

Date: Monday, March 13, 2006
Time: 3.00 p.m.
Place: Committee Room No. 1, City Hall

PRESENT:**Board**

F. Scobie Co-Director of Development Services (Chair)
L. Beasley Co-Director of Planning
T. Timm General Manager of Engineering Services

Advisory Panel

A. Endall Representative of the Design Professions (Urban Design Panel)
R. Acton Representative of the Design Professions
M. Braun Representative of the General Public
K. Hung Representative of the General Public
C. Henschel Representative of the General Public
K. Jarvis Representative of the Vancouver Heritage Commission

Regrets

B. MacGregor Deputy City Manager
G. Chung Representative of the General Public
J. McLean Representative of the Development Industry
J. Scott Representative of the Development Industry

ALSO PRESENT:**City Staff:**

R. Segal Senior Development Planner
D. Morgan Development Planner
M.B. Rondeau Development Planner
V. Potter Project Facilitator
A. Higginson Project Facilitator
C. Warren Co-Director of Development Services
M. Thomson City Surveyor

1808 West 3rd Avenue

W.T. Leung W.T. Leung Architects Inc.
Doug Millar W.T. Leung Architects Inc.

830 West Hastings Street

W. Francl Walter Francl Architect Inc.
T. Pappajohn Developer
N. Dancey Foster & Partners
L. Hallman Foster & Partners
T. Kokai Halcrow Yolles
B. Hemstock Landscape Architect

Other Business**VGH Item**

M. Whitehead
B. Alley

Recording Secretary: D. Kempton

1. MINUTES

Mr. Scobie noted that the Minutes of the Development Permit Board and Advisory Panel Meeting of February 27, 2006 were not available for review and would be included in the next Board package.

2. BUSINESS ARISING FROM THE MINUTES

None.

**3. 1808 WEST 3rd AVENUE - DE409776 - ZONE C-3A
(COMPLETE APPLICATION)**

Applicant: W.T. Leung Architects

Request: To develop this site with a six storey mixed-use building with two levels of underground parking, retail use on the ground floor, and five storeys of residential above containing 23 dwelling units with an FSR of 3.0.

Development Planner's Opening Comments

Dale Morgan, Development Planner, introduced this application for a mixed use building in the C-3A zone of the North Burrard area. Mr. Morgan described the surrounding site context and noted that the adjacent property to the west is split zoned as C-3A and RM-4 although it has a form of development consistent with RM-4 zoning. He said that mixed use is desired in the area and is optimal at this location. Mr. Morgan noted a correction to page 9 of the report under the heading "Height and Sideyard", second sentence should read height of 30 ft (9.1m) *with a 5 ft setback* of the adjacent RM-4 site.

Mr. Morgan stated that this application is seeking an increase in height to 60 ft. as well as a conditional increase in density; both of which are discretionary and must be earned. He said that a density of 3 FSR is achievable on this site while meeting the Guideline objectives. Mr. Morgan said the three main Guideline objectives are: convert the North Burrard area into an attractive mixed use area that respects view cones and creates a strong street definition; new development that is compatible with adjacent residential development; and ensures a high standard of livability.

The key issue in considering this application is the building scale and how the building is seen on the street from 3rd Avenue. Mr. Morgan noted that the limitation on the building height is determined by the view cones and private views. He said that this proposal complies with the view cone height limit and that existing private views should not be unduly compromised. Mr. Morgan also noted that this proposal is compatible with building heights on the east side of Burrard Street where heights of up to 50 ft. can be considered for residential development.

In terms of the sideyard, Mr. Morgan said that although the Guidelines allow for a close yard relationship, after reviewing the context of the adjacent property staff felt that the existing sideyards did not allow for a compatible development; therefore staff supported an increase in the sideyard from 5 ft. to 25 ft. Mr. Morgan said that the increased setback is an important factor in earning the increased discretionary height and density.

With respect to neighbourhood notification results, Mr. Morgan said that some neighbours expressed concerns over private view impact and as a result a view analysis was conducted as well as a comparison of floor elevations. Mr. Morgan said the result of the view analysis was that although the top portion of the roof deck on the proposed building would be visible it has no impact on views and does not project into the downtown skyline or mountain views. He said that staff are supportive of the 6-storey height, however it was felt that the building should present a 5-storey scale to the street as suggested in the Guidelines. Staff also suggested further sculpting of the building top to add visual interest.

In terms of livability, Mr. Morgan said that all units have private outdoor space that meets or exceeds the Guidelines. He reviewed specific conditions noting that condition 1.2 addresses privacy impact on the neighbours by recommending the deletion of private roof top decks as well as stair access to the roof and to reduce the view impact of the elevator penthouse. In addition to the staff recommendation for more direct access to the amenity rooms to improve usability in condition 1.5, Mr. Morgan noted that Social Planning staff also have a condition to include children's play equipment on the amenity patio area.

Mr. Morgan reviewed the landscape and architectural treatments and said that the proposed materials are high quality and meet the expectations of the Guidelines. He said that staff are seeking provision of a green roof for this proposal.

In conclusion, with further responses as recommended to the massing of the top floor and reduction of the elevator mechanical penthouse, discretionary earning of FSR and height can be achieved by the following: the applicant is providing a substantial increase in building setback adjacent to the westerly neighbour, producing a neighbourly development that maintains and enhances livability; the building form provides desirable street enclosure, subject to scaling back of the 6-storey massing; provides expanded 3 ft. setback along the sidewalk on Burrard Street; the retail floor frontage is continuous along the street and is well handled; the retail floor steps incrementally along the grade to allow direct access; the project has high quality building resolution and material treatment, with staff recommending provision of a green roof; and the proposal eliminates existing surface parking which will be replaced with structured parking including 39 underground spaces. With the conditions noted in the report, the Development Permit Staff Committee recommends approval of the application.

Questions/Discussion

With respect to the requested increase in density from 1 FSR to 3 FSR, Mr. Timm asked what affect this development, and the increased density, might have on traffic in the area and whether any analysis of that had been conducted. Mike Thomson, City Surveyor, responded that the unit count of this development is 23 which is relatively low and the majority of the discretionary density is residential as opposed to commercial use. He noted that the applicant is proposing 11 parking stalls beyond the minimum amount required and two of those stalls are for commercial use and the other nine are for residential use. Mr. Thomson said that the intensity of development in this block, particularly the 4th Avenue frontage, is low and the existing infrastructure can handle the additional traffic.

Further to that Mr. Timm asked whether this development might focus traffic onto 3rd Avenue noting that it takes access from the lane for parking. Mr. Thomson responded that access to the lane is limited to right-in from Burrard Street so it would not be expected to put any traffic onto 3rd Avenue. Any amount of traffic on 3rd Avenue to access this site would be very minor and even reduced from the current situation where the commercial property takes its parking access from 3rd Avenue and exits to the lane.

Mr. Timm sought clarification as to the basis upon which provision of a green roof is being made a condition in the report. Mr. Morgan responded that there is no direct Guideline that would require a green roof; however staff are using the conditionality of the zone to require it and noting that it would improve overlook and is an element of sustainability. Mr. Morgan also said that it is a way to earn the extra density requested.

Mr. Braun questioned why the roof top decks need to be removed from the proposal. Mr. Morgan responded that having decks directly accessible from units is more desirable and also a common roof top deck would require elevator access which would result in a higher elevator mechanical penthouse.

Mr. Beasley asked what solution staff had in mind to address condition 1.4 which addresses the orientation of the southwest corner units to improve privacy and minimize overlook for the adjacent westerly neighbours. Mr. Morgan responded that there are numerous solutions and staff would like to leave that to the applicant to explore.

Mr. Beasley asked what the impact would be on the parking configuration in terms of the Note to Applicant in condition 1.3. Mr. Morgan said that parking circulation or the number of stalls would not be affected. He said that the elevation of the parking structure could be lowered to allow sufficient depth for planting.

Mr. Braun noted that material used on the west elevation of the building is painted concrete and asked whether staff were satisfied with the proposed material. Mr. Morgan responded that staff are satisfied because that is a seismic wall which faces another very similar blank wall.

Mr. Scobie noted a correction to page 7 of the report: the last sentence of the paragraph above the context map, replace "One block north" with *One block south*.

Applicant's Comments

W.T. Leung, Architect, responded to questions from the Board and Advisory Panel. With respect to Mr. Beasley's question regarding condition 1.4, Mr. Leung said that the bay windows have been turned on a slight angle which creates interest on the elevation and also affords some northerly views. He referred to drawings in Appendix D that demonstrate the adjacencies and said that the alignment is such that you would have to look southwest in order to have overlook of the living room and deck of the neighbouring building. Mr. Leung said that the secondary bedroom window faces the lane and the orientation of the bay window forces a better outlook for the southwest unit of views to the north. Mr. Leung believes that the neighbour's privacy is not compromised and said that staff agree this is a minor detail; therefore he requested that condition 1.4 be deleted.

With respect to condition 1.1, Mr. Leung said that the elevator penthouse could be scaled down by approximately 1.9 ft. in height; however in terms of reducing the 6th floor he said that the design of the building is simple, clean and strong which the Urban Design Panel strongly supported. He suggested that condition 1.1 be reworded to read such that it is a design consideration to investigate massing of the 6th floor. Mr. Leung said that the current design already allows for terracing back from the 5th floor and that the corner glazed element is simple and strong and he has a desire to keep it that way.

Mr. Leung said in terms of condition 1.2, he can delete the roof top decks, however he felt that it would be better to have a roof terrace and said that with a green roof it would make the maintenance easier if it was accessible. He asked the Board to consider deleting the requirement for a green roof if access to it would not be permitted. Mr. Leung acknowledged

that staff felt the green roof was an element for earning additional density and said that the widened sideyard to the neighbouring westerly building provides an opportunity for a green roof terrace which is a green terrace, although not on the roof level.

In terms of condition 1.3, Mr. Leung said the parking ramp grading is at maximum now in order to clear the building in front because 3rd Avenue is lower. He said his design proposes to match the existing planter at the northeast corner of the neighbouring building and to use the planter as a transition to camouflage the blank concrete wall planter towards the west. Mr. Leung said the top of the proposed planter would be level with the top of the slab from the amenity room. He said that he could put the planter in-ground however the planter wall to the west would be exposed and he felt his proposed solution was better.

Mr. Leung said he could meet the remaining conditions 1.5 and 1.6 and also all of the standard conditions.

Questions/Discussion

Mr. Beasley sought clarification regarding the in-ground planter affecting the ramp versus the mechanical room. Mr. Leung said that he could lower the ceiling of the mechanical rooms to accommodate an in-ground planter but he cannot adjust the ramp. He asked the Board to consider whether an exposed planter similar to that of the neighbour is acceptable. Mr. Morgan responded the Guidelines recommend in-grade planting and the applicant would only have to pull back the lower electrical room. Mr. Leung said if the Board wants to make in-ground planting a condition then that would be acceptable.

Mr. Endall questioned whether Mr. Leung would be open to reducing the amount of glazing on the southwest corner units. Mr. Leung responded that he would prefer to keep the glazing on the southwest corner because it allows those units the opportunity for northerly views to the water and mountains. He noted that the applicant team was mindful of the neighbouring condition when they chose the architectural expression for the west elevation.

Mr. Timm sought clarification to condition 1.1 and what would be improved by the recommendation to pull back the 6th floor. Mr. Morgan responded that the Guidelines recommend a 5-storey expression and this proposal at 6-storeys seems out of scale. He said that by removing the top floor at the front and stepping it back the proposal comes closer to what the Guidelines recommend.

Ms. Hung asked the applicant to explain the rationale for the street elevations which she felt read as office buildings. Mr. Leung responded that a window wall expression gives a more urban feel towards the entrance on Burrard Street which he felt was a proper response given the ground level articulation of the retail component. He also said that the 6th floor is setback to give an indication of further activity on the top level. As the building wraps around the northeast corner the residential section begins to reveal itself as it heads towards the west and the lobby. Mr. Leung felt this was an appropriate response and noted that it was endorsed by the Urban Design Panel.

Mr. Scobie questioned why staff and the applicant recommend pulling this building further away from the building to the west thereby driving the height up to six floors if the building to the west has what is deemed a reasonable relationship to the C-3A site to the east, which is this site. Mr. Scobie wondered if the desire to have more separation and increase the livability of both buildings was driving the height of this proposal to 6-storeys. Mr. Leung responded that the part of the Guideline that requires a 5 ft. setback deserves further review. Results from an Open House conducted at Mr. Leung's office indicated that the neighbours welcomed the

proposed increased setback. Ralph Segal, Senior Development Planner, also responded and said that the building to the west was constructed in the early 1990s and as the majority of the site was zoned RM-4 with only a minor strip zone C-3A and residential was conditionally approvable in C-3A, it was felt that it adhered more to an RM-4 sideyard setback condition which would have been more than required in C-3A zone.

Mr. Scobie noted the additional landscape condition that was distributed by staff in the form of a memo. Mr. Leung said he did not have any issues with that condition. In response to a question from Mr. Scobie, Mr. Leung said he did not have any issues with the Building By-Law and Fire Department issues as identified in Appendix C of the report.

Comments from other Speakers

The following spoke in opposition of the application:

- G. Day
- D. Whistler
- C. Smith

Gayle Day, resident of 1877 West 5th Avenue, spoke in opposition of the proposal. Ms. Day had several concerns with the proposed development. She questioned how a 6 storey building would tie into the existing structures of the neighbourhood. She said that an aspect of the design to earn the additional density was that the proposal was consistent with the adjacent RM-4 zoned building; however, Ms. Day noted that the adjacent building is 35 ft. high and the proposed building is 66.1 ft. high which is considerably taller. Most of the buildings in the area are 1-2 storeys high and the adjacent building is 4-storeys. Ms. Day was concerned that approval of this application would set a precedent for future development in the area and that Burrard Street would become a wall of buildings.

Ms. Day said that development of a neighbourhood should be based on a cohesive plan and not just the goal of achieving the maximum amount of FSR for economic gain. She also expressed concerns about traffic and the location of the parking entrance in the lane off of a busy intersection at Burrard Street. Ms. Day said that if drivers want to head west they will have to turn onto Cypress Street which is a bike route and if a driver wanted to head east they would have to exit the lane and then cross three lanes of traffic. She said it would be better to have the parking entrance on 3rd Avenue because the current proposal is at a busy corner and is not a safe situation.

With respect to the 39 residential parking stalls that are proposed Ms. Day said that will create a significant increase in traffic on Cypress Street. She felt that there were not a lot of concessions being made by the applicant except for the increased sidewalk and additional setback. Ms. Day said she was extremely concerned about future development and residents on 3rd Avenue who have views to the north and east and will end up with very limited or no views in the future.

Diana Whistler, resident of 1867 West 3rd Avenue, spoke in opposition of the application. Ms. Whistler expressed concerns about the traffic impact and traffic safety in the area. She said at present the area is congested with traffic and this development will bring an increase in demand for street parking from visitors to the building, service vehicles and patrons of the commercial component. She questioned the comment in the Development Permit Staff Committee report that said only a small increase in traffic is expected.

In terms of the proposed parking access, Ms. Whistler said that the lane access to the new building is narrow and there is a lot of demand for access to the lane from corner units on 4th

Avenue. She said that access from Cypress Street onto the lane is poor and the traffic calming measure on Cypress Street creates an awkward turn onto the lane where there have been serious car and cyclist accidents. Ms. Whistler felt that this proposal would add more traffic to an already dangerous area.

Mr. Beasley asked Ms. Whistler where she would prefer to have the vehicle access to the parking. Ms. Whistler responded that any point, either the lane or 3rd Avenue, would be difficult. She also concurred with the previous speakers comments about the additional height and how this building would not fit in with the existing neighbourhood and precedents it may set for future development.

Colleen Smith, spoke in opposition to this application. Ms. Smith said that she is pleased this site is being redeveloped because it is an eyesore in its current state; however she did not support the proposed height or density. As with the previous two speakers, Ms. Smith had concerns about this development setting a precedent for future development on Burrard Street.

Ms. Smith said that in addition to the issue of views the issue of lack of sunlight should be considered. She was concerned that lack of sunlight will affect livability and said that many of the gardens are dying because of flooding due to lack of sunlight and poor drainage.

Ms. Smith expressed concerns about the aesthetic of the building, stating that Kitsilano developments are using too much concrete and glass. She said that the Kitsilano area needs to be rethought as a whole to develop a new community plan. Ms. Smith also had concerns about density, parking, traffic, pedestrian safety and noise. She would like to see the density reduced and measures applied to reduce the amount of car traffic through the neighbourhood.

In terms of parking Mr. Beasley reassured Ms. Smith that this proposal will be providing more than an adequate amount of parking for its residents. The proposal includes a quarter more parking than is required in the Parking By-law and also includes visitor parking.

Panel Opinion

Mr. Endall said that the Urban Design Panel unanimously supported this application and found the project well handled and well resolved. In general the Panel felt that the proposed variation to the guidelines made sense and set a good precedent for area. The trade off for a wider, more useable landscaped setback is a good way to earn the additional density and height proposed.

Mr. Endall said that personally he was concerned that the present wording of condition 1.1 might erode the positive qualities of the project rather than strengthen it. Some aspects that the Urban Design Panel found appealing about this project were the simple, clean, logical massing proposed and the urban design response to Burrard Street. He would support the condition being reworded more for design consideration rather than design development so as not to be so prescriptive.

With respect to the remaining conditions Mr. Endall made some suggestions for minor adjustments to the wording. He felt that deleting the roof terraces was inconsistent with the suggestion to add a green roof and he expressed concern about maintenance issues of the green roof if there wasn't access.

Mr. Endall felt that condition 1.4 was not so much an issue of orientation and geometry of the southwest corner and suggested it be reworded to say "refinements to the amount and

proportion of glazing to the westward oriented units, particularly bedroom areas, receive more attention". He recommended that the Board approve the application with some rewording of the conditions.

Mr. Acton said that he supported the rationale for the increase of the sideyard to 25 ft. and for the 6-storey massing, noting that the shadow studies indicated that there were no substantive impacts. He concurred with Mr. Endall's concerns that the conditions were too prescriptive and should be reworded to allow the applicant the flexibility to arrive at the appropriate design solution.

With respect to the green roof, Mr. Acton said the idea of a non-accessible green roof does not work for him. The biggest issue with this project, for Mr. Acton, is the quality of materials proposed. He encouraged the applicant to consider introducing a finer grain of material in place of the painted concrete. He agreed with Mr. Endall's comments in terms of condition 1.4, and felt that further design improvement could be done to the west façade. Mr. Acton was not concerned about the traffic, stating that this project seemed to be well positioned for good traffic access from the north and the south.

Mr. Braun found this to be a relatively attractive building and felt the architect had proposed an impressive solution. He recommended that the Board approve the application and agreed with previous Advisory Panel member comments that the wording of the conditions was too prescriptive.

Mr. Braun felt that condition 1.1 was reasonable if it would enable the proposal to better meet the Guidelines since it is in a conditional zone. He said if the applicant was able to get the building to fit within the prescribed envelope he would support the deletion of condition 1.2. Mr. Braun encouraged the Board to delete the Note to Applicant in 1.2, acknowledging the green roof as a benefit, because he felt that the penthouse roof decks should remain in the proposal.

With regard to condition 1.4, Mr. Braun agreed with the applicant to allow the windows, as proposed, to provide a view to the north.

Ms. Hung supported condition 1.1 as written stating that the stepping back of the 6th floor would provide additional deck space which is desirable and would relieve some of the office look of the building. With respect to condition 1.2, Ms. Hung did not see any issues with privacy impacts by providing access to the roof. She felt that if a green roof was desirable from a sustainability aspect then there should be access to the roof.

Ms. Hung supported the deletion of condition 1.4 since there are minimal window openings on the westerly adjacent building and, as the applicant noted, with the intended view to the northwest the residents will not be looking south and not into their main living rooms.

With a proposed two hundred percent increase beyond the outright density, Ms. Hung said she was not sure that the extra density had been earned with superior amenities. She felt that the increased 25 ft. setback was more of a contextual response than an amenity to the building next door and added that road and lane dedications are part of the cost of development. Ms. Hung said she would hesitate to say this is an example of superior design and would also hesitate in lending her support for approval of this application.

Mr. Henschel said he thought the design was quite thoughtful, especially with the response to massing. He stated that the number of views blocked will be less, the open space and airiness is better and with the 25 ft. setback the access to sunlight and daylight is improved.

With respect to the specific conditions, Mr. Henschel supported condition 1.1 although he thought it should be a consideration item rather than a requirement for design development. He said that condition 1.1 would make a more pleasant building for the residents who will gain deck access directly off of their suites, although he did not see any public benefit to the condition. Mr. Henschel stated that condition 1.2 seemed internally inconsistent. He said if there is going to be a green roof then there should be the opportunity to access it. Aside from the sustainability aspect, Mr. Henschel said that a green roof could be considered a high quality building material and he would like to see people using it and did not think that the minor view blockage caused by a stair tower would be an issue. He supported deletion of condition 1.4 and recommended that the word "consider" be added to condition 1.3 which addresses the residential entry.

In conclusion, Mr. Henschel suggested an additional condition 1.7 be added to read: "consideration of refining the architectural treatment and the buildings colour and material palate". He said it was hard to tell from the drawings whether the concrete frame with appended glass blocks would be an exciting architectural rendition or just plain. Overall Mr. Henschel thought this was a good project and supported approval of the application.

Ms. Jarvis said there were no heritage issues with this proposal, therefore she had no comments.

Board Discussion

Mr. Timm noted some of the delegates surprise at this type of development at this location and he said that people need to expect that developers are going to maximize FSR for economic reasons. Despite the localized neighbourhood impacts, Mr. Timm said in the broader sense it is good for the city to move residents closer to downtown and is consistent with what the City is trying to achieve.

Mr. Timm said the question for the Board to consider is whether this proposal has met the Guidelines that Council has put in place to allow it to achieve the density that is proposed. He felt that the increased sideyard from 5 ft. to 25 ft. was a very significant benefit to the neighbours and in terms of the proposed height he did not believe that there would be any noticeable impact on views, either in the view cone or from other buildings on 5th Avenue. Mr. Timm said that the development potential on 4th Avenue would be likely to have a more substantial impact on views than this proposal.

With regard to the proposed parking access, Mr. Timm said that it is a difficult situation being so close to the corner of 4th Avenue and Burrard coming out of the lane. City staff have tried to maintain access to parking areas off of lanes in order to benefit streetscapes so as not to have crossings over the pedestrian area where people would be on the sidewalks on residential streets. As a result the proposed parking access is supportable because it is consistent with what the City has tried to achieve in keeping access activities in the lanes.

Mr. Timm moved approval with amendments to the conditions. He addressed conditions 1.1 and 1.2 and said that despite the fact that the 6th floor doesn't have substantial view impacts it does create a more imposing building from the street, particularly from the more residential 3rd Avenue frontage, so setting the upper floor back will reduce the street front mass of the building which is positive. He did not support the commentary from the Advisory Panel

regarding access to the roof deck on top of the 6th floor. Mr. Timm said that providing access to the roof would require stair and elevator access which would add to the height of the building. He also felt it was not necessary to have access for the green roof which is a sustainable feature and a gesture to neighbours that may have an overlook issue. Mr. Timm supported 1.1 and 1.2 as written.

Mr. Beasley said that Mr. Timm framed a reaction to this application that was quite similar to his. He liked the proposed 25 ft. setback for the neighbours to the west. Mr. Beasley said the Guidelines, that would permit a 5 ft. setback, need to be adjusted and he encouraged staff to take that issue through to City Council.

Mr. Beasley agreed with Mr. Timm that 1.1 is a relevant condition and creates a balance between the needs of the building, density issues and the needs of neighbours. Mr. Beasley said that a green roof is also relevant, and an important offering, regardless of whether there is access to it or not. Further, Mr. Beasley supported Mr. Timm's motion to leave condition 1.2 as written. He said that the function of units having direct terraces was a better solution than providing roof deck access.

Mr. Beasley said that the parking in this proposal is manageable and although there is more parking proposed than normal he could support it given the busy area and the fact that some of the older buildings in the area rely on street parking. He proposed a friendly amendment to add a new condition which would address materiality, as brought up by one of the Advisory Panel members. Mr. Timm said that he would accept the proposed condition as a consideration item. He felt that because the Urban Design Panel did not have any concerns with the painted concrete that the applicant should not be required to change the material as a result of the condition. Mr. Beasley seconded the motion for approval.

Mr. Scobie concluded the Board deliberations by adding that conditional density is intended to invoke a requirement that developments aspire to and achieve a higher quality development of neighbourliness, compatibility of materials, contribution to public realm in terms of amenities, etc. Therefore, it is not unreasonable for the Board to approve developments at 3 FSR that achieve these objectives.

Motion

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. 409776, in accordance with the Development Permit Staff Committee Report dated February 15, 2006 with the following amendments:

Delete 1.3;

Amend 1.4 to read:

design development to improve privacy and minimize overlook of the adjacent westerly neighbours;

Amend the **Note to Applicant** in 1.4 to read:

This can be achieved by adjusting window orientation *or the amount and proportion of glazing* to diminish direct overlook.

Add 1.7:
design development to consider introducing alternate quality material for the painted concrete.

Add new A.1.12 and **Note to Applicant** to read:
Clarify the provision of an irrigation system for common areas, roof decks and patios.
Hose bibs are to be provided and noted on drawings;

Note to Applicant: The irrigation system design and installation shall be in accordance with the Irrigation Industry of B.C. Standards and Guidelines.

4. **830 WEST HASTINGS STREET - DE409808 - ZONE CD-1
(COMPLETE APPLICATION)**

Applicant: Walter Francl Architects

Request: To develop this site with a 37-storey mixed-use building containing retail, office and residential uses, with a total of 144 dwelling units, over nine levels of underground parking for 176 vehicles. The project includes the retention and rehabilitation of two municipally designated heritage buildings. Further, the project includes the transfer of heritage density from a donor site at 51 East Pender Street.

Development Planner's Opening Comments

Mary Beth Rondeau, Development Planner, introduced this application for development which is occurring after a comprehensive CD-1 rezoning process. Ms. Rondeau said that the form being considered in this application is the same as was considered by City Council with very few conditions regarding aspects to be assessed at the development application stage.

Ms. Rondeau reviewed the site context, noting that the proposal includes the retention and rehabilitation of two heritage buildings. Ms. Rondeau said one of the primary conditions of the report, 1.1, requires that the proposed live/work use be converted to office use. The CD-1 zoning requires a minimum amount of office space must be achieved therefore condition 1.1 requires the office area be increased to meet the zoning. She said there is general acceptance from the applicant team on this issue.

Ms. Rondeau said the Urban Design Panel gave strong support to the proposal at both the rezoning and development application stage. She said that condition 1.2 stems from a comment by the Panel that suggests, that given the project is to be outstanding architecturally, the proof of the project will be in the details and material treatments. Staff are therefore seeking more information than perhaps they would normally, regarding materials, prior to the issuance of a development permit.

Ms. Rondeau noted that an important part of the rezoning were the features related to environmental sustainability. She briefly outlined some of the sustainable features proposed such as generating energy on site which would have a byproduct of creating heat which would be recaptured and used to heat and cool the building thereby significantly reducing the energy requirements for this building. Ms. Rondeau said that condition 1.3 requires that all sustainability features be listed and staff are looking for a LEED checklist to make that tangible. Ms. Rondeau noted that many of the sustainability features are not something staff

can control or regulate through the By-laws so they are requesting a letter from the owner indicating commitment to providing the sustainability features as indicated.

The rezoning application was tested in great detail and approved by City Council, so with the conditions as noted Ms. Rondeau said that staff consider the building will provide a significant feature to the downtown and two heritage resources will be retained and rehabilitated. Also important is the transfer of density as part of this proposal from a building in Chinatown which will also facilitate the retention of that building, and the unique contributions to environmental sustainability. On that basis the Development Permit Staff Committee recommends approval of the application.

Questions/Discussion

Mr. Beasley sought clarification to the wording of the rezoning condition related to condition 1.3 of the report. Ms. Rondeau responded that the rezoning condition regarding sustainability reflected City policy that states in the absence of an established Green Building Strategy the provision of environmentally sustainable features is voluntary. Ms. Rondeau said that the applicant has offered to provide these features and on that basis staff have asked for a letter to secure the offer. It was not a requirement to provide LEED Canada certified it was a "best efforts" approach. Mr. Beasley asked the applicant to comment, in their presentation, on the level of LEED standard that they expect to achieve.

Mr. Braun referred to condition A.1.3 which requires that the parking provided meets the Parking By-law standards and he questioned whether the current CD-1 By-law would have enough latitude to allow automated parking to be established or whether an amendment to the CD-1 By-law would be required. Ms. Rondeau responded that the current CD-1 By-law would allow the Board to consider an automated parking system however that is not part of this application.

Mr. Timm and Mr. Beasley both expressed concerns about the limited size of the proposed amenity space, in addition to which there is a condition to dedicate some of that limited space for a children's play area which they both felt may be underutilized in this adult-oriented building. Ms. Rondeau responded that there was extensive dialogue with Social Planning staff and although the building is adult-oriented there is a possibility that people may begin families or have grandchildren visiting so the middle ground was a multi-purpose lobby that could also provide a children's play area.

Mr. Henschel further questioned the size of the proposed amenity space and noted that the room does not appear to have any windows. He asked what options there would be to improve that space and also asked if the provision of memberships to off-site amenities such as the Terminal City Club, in-lieu of the smaller amenity room, would be tied to the suite. Ms. Rondeau responded that because of the constraints of the site there were no other options for the amenity room. She said that staff felt the amenity space would work well as a meeting room for a building of this size. In terms of off-site memberships that is meant to be an option and will not be secured; therefore if a purchaser decides they don't want a membership they won't be forced to have one.

Mr. Scobie sought clarification to any future adjacency issues with 808 West Hastings Street taking into consideration the possibility for redevelopment on that site. Ms. Rondeau responded by noting that the residential units start above the existing adjacent building and the units have been oriented slightly to the street and the lane through a setting back of the balconies. She also said that the adjacent building is likely to remain as is for now and in its current form it is at maximum density.

Applicant's Comments

Walter Francl, Architect, thanked the staff for their professional working relationship over the last two years and said he essentially agreed with all of the prior-to conditions in the report. Nigel Dancey, Foster & Partners, elaborated on the evolution of the design noting that sustainability generated the design of the building. He said that the building, especially above the 10-storey level, is shaped to take advantage of the wind and he described a few of the other innovative solutions being used here for the first time.

Lee Hallman, Foster & Partners, responded to the discussion between Mr. Scobie and Ms. Rondeau regarding the adjacent development. He said that a considerable amount of study was done with regard to potential adjacent development to the east and also south of the building. Mr. Hallman said the adjacency issues were largely addressed by the 10 ft. setback off the lane, as well the number of interior suites on the east side of the building have been reduced from 20 to 15 and the balconies from the living space have been relocated to the bedroom space so that from the living space residents could look across the balcony to the northeast. Mr. Hallman also noted that the code requirements are being met with respect to the proximity to 808 West Hastings Street and the requirement for a full sprinkler system with emergency generator etc.

In terms of the amenity space, Mr. Hallman said that as a result of condition 1.1 to return the live/work space to office use that will free up some additional area for the amenity space and enable the room to have windows and be accessed by its own lobby. He felt that the concerns regarding the proposed amenity space could be well addressed in the response to the prior-to conditions.

With respect to off-site amenity memberships, Mr. Hallman said that the original purchasers of suites, upon approval from the Terminal City Club, will have the option of having their membership purchased by the Developer.

Mr. Francl noted that the current design shows a conventional underground parking scheme; however the applicant team will be proposing an automated parking scheme that they believe is more sustainable and practical than the traditional parking scheme. Mr. Francl said that submission will be included in the resubmission response to prior-to conditions and the applicant team hope is that it will not have to return to the Development Permit Board for decision. Mr. Scobie responded that staff will review the resubmission and decide whether it warrants returning to this Board or is referred to the Director of Planning for decision.

Questions/Discussion

Mr. Beasley asked the applicant to comment on the condition A.1.18 that requires part of the amenity space to be dedicated to a children's play area. Mr. Hallman responded that if staff believe it is required then perhaps the space could be flexible to allow children to use it during certain hours and also be an exercise space for adults. Under the new scheme, as it is evolving from changing the live/work to office use, there is now 400-500 sq.ft. that could be allocated for amenity space factoring in washroom space.

Mr. Beasley expressed concern that there may not be enough on-site amenity space for adults and he asked the Advisory Panel to include in their commentary some advice on whether space should be dedicated for a children's play area.

In response to the applicant's comments about adding amenity space because of the design change from live/work to office use freeing up space, Mr. Timm asked what level of amenity

space the applicant team would be comfortable seeing as a condition of approval. Mr. Franci responded that 300 sq.m. would be acceptable.

Referring to Appendix C, Mr. Scobie asked the applicant team if any of the Building By-law and Fire Department issues identified would pose any significant issues that would require a radical modification of the proposal being considered by the Board. Mr. Franci responded that there is a Code Consultant working with the applicant team and they do not foresee any issues.

Comments from other Speakers

None.

Panel Opinion

Mr. Endall said that the Urban Design Panel strongly supported this application notwithstanding the fact that there were misgivings that the amount of overall density was aggressive. Given the rationale in all respects to how the proposal has been handled, the high attention to detail and sustainability design features the Panel felt that this project showed huge promise for a high quality development.

With respect to condition A.1.18 regarding the children's play area, Mr. Endall said it was his personal opinion that it would be better to provide more general amenity space and maintain some flexibility with that space rather than dedicate a specific area of a specific size just for children. He said if, in the future, demand warranted having a dedicated children's play then there should be the flexibility to retrofit it at that time.

Mr. Acton commended the applicant and staff for their work. Regarding the children's play area, Mr. Acton suggested that it should be a consideration item so that staff and the applicant can find the most appropriate solution.

Ms. Jarvis said that she was satisfied that the conditions brought up by the Heritage Planners, the Vancouver Heritage Commission and the Urban Design Panel will be met and have been met, in the conditions recommended.

Mr. Henschel commended staff for a thorough report that was easy to read. He felt that the applicant's responses to key questions were well answered. Mr. Henschel said that adding a condition to increase the amenity space area up to 300 sq.m. would be much better for the residents of this project. He strongly supported the proposal and said he was looking forward to watching the restoration process.

Mr. Braun said this is a fabulous project and he felt that it would set the standard for what should and can be expected for a site like this. Mr. Braun said this is an excellent building and a welcome addition to Vancouver. He commended the applicant on the sustainability aspects of the project.

In terms of the amenity space, Mr. Braun supported the addition of a condition to ensure that the amenity space size would be appropriate for the amount of residents it serves. He was concerned with the proposal for Terminal City Club memberships because they would only be available to the initial purchasers and only after an approval process. Mr. Braun did not think it was appropriate to dedicate space for a children's play area in this development. He recommended approval of the application subject to amenity area alterations.

Board Discussion

Mr. Beasley said this is a great project and he appreciated how it has evolved to become better since the rezoning stage. He was pleased to see the principles of the project followed through and realized, noting that he particularly liked that the proposal included heritage, mixed-use and sustainability.

In terms of the amenity space, Mr. Beasley said he liked the applicant's idea about including memberships to the Terminal City Club and they should continue to pursue that. He did however; feel that not quite enough amenity space was proposed. Mr. Beasley moved approval with several amendments and additions to the conditions.

Mr. Timm said he had initial reservations because of the high residential density proposed at the core of the business district; however after closer review he was impressed with the way the proposal was put together to achieve the density proposed

With respect to the proposal for a mechanical parking system, Mr. Timm said that staff have indicated general support with some reservations because there are so many unknowns such as impact on surrounding streets in terms of queuing etc. Mr. Timm said if a proposal for a mechanical parking system is brought back as an amendment, it will have to show, it is equal to or better than a standard approach since it can not meet the requirements of the Parking By-law. Mr. Timm said he was pleased with Mr. Beasley's proposed amendment regarding the amenity space and seconded the motion.

Mr. Scobie encouraged Mr. Timm to share with the applicant some of the issues or concerns regarding mechanical parking systems. Mr. Scobie noted that the Board's decision included relaxations under the Parking By-law that could be subject to appeal to the Parking Variance Board.

Motion

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

THAT the Board APPROVE Development Application No. 409808, in accordance with the Development Permit Staff Committee Report dated January 18, 2006 with the following amendments:

Amend p.13 of the report to read 43 ft. not 86 ft.

Amend the Note to Applicant in A.1.16 to delete 26.2 m (86 ft.) and replace with 13.1 m (43 ft.);

Amend A.1.18 to read:
provision of a general purpose amenity area of at least 300 sq.m. including consideration of providing a multi-purpose children's amenity area to the satisfaction of the Director of Social Planning and the Director of Planning;

Delete the Note to Applicant in A.1.18;

Add a new condition A.1.13 under the heading Standard Landscape Conditions to read:
clarify the provision of an irrigation system for common areas, roof decks and patios.
Hose bibs are to be provided and noted on drawings;

Note to Applicant: The irrigation system design and installation shall be in accordance with the Irrigation Industry of B.C. Standards and Guidelines.

4. OTHER BUSINESS

Mr. Beasley asked staff, when Other Business items are presented in the form of a memorandum, that a recommended action is framed so that staff's expectation of the Board is more clearly stated.

Item A) 1177 West Pender Street - use of FSR from a previous road dedication.

Mr. Scobie said that this item deals with a strip of land previously dedicated as road, the density benefit of which was not realized at the time the original development permit was issued and that permit is still valid; therefore the prospective applicant, in preparing for a different proposal, is looking for an indication from this Board that the applicant would not be wasting their time to take advantage of that formerly dedicated strip of land for FSR purposes. Mr. Scobie reminded the Board that because there is not a formal application before them for consideration they can only give an indication as to whether they are favorably disposed to consider an application to utilize that formerly dedicated strip of land in FSR calculations. He added that the prospective applicant is asking the Board to consider their discretion under Section 3.2.4 of the Zoning & Development By-law which would in fact entail a relaxation of the Zoning & Development By-law.

Mr. Beasley moved that the Development Permit Board is prepared to consider the requested use of the dedicated area in the calculation of site density. Mr. Braun and Mr. Henschel of the Advisory Panel supported that motion.

Mr. Timm said that this is in keeping with the intent of what would normally be done when the dedication is provided at time of application; therefore he seconded Mr. Beasley's motion.

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

THAT the Board is prepared to consider the requested use of the dedicated area in the calculation of site density.

Item B) VGH - request for a change to the timing for consideration of a Medi-Tech project in the VGH Precinct.

Chris Warren, Co-Director of Development Services, introduced this item of other business which addresses a timing issue for the Vancouver General Hospital (VGH) application for the ICORD building. Referring to the memo that was distributed to the Board and Advisory Panel dated March 10, 2006; Ms. Warren noted that in the memo staff had suggested giving VGH until March 27, 2006 to satisfy the outstanding design conditions for the VGH Master Plan in order for ICORD to be considered by the Board on that day. Due to the public notification requirement for the Board meeting agenda, in the form of a newspaper advertisement which has to happen well in advance of the meeting, the recommended date has been changed to allow VGH until April 10, 2006 to satisfy the master plan design conditions and targeting May 2, 2006 for the Form of Development report to Council.

Mr. Scobie said at the time the Board is considering the ICORD project they will not have confidence that the VGH issues are in hand; however it is staffs intention that any approval given to the ICORD application would still be subject to satisfactory resolution of those issues

and Council approval of the Form of Development of the Master Plan before the ICORD development permit is issued.

Mr. Timm said that, in this case, the Board would have to presuppose that there will be some resolution to the issues that will be acceptable to staff. Ms. Warren responded that staff, VGH and their consultants have been working hard and cooperatively and a number of written commitments have been made as to how the issues will be satisfied. She said that a number of the conditions set out in the preliminary development application approval are being met which gives staff the confidence to make the recommendation for this application to proceed to the Board as scheduled on March 27, 2006.

Mr. Timm said that he does not share staff's confidence because of all of the delays with the Master Plan project and inadequate submissions. Now actual development applications are coming forward without the conditions of the Master Plan being met and Mr. Timm expressed concern that the conditions related to an ICORD approval include a lot of legal agreements that will depend on VGH, rather than the applicant for this specific project. He was anxious that the City would be put in a similar position at a later date when this project moves ahead and if the Master Planning process and legal agreements are not in place that the City would be asked to proceed to allow occupancy.

Mr. Segal said that the ICORD building has close compliance in terms of massing and other parameters of Form of Development, which is consistent with the Board's approval of the preliminary application. Since this application is consistent with the previous approval by the Board, Mr. Beasley asked if staff would be able to provide a recommendation for this building with some confidence, based on the existing zoning, yet still follow up with the balance of the issues with everyone accepting that opportunities may be removed related to this one of six buildings and the remassing issues. Mr. Segal said that staff are confident they can do that; however what is missing from that is the question of sequencing and the leverage for performance on VGH that was to come out of first having the Form of Development approved.

Mr. Beasley asked what the implications are with respect to the outstanding Public Art plan. Ms. Warren responded that the design consultants are working with Sue Harvey, Managing Director of Cultural Services, and the issues are resolvable.

Mr. Timm said he understands the nature and importance of a project like ICORD and he would not want City process to stand in the way; however he wanted it to be clear that after consideration by the Board on March 27th there will be outstanding issues that would prevent the project from moving to permit issuance.

Mr. Beasley asked the applicant to clarify the importance of the ICORD application going forward to the March 27, 2006 Development Permit Board meeting. Mr. Whitehead, Architect, responded that it is important to have the support of the Board to move forward with demolition on-site which will not happen until there is some form of approval from the Board. He also said it is the first step to address the prior-to conditions, that construction costs are rising and they are working within a fixed budget.

Mr. Scobie asked the applicant what commitment they would make to do what is necessary from their end with respect to their outstanding obligation regarding the Master Plan so that staff can prepare a report to Council seeking Form of Development approval on May 2, 2006. Mr. Alley, representing VGH, responded that they have made progress over the last 14 months and have committed to assigning as many people as possible to make this project occur. He

said that the applicant team will absolutely work with City staff to resolve outstanding issues so that the report on Form of Development can go to Council on May 2, 2006.

Mr. Beasley introduced a motion to provide consideration so that this process can move forward; however he was prepared to put the motion on the floor and take the risk because of the importance of this project for the disabled in our community and the identified critical funding implications so procedural anxieties have to be balanced against that. He felt that the Board was being put in a precarious position both legally and politically and would have to be very careful how an approval was framed. He stressed that the VGH team must finish the work from 14 months ago.

Mr. Scobie said if Council set in place the requirement for the Master Plan that was then pursued through a PDP and if this Board then concluded in it's approval of the PDP that the Master Plan had to be finalized, in terms of outstanding issues, and go to Council for form of development approval before there was a complete development application for ICORD, then arguably to do what the Board is considering doing is in contravention of not only this Board's decision but also of the intention of Council.

Mr. Beasley responded that he appreciated Mr. Scobie's commentary; however he was prepared to put the motion on the floor and take the risk because of the importance of this project for an important disability in our community and very important funding so procedural anxieties have to be balanced against that. Mr. Beasley said that he would not be prepared to do this a second time no matter how important the funding is. He said that the Master Plan has to be completed and any further zoning amendments will have to go through the usual process. Mr. Beasley said that the reason he put the motion forward was because the Board was advised that this building fits primarily within the direction of the preliminary approval and after the decision is made on March 27, 2006, it may rule out possibilities that were of interest to the hospital and that will be up to VGH to deal with.

After the advice of the Advisory Panel was considered Mr. Timm seconded the motion. He agreed that the issues around the guidance that the Master Plan is intended to provide are important and the Board is taking some risks in that regard.

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

THAT notwithstanding the Board's decision under condition 1.0 on January 31, 2005, the Board is prepared to consider a development application on March 27, 2006, in advance of Council approval of the Form of Development for the Master Plan, in order to allow the ICORD development to meet its timing constraints and having regard for the urgency of approval for the ICORD project and the assurances of the hospital that they will meet deadlines as now stated.

There being no further business, the meeting adjourned at 8:15 p.m.

D. Kempton
Assistant to the Board

F. Scobie
Chair