

Date: Monday, June 24, 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 (present until 6.10 pm)
M. Mortensen Representative of General Public

Regrets

J. Hancock Representative of the Design Professions
J. Ross Representative of Development Industry
D. Chung Representative of General Public
J. Leduc Representative of General Public
R. Bruce Scott Representative of General Public

ALSO PRESENT:

R. Segal Development Planner, Planning Department
M. Thomson City Surveyor, Engineering Services
V. Potter Project Facilitator, Development Services
L. Schmidt Project Facilitator, Development Services
G. Gusdal License Coordinator, Licenses & Inspections

583 Beach Crescent and 455 Beach Crescent

P. Webb Concord Pacific Group Inc.
D. Gurney The Hulbert Group International Inc.

1673 Bayshore Drive

S. Gould Simon Consulting
A. Johnson Downs/Archambault & Partners Architects

Clerk to the Board: C. Hubbard

1. MINUTES

Some minor typographical errors were noted and the following amendments requested:

p.3, line 2: add "maintaining" before "the quality of the architecture";

p.4, paragraph 5, penultimate sentence to read: "Cornices which are merely decorative cannot be considered the same way as functional demountable canopies that provide pedestrian weather protection";

p.4, penultimate sentence to read: "... Mr. Beasley noted the *rear and side facades* of the Dal Grauer Substation ... etc."; last sentence: add "side" before "wall".

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of June 10, 2002 be approved as amended.

2. BUSINESS ARISING FROM THE MINUTES

None.

3. 583 BEACH CRESCENT - DE406178 - ZONE CD-1 (COMPLETE APPLICATION)

Applicant: The Hulbert Group International Inc.

Request: To construct a 32-storey residential tower (designated as Tower 1M of the Beach Neighbourhood) with a three-storey component along Beach Crescent and a two-storey component along a new "mews" connecting Pacific Street to Beach Crescent, with four levels of underground parking.

Note: The Board previously approved a 29-storey tower on this site, subject to conditions. A permit has not been issued, but rather the applicant has asked that the Board consider this revised proposal for a 32-storey tower. In making its recommendation, Staff Committee has assumed the Board will consider the revised proposal in its entirety, but for convenience has identified the key differences between this proposal and that previously approved. The applicant is aware that the Board's decision on this revised proposal will supplant its previous approval.

4. 455 BEACH CRESCENT - DE405455 - ZONE CD-1 (COMPLETE APPLICATION)

Applicant: The Hulbert Group International Inc.

Request: To construct a 32-storey residential tower (designated as Tower 1D of the Beach Neighbourhood) with a three-storey lowrise component along Beach Crescent and a two-storey component along the new "mews" connecting Pacific Street to Beach Crescent, with four levels of underground parking.

Note: The Board previously approved a 29-storey tower on this site, subject to conditions. A permit has not been issued, but rather the applicant has asked that the Board consider this revised proposal for a 32-storey tower. In making its recommendation, Staff Committee has assumed the Board will consider the revised proposal in its entirety, but for convenience has identified the key differences between this proposal and that previously approved. The applicant is aware that the Board's decision on this revised proposal will supplant its previous approval.

Since these two applications are for mirror image towers, the Board agreed to consider them concurrently.

Development Planner's Opening Comments

The Development Planner, Ralph Segal, presented the applications which seek to add three floors to the two towers, increasing the height from the previously approved 29 storeys to 32 storeys. Staff recommend approval of two additional floors. As development of the Beach Neighbourhood has progressed, both the Planning Department and Concord Pacific have had some opportunity to fine-tune and reconsider some of the detailed aspects of massing, open spaces and the public realm interface. Council recently approved an amendment to the Beach Neighbourhood Guidelines, clarifying that townhouses are to be provided on public realm frontages. As this will likely involve some reduction in the mid-rise buildings in favour of more two - three-storey townhouses fronting parks, the waterfront walkway and streets, there may be some redistribution of building volume. In response to a Concord Pacific initiative, staff agreed that the two towers might receive some additional height.

The proposal received mixed response from the Urban Design Panel with respect to adding three storeys, but with some indication that something between zero and three storeys might be considered favourably. In terms of the impact analysis and the intent of the guideline to have towers in the Beach Neighbourhood step down to the waterfront, staff have concluded that the addition of two floors would be supportable. Mr. Segal circulated a diagram of the comparative height analysis. Staff believe the shadow and view impacts of two additional storeys are very minimal, noting also the sloping grade from Richards Street down to the waterfront. The final form of development will require Council approval.

Mr. Segal noted that Concord Pacific has submitted a rezoning application which seeks a transfer of density from another Concord area to the Beach Neighbourhood, to address a shortfall in floor area. Floor area for the non-market units has been committed by legal agreements but there may be insufficient floor area to complete the anticipated form of development for the remaining market housing sites in the Beach Neighbourhood. This matter is not part of the Board's consideration and is provided for information only.

The Staff Committee recommendation is for approval, subject to the conditions outlined in the reports dated May 29, 2002. In addition to the condition to reduce the height of the towers from 32 to 31 storeys, the recommendation for 455 Beach Crescent also calls for the elimination of two proposed news-level garages in favour of the previously approved arrangement for the lower lobby area.

Questions/Discussion

In response to a question from Mr. Beasley concerning the implications if Council was to refuse to transfer additional density to this neighbourhood, Mr. Segal agreed it would mean the remaining buildings on the waterfront side of the site would be smaller, which would be a departure from expectations but acceptable from an urban design point of view.

A concern was raised about the size of the floorplate which was challenging the guideline recommended maximum. The Development Planner demonstrated that the increase in floorplate represented very small slivers which caused no increased impact.

Mr. Rudberg sought clarification regarding the density that would be added to these two sites. Mr. Segal advised that two additional floors will add approximately 1 300 m² to each tower.

With respect to Notification, Mr. Segal noted the nearest occupied tower is 501 Pacific Boulevard, from which two letters of objection have been received.

Applicant's Comments

Peter Webb, Concord Pacific Group Inc., advised that Concord is agreeable to the addition of only two storeys. He agreed they can meet all the recommended prior-to conditions.

Comments from Other Speakers

None.

Panel Opinion

Mr. Francl advised the Urban Design Panel thought that some increased height was acceptable but that three storeys was too much. Mr. Francl said he believed the Panel would support staff's position that two storeys is an appropriate compromise. It would not impose unduly on any of the towers behind and would still achieve the intent of the guidelines. With respect to 455 Beach Crescent, Mr. Francl agreed it would be preferable not to have a garage off the lobby.

Mr. Kavanagh recommended approval of both applications, noting the development planner's description of the project was very useful *and compelling*.

Mr. Mortensen said he had no objections to an additional two storeys. He agreed the mews-level garages should be removed from 455 Beach Crescent.

Board Discussion

Mr. Beasley commented that the urban design in this whole area is quite tight. He said he was uncomfortable with the request to add three storeys but agreed that two storeys is supportable because it maintains the basic urban design intent of stepping down the buildings to the waterfront. It is also supportable because the high quality treatment of the base is maintained. If Council does not approve an increase in density for this area, the resulting smaller buildings on the waterfront would also be quite acceptable.

In supporting the applications, Mr. Rudberg commented these were first class applications in a great neighbourhood at 29 storeys, and remain so at 31 storeys.

Ms. Forbes-Roberts concurred with the other Board members' comments. With respect to 455 Beach Crescent, she stressed her agreement with the condition to delete the mews-level garages because it is important to maintain pedestrian continuity in this location. Noting there are pre-purchasers of units in neighbouring towers, she stressed that Concord should notify them of this amendment.

It was noted that the Board's decision in no way prejudices the rezoning application currently in process.

Motion

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

583 Beach Crescent

THAT the Board APPROVE Development Application No. 406178, in accordance with the Development Permit Staff Committee Report dated May 29, 2002.

Motion

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

455 Beach Crescent

THAT the Board APPROVE Development Application No. 405455, in accordance with the Development Permit Staff Committee Report dated May 29, 2002.

5. **1673 BAYSHORE DRIVE - DE404739 - ZONE CD-1
(COMPLETE APPLICATION)**

Applicant: Simon Consulting

Request: To construct a two-storey Restaurant/Neighbourhood Public House (Pub) on this vacant lot.

Note: The owners have received endorsement from Council for a Marine Pub classification for the Neighbourhood Public House and may be referenced as such in the Report.

Development Planner's Opening Comments

The Development Planner, Ralph Segal, presented this application for a two-storey restaurant/pub to be located on a presently vacant concrete platform adjacent to the Coal Harbour sea walk. It is approximately 440 ft. from the nearest residential buildings in the Bayshore lands. Most of the neighbouring buildings are now occupied, with some under construction and some still to be developed. The CD-1 zoning also allows for further development of the Bayshore Hotel. The Bayshore CD-1 zoning anticipated a restaurant and provided for 5,000 sq.ft. of restaurant or service use in this sub area. A right-of-way parallel to the sea-walk provides servicing access to this site from Bayshore Drive, and parking is provided in the parkade beneath Marina Park.

In 1999, the applicant received Council's endorsement of a marina pub (65 indoor seats + 20 outdoor seats) for this site, subject to a number of conditions, namely, limited operating hours for the pub, patio closing at 11.00 pm, time-limited development permit, a signed Good Neighbour Agreement prior to business license issuance, and written agreement to fix the seating capacity (65+20) and fix the hours of operation. This endorsement allowed a pub proposal to proceed to a development application.

There was considerable response to Notification, primarily from the residential neighbours who have moved into the area over the last few years. The major concern relates to noise. The proposed conditions of approval attempt to address all potential disruptions that can occur from the operation of a marine pub and restaurant, noting there is a large amount of outdoor patio both at the main level and at the second level off the restaurant. The most substantive element of control is the proposed time-limited permits that will apply to the indoor pub, the outdoor pub seating and the 77 outdoor restaurant seats. Mr. Segal briefly reviewed all the major prior-to conditions recommended by the Staff Committee. It was noted the application seeks a relaxation of height, from the permitted 5 m to 8 m. Staff support the relaxation, noting the additional height is for a curved roof which houses the mechanical room. In addition, there are curved open beams over the upper patio to 8.3 m, with mast elements extending to 11 m. Staff are concerned about the potential for covering the patio areas but support the height relaxation on the understanding that these areas remain open at all times. The patios are also excluded from FSR provided they remain open. The proposed Good Neighbour Agreement, while not a legal agreement, allows for immediate response to any complaints. With respect to signage, the Sign By-law permits a sign on the easterly face of the building only. Staff would oppose an appeal to the Board of Variance for signage on any other building face, with the exception of perhaps a modest, unlit sign facing south.

In summary, the Staff Committee recommendation is for approval, subject to the conditions outlined in the report dated June 12, 2002.

Questions/Discussion

In response to a question from Mr. Rudberg concerning Council's endorsement of the pub in 1999, Guy Gusdal, License Coordinator, explained that the endorsement satisfies a requirement of the Provincial Liquor Licensing Branch and allows the developer to apply for a development permit. The conditions established by Council apply, but the Development Permit Board may add further conditions if it so chooses.

Mr. Beasley sought clarification concerning the earlier application for rezoning. Mr. Segal explained that, in January 2001, Council rejected an application seeking additional height and density on this site, with the intent of keeping this development to a modest size.

In response to a question from Mr. Beasley concerning the south-facing windows, Mr. Segal confirmed they are not openable.

In response to a further question from Mr. Beasley, Mr. Segal advised there is no limitation on the Good Neighbour Agreement being a condition of approval of the development application. Mr. Gusdal added, adherence to the Good Neighbour Agreement can be determined at the time of license renewal, in consultation with all relevant City departments. Mr. Beasley commented that a Good Neighbour Agreement which is tied to a time-limited development permit is enforceable because renewal will not be granted if conditions of the agreement have not been met to the satisfaction of the City. In discussion, it was agreed that conditions of approval of the development application would prevail over any amendments made to provincial licencing regulations.

In discussion with respect to the Sign By-law, Mr. Segal noted that staff concluded the Development Permit Board should not apply any conditions with respect to signage. Mr. Scobie commented that while jurisdiction may ultimately fall to the Board of Variance in the event of an appeal, a specific comment from Council in its consideration of the form of development may have some influence in this regard and any direction from the Board may also be helpful.

Mr. Beasley questioned whether staff's recommendation that no music is permitted on the outdoor areas is enforceable. Mr. Gusdal advised the License By-law prohibits any outdoor speakers anywhere in the city, although some operators attempt to circumvent this regulation by placing speakers inside next to open windows. Enforcement is dealt with through the Noise By-law. Mr. Gusdal explained that a time-limited development permit is employed as an interim measure until there is effective enforcement by the Province.

Ms. Forbes-Roberts sought clarification regarding the total number of people permitted on this site, noting that Council endorsed the pub seating at 65 plus 20 patio seats. Mr. Segal explained that, in addition to the 85 pub seats, there are 38 indoor and 77 outdoor restaurant seats, for a total of 200.

In response to a question from Ms. Forbes-Roberts regarding the height allowance for mechanical equipment, Mr. Segal said it can typically be 2 m + above restaurants. In this development, the top of the curving roof extends from the 5 m outright height to 8 m, which staff consider is reasonable.

Responding to a further question from Ms. Forbes-Roberts with respect to the valet parking and servicing requirements, Mike Thomson, City Surveyor, said they anticipate the maximum use at peak times would be about 30 return trips per hour. Engineering Services believe the right-of-way can accommodate this volume of traffic.

In response to a question from Mr. Mortensen concerning the provision in the zoning for service use in this location, Mr. Segal agreed the area can probably be considered under-serviced for restaurants. Clearly, the zoning indicates an expectation for a waterfront restaurant on this site. The zoning was established in 1996.

Mr. Scobie noted the 1999 Council Report (Appendix F of the Staff Committee Report) refers to a Class F Marine Pub with 65 seats and a 20-seat patio and adjoining 150-seat restaurant, but the resolution refers only to the pub. Mr. Gusdal explained the Province only requires Council comments on pubs, not restaurants. Council was silent on the issue of off-sales, which means the applicant would need to come back to Council at a later date to seek its endorsement of an amendment to the Liquor License. It was noted the applicant withdrew his request for approval of off-premises sales (letter dated March 24, 1999, p.10 of Appendix F). The Staff Committee recommends a restriction to preclude off-premise sales.

In discussion with respect to potential covering of the patio areas, Mr. Segal advised that in terms of the by-law, anything that is permanently in place would constitute a roof, making the area below countable in FSR. The intent is that the patio areas should not become year-round, permanent extensions of the pub and restaurant operations. Umbrellas are acceptable.

In response to a question from Mr. Scobie concerning the time-limited development permits, Mr. Segal explained it is anticipated there will be four development permits, three time-limited. The development permit for the restaurant interior would not be time-limited. The restaurant outdoor seating area would have a separate, time-limited development permit and there would be time-limited development permits for the pub interior and the pub outdoor patio.

Mr. Scobie noted a petition containing 26 signatures from residents of 1717 and 1777 Bayshore Drive has been received. He also acknowledged receipt of a letter dated June 24, 2002 from Bayshore Gardens Development, the original vendor of this proposed restaurant site and developer for the Bayshore residential towers.

Applicant's Comments

Simon Gould emphasized it has taken them nearly four years to reach this stage of development. He pointed out that the marketing brochure for 1717 and 1777 Bayshore Drive specifically identifies this site for a restaurant, as indicated in the letter from Bayshore Gardens Development. Noting they have had extensive neighbourhood meetings, Mr. Gould acknowledged the residents had serious concerns about a pub and the potential noise and noted he has agreed to a number of concessions. He said they have a number of issues with the Staff Committee recommendations. He asked that they be allowed to keep the small cooking facility/service bar on the outside area of the restaurant. He also objected to the requirement for the patios to be vacated and closed by 11.00 pm, suggesting they be permitted to close the patio at 11.00 pm and allow patrons to leave by 11.30 pm. With respect to signage on the south facade, Mr. Gould said they would like the opportunity to apply for a modest sign, while respecting the concerns of the neighbours. Regarding the restriction on outdoor music, Mr. Gould stressed that under the Good Neighbour Agreement they intend to work with the neighbours, but ask for the opportunity to provide some background music to provide some ambient noise. Noting the neighbours' concerns about the pub, Mr. Gould advised they would be prepared to convert half the pub space to additional restaurant space. He confirmed they have agreed there will be no off-sales. He stressed they have gone a long way in dealing with the residents and are prepared to continue to work with them to make sure this is a very good project for everybody. In discussion with respect to the proposed time-limited development permits, Mr. Gusdal confirmed they are not unique to this proposal. All seasonal outdoor seating areas require time-limited development permits and, since 1997, Council has also required all liquor licensed establishments to have them. In discussion with respect to the existing encroachment agreement over the *road* right-of-way, Mr. Thomson explained it is currently limited to the existing ramps and provision of services to this site. Condition A.2.1 is intended to clarify the situation and to include the canopies, the enclosed foyer area, the portion of ramp to be constructed, and portions of the wrap-around roof structure extending over the road.

Al Johnson, Architect, noted that most of the issues concern the operations of the facility. Regarding condition 1.2, Mr. Johnson said they would be concerned about committing to a hermetically sealed glass box, noting the reason for the restaurant's location is to be able to experience the sounds and smells of the waterfront. Certainly, the HVAC system will satisfy all the functional requirements of the building but they would like the flexibility to have some openable windows. Mr. Johnson advised they will be preparing a lighting concept. The architecture itself is a strong form and its success is not dependent upon signage. However, the south elevation is a prominent facade viewed from Bayshore Drive. They intend to work within the Sign By-law to come up options for signage on the south side as well as the east side. With respect to loading, Mr. Johnson noted the right-of-way will accommodate the valet parking. As well, there would be a dedicated area in front of the building for loading, accommodating pick-up and drop-off of food and garbage. He stressed it will be in the owner's best interest to keep this area as clean as possible, being the front door to the restaurant. Mr. Johnson said they have had discussions with Engineering Services regarding bicycle parking. Noting there are additional parking stalls in the underground parking area, Mr. Johnson said they now propose using one of the stalls for employee bicycle parking.

Questions/Discussion

Mr. Scobie noted the Development Permit Board has no jurisdiction with respect to signage because it is regulated under the Sign By-law. Under the Sign By-law, signage is not permitted on the south side of the building and it

could only be achieved by a successful appeal to the Board of Variance. Staff have indicated they would not support any lit signage on the south facade.

Concerning the applicant's proposal for bicycle parking, Mr. Thomson advised Engineering Services would not support relaxing the Class A bicycle stall requirement on the site, except through the provision of alternative bicycle storage such as on an extension to the service bridge. There would be no objection to having additional bicycle parking in the underground garage but it would not be supported in lieu of the on-site parking.

Comments from Other Speakers

The following residents addressed the Board:

Ian Reid, Strata President for 1717 and 1777 Bayshore Drive

Joan Marshall, 1710 Bayshore Drive

Charles Levor, 1777 Bayshore Drive

Bob Colman, 1717 Bayshore Drive

Elizabeth Atmore, 1710 Bayshore Drive (also represented Irene Demecki, purchaser in the building under construction facing the proposed restaurant)

Helen Colman, 1717 Bayshore Drive

Gregory Sherwood, 1717 Bayshore Drive

Pamela Featherstone, 1717 Bayshore Drive

Harry Beatty, 1717 Bayshore Drive

Concerns and comments (made by one or more residents) included:

- this area is not under-served for restaurants, being close to Denman Street;
- the applicant met with the strata council about three years ago but there has been no approach since that time;
- noise travels much further over open water - the noise issues are not comparable to urban streets where there is considerable ambient noise;
- this proposal has considerable open area which results in more noise;
- 11 pm is too late for closure;
- background music is a serious issue, including from open windows on the west side;
- Council's approval was given when no-one lived in the area;
- height is an issue for residents living at lower levels;
- concern about whether the Good Neighbour Agreement and noise regulations are enforceable;
- purchasers of units in the two buildings knew there would be a restaurant on this site; a very small, "Trader Vic's" type restaurant has always been the description - not a pub;
- the approval by Council was for 65 seats + 20 outdoor seats - today's proposal is for 200 seats;
- concern about traffic congestion;
- this area is a natural and architectural treasure which should not be partially desecrated by a proposal that seeks variances;
- this proposal does not fulfill a need of the residents or visitors to this area;
- quiet enjoyment of the area is critical;
- noise is a major issue;
- concerned about the environmental aspects of the restaurant;
- concerned about times for garbage pick-up and loading;
- concerned about the definition of "background" music;
- 25 parking spaces will be inadequate - there is already virtually no on-street parking in the area.

Questioned by the Board about their response to the proposed conditions of approval, the residents commented as follows:

- if the noise is locked down there is a reasonable basis for acceptance;
- the project is supportable but on a smaller scale;
- the project should be environmentally appropriate;

- the appearance of the building is very pleasing and it would be great in another location;
- would support it if it was downsized;
- could not support the project because I have no confidence the measures would be effective;
- a contained restaurant with no outdoor seating would be acceptable;
- do not support the application with the outdoor seating as proposed;

Several members of the public complimented staff on the thoughtful analysis of the proposal and assistance in providing information.

Questions/Discussion

In response to a question from Mr. Beasley regarding the applicant's suggestion of converting some of the pub to restaurant use, Mr. Segal said there may be implications on the parking requirements. Regarding the original "vision" for this area, Mr. Segal said the issue of whether it was a restaurant or a pub was less critical than the issue of the ratio of indoor vs. outdoor space. Staff did not envisage the equivalent or more outdoor space than indoor space.

Panel Opinion

The Chair noted that Mr. Kavanagh, who left the meeting at 6.10 pm, before all the delegations were heard, left some notes indicating that he recommended approval of the application, with the conditions. He noted that enclosure of the outdoor areas is controlled by time-limited permits. He thought umbrellas would be ~~acceptable~~. *the best sign of occupied territory.*

Mr. Francl noted that the noise issue was not raised when the Urban Design Panel reviewed this application which was considered purely as a piece of architecture. The Panel found the design to be exemplary and gave it strong support. The Panel did not consider it to be an aesthetic imposition on the site or the neighbours. Mr. Francl recommended that the application be approved with all the conditions. He also recommended acceptance of the applicant's offer to convert half the pub to restaurant use. Mr. Francl added, the owner should be given the opportunity to make this work and he encouraged him to be a good neighbour.

Mr. Mortensen noted that a restaurant has been on the plans for this site for a long time. He acknowledged the residents' concerns about noise and agreed sound does travel further at the waterfront. He thought the application was approvable with the conditions, the Good Neighbour Agreement, and the time-limited permits. Regarding condition B.2.8, Mr. Mortensen said he would stress that amplified music would not be allowed anywhere on the patio, noting the intent is to contain any amplified noise within the facility. He recommended amending condition 1.4 to add "on a temporary or permanent basis", and excepting umbrellas. He commented the residents' have indicated quite strongly that noise is the issue but he said he believes the conditions can address the concerns.

Board Discussion

The Chair reminded the Board of Council's decision in 1999. At that time, it was indicated that the majority of the area residents were in favour of granting the license as determined through the neighbourhood notification process, recognizing there were few residents at the time. The application was considered with regard to the proximity of existing and proposed residential developments, traffic patterns, road access, parking, and possible noise impacts.

Ms. Forbes-Roberts noted the Development Permit Board operates in the context of Council policy and Council has approved a pub in this location. Further, because changes in provincial regulations appear likely, the issue is not whether it is a restaurant or a pub, but the number of people in the facilities. As well, the main concern is the outdoor use, noting the neighbours originally envisaged a primarily indoor facility, which has since become a primarily outdoor facility which is the main concern. Ms. Forbes-Roberts moved approval of the application, with a number of amendments to the conditions, to which Mr. Beasley added some further minor friendly amendments.

Mr. Rudberg suggested the motion is being somewhat prescriptive in anticipating potential problems with regard to the outdoor seating. The conditions that will be imposed - deleting the food bar area, restricting hours of operation, a monitoring program which has a fairly significant amount of ongoing control on all of the outdoor seating as well as the pub interior - provide a high degree of protection for the neighbours without the need for further restrictions. He noted that, if the applicant wishes to convert further space from pub to restaurant use, then this can be dealt with separately. Mr. Rudberg said he was not comfortable with the Board redesigning the space as part of its approval of the application. His preference is for it to proceed with all the conditions recommended by staff, with some minor modifications. He said he supported all the amendments with the exception of rearranging the seating areas which creates a dead zone. He did not support this part of the motion.

Mr. Beasley seconded the motion. He observed that there is something about the scale as well as the nature of this facility, part of which is that the outdoor seats are extending to the south side. There will be much more ability to manage the situation if the restaurant seats can be clustered to the north end of the site, noting the pub seating is to the north. Treatment of the residual area can be worked out between the applicant and staff so that it functions in a way that is enforceable. If it transpires that this facility has no impact on the neighbours, consideration might be given to amending this in the future when the permits are renewed. Mr. Beasley noted that the original vision for the site was for a small indoor restaurant with minimal outdoor seating.

Motion

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

THAT the Board APPROVE Development Application No. 404739, in accordance with the Development Permit Staff Committee Report dated June 12, 2002, with the following amendments:

Amend 1.1 to read:

deletion of all food preparation facilities (ie., 'food bar') and the westerly fireplace on the second level (upper) patio, and reduction in the number of restaurant outdoor seats by 18 (to 59) with all outdoor seating on the second floor patio to be in the area north of the north wall;

Amend the **Note to Applicant** in 1.3 to add before the last sentence:

Timing of primary deliveries and garbage pick-up to be confirmed;

Add 1.7:

that the Good Neighbour Agreement required prior to business license per Condition B.2.6 is to be approved by the Director of Planning and Chief License Inspector;

Note to Applicant: The Director of Planning and Chief License Inspector shall seek either other's input when considering performance under the Good Neighbour Agreement for the purpose of development permit extensions and business license renewals, respectively.

Add A.1.11:

future applications for development permit extensions for the three time-limited approvals will be considered by the Development Permit Board, at the discretion of the Director of Planning based on response to Notification;

Amend A.2.5 to change "relect" to "reflect" in the last line;

Amend A.2.6 to read:

design development to locate appropriate bicycle parking facilities, to the satisfaction of the General Manager of Engineering Services and the Director of Planning;

Delete the Note to Applicant after A.2.6;

Amend B.2.9 to add “, on a temporary or permanent basis”;

FURTHER THAT staff are directed to include commentary in the Report to Council with respect to the Form of Development that the Development Permit Board would support an appeal to the Board of Variance for a modest, unlit sign on the south side of the building.

6. OTHER BUSINESS

None.

There being no further business, the meeting adjourned at 7.15 pm.

C. Hubbard
Clerk to the Board

F. Scobie
Chair

/ch

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