

Meeting: No. 464
Date: Monday, June 14, 1999
Time: 3.00 p.m.
Place: No. 1 Committee Room, City Hall

PRESENT:**Board**

F.A. Scobie Director of Development Services (Chair)
L.B. Beasley Co-Director of Planning
B. MacGregor Deputy City Manager
T. Timm Deputy City Engineer

Advisory Panel

R. Hughes Representative of the Design Professions (Urban Design Panel)
J. Hancock Representative of the Design Professions
P. Kavanagh Representative of Development Industry (*present for #1 - 3. and part of #4 only*)
D. Chung Representative of General Public
B. Parton Representative of General Public

Absent

A. Gjernes Representative of Development Industry
R. Mingay Representative of General Public
R. Roodenburg Representative of General Public

ALSO PRESENT:

R. Segal Development Planner
M. Kemble Development Planner
M.B. Rondeau Development Planner
S. Harvey Office of Cultural Affairs
P. Pinsker Engineering Services (Transportation)
N. Peters City Surveyor

Item 3 - 1050 Smithe Street - DE404054

J. Cheng James K.M. Cheng Architects Inc.
D. Guspie James K.M. Cheng Architects Inc.
J. Durante Durante Kreuk Landscape Architects
B. Warner Developer

Item 4 - 900 Burrard Street - DE404053

P. Busby Busby & Associates Architect
J. Cooper CTA Design Group

CLERK TO THE BOARD:

Carol 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 May 31, 1999 be approved.

2. BUSINESS ARISING FROM THE MINUTES

None.

3. 1050 SMITHE STREET - DE404054 - ZONE DD (COMPLETE APPLICATION)

Applicant: James K.M. Cheng Architects Inc.

Request: To add a 10 percent heritage density transfer to a previously approved 18 storey mixed-use hotel/residential tower. This proposal is for an 18 storey with mezzanine hotel use only containing 184 hotel rooms, underground parking and an existing underground B.C. Transit Rectifier Station.

Development Planner's Opening Comments

The Development Planner, Mary Beth Rondeau, presented this application. A development permit was issued for this site in 1996, for a hotel/residential proposal at 6.0 FSR and a height of approximately 200 ft. The subject proposal is for hotel use only and includes a larger restaurant, hotel business centre and fitness area. This change has resulted in an increase in height of 6.5 ft. from the previous scheme. As well, larger hotel rooms and expanded hotel services have brought the building out 3 ft. on the Haro Street side and 2 ft. on the lane. A ten percent transfer of heritage density of approximately 10,000 sq.ft. is being sought to provide for the additional floor area needed to accommodate the revised proposal. This density transfer is permitted in the zoning provided its impact is taken into consideration. Staff consider the additional width of the building is insignificant in terms of view impact on surrounding buildings, and the additional height creates minimal extra shadowing. Ms. Rondeau also noted that the utilization of heritage density contributes to the retention of the city's heritage buildings, which is considered to be a public benefit. She briefly reviewed the areas in which staff believe some design development is required, noting the Staff Committee recommendation is for approval, subject to the conditions outlined in the report dated May 19, 1999.

Applicant's Comments

Mr. James Cheng, Architect, explained they were able to reduce the height of the elevator penthouse in the previous scheme by specifying a bottom traction unit. However, the upgrade of the proposal from a three-star to a full-service, five-star hotel has necessitated a reversal to the more usual top traction elevator. They are proposing to screen the mechanical exhaust at the top, and agree with the Urban Design Panel's recommendation to clad it in brick. He requested the Board to consider deleting the requirement to reduce the elevator penthouse by 5 ft., as called for in condition 1.1. With respect to condition 1.2, Mr. Cheng said they will be pleased to work with staff on improving demarcation in the drive-through area, and they think it can be done in a subtle way. He pointed out that at the eastern end of the site an existing rectifier station, which must remain, has been a limiting factor. He also noted that the lane, which is wider than normal at 33 ft., has been improved since the earlier proposal; the openings have now been consolidated and the walls landscaped to discourage graffiti.

Referring to the Standard Conditions in the Staff Committee Report, Mr. Cheng requested an amendment to A.2.5. He noted the previous approved application allowed for 38.7 percent small car spaces, and they wish to maintain this ratio given the constraints of this site. As well, the previous scheme permitted only 2 taxi parking spaces as opposed to the 4 now requested in condition A.2.4. He asked the Board to consider allowing 2 taxi spaces for this application. With respect to condition A.1.3, to relocate the six class A bicycle spaces, Dawn Guspie, Architect, explained that locating them at the building entry will exacerbate the already constrained conditions in the drive court. Ms. Guspie also clarified their proposal for the taxi-valet parking spaces referred to in A.2.2. Jane Durante, Landscape Architect, said they will re-assess the trees in the existing park. As many as possible will be preserved, likely at least three or four maples.

With respect to the small car spaces, Paul Pinsker, Engineering (Transportation), noted the 25 percent standard ratio is generally not exceeded except in hardship situations or for an office/commercial development which has more predictable use. Ms. Guspie advised the relaxation to 38.7 percent was allowed by Engineering staff in the previous proposal because of the physical constraints of the site. With respect to the taxi spaces, Mr. Pinsker noted the 4 spaces requested meets the standard requirement for about 1 taxi space per 50 rooms. In discussion, Ms. Rondeau acknowledged there has been an improvement to the lane by relocating the taxi spaces to the front. Mr. Hughes suggested a solution might be to allow taxis to "stack" in the lane. With respect to the bicycle parking, Mr. Pinsker confirmed the 6 class A spaces are intended for employees. The Parking By-law indicates a preference for them to be conveniently located within the building to maximize their use and safety, although there is a provision to allow them to be below grade. Mr. Cheng noted they are providing bicycle lockers one level below ground, which employees have indicated is a safer location.

Comments from Other Speakers

Mr Ron Wilson, Amicae Co-op, 1047 Barclay Street, raised a number of concerns, outlined in a letter which was distributed to Board members (on file). In summary, he recommended that the City deny the request for the ten percent heritage density transfer; defer approval pending review of the suitability of a hotel complex in this location; set back the lane façade at least 10 ft. from the property line; that the City review the possibility of including removal or realignment of the power poles and transformers in the lane as part of the scope of the development; that the City defer approval pending a review of the lane and its access violations as well as its anticipated traffic to determine traffic calming measures; and that the City and/or developer provide an outline of existing regulations relating to construction noise, dust, and hours.

With respect to the power poles and transformers in the lane, Mr. Noel Peters, City Surveyor, noted there are limited funds available for pole removal and it would likely not be considered in this instance. It is typically outside the scope of the requirements of a development application for this to be done. With respect to the heritage density transfer, Ms. Rondeau noted there are guidelines which relate to larger scale rezonings: the provision for a 10 percent transfer is considered to be small enough not to have major impacts; however, the impacts on surrounding neighbours and on the massing of the buildings are taken into account. Regarding the traffic conditions in the lane, Mr. Pinsker said the illegal traffic manoeuvres reported by Mr. Wilson will be referred to traffic management for whatever enforcement action may be necessary. He acknowledged there will likely be manoeuvring difficulties for the additional traffic generated by the hotel (delivery trucks, tour buses, etc.) but it will be manageable given the width of the lane. There is Residents Parking Only on the residential side of the lane. Responding to a suggestion from Mr. Kavanagh that there might be an advantage to allowing bus loading on Haro Street rather than the lane in this instance, Mr. Pinsker said it is important that hotels in the downtown meet their loading requirements on site.

Panel Opinion

Mr. Hughes advised the Urban Design Panel liked this project very much and the concerns it raised were of a cosmetic nature. The form is very appropriate for the area and it is nicely articulated. There were some comments about the ground plane with respect to differentiating between vehicular and pedestrian traffic at the entrance, which Mr. Hughes noted the applicant has agreed to address. He recommended approval of the application.

Mr. Hancock agreed it is a very handsomely designed project. Regarding the concerns raised by the neighbours, Mr. Hancock noted there is a previously approved development permit on the site and the changes are not major. He agreed with the condition to add brick on the penthouse. With respect to the engineering conditions, Mr. Hancock commented that if the arrangements for parking and loading are satisfactory to the applicant then the private sector's interpretation should be acceptable in this case, given the constraints of the site. He recommended deleting conditions A.2.2, A.2.4 and A.2.5, noting also that there is a previous approval. With respect to bicycle parking, Mr. Hancock agreed with the applicant's arguments for locating the bicycle storage to below grade, and recommended deleting A.1.3. He recommended approval of the application.

Mr. Kavanagh recommended deleting the requirement to reduce the height of the elevator tower in condition 1.1, and to add a new condition to retain the maximum number of existing trees on the site. He agreed with Mr. Hancock regarding the constraints of this site generating a hardship and to permit 38 percent small car spaces (A.2.5), to allow two taxi spaces (A.2.4), and to accept the P1 location for the bicycle spaces (A.1.3). Regarding A.2.2, Mr. Kavanagh said the applicant's proposal for taxis to back-in was acceptable. While he acknowledged that loading off the street is not normally encouraged, Mr. Kavanagh noted the 33 ft. lane accommodates resident parking and a bus will severely hamper traffic movement.

Mr. Chung recommended approval of the application. He agreed with the applicant's proposal to locate the bicycle parking on level P1, and felt that provision of 2 taxis was adequate. He also recommended deletion of A.2.5.

Ms. Parton did not believe the height of the penthouse should be reduced (1.1). With respect to condition 1.2, she said if the applicant is confident it can be made safe for all users then it should be left to his design. She agreed the bicycle storage should be on level P1 provided there is adequate security for the users. Regarding condition A.2.2, she thought the drop-off area for the valet parking should be in the front of the hotel, she thought 2 taxi spaces would be sufficient (A.2.4), and that 38 percent small car spaces should be permitted (A.2.5). She sympathized with the neighbours' concerns about noise during construction and urged Engineering to ensure that work does not start before 8 a.m. She said the bus idling in the lane will be very disruptive to the neighbours and urged Engineering to allow the bus to park in front of the hotel. She recommended approval of the application, stating it will be a very beautiful hotel and an asset to the city.

Board Discussion

Mr. Timm said he would be prepared to take the Urban Design Panel's advice with regard to the elevator penthouse. He agreed that view and shadow impact is not an issue. He recommended adding a new condition regarding retention of trees. With respect to the engineering conditions under discussion, he said he would be prepared to delete A.1.3 and A.2.2. He said he was not comfortable with reducing the standard for the number of taxi spaces from four to two, noting there has been a significant increase in the number of hotel rooms since the previous scheme. However, they do not need to be located in the front entrance and could be in the underground parking. With respect to the small car spaces (A.2.5), he noted there are extenuating circumstances relating to this site, i.e., both the shape of the parcel and the substation below. He proposed amending the condition to require

“up to 38 percent, to the satisfaction of the City Engineer” which will allow a closer review of the site conditions and what can be achieved. With respect to the heritage density transfer, Mr. Timm said he did not believe the additional density had a significant impact on its neighbours. With respect to the use of the lane, he suggested the Board direct the City Engineer to review the traffic conditions. Regarding the construction phase, he noted there are provisions in the Noise By-law for construction start times and it would not be appropriate for more stringent requirements to be applied to this application.

In seconding Mr. Timm’s motion of approval, Mr. Beasley sought a further minor amendment to A.2.5, noting that 38 percent small car spaces is a very modest proposal. With respect to construction noise, he concurred with Mr. Timm that this should be addressed through application of the Noise By-law; however, he acknowledged that abuse does occur and enforcement can sometimes be overdue. He therefore urged the applicant to liaise closely with the residents during the construction period, noting it will bode well for a positive relationship in the future. Mr. Beasley said he believes this is a very good development. He did not believe the additional density was detrimental in terms of impacts on the neighbours, adding it is in the public interest for heritage density to be vested in sites such as this where the impact is negligible. It is also reinforcing a kind of use that will be contributing to the growth of jobs and tourism in the city.

In response to a question from Mr. MacGregor regarding the taxi spaces, Mr. Cheng agreed they can look at locating additional spaces in the underground parking area. He agreed with Mr. Timm that provision should be made for four spaces, and if they are located in the P1 level it would not increase the total required parking spaces. He agreed with Mr. Beasley’s wording of A.2.5 and seconded his amendment.

Motion

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

THAT the Board amend condition A.2.5 to read:
provide a maximum of ~~25~~ *thirty eight* percent of small car spaces;

-CARRIED
(Mr. Timm opposed)

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

THAT the Board APPROVE Development Application No. 404054, in accordance with the Development Permit Staff Committee Report dated May 19, 1999, with the following amendments:

Amend 1.1:
design development to ~~reduce the height of the elevator tower to that of the previous approval and that the elevator penthouse~~ *to add brick cladding*;

Delete the Note to Applicant;

Add 1.3:
retain as many trees as possible in the existing landscape area in the easterly end of the site;

Delete A.1.3;

Delete A.2.2;

Amend A.2.4 to add a Note to Applicant:

Two of the required spaces are to be located in lieu of two hotel parking spaces at the P1 level.

The Board also recommended that the City Engineer review the lane access violations the lane from Haro Street from westbound Smithe.

**4. 900 BURRARD STREET - DE404053 - ZONE CD-1
(COMPLETE APPLICATION)**

Applicant: Busby & Associates Architect

Request: To construct a 13-storey mixed-use commercial entertainment complex with 6.66 FSR comprising:

- (i) 7 785 m² of retail use;
- (ii) 2 689 m² of restaurant use;
- (iii) 385 m² of office use (film archive);
- (iv) 25 619 m² of cultural/recreational uses, including 16 cinemas and one IMAX theatre having a total 3,715 seats, 40 bowling lanes, an ice skating rink, and other amenities;
- (v) 873 underground parking spaces, of which 150 spaces are designated to the Electra Building at 989 Nelson Street.

Development Planner's Opening Comments

The Development Planner, Ralph Segal, presented this application. He noted a more conventional mix of uses was anticipated when the site was rezoned in 1993, e.g., hotel/office/residential/retail, and the proposed assortment of uses was not foreseen at that time. Council did not approve a form of development at the rezoning stage, which allowed a degree of flexibility for future development, but established guidelines setting out massing parameters.

The three major issues for the Board to consider are: use, massing, and treatment at street level. While cinemas are permitted outright in this zone, with no floor area cap, there is a concern that the extent of cinemas proposed could present a challenge to the Granville Street entertainment district. The applicant's position is that this project will attract new users to the downtown, i.e., those who currently patronize similar establishments in the suburbs, and as a result Granville Street will benefit from the influx of new customers. Therefore, on the basis that cinemas are permitted use in the zoning and staff's interpretation of Council policy that it did not intend to preclude any other location for cinemas except Granville Street, staff recommend approval of the cinema use for this site.

With respect to massing and the impact of the theatre use on the overall bulk of the building, Mr. Segal noted the guidelines seek a strong streetwall to frame Robson Square and the Courthouse. The guidelines for this site call for a streetwall up to 28 m (100 ft.) at the street property line, with any massing above set back 10 ft. The proposal establishes a cornice line of about 150 ft. before stepping back 10 ft. However, staff believe the high degree of transparency and activity that will be visible from the street and the excellent quality of the architecture should accord less stringent adherence to the guidelines in this respect. As well, the Robson Square guidelines, although not adopted by Council, suggest 120 ft. streetwall height in terms of the containment of the Robson

Square complex. Nevertheless, staff are concerned about impact on residents of the Electra building and are recommending some mitigation measures. With respect to the street level treatment, Mr. Segal reviewed the conditions recommended to address concerns about the emphasis of the vehicular driveway and street-level retail. A significant relaxation of parking is being proposed, from the required 2,456 to 873 spaces. Further, staff are recommending an additional reduction to 610 spaces, of which 150 are to be covenanted for the use of residents of the Electra, and 4 for the Dal Grauer Substation.

Staff believe the proposal is a very exciting architectural design and while it challenges some of the parameters that govern this site, staff support the application, in part, because of its very high quality. Because of the importance of maintaining this high standard, however, staff recommend that approval of the application be based upon implementation of the high architectural design quality presented in the applicant's submission. The Staff Committee recommendation is to approve the application, subject to the conditions outlined in the report dated June 2, 1999.

Comments from other departments

Sue Harvey, Cultural Affairs, advised their concern relates to impact on Granville Street theatres, noting that Council policy is to encourage cinema use, specifically in the 700, 800 and 900 blocks of Granville Street. It is believed this project will result in cinema closures on Granville Street. There is also concern about the impact of the proposed IMAX theatre on the existing IMAX at Science World.

With respect to parking, Paul Pinsker, Engineering (Transportation), briefly explained the rationale for staff's recommendation for reduced parking. The CD-1 by-law states that parking should be in accordance with the Parking By-law. This generates a minimum of over 2,000 spaces, which is not appropriate in the downtown. In addition, the seven levels of parking proposed by the applicant creates practical problems as well as resulting in an excessive number of vehicles exiting onto Hornby Street. Staff's conclusion is that 610 spaces will be adequate. Mr. John Cooper, acting on behalf of the developer, noted their research found there are 2,500 parking spaces for rent in the immediate vicinity of this site, which led to their concurrence with staff to reduce the number of parking spaces. In responding to a question from the Chair as to whether the Board has the authority to depart so significantly from what is required by this CD-1 by-law, Mr. Segal advised the CD-1 by-law defers to the Parking By-law, which in turn has a relaxation provision.

The Chair noted this application has not been cleared for compliance with the Building By-law, nor for fire access.

In discussion, Mr. Timm commented that a development of this size has the potential for raising some significant code issues, and urged that this be addressed before the final form of development is approved.

Applicant's Comments

Peter Busby, Architect, first spoke to the height of the massing on the Hornby Street elevation. He advised they deliberately placed the setback at the 150 ft. level to relate to the surrounding buildings which form an enclosure around the Robson complex. He noted the reference to 120 ft. streetwall appears in the Robson guidelines, not adopted, and relates to the entire precinct. The proposal also provides a better situation for the Electra, noting they have worked with staff on reducing the volume, both in elevation and plan. With respect to the retail at grade, Mr. Busby said they are happy to make the changes recommended by staff and intend to maximize retail uses at grade. With respect to the social impact of this proposed development, Mr. Busby stressed it will be a generator of new business, noting the demographics of movie goers has changed significantly and the Fifth Avenue cinemas already out draws all the Granville cinemas combined. This proposal will compete with suburban uses rather than Granville Street, which will be an important asset for the city in contributing to the vitality of the downtown. The theatre uses are less than a third of the total area of the building, the remainder comprising a variety of family

oriented entertainment uses. With respect to the massing of the proposal, Mr. Busby noted the entire effort has been to turn the building inside out, with a high degree of visibility and access to circulation to contribute to the street life and amenity of the city.

Comments from Other Speakers

Mr. Ben Bialek and Mr. Emil Schnabl, Strata Council of the Electra, attended on behalf of 243 residential owners and 244 commercial owners. Mr. Bialek noted their major concerns are noise and dust and the impact of blasting during construction; noise of the increased traffic generated by this facility; and noise from the skating rink. They also have concerns about parking and having secured access to the 150 spaces to be allocated to them. With respect to underpinning and its impact on their building, Mr. Bialek advised they wish to have a vibration monitor by an independent engineer, at the developer's expense. Their concerns about height and massing have already been addressed.

Noel Peters, City Surveyor, advised that typically during construction the developer would need to make arrangements with an abutting owner to allow any underpinning, and in those negotiations perhaps some of the concerns raised by the Electra owners could be accommodated. This arrangement does not normally involve the City and is dealt with by negotiated agreement between adjoining property owners.

Mr. Don Buchanan, 2494 West 3rd Avenue, asked that clear access be provided to all 90 proposed Class B bicycle parking spaces, noting that many bicycle parking facilities in the city are inaccessible, and to require Class A spaces. He also noted the City's Parking By-law with respect to bicycles is continually rendered obsolete by new policy and he was concerned the by-law does not match the Council approved Goals for Transportation. Mr. Pinsker, Engineering (Transportation), advised the Parking By-law does not require Class A (employee) bicycle parking for theatres because they are considered nighttime uses. He noted there is a requirement for Class A bicycle parking in this proposal related to other uses. In discussion, Mr. Busby said he believed they could accommodate more Class A bicycle spaces than required by the Parking By-law.

Mr. Blaine Culling said he had been concerned to learn that Famous Players was moving from its Capitol 6 location on Granville Street, and the impact this would have on the fabric of the downtown area. However, he concluded that 900 Burrard would be an excellent location because it will attract people from the entire west end of Vancouver, and will also bring them to Granville Street just a short distance away. He said he is now a strong supporter of the proposal and believes it will be an advantage to the downtown core.

Board and Panel members took a few minutes to review the model and posted materials

Further Comments from the Applicant

Responding to a question from Mr. Beasley concerning the retail frontage on Hornby Street, Mr. Busby advised it is feasible and desirable to look at alternate and different spacing for the retail units, depending on the ultimate tenancies.

Concerning condition A.1.21 regarding the residential parking, Mr. Busby advised they could not agree to providing a separate shaft for access by the Electra residents. He noted there are currently negotiations taking place between the developer and the Electra with respect to what constitutes safe, secure, weatherproof access, etc. but a separate stair and elevator would be an onerous requirement. He noted the requirement is to make 150 spaces available for residents of Electra, on a commercial basis. With respect to condition A.2.4 regarding the drive aisles, Mr. Busby noted the dimensions stated are more than agreed in discussion with City staff; 2.65 m should read 2.4 m and 3.35 m should read 3.05 m.

Responding to a question by Mr. MacGregor concerning condition A.1.16, Mr. Busby advised the agreement for providing 150 parking spaces for the Electra is covered by a covenant on the land which states the spaces “shall be made available for” rather than “covenanted to”. Securing the spaces has not been a consideration. The entire parking structure is secure and all the spaces are available on a commercial basis. Mr. Segal agreed it is legally correct that the intent of the covenant was not to provide dedicated parking but rather to establish the parking requirement on the subject site, then increase it by 150 spaces so there would be a surplus available to the Electra residents. Mr. MacGregor noted that parking for residents in mixed use buildings is typically separate and secured and it was his expectation that however many spaces (up to 150) are needed by the Electra residents would be secured. Mr. Pinsker agreed the expectation was that as many spaces as are contracted by Electra residents would be secure.

Panel Opinion

Mr. Hughes reported that this project was well received by the Urban Design Panel who supported the design and saw no need to lower the massing next to the Electra. The streetwall on Hornby Street was not an issue. There was more discussion about the Burrard Street façade and the applicant responded with the “green wall” concept which is an interesting and viable solution. The Panel also commented on the drive-through, focusing on the nature of the space, architecturally. The major issue for the Panel, however, related to the quality of the materials and the detailing of the building. The proposed development will clearly rely on the quality of the detailing and the degree of skill with which it is executed, which is costly. Mr. Hughes therefore endorsed the note that approval of the application is based on its high quality being maintained. Generally, the Panel was very supportive of the project and would like to see it go ahead.

Mr. Hancock agreed this is a very exciting, very well crafted project. With respect to the streetwall on Hornby, Mr. Hancock agreed with the applicant that the 150 ft. datum is appropriate and in keeping with most of the buildings to the north. He questioned whether anything needs to be removed from the roof at the south edge because it begins to erode the architectural concept. The more important issue is whether the restaurant noise can be mitigated, which could be addressed by some other means. Similarly, the skating rink would be much nicer open to the air and if other measures can be found to mitigate the noise it would be preferable to enclosing it. Mr. Hancock commended the applicant on the Burrard Street façade. With respect to grade level treatment, he questioned whether there needs to be so much retail, given the vitality of the facility that will be evident from the street. He noted the issue of residential parking clearly needs to be resolved. He added, he believes this will be an exciting addition to the city and hopes it can proceed. Regarding the driveway, Mr. Hancock said he appreciated the need to narrow it at the street edge but questioned whether the drop-off capacity is adequate.

Ms. Parton agreed it is a wonderful project. She agreed with the condition to reduce the massing on the southerly portion of the building, and agreed with enclosing the restaurant. She recommended provision of bicycle storage for employees. She was very concerned about the proposed significant reduction in parking which she thought should be reconsidered. She was also concerned that the parking for the Electra be resolved.

Mr. Chung agreed the reduction in massing at the southwest corner affects the architecture. He said the parking for the Electra must be secured, and Class A bicycle parking should be provided for the employees. He agreed with the applicant regarding the impact of this development and did not believe this type of complex would be appropriate on Granville Street.

Board Discussion

Mr. Beasley commented that he had been initially concerned about the impact of this proposal. However, he has been persuaded both by the very elegant architectural solution and by the attitude of the architect and developer to continue to work with staff on the issues that are outstanding, noting there are urban design concerns that go beyond the program of this particular development to ensure its comfortable fit within the city. Mr. Beasley also acknowledged Mr. Culling's comments about the impact on Granville Street, and agreed there may indeed be a separation by the type of entertainment activity. Nevertheless, this use has led to a form of development which challenges many of the basic guidelines, and possibly some components of the CD-1 By-law and the Parking By-law. Because the form is so dramatically different from what Council endorsed in the guidelines, the Board could, by accident, be making policy rather implementing Council's policy. He therefore suggested that the Board indicate its opinion on the application, but refer it to Council for advice before formalizing a decision. This would also provide an opportunity to solicit Council's advice on the question of the amount of parking for this development. He recommended a number of amendments to the conditions.

Mr. Beasley added, the Board's expectation is that the agreement to be struck between the owners of the Electra and the applicant in regard to their "trespass" for underpinning will cover the concerns of the Electra residents in regard to vibration and structural impacts on the Electra from the construction. He also urged the developer to make a special initiative to liaise with the owners of the Electra and the Vancouver Block with respect to coordinating construction noise and impacts, consistent with the City's Noise By-law, to deal with their concerns in a neighbourly way. Mr. MacGregor stressed that this issue is entirely between the owners and will not involve the City.

With respect to Mr. Beasley's recommendation to add a condition requiring the setback of the Hornby Street upper storey façade to meet the guidelines, Mr. MacGregor said he was persuaded by the applicant's proposal. Mr. Timm agreed that the Board should not require strict adherence to the guidelines in this respect.

Responding to the Board's request for the applicant's comments, Mr. Busby stressed this site is a very specific CD-1 which has been approved by Council and this application meets all the conditions in the CD-1. The application has been supported unanimously by the Urban Design Panel, the Advisory Panel, Planning and Engineering staff. There are very few issues that are of concern to the Development Permit Board, and those raised have been accepted by the developer. Mr. Busby suggested it is the Board's role to advise Council on these matters. He added, timing is critical and discussions are already underway for an excavation permit.

Mr. Scobie said he shared the concerns expressed by Mr. Beasley. While the application does satisfy the zoning it does challenge a number of the guidelines, to an extent beyond that normally acceded to by the Board. It also challenges the specifics of the CD-1 By-law in terms of parking. Mr. Scobie noted this CD-1, unlike most others, does not carry with it a form of development approved by Council, because it was not initiated by the property owner advancing a particular form of development. Rather, this CD-1 was crafted in the absence of any specific form of development, and to satisfy that void Council approved guidelines as an alternative to form of development approval. The Board is tending to allowing a departure of the guidelines, given this particular form of development and the advice being received, but to depart so markedly calls for confirmation by Council that it endorses this opinion.

Mr MacGregor added, it is a CD-1 requirement that Council approval of the form of development be obtained in any event. Given there are some issues which challenge the guidelines and the specifics of the By-law (ie., parking) it is unclear whether or not the Board has the authority to make such a significant relaxation. Referral to Council will bring greater assurance and clarity to the applicant and ensure the issues are dealt with early. Mr. Beasley added, because this is a completely different kind of development than was contemplated in the guidelines, it is prudent to seek Council's advice, and he urged staff to do everything possible to get the report before Council before the summer recess. Some discussion ensued as to whether or not the report to Council for

advice should also seek approval of the form of development, subject to response to conditions. It was noted the report to Council on the form of development would likely have not proceeded until after the summer break. However, the Chair suggested it may be appropriate to put to Council that, if it is inclined to support the administration of the CD-1 and the guidelines in a fashion that produces the subject proposal, subject to the conditions the Board has indicated it is inclined to apply, then it is also appropriate to put to Council for consideration (not recommendation), whether it wishes, at the same time, to approve the form of development.

Some discussion took place regarding signage. In discussion, it was noted that if the signage does not fall within the purview of the Sign By-law it is then architecture which is part of the form of development. The concept for the interior displays needs to be presented in a way that it is specific enough, yet flexible enough to evolve over time but be reflected in what Council ultimately approves as part of the form of development. Mr. Beasley noted the Director of Planning always has the authority to refer the matter to the Board.

Motion

It was moved by Mr. MacGregor and seconded by Mr. Timm, and was the decision of the Board, that the application is not required to set back the Hornby Street façade above the 28 m level as per the guidelines;

-CARRIED
(Mr. Beasley opposed)

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

THAT, subject to advice from Council, from which further conditions may arise, the Board is prepared to approve Development Application No. 404053, in accordance with the Development Permit Staff Committee Report dated June 2 & 4, 1999, with the following amendments:

Amend clause three of 1.2:

- *maximizing as far as possible retail activities ~~separate retail tenancies~~ with direct entry doors and display storefronts on Smithe Street with increased depths into the atrium space;*

Add to 1.2:

- *confirmation of minimum entrances from the internalized lane to avoid the creation of an internalized mall;*

Amend 1.8:

provision of a generalized signage concept for the development, to clarify the intent for exterior storefront and entertainment uses, *as well as internal signage and display which is visible from the street;*

Add 1.9:

parking be approved at the level of 610 spaces or up to the 873 spaces proposed by the applicant, based upon the advice of Council and subject to confirmation that this level and type of relaxation is within the allowances of the CD-1 and Parking By-laws;

Amend the **NOTE** at the end of the major conditions:

Approval of this development is based on *implementation of its high architectural design quality including the transparency of its glazed curtainwall as presented in the applicant's submission;*

Amend A.1.4:

provide *twenty-four* ~~required minimum number~~ of Class A bicycle spaces and 100 Class B bicycle spaces in accordance with Section 6.2 of the Parking By-law;

Note to Applicant: Show dimensions of bicycle spaces and manoeuvring aisle.

Amend A.1.16:

arrangements shall be made, to the satisfaction of the Director of Planning, *City Engineer* and Director of Legal Services, for the provision of 150 parking spaces *and appropriately secure access thereto* for the tenants, users and residents of the Electra;

Note to Applicant: Provide *four* additional parking spaces for the Dal Grauer substation.

Delete the Note to Applicant after A.1.21;

Amend A.2.4:

increase width of eastbound drive aisles towards Hornby Street from 2.25 m and 3.15 m to *2.4 m* ~~2.65 m~~ and *3.05 m* ~~3.35 m~~, and westbound drive aisle towards Burrard Street a minimum of *3.05 m* ~~3.35 m~~;

Amend A.3.1:

an acoustical consultant's report shall be submitted which assesses noise impacts from the site and *identifies recommends* ~~recommends~~ acceptable noise mitigation measures for the residential neighbours *and others, that will be implemented to the satisfaction of the Director of Planning.*

CARRIED UNANIMOUSLY

5. OTHER BUSINESS

None.

There being no further business, the meeting adjourned at 8.15 pm.

Carol Hubbard
Clerk to the Board

F.A. Scobie
Chair