comments

Chuck Brook, Brook Development Planning, said the main issue is a fundamental change in land use from the previous entertainment complex to a mixed use development containing a substantial residential component. In terms of its volume, the current proposal is substantially less than the previous scheme. The Board must consider whether the calibre of the building meets the expectations of the previous proposal and whether the residential use is appropriate for this site. In terms of the use and volume of the building, Mr. Brook said they believe it is a reasonable fit. He noted they have spent considerable time over the last few months, striving to substantially improve the building character so that it will be a high quality, interesting development that

responds appropriately to its context as well as harmonizing the theatre/commercial podium and the residential floors above. They are also working to refine the driveway through the centre of the development, improving the materials, the spaces and the access within it. In this regard, Mr. Brook requested amendment to condition 1.2 to be less prescriptive on the height and width, noting they require greater flexibility in order to make it work.

With respect to the retail frontage, Mr. Brook explained the structural module is 9 m or 6 m, with the likelihood that there will be storefront doors in most of these modules. They would prefer, however, not to limit the marketability of the units by having the retail frontages restricted to 15 m, as called for in Condition 1.4, noting a larger tenancy could be expressed in a more fine-grained way on the street. Mr. Brook noted the Urban Design Panel thought the retail space should be market driven. He asked the Board to consider deleting condition 1.4, noting they would strive to have the expression of the fine-grain retail within the structural grid.

Mr. Brook also requested deletion of the consideration item, 1.6, noting they have been working diligently to address the principal concerns raised by staff and the Urban Design Panel and are confident the issues can be resolved.

Foad Rafii, Architect, noted a major departure from the Guidelines relates to the size of the floor plate where the Guidelines envisioned a more typical point tower and podium scheme. Given the height limitation on this site due to view corridors, it is not possible to achieve 7.5 FSR with adequate tower separation for the residential use. For this reason, they chose to retain the volume that was previously approved while respecting the Electra as much as possible. Mr. Rafii requested some amendments to standard conditions A.1.2, A.1.21, and A.2.2. In discussion, Mr. Barrett agreed the height of the northwest corner need not be reduced to 30 m as called for in A.1.2 because the view of the Electra from the corner of Burrard and Robson is already compromised by another development.

With respect to A.2.2, Mr. Rafii noted there are some cornices encroaching on City property that are part of the architecture and response to the character of the Electra. He asked the Board to consider allowing them to retain these cornices, even if they are demountable. Mike Thomson, City Surveyor, noted that Engineering Services generally supports such encroachment in historic areas of the city where cornices are typical architectural features, which does not apply to this neighbourhood. Noting it is also believed the intent is to strata title this building, Mr. Thomson explained the only way to allow these type of encroachments would be for the City to grant a volumetric easement to the Strata Corporation, in turn resulting in each strata lot having a charge on title. Therefore, while the impacts from a design perspective are quite minimal, the impacts on future conveyancing of each strata lot are significant. Cornices which are a *merely* decorative feature cannot be considered the same way as *functional* demountable canopies that provide pedestrian weather protection. Mr. Rudberg added, it is the City's expectation that new buildings stay within their property boundaries.

Questions/Discussion

In response to a question from Mr. Beasley concerning the size of the residential units, Mr. Rafii advised they range from studio to two-bedrooms. The smallest studio units are less than 400 sq.ft. after deleting the storage area but they will comply with the condition to meet the by-law minimum unit size. The residential corridors are more than 200 ft. in length but they are working to improve their character. With respect to the interface with the adjacent building, Mr. Beasley noted the *rear and side* facades of the Dal Grauer Substation is not particularly attractive. Mr. Rafii explained they are in discussions with BC Hydro to make improvements to the *side* wall in question (at the cost of this developer).

Responding to a question from Mr. Ross concerning the driveway, Mr. Rafii advised they do intend to improve it with laybys and sidewalks on both sides and will attempt to achieve a width of about 42-43 ft. Nevertheless, the dimensions called for in condition 1.2 could create some restriction on the overall design. Mr. Barrett advised that in discussions with the applicant, Engineering Services is considering a width of approximately 20 ft. for the driveway and 5 ft. sidewalks.

Mr. Rudberg sought clarification concerning the guidelines that were used to evaluate this proposal. Mr. Barrett advised the CD-1 Guidelines anticipated a commercial base on this site with a two-tower residential component. They did not anticipate large volume uses such as cinemas, which was a major issue with the previous application. The subject application is principally the same in that it seeks the same relaxations. Mr. Rudberg noted the first three conditions call for substantial improvements, with a fair amount of work to be done in order to achieve the design excellence necessary to earn the same relaxations granted to the previous application. He therefore suggested it should be a requirement rather than consideration that the application be returned to the Urban Design Panel, or downgrading the application to a preliminary which would allow the Board to consider how the conditions have been met. Mr. Barrett noted that requesting the complete application to be returned to the Urban Design Panel would be an unusual departure from the usual process, which is why the Staff Committee made it a consideration item rather than a recommendation. Nevertheless, Mr. Barrett said he believes the Staff Committee would be more comfortable with the application being returned to the Urban Design Panel. Staff Committee did question whether the application should be downgraded to preliminary status.

Recalling the Board's consideration of the earlier scheme, Mr. Beasley noted its departure from the guidelines was first considered because it was an extraordinary program, completely different from what had generated the guidelines. It was concluded that the program was viable and acceptable but that the guidelines could not be achieved with such a program. However, the Board agreed to the relaxations because it was also persuaded by the very high quality architecture being presented. Therefore, since the current proposal has a more conventional program, there is some question whether the logic for evaluating it against the previously approved scheme, together with its relaxations, is valid. Mr. Scobie observed that the earlier approval called for "implementation of high architectural design quality," noting the Board was very impressed with what was presented but had concerns about whether it would be executed during construction. With the current proposal, a comparable architectural quality is not evident in the submission. He questioned the staff support. Mr. Barrett indicated support was contingent on the substantive conditions recommended being satisfactorily addressed.

Ms. Forbes-Roberts questioned whether staff considered processing the application as a preliminary given the major issues that have arisen. Mr. Barrett confirmed this was discussed with the applicant. However, after considering the previous report and Board minutes, it was concluded the current proposal had a number of advantages over the previous scheme, e.g., the relaxations from the guidelines would be fewer, the proposal contains 30 percent fewer cinema seats, the residential component meets City policy to increase residential use downtown, and it would not generate any heritage density transfer off the site. The bulk of the current proposal is less than the earlier scheme, and the uses an improvement. In discussion, Mr. Beasley commented that the conditions being proposed represent some fairly significant changes.

Comments from Other Speakers

Emil Schnabl and Ben Bialek, representing approximately 1,200 residents of the Electra (989 Nelson Street), addressed the Board. Mr. Schnabl noted this is the third proposal for this site and they look forward to the development, subject to some design considerations which he then outlined (written submission on file). In addition, Mr. Schnabl suggested consideration be given to providing a noise barrier on the rooftop garden.

In discussion with respect to Mr. Schnabl's concern about the parking spaces being provided in this development for Electra residents, Mr. Thomson suggested an amendment to condition A.1.10 to provide greater clarity. With respect to Mr. Schnabl's concerns about colours and materials, Mr. Barrett agreed this would be addressed in condition 1.1 but recommended that specific reference be added to the Note to Applicant. Mr. Schnabl commented they do not believe the Electra colour should be extended to this project. With respect to the stepping of the building as it faces the Electra, Mr. Bialek confirmed they support the proposal as presented.

Mr. Barrett advised that treatment of the Dal Grauer Substation rooftop is being dealt with in a separate process with Heritage Planning. Mr. Schnabl added, they have met with BC Hydro and understand that renovation of the roof will begin on July 1 and renovations to the Burrard Street frontage are planned for early next year.

Chris Oscar, resident of Hornby Street, expressed concern about traffic impacts and the need to maintain free flow of traffic on adjacent streets. Mr. Oscar also questioned the business model of the proposal, suggesting that nine cinemas are excessive.

Mike Scher, Famous Players Theatres, stated the project will provide the opportunity for a state-of-the-art theatre in downtown Vancouver, similar to those in Toronto and Montreal. They are confident in the viability of this project. They believe the mix of residential and theatre works well and adds to the livability of the downtown core.

Board and Panel members reviewed the model and posted materials.

The Chair reported that the applicant had retracted his earlier request for deletion of consideration item 1.6, acknowledging that the Board is not fully aware of the evolution of the project since submission of the original drawings.

Panel Opinion

Mr. Francl advised the Urban Design Panel supported this application (5-3). There was relatively strong support for the uses, the general massing and the form of development which was seen as a departure from the more typical tower-podium arrangement. It was considered to be an appropriate solution given the background of the previous applications. The Panel's support was given with considerable reservation but Mr. Francl said the items the Panel thought needed to be considered and reconciled are addressed in the prior-to conditions recommended by the Staff Committee. The Panel's concerns related to: the reconciliation of the residential components with the commercial portions below; a further refinement of the residential fenestration/articulation to relieve the undifferentiated window pattern; concern about the blank end walls on Hornby and Burrard; concerns around the entries, particularly for the residents; and, the circulation through the long corridors. There was also considerable discussion and concern about the driveway and how it will function with a satisfactory degree of elegance and utility. Mr. Francl said he was pleased with the applicant's withdrawal of the objection to condition 1.6 because the Panel would welcome the opportunity to assist Planning in reviewing the response to the conditions. Mr. Francl said he would support some of the relaxations requested by the applicant, including flexibility on the drive aisle width, cornices over property lines, the height guideline of 30 m at the northwest corner, and the retail tenancies exceeding a 15 m width while insisting that each of the 15 m presents as a retail facade on the building. Mr. Francl said he supported the conditions, with some discretion applied to 1.4.

Ms. Leduc commented she had much greater comfort with the proposal knowing it would be returned to the Urban Design Panel, given the number of changes that will occur. She stressed that the relationship to the Electra is important and she wanted to see the residents' concerns addressed. She also recommended that renovation of the Dal Grauer Substation roof be looked into to ensure the Electra residents' concerns are taken into account. Ms. Leduc said she believes there is enough growth occurring in the downtown to warrant the proposed cinemas. She supported the application, provided it is returned to the Urban Design Panel or to the Board.

(Ms. Leduc left the meeting at this point in the proceedings)

Mr. Kavanagh also supported the application. With respect to the conditions, he supported 1.1 and 1.3, and recommended deletion of the Note to Applicant in 1.2. He recommended some flexibility in the interpretation of 1.4, noting he believes the applicant clearly understands the intent of this guideline is to achieve a rhythm to the public realm. Noting there were many positive comments from the Urban Design Panel that this is an appropriate solution, Mr. Kavanagh said he would consider deleting condition 1.6, although he agreed it could be a productive exercise to return the application to the Panel. Mr. Kavanagh also recommended deleting standard conditions A.1.2 and A.1.21. He added that he was encouraged to see the inclusion of the residential component this proposal.

Mr. Scott expressed concern about the residential component, particularly the long corridors and the small size of some of the units. The drive-through was also a concern, and he was not convinced that it should not be wider

given the amount of traffic it will accommodate. He supported a relaxation of the 15 m width in condition 1.4, commenting that unrented commercial space is equally as undesirable as large blank spaces. In general, he thought the project needs to be much more fine-tuned.

Mr. Ross commented the recommended conditions are substantive and he agreed the application should be returned to the Urban Design Panel given that many of the issues are architectural. The driveway is also a major concern. He recommended maintaining condition 1.2 as written, notwithstanding Engineering's indication that it may consider some flexibility on the widths. He agreed the retail frontage can be expressed as 15 m modules with larger tenancies. He supported the application, with the inclusion of condition 1.6.

Mr. Mortensen said he did not believe the application was supportable as a complete submission. He was concerned about the program shift to a mix of theatre and residential and the basic issues of site access. As well, the length of the hallways in the residential component needs to be reconsidered, together with the quality of the residential entries and their close proximity to the commercial exits. On the question of density bonussing in exchange for quality architecture, Mr. Mortensen said he was troubled by some of the blank walls, especially that facing the Electra. He said he believes there are some fundamental issues that must be addressed in granting the requested density and he urged that the application be returned to the Board.

Board Discussion

Mr. Beasley said the proposed program of use is very supportable. The basic parti of the building as an alternative to the podium-tower format is also very supportable. In the context of building massing in the vicinity, it is not out of character. Mr. Beasley said he was not yet convinced, however, that the density is also supportable. He had a number of major concerns with the project. His concerns about residential livability included the configuration of the public areas in the building, the very long halls, the large number of units low on the inside of the building which have very little opportunity for sun, the very small lobbies, and the tight access to the residential parking. The overall massiveness of the building is also a concern. While the project may ultimately be approvable, Mr. Beasley said he would like to see the architecture attempt to break down the mass of the building. The driveway is also a significant problem. It is not spacious enough and has to function as a street to accommodate all the uses. The retail component also needs to be rethought. While not supporting a rigorous requirement for demising the retail spaces, Mr. Beasley said it would not be good if the whole retail component was one frontage because it might result in an undesirable lack of permeability in this location. Mr. Beasley said he was also not at all happy with the architecture, particularly the interface with the two facades of the adjacent Dal Grauer substation at the porte cochere.

Given the number of outstanding issues Mr. Beasley said he believes the project needs a significant amount of redesign for it to receive final approval. However, because of the support from staff, the majority of Advisory Panel members, and the neighbours, as well as the applicant's responsiveness to the concerns, Mr. Beasley said he was prepared to support the application as a preliminary, stating it needs to go back to the Urban Design Panel and the Board. He moved approval in principle.

As a direction to staff, Mr. Beasley said he believed a more relevant comparison is with the original guidelines rather than the previous approved application. While the conclusion may well be to relax the guidelines, the evaluation and logic should be tied back to them given the proposed program.

Ms. Forbes-Roberts supported Mr. Beasley's motion. She, too, had substantive concerns about the design of the building, particularly with respect to the porte cochere, the bulk of the building, and the demarcation of the uses as viewed from the street. Noting the high density of this application, Ms. Forbes-Roberts added, it is important for heritage density to be used well in the city without compromising on design. She said she was pleased to see that the applicant has obviously worked with the neighbours. Overall, the application has not yet earned final approval.

Mr. Rudberg also supported the recommendation. As a preliminary, he said he could support the massing and the uses, and generally support the distribution of the mass on the site. He had several concerns, including the slab-type design that is not typical in the downtown and raises some uncertainty. It must be handled well if this

type of development is to be successful. Mr. Rudberg said he had serious concerns about the driveway which seems, dark, tight, and not pedestrian-friendly. He was not convinced it is workable; a great deal more work needs to be done to ensure it will work successfully. The architectural treatment is also a concern. The previous approval was contingent upon a high quality of architectural treatment. Clearly, more work needs to be done on this proposal to combine the uses successfully on the site and earn the density proposed. He agreed that approval in principle is appropriate. He suggested a further amendment to condition 1.2, which Mr. Beasley and Ms. Forbes-Roberts accepted, to be less prescriptive with respect to the width of the driveway.

Mr. Scobie commented that this is a very challenging application. Clearly, the Staff Committee also struggled with the analysis and rationale and thought it fell short of the previously approved application. He said he hoped the applicant will recognize the Board's directive to demonstrate how the residential livability can work given the departure from the normal building configuration, as well as resolve the vehicular access and parking for the Electra - all in a way that works both for this building and its occupants in the context of the Electra and the Dal Grauer.

Motion

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

THAT the Board APPROVE IN PRINCIPLE the concept of developing this site with a 24-storey mixed-use complex at 8.148 FSR, as submitted under Development Application No. 406534, in accordance with the Development Permit Staff Committee Report dated May 29, 2002, with the following amendments:

Amend 1.0:

Prior to submission of a complete application and a final decision, the applicant is to carry out the following;

Amend the Note to Applicant in 1.1 to add *colours and materials* after "architectural language";

Amend 1.2 to add *spaciousness*, after "to substantially improve the";

Amend the last sentence of the first paragraph of Note to Applicant in 1.2 to read:

Cross-section dimensions of the driveway should be adequate to serve the needs of both vehicular and pedestrian traffic, to the satisfaction of the Director of Planning and General Manager of Engineering Services;

Amend the Note to Applicant in 1.3 to add *but also adding noise mitigation measures where practical* after "increase usability of semi-private open space";

Amend 1.4 to add: *the intent of* after "design development to more closely meet";

Delete consideration item 1.6 and replace with a new condition:

design development to respond to the blank façades of the Dal Grauer substation to the south and west as experienced by occupants of this building;

Amend 2.0:

That the standard conditions set out in Appendix A be met prior to submission of a complete application.

Amend 3.0:

That the complete application be dealt with by the Development Permit Board.

Delete A.1.2;

Amend A.1.10 to add *and direct access* after "clarify and designate parking and loading spaces";

Delete A.1.21

4. OTHER BUSINESS

None.

There being no further business, the meeting adjourned at 5.50 pm.

C. Hubbard
Clerk to the Board

F. Scobie
Chair

/ch

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