

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

PRESENT:**Board**

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

Advisory Panel

S. Lyon Representative of the Design Professions (Urban Design Panel)
J. Hancock Representative of the Design Professions
J. McLean Representative of the Development Industry
E. Mah Representative of the Development Industry
D. Chung Representative of the General Public
K. McNaney Representative of the General Public
C. Henschel Representative of the General Public
G. Chung Representative of the General Public

ALSO PRESENT:**City Staff:**

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

550 Bute Street and 1133 Melville Street

D. Hewitt Hewitt & Kwasnicky Architects Inc.
D. Ross Landscape Architect
R. Wittstock Amacon Group
M. DeCotis Amacon Group

1201 West Hastings Street

M. Ehman Downs-Archambault and Partners Architects
A. Johnson Downs-Archambault and Partners Architects
B. Langerais Delta Land Development
B. Hemstock PWL Partnership

Recording Secretary: Raincoast Ventures

1. MINUTES

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of February 16, 2004 be approved with the following amendments:

- page 1, include Mr. Thomson as present;
- page 2, item 3, replace "215 covenant" with "219 covenant"; and
- page 7, item 4, correct spelling of Kirmac Collision.

2. BUSINESS ARISING FROM THE MINUTES

None.

3. 550 BUTE STREET - DE407110 - ZONE DD (COMPLETE AFTER PRELIMINARY) 1133 MELVILLE STREET - DE407782 - ZONE DD (COMPLETE AFTER PRELIMINARY)

Applicant: Hewitt and Kwasnicky Architects, Inc.

Request: **550 Bute:** To construct a mixed use project with a 42 storey residential tower (400 ft.) containing 232 units facing Bute Street, with a hotel of 13 storeys with 59 units facing Melville Street, and five levels of underground parking. The proposal includes a retail component and a public amenity space. A heritage density transfer and hotel bonus are also proposed.

1133 Melville: To convert the top two floors of the adjacent existing 10-storey mixed-use/parkade building from residential to commercial.

Development Planner's Opening Comments

Anita Molaro, Development Planner, introduced the application in the context of the surrounding neighbourhood noting that it was two sites combined, 1131 Melville and 550 Bute. Ms. Molaro reviewed background information provided on page nine of the distributed Development Permit Committee Staff report noting that the Board had given approval-in-principle to this proposal on February 17, 2003. As well, background information indicated that staff had met with the applicants to discuss the response to the preliminary conditions and the commentary from the first "High Building review" including: the shaping of the tower to address neighbouring views; tower expression as a skyline element; response to the Bute Street Neighbourhood Centre Character Area description; and a more comprehensive architectural response to the existing commercial/parkade building that forms a part of the submission.

Ms. Molaro advised that the redesigned project was slightly over the General Policy for Higher Buildings requirements at 405 ft. with 42-storeys of residential and an increase from 12-13 storeys in the hotel tower. Also, she noted that the Bute Street Neighbourhood Centre Character Area policy sought the introduction of commercial frontage that this proposal had

addressed, and recognized pedestrian treatments applied to tie the existing and new building components and improvements to the rear landscaping.

Ms. Molaro reviewed the applicant's responses to the preliminary conditions relative to improvement of view impacts with specific reference to the neighbours in the Orca building that staff felt had been satisfied. She noted that other PDP conditions had also been addressed, including updating the existing building's facade and improving its interface with the proposed new buildings. Staff were seeking further details regarding the proposed parkade screening components and concerning any lighting strategies.

The Board was advised that principal outstanding issues were to: satisfy all the criteria for the additional height being sought under the High Buildings Policy; address architectural design suggestions detailed in Conditions 1.6 and 1.7 of the report; provision of a wind study analysis for 550 Bute Street; and securement of public right of way agreements. Ms. Molaro noted that staff were in support of amending the building design to keep it within 400 ft. and had suggested the incorporation of educational information on the sustainable attributes of the building and its use of indigenous materials, on plaques in the public realm. She noted staffs' support of the application with conditions noted.

Questions/Discussion

Mr. Beasley questioned the rationale for Condition 1.7 referencing the incorporation of brise soleil elements. It was noted that the Urban Design Panel had emphasized the need for the building to perform to its full ability in terms of sustainability. Notwithstanding this, it was recognized that the condition could set up technical difficulties for the applicant rendering it more appropriate to consider as a suggestion.

Mr. Beasley sought a response from staff on the Panel's preference for the colouration of the model vs. the drawings; its suggestion that the sail element on the lower building might be 'over the top'; and its commentary about bringing the retail out to the sidewalk.

Ms. Molaro responded that the Panel had preferred the colouration of the model vs. the drawings, and that staff were of the opinion that the copper should be allowed to patina to reflect it is an indigenous material. With regard to the sail element on the lower building, she noted staff had concluded that it helped to orient at the lower street level and that it did not take away from the larger sail. Concerning the suggestion to bring the retail to the sidewalk, Ms. Molaro advised that there was a desire to integrate the Triangle West Public Realm treatment setback given the slope of the site, and offered staffs' view that incorporating the retail entries would not assist the vision for the Bute Street Neighbourhood.

Concerning the hotel component, Ms. Molaro noted that Condition B.1.2.3 was to prevent phasing of the application by requiring that the hotel be completed prior to obtaining an occupancy permit for the residential tower.

Mr. Beasley expressed general concerns about the conversion of sites from commercial to residential, noting the worry that the construction of a residential building without the commercial building was contrary to the intent of the zoning. The need to tie the completion of both elements of the project to address this was stressed.

Mr. Thomson indicated that an option to address the concern was to require concurrent building permit issuance. The Chair offered that, through a covenant, it could be possible to preclude an owner from exercising their right to seek an occupancy permit until the hotel

development had been completed. Mr. Thomson noted a further option was a convent on the residential tower to prevent strata titling until such time as the hotel portion was built out.

In response to Mr. Rudberg's concerns about the building overheight and FSR that had been noted at the PDP stage but apparently not addressed by the applicant in his complete submission, Ms. Molaro noted that the five foot height overage was measured to the top of the parapet. She indicated that staff had been unaware of the washrooms on the roof level which meant that the application was technically only 4 ft. 6 in. overheight and would require reducing the 9 ft. 6 in. floor-to-ceiling height on some of the floors to achieve a building height of 400 ft. With regard to the FSR, she advised that it was 1,500 each commercial and residential and that this was not an unusual amount of discrepancy in a project of this scale. It was clarified that reducing the height and square footage to comply was not seen as problematic.

Continuing earlier discussion on concerns related to phasing, Mr. MacGregor expressed the need to ensure that the full project was built at the same time given that it was part of the reason that the additional height was being permitted. Confirmation was provided that it was staffs' view that it would be important to have the commercial hotel component built at the same time as residential.

In response to questions regarding building materials, Ms. Molaro advised that it was part of the applicant's design concept to reflect a building with local materials. She clarified that the recycled heavy timbers would be used along the street rather than within the internal structure.

With regard to the handling of existing tenants, Ms. Potter advised that the application provided a relocation program to comply with the Residential Tenancy Act, and noted that not all 14 suites were rented on a residential basis.

Question was raised regarding whether the FSR bonus for a public amenity with a 118 sq ft shortage was appropriate. Staff response was that it was within the realm of tolerance provided it was suitably finished to meet the needs of Volunteer Vancouver. It was clarified that the bonus was 500-600 sq ft that was not being offset by a corresponding 118 sq ft of amenity space.

Confirmation was provided that the application complied with the Parking By-law in terms of loading. Due to multiple uses relying on shared use of proposed loading, an agreement was recommended to secure this sharing. Staff clarified that this requirement was neither common nor uncommon noting that a similar agreement had been done on the development at 600 Abbott where there was school, commercial and residential use.

With regard to whether sufficient plans had been submitted for the landscaping, Ms. Molaro advised of the expectation that five sets of the final landscape plans would be prepared in response to the prior-to conditions and that any resulting issues would be handled through a conversation with the applicant.

Applicant's Comments

Dave Hewitt indicated the applicant's objection to Condition 1.7 noting that the intent of brise soleil was to mitigate the heating up of space in southern climates, to reduce the energy costs of providing air conditioning. As there was no air conditioning provided in Vancouver's residential buildings, he offered that this condition was seen as making no sense from a technical view. The development will meet the City's Energy By-law.

Confirmation was provided that the intention was for the project to be built at once with no phasing. It was noted that the owner already owned and operated a hotel of a similar size in Whistler and was capable of operating the hotel in the event that an alternate hotelier was not secured.

With regard to the retail frontage, Mr. Hewitt noted the discrepancy between the Urban Design Panel wishing to move it closer to the street and staff wanting to push it back, and offered that the arrived at compromise was the Triangle West Public Realm criteria, suitably modified. Staff interjected that inclusion of "modified" in the wording of the related condition was too open-ended.

Mr. Hewitt advised that the applicant understood that the building was within the 400 ft. height requirement until the previous week when they had been informed of the Health requirement to include washrooms on the roof, in light of the pool on that level. Also, with regard to the square footage overage, he discussed the different elevations on the site and suspected it was a discrepancy that needed to be clarified.

On the use of recycled heavy timbers, Mr. Hewitt offered that this was seen as a unique feature used as juxtaposition between heavy stone, timber and copper elements. He added that, being solely non-structural, certain wood elements were allowed on the facade and complied with the Building Code.

Regarding the ultimate patina of the copper, Mr. Hewitt offered that he would willingly entertain further discussion with the client on whether the copper on the building stayed shiny copper or turned green. Also, concerning the glass elements of the facade, Mr. Hewitt advised that the model depicted them as darker than they would be and noted that the correct glass was provided in the display board. Further clarification was offered that the project would be green and clear glasses and copper that would be complementary regardless of the colour it takes as it ages.

With regard to a covenant requiring the completion of both the residential and commercial elements, Mr. Wittstock indicated that he would need to seek legal advice before offering a response.

In relation to Condition A1.1.1 seeking restriction of the building to a maximum height of 400 ft., the applicant sought discretion to allow for the amenity space on the roof in order to meet the washroom requirements of the Health Board, noting that the depth of the pool on that level had already reduced the height of the floors below, so the roof deck level could not be further lowered. Staff clarified that the Board had the ability to approve up to 450 ft. under the ODP noting that this site was specifically identified for 400 ft and that the application had been processed on that basis. It was clarified that staffs' concern was that the parapet height not exceed 400 ft.

Mr. Hewitt asked that consideration be given to deletion of Condition A1.1.17. He indicated the applicant's willingness to put a screen in place to prevent access to the recesses purely to preserve the intended architectural expression. It was also noted that the applicant objected to Condition B1.2.7, noting that the residential amenity for use of residential occupants and hotel amenity for use of hotel occupants was deemed necessary for security reasons.

With regard to Condition A1.1.21, Mr. Hewitt asked that the Board consider leaving the commercial podium amenity areas as designed given that the project did not anticipate a lot of

children and so had placed the play area in the unobtrusive area of the site to mitigate the impact on the rest of the residents, and had taken advantage of the stepping down to the retail to offer additional height and volume and an undercover area. He suggested that flipping the areas would expose the play area to the weather; that there were functional and architectural considerations to take into account.

Staff clarified that the Social Planning concern was that the play area would not have access to sun in its proposed location with a north westerly orientation. As such, the suggestion was to switch the location of the proposed lounges to move the play area adjacent to the main lounge.

The applicant commented on the existing residential component of 1133 Melville noting that there were 6-7 residential tenants and 7-8 non-conforming live-work residents with units averaging 1,900 sq ft renting for between \$3,000-3,500/month. It was anticipated that providing residents with 60 days notice at the end of construction would not result in any undue burden as there were ample opportunities for renting comparable spaces in the area in that price range. It was further offered that, on commencement of construction, as suites became vacant, the applicant could avoid re-letting. Given these considerations the applicant did not feel that a related condition was necessary.

In response to questions, the applicant reiterated that the thought of building in phases had not been contemplated and that there was no intent to phase the construction of the hotel. On another concern, it was noted that the applicant team had been careful to select plant species that could grow and thrive on the north (lane) side, that a new curb line and bollards would be installed, and that area would have irrigation.

Staff responded to a question from Mr. MacGregor regarding whether residential was permitted as an outright use. It was noted that nothing was outright, and that everything was discretionary with the zone being split: four FSR for commercial and three FSR for residential with bonuses allowed. The Board was advised that there were other sub-areas that were outright residential but that this was part of the core central business district with a policy to preserve and realize all commercial capacity.

In further discussion of concerns relating to phasing, the applicant commented that the disclosure statement noted that the project was not phased and advised that they had started the marketing campaign which discussed the benefits of having the hotel ready at occupancy. Concern was expressed regarding the implications for project financing in the event that covenants were applied.

Mr. Thomson responded that the disclosure statement was prepared on the architectural drawings, and noted that registration of strata plans was, in many cases, immediately before conveyances of units - often due to other legal impediments on title. He noted that strata plans could be registered before occupancy, and offered that an impediment on title was more reliable to address phasing concerns raised.

With respect to the parkade screening on Melville, staff indicated their understanding that translucent, transparent and opaque materials would be used to permit air flow and to allow for glimpses of vehicles. Mr. Hewitt added that the intent was to screen, paint and light between the panels to highlight the translucency. He noted that this would need to remain open to allow the airflow without having to include additional mechanical ventilation.

In relation to Condition A1.1 relating to wind studies, Mr. Hewitt shared the applicant's view that this was appropriate and noted that tests to consider the pedestrian level, glazing and seismic requirements had been initiated, and that no problems were anticipated.

Comments from Other Speakers

Mona Low, Orca Place resident, indicated that she had attended meetings of the Urban Design Panel, the Board of Variance, and Council's Standing Committee on Planning and the Environment to voice concerns regarding this application. Ms. Low noted her concern that the public had been poorly involved in consultations throughout the project, offering that many residents were not aware of the present meeting. She advised that no one in the Orca building had been informed of the first open house and acknowledged that this had resulted in a second open house for their benefit.

Ms. Low discussed the applicant's response to the preliminary condition 1.1 noting her understanding that the applicant was to have remodeled the building to allow for the preservation of as much view as possible for neighbouring residents. She suggested that Council should have been involved in the application before it was approved for 400 ft. and emphasized that designing the building to allow Orca residents some view of the water and mountains was not an unreasonable request. Ms. Low indicated that the Orca residents would be very appreciative of anything that could be done to preserve their views.

Ms. Potter reviewed the notification process noting that it was further detailed on page 18 of the distributed Development Permit Staff Committee Report.

Ms. Low added that Orca residents were also frustrated about the developments now contemplated at 575 Bute Street and at 1178 West Pender Street and did not feel involved in making decisions in their neighbourhood. She indicated that Orca residents were willing to accept a 400 ft building if it allowed for the retention of some of their view of water and mountains.

Brad Joseph, Orca Place resident, commented that, in the tower redesign, the applicant had increased the Orca residents' views but had given them an additional 8 - 12 ft view of a distant building rather than the mountains. He noted that the Orca had three view corridors and suggested that this building would eliminate them all.

In her further address, Ms. Low noted that a key question at the Board of Variance had been why the tower could not be re-sited to allow for some view. The response was for economic reasons in order to retain the square footage at that particular site. She concluded her comments offering that the process had not allowed for the influence of residents on the project.

In response to a request for further background, staff indicated that Orca residents had encouraged flipping the proposed tower and hotel elements. The Board did not agree with that suggestion in its deliberations at the PDP stage. This PDP decision was appealed to the Board of Variance and denied, thereby upholding the preliminary approval. Ms. Molaro clarified that the same concerns had been raised and discussed at Council and that the response was Council's endorsement of the height of the building at the location identified.

Board and Panel members took a short recess to review the model and posted materials.

Panel Opinion

Mr. Lyon reported that the project design had been presented to the Urban Design Panel at a special "High Building review" on September 4, 2003 and did not receive the Panel's support. He noted that the reworked project had returned to the Panel in December 2003 and had received support. Regarding the retail frontage, Mr. Lyon advised that the Panel saw the space as being ill-defined and had suggested that pulling it to the street would be more beneficial given that the most successful retail was located at the sidewalk and, in this case, balanced out with public realm improvements. The Panel felt that the heavy timber at grade level was a new and interesting approach and dealt with the retail in a successful way. As well, the Panel felt copper was a bold new approach but had concern that if the copper turned green and the glass was green the tower could be too green or the greens could clash. As such, most Panel members felt that the clear glass was preferable.

Mr. Lyon noted that, with regard to the lane frontage, a general consideration identified was that it could be improved as a dramatic entrance and that retail and a sense of frontage should continue as noted in recommended condition 1.6. Regarding the brise soleil, he clarified that it was not the Panel's intention to see them installed, but was intended that the applicant pay attention to the potential for heat gain in the building. On architectural excellence, Mr. Lyon noted the Panel's suggestion that it might not be possible to achieve as it had not been defined, and depended on the project site, program, team and budget. Notwithstanding this, the Panel was of the opinion that the project was headed well in the direction of achieving architectural excellence.

Mr. Hancock offered that the project had evolved positively, particularly in the open space between the tower and hotel, to open views as much as possible. He noted that the uses seemed appropriate, that the basic massing had earned its height, and suggested that Condition 1.7 be modified as being too prescriptive. Mr. Hancock recommended approval of the project.

Mr. Mah recommended change to Condition 1.7 to delete "brise soleil", and to reference south, east and west facades. He suggested that wording to prevent phasing have sufficient latitude to provide the City with security while allowing for negotiation of mechanisms with the developer. Mr. Mah recommended that the 5 ft. height overage be allowed, only as it pertained to the washrooms, with the parapet being required to meet the 400 ft. height restriction. He also supported changing Condition B1.2.7 so that only residents had access to the residential amenity on the roof, and recommended the project's approval.

Mr. McLean recognized that the block was a transition between the waterfront and Georgia Street and offered that it was an entirely feasible, fabulous design that would give the neighbourhood added value and validity as a great space in the city.

Mr. Chung indicated his support for the extra flare of the project sail to make the city's skyline more unique, and for the copper element to the ground level noting his only concern was to ensure that the copper element would patina to green. He expressed further support for use of lighter colours with clear coloured glass to maintain the city's glowing skyline at night. Concerning the children's play area and lounge area, Mr. Chung noted his preference for the current design believing that there would be few children and that many other play areas along the waterfront were available. He also preferred that the residential and commercial sections be cordoned off for security reasons, that transparent glass be used over the parking to show a silhouette of vehicles, and agreed with the suggested amendment to Condition 1.7. On Condition A.1.17, Mr. Chung expressed preference for screening as explained by the applicant and recommended approval of the project.

Mr. McNaney offered that the project had earned its density, and supported the building materials identified. Concerning the view impacts, he felt that the proposed location was the best placement for the tower. Mr. McNaney indicated support for the parkade screen treatment and did not agree that people would like to see a silhouette of parked vehicles. In relation to the playground, Mr. McNaney agreed with Planning staffs' suggestion for its relocation for sunlight and viewing reasons. He recommended support of the application.

Mr. Henschel did not support the project given that the materials were unclear in terms of the colour of the copper and what colour the glass should be. He discussed the applicant's obligation to see that the building achieved "architectural excellence" recognizing that this was difficult to confirm. Mr. Henschel added that the Urban Design Panel had only supported the building 6-4 and advised that this was also of concern. However, in the event that the project did receive approval, he agreed with the proposed change to Condition 1.7, disagreed with the need for educational plaques, and suggested that the project was probably past the point where a wind study analysis would be useful.

Mr. Henschel also agreed with switching the children's play area, noting that the intent of the City's policies was to design buildings to attract families to the area and recognizing that families would not go to a shaded place that was not amenable for children. He offered that Condition B1.2.7 should be amended with the residential amenity only being available to residents and the hotel amenities only being available to hotel guests. Mr. Henschel further agreed that the height and floor areas should conform, and that something should be done to improve the parking entry to the lane.

Ms. Chung found the project interesting but felt empathetic to concerns about views for the Orca building.

Board Discussion

In response to further questions, it was clarified that hotel access to residential amenities was limited, with hotel residents being restricted to their patios, and the majority of the space being for residents. It was noted that the common podium would be available to both with accesses to the exercise area being by card only. The Board was informed that shared amenities were on level three.

Mr. MacGregor noted it was a significant conditional use development with the important benefit of retrofitting the existing building. He noted he was encouraged by the developer's comments that the project would be developed in one phase and advised that he did not want to see a residential tower go up years before the commercial was developed. Mr. MacGregor recognized that the view issue was important and acknowledged the project's move towards greater separation, recognizing that the buildings were several blocks from the water and more sites would be developed, closer to the water, further reducing some existing views.

Mr. Beasley commented that there had been poor experiences in the past with hotel development in the city and noted the need for clear intentions regarding the development of the residential and hotel together in this project. He offered that this was a supportable project as a transition recognizing the need to not endanger the commercial element. As well, Mr. Beasley expressed his continued empathy for views of Orca residents noting that the issue had been well debated at various forums, and noting the reality that the Orca building was becoming an in-land building as existing waterfront development rights were taken advantage of. He urged staff to continue to involve and advise Orca residents on future developments in this area and emphasized that the decision on the tower had been supported by Council in its

present form. Mr. Beasley agreed with Advisory Panel comments that the project would be better if kept simpler with clearer glass, and noted the need for clarity on the copper patina and building materials overall.

Mr. Beasley congratulated the applicant team on their responsiveness at the ground level to the neighbourhood centre concept, and agreed with the architect's preferences as to how that was handled. He supported the removal of Condition 1.7 offering that it was capricious and that nothing was lost by letting the architect determine the best way to realize the intent. He noted that there were more children downtown than in Point Grey and indicated that the play areas would be well used, and offered that it should be left between the applicant and the Director of Social Planning to determine the location of the play area - but that the north option was not the best. He added that there needed to be some conclusion about how the tenants were handled and that this had to be done honourably and equitably. On the issue of architectural excellence, Mr. Beasley suggested that it was possible to tell the difference between "mediocre" and "better" and offered that the "High Building review" process had been endorsed, as evidenced by the betterment of this project.

In his comments, Mr. Rudberg noted his view that the note to the applicant on the playground had been useful but that he would not debate its deletion. He recognized that the view issue had been thoroughly vetted through a number of forums and felt that the architect had arrived at the best possible scenario to minimize the view impacts.

Motion

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

THAT the Board APPROVE Development Application No. DE407110, in accordance with the Development Permit Staff Committee Report dated February 4, 2004 with the following amendments:

- Condition 1.2, revise note to applicant to read:
"This agreement is to also secure six (6) off-street parking spaces, including one (1) disability space, to be designated and reserved for the exclusive use of the public amenity, as well as one shared loading space, all to be located adjacent to an elevator fully accessible to the public amenity space."
- Condition 1.3, following "retail shop entries" add "to the satisfaction of the Director of Planning and the General Manager of Engineering Services".
- Condition 1.4, revise the **Note to Applicant** to read:
"Consideration for the degree of glass transparency including further consideration for all clear transparent glass in lieu of the proposed green glass. As well, the final colour of the copper to be as shown in the renderings, subject to the approval of the Director of Planning".

- Condition 1.7, revise to read:
"enter into an agreement that is registered on title, to the satisfaction of the Director of Legal Services and the Director of Planning, to ensure that, prior to registration of the strata title plan for the residential building, the commercial development at 550 Bute Street DE407110 and 1133 Melville St DE407782 be substantially completed or have obtained an occupancy permit, whichever is earlier."
- Condition A1.1.1: add "at the parapet" following "400 ft." to allow the amenity on the roof.
- Condition A.1.1.17, note to applicant: replace "significantly reduced" with "made inaccessible".
- Condition A1.1.21: delete note to applicant.
- Condition A1.2.9, add "to the satisfaction of the Director of Planning and the General Manager of Engineering Services".
- Condition B1.2.7, revised to read:
"Amenity areas excluded from FSR shall be made available as follows: indoor residential amenity on level three and level 43 is for the use of occupants of residential suites; indoor hotel amenity space on level three and rooftop hotel amenity is for the use of hotel guests; outdoor amenity space on level three is for the use of residential occupants and hotel guests."

AND THAT the Board APPROVE Development Application No. DE407782, in accordance with the Development Permit Staff Committee Report dated February 4, 2004 with the following amendments:

- Condition A2.1.3: following "1133 Melville Ground level", add "and a plan and plant list for the upper parking levels".
- add new Condition B2.2.4 as follows:
"Any phasing of the development permit, or of the development permit for the adjacent development (DE407110, 550 Bute), other than specifically approved, that results in an interruption of continuous construction to completion of the development, will require an application to amend the development to determine the interim treatment of the incomplete portions of the site to ensure that the phased development functions are as set out in the approved plans, all to the satisfaction of the Director of Planning".

**4. 1201 WEST HASTINGS STREET - DE408040 - ZONE CD-1
(COMPLETE APPLICATION)**

Applicant: Downs-Archambault Architects

Request: To construct a 30-storey multiple dwelling, and four townhouse/general office live-work units (total 140 units) a grocery store (2,106 square metres) and four levels of underground parking for a total of 322 vehicles..

Development Planner's Opening Comments

Jonathon Barrett, Development Planner, introduced the application in the context of the surrounding neighbourhood noting that the CD-1 zoning was pending but was proceeding fairly expeditiously. He advised that Council had approved an amendment to the Downtown Character Description recognizing this as a neighbourhood shopping street.

Mr. Barrett reviewed principal issues relating to height noting that additional potential height requested was to consider a dramatic, transparent tower cap. He advised that staff were generally supportive of the additional height but were looking for modification to relieve the shadowing onto the Sea Walk and the water play area. These concerns were addressed through Condition 1.1.

Mr. Barrett discussed principal conditions at rezoning noting staffs' view that the requirement to minimize the impact of the parking and loading entrance on Cordova townhouses had been fully met. With regard to improving the interface with existing neighbouring townhouses, staff were generally satisfied although improvements to terracing were sought. The Board was informed of the rezoning condition dealing with the landscape treatment along West Hastings frontage noting staffs' view that it needed further detailed landscape refinement.

Referencing the posted drawings and display models, Mr. Barrett reviewed recommended conditions of approval provided in Conditions 1.0 through 3.0 of the Development Permit Staff Committee Report dated February 4, 2004. He advised of the proposed addition of a minor condition to delete the grass boulevard on Bute Street noting that this was appropriate beside residential development but not adjacent to commercial space.

Mr. Barrett concluded his comments noting that staff considered this project to be a positive addition to the Coal Harbour neighbourhood and recommended approval with conditions.

Questions/Discussion

Mr. Beasley questioned whether the weather protection for West Cordova Street referenced in Condition A2.7, was to be continuous. Mr. Thomson responded that these were over areas that people could not use and that the trellises provided protection to planting beds only.

Mr. Beasley noted that the westerly wall would in some cases be higher than the fronting townhouses on the adjoining site, and questioned whether two feet of growing medium would be enough to moderate its impact. Suggestion was offered that a layered landscaping condition could have been applied in this instance. Mr. Barrett indicated that the intent was to soften the first 40 ft of the wall and to accept the rest of the relationship.

In response to Mr. MacGregor's request for further detail on the top floor amenity space, Mr. Barrett advised that it provided views as a fitness area and multifunction lounge (steam

rooms, change rooms and a meeting room) that integrated the mechanical, and was designed to make a stronger design feature of the roof.

Mr. Barrett noted that there had been consideration at the rezoning stage to increase the height of the building from 275 to 300 ft and that there was provision for the Board to allow the extra height if it considered that to be appropriate, taking into account the normal conditions that would be reviewed in looking at discretionary height.

In response to a question from Mr. Rudberg regarding the intent for loading, it was clarified that traffic would enter and exit from Hastings with trucks entering from Hastings and exiting on Cordova. This was agreed to at rezoning to address neighbours' related concerns.

In response to questions from Mr. Scobie regarding the private walkway on the adjacent site, it was clarified that the walkway was running from both streets, gated at either end, and was principally for the private use of the four townhouses between Cordova and West Hastings. Staffs' view was that the rezoning conditions had been generally satisfied except for CPTED was noted.

Applicant's Comments

Mr. Ehman requested the Board's reconsideration of prior to Condition 1.1. Referencing shadow diagrams for the Equinox on March 21 between 2:00 p.m. and 3:00 p.m., he noted staffs' request was to alter the top of the building given that it shadowed the Sea Wall between 2:45 p.m. and 3:00 p.m. He commented that the same view analysis had been run one week later during which time the building did not shadow the Sea Wall at all during that period of time.

Mr. Ehman recognized a further concern relating to shadowing was the building's impact on the water park. He displayed shadow analyses of the impacts on the water park on Victoria and Labour days noting that the building did not shadow the park at all on Victoria Day and marginally shadowed the bottom corner of the water park on Labour Day. Mr. Hemstock, whose firm had designed the water park, indicated that it had different winter, spring and fall, and summer modes and clarified that it did not turn into a spray park until later in the summer.

Mr. Beasley offered that the condition seemed to ask for modest changes to the top floor profile to pull it back to reduce shadow impacts. Staffs' intention was clarified to either pull it back to the south or to make the solid roof glazed so that sunlight could go through it.

Mr. Ehman responded that there was a specific architectural reason for the building's design and suggested that it would be unfortunate to cut it back to gain 15 minutes of sunlight on the Sea Wall on the equinox. It was further noted that the area of the building in question was all amenity space.

Mr. MacGregor questioned what time of day the shadow impact had been considered for other buildings along Coal Harbour. It was noted that typical studies were for 10:00 a.m., 2:00 p.m. and 4:00 p.m. Mr. MacGregor commented that the building was a second tier vs. waterfront property and raised the issue of whether second tier buildings should impact the Sea Wall further than it already is. Mr. Beasley added that the building would add some length of shadow to an already significantly shadowed area when considered together with the neighbouring building.

Mr. Ehman discussed the significant challenge faced in addressing the building's interface with the neighbouring townhouses. He indicated that the applicant had met with the neighbours to deal with traffic and interface concerns and that neighbours had advised they were unwilling to

accept additional traffic along Cordova. To address that concern the vehicular parking was relocated, allowing for stepping the wall to create landscape planters. Mr. Ehman offered that the applicant had arrived at a compromise solution to create openness towards the townhouses and the north given the design constraints, and indicated the view that the wall could be pulled back from the property line by 14 inches.

Mr. Ehman circulated a photograph of the neighbouring townhouses noting that the applicant was prepared to remove the fence and curb in order to create an 18 inch space for a planting strip. Mr. Hemstock indicated that the area was over terra firm and that this opened a host of opportunities for vines and shape loving materials, and expressed confidence that the podium stepping down would allow for vines on the wall. Suggestion was offered that the design be refined along the property line to allow additional planting material thereby softening the wall. Confirmation was provided that the wall could be further screened with landscaping growing up.

Concerning Condition A2.7, Mr. Ehman noted that this was a direct response to light pollution concerns from the Corina residents. He advised that the solution arrived at was to provide a trellis to blinker the light and that the planting was underneath so water would go through the trellis to water the plants, which would also be irrigated. Mr. Ehman indicated that the applicant was suggesting a low planter against the wall on City property and had offered to work with Engineering to resolve that.

Staff clarified that the concern was with both the trellis and planters noting that the applicant was seeking to use public property to address a private matter. The applicant responded noting the neighbours' comments that they would be unhappy with tables and chairs. Mr. Thomson suggested that the trellises could be de-mountable and, without a raised planter, an encroachment could be considered for a canopy if it was for the public benefit.

Board and Panel members reviewed the model and posted materials.

Comments from Other Speakers

None.

Panel Opinion

Mr. Lyon noted that the project had appeared before the Urban Design Panel twice and was supported both times. The Panel felt it was a handsome and well articulated design and had encouraged further minor improvements including: better integration of the penthouse facade with floors below; articulation of tower body; and public realm interface improvements to address lingering concerns. He suggested that it might be possible to cut the walls back, especially on the north face, to open up angled views from the space, and offered that it was a shame that, as an anchor for the Bute Street shopping district, it did not contemplate having a corner café with outdoor seating.

Mr. McLean offered that it would be great to see a grocery store in the area. On the building's height he noted that the elevator tower was already 25 ft. and that the glassed in amenity area beside it did not cast an additional significant shadow. Concerning the walkway, Mr. McLean offered that it was private walkway to four townhouses that would never be public and suggested that two of the units could be loaded from one street and two from the other to make the rear area into yards.

Mr. Hancock concurred that it was a well designed project, expressed no concern regarding the minimal amount of shadowing, and did not support Condition 1.1. On Condition 1.4 he offered

that the walkway was very manageable especially if the 14 inch/two foot planting could be utilized, and indicated that he was alarmed to see reference to colour in Condition 1.6. Mr. Hancock recommended approval.

Mr. Mah echoed comments about welcoming a food store into the area. He suggested wording relative to the walkway to allow for alternatives and supported the idea of creating private yards for the townhouse units. As well, Mr. Mah supported approval of the height proposed given the enhanced appearance and amenity, and recommended the project's approval.

Mr. Chung reiterated support for the amenity feature of the building top suggesting that it added distinctiveness to the skyline. He offered that although he did not find the body of the building to be inspiring, he recommended approval.

Mr. McNaney agreed with previous comments noting that there was bicycle parking which he encouraged be retained in Condition A1.6.

Mr. Henschel strongly supported the project, expressed appreciation for the shadow analyses offered, and supported leaving Condition 1.1 to the architect's discretion. He offered that Condition 1.4 (whatever could be figured out to make the walkway nicer) would be great but should be left to the applicant's abilities.

Ms. Chung agreed with the idea of a café on the corner in such an urban area and recommended the project for approval.

Board Discussion

Mr. Beasley offered that the project had been good from the beginning and expressed support for the food store. He added his understanding that there would be tables and chairs on the corner with a restaurant already approved across the corner that would be a draw to the area. Mr. Beasley offered that the anchor was important and was well achieved, and supported the tower top particularly given that the shadow impact was minimal. He noted that the project was well conceived with good streetscape frontage treatment and supported an additional condition to further design refinement with the interfacing townhouses.

Motion

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

THAT the Board APPROVE Development Application No. DE408040, in accordance with the Development Permit Staff Committee Report dated February 4, 2004 with the following amendments:

- Condition 1.1, delete.
- Condition 1.4, add "and to layer planting in the terraced planters to screen the walls visible from the four adjacent townhouses" and delete the note to applicant.
- Condition 1.6, delete "through changes in detailing, colour and materials".
- Add Condition 1.10 as follows:
"design development to delete the grass boulevard on Bute Street as a modification to the Triangle West Streetscape, to the satisfaction of the Director of Planning and the General Manager of Engineering.

Note to Applicant: Grass boulevards are not appropriate when commercial space at grade is proposed."

- Condition A.2.7, note to applicant, add "and planting to the satisfaction of the General Manager of Engineering Services".

5. OTHER BUSINESS

5.1 Canadian Tire

The Chair noted that Canadian Tire had written an encouraging letter having received approval for their project. The letter specifically acknowledged several staff members in various Departments. This emphasized to the Chair the interdepartmental activities involved in bringing forward developments to the Board.

5.2 Lafarge Cement Plant Project

The Chair reviewed background information relating to the Lafarge Cement Plant Project. He noted that, when concerns were raised, the City had clarified that it was not involved in a decision making capacity and that the decision rested with the Port. The Port subsequently approved the project which was appealed to BC Supreme Court and overturned. The decision to overturn was on the basis that the Port had acquired the lands and as such the lands were not covered in the same context as other Port lands and the Port did not have the same latitude to proceed. The Port appealed to the BC Court of Appeals which reversed the decision. It was not anticipated that the neighbours would proceed with an appeal to the Supreme Court of Canada.

5.3 Acknowledgement

Board members acknowledged that it was Mr. Lyon's last meeting and recognized him for his contributions in bringing forward the Urban Design Panel's advice during the years that he had served. It was noted that Bruce Haden would attend future meetings as the Panel Chair.

6. Adjournment

There being no further business, the meeting adjourned at 7:50 p.m.

Rae T. Ratslef
Recording Secretary

F. Scobie
Chair