

Date: Monday, March 18, 2002
Time: 3.00 p.m.
Place: Committee Room No. 1, City Hall

PRESENT:**Board**

F. Scobie	Director of Development Services (Chair)
L. Beasley	Director of Current Planning
J. Forbes-Roberts	General Manager of Community Services
T. Timm	Deputy City Engineer

Advisory Panel

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

Regrets

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

ALSO PRESENT:

A. Molaro	Development Planner
B. Adair	Development Planner
M. Thomson	City Surveyor
L. Schmidt	Project Facilitator

Item 3 - 822 Seymour Street

W. T. Leung	W. T. Leung Architects Inc.
B. Krause	W. T. Leung Architects Inc.
D. Swift	Durante & Kreuk, Landscape Architects

Item 4 - 909 Burrard Street

E. Lefluffy	Architect
M. Bruckner	Hancock Bruckner Eng & Wright
P. Lee	Owner of 909 Burrard Street
A. Tang	IGA

Clerk to the Board: C. Hubbard

1. MINUTES

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of February 26, 2002 be approved.

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of March 4, 2002 be approved.

2. BUSINESS ARISING FROM THE MINUTES

None.

3. 822 SEYMOUR STREET - DE406340 - ZONE DD (COMPLETE APPLICATION)

Applicant: W. T. Leung Architects Inc.

Request: To construct a 13-storey multiple use building containing 3 storeys of commercial use (retail/office) and 10 storeys of market rental residential use (85 dwelling units) with 3½ levels of underground parking accessed from the lane.

Development Planner's Opening Comments

The Development Planner, Anita Molaro, presented the application, referring to a model and posted drawings. She briefly described the site context, possible development massing on the adjoining site to the southwest and across the lane to the southeast, and noted the site currently serves as a surface parking lot. The entry to the elevator core of the residential component is off Seymour Street through a landscaped green visual garden. Staff have no substantial issues on the project and are seeking design refinements only. Ms. Molaro briefly reviewed the proposal and the recommended conditions of approval, noting an amendment to condition 1.1. In summary, staff recommend approval of this carefully considered proposal, subject to the design refinements called for in the Staff Committee Report dated February 20, 2002. There was no response to notification.

Ms. Molaro and Mr. Thomson responded to questions from Board and Panel members.

Applicant's Comments

Wing Ting Leung, Architect, advised he can comply with the three major conditions, including the amended condition 1.1. With respect to the Robson Street frontage, Mr. Leung explained the intent is to be able to provide for a series of small shop fronts but pre-leasing has not yet taken place so the final disposition of the units is unknown. The larger tenants will be on the second floor and the third floor will contain the corporate offices of the owner. He noted the residential component will contain all rental units.

Referring to standard condition A.1.1, Mr. Leung requested exclusion from FSR of the covered portion of the residential entry courtyard because this series of floating glazed canopies provides beneficial weather protection for pedestrians entering the residential courtyard. He commented that similar glazed canopies were excluded from FSR calculations on a similar project on West Broadway. He also noted that their method of calculation differed from that of the Project Coordinator but he advised they will endeavour to comply with the requirements of the DODP. With respect to A.1.4, calling for by-law compliance on dwelling unit size, Mr. Leung explained the four studio units in question are 410 sq.ft. including storage and enclosed balconies. These smaller units are on the 13th and 14th floors and are intended to provide for a wider range of unit sizes for rental. He sought the Board's consideration of some flexibility in this respect. Regarding A.1.23, Mr. Leung said they believe the alcove on the street side is acceptable although he agreed they can look at alternative solutions for the alcove on

the lane side. With respect to the maximum permitted parking, Mr. Leung noted that parkades are supported in this sub-area of the Downtown. He sought clarification whether they must comply with the maximum 36 non-residential parking spaces, noting this number may be exceeded in the reconfiguration of the parking garage to provide the secondary egress. Mr. Leung confirmed the intention is to make an application to plant the street trees in accordance with the landscape drawings. The existing large oak tree on Robson Street will be retained.

Discussion/Questions

With respect to the inclusion in FSR calculation of the covered portion of the residential entry courtyard, Ms. Molaro noted it is a permanent structure and is therefore counted. In discussion, it was agreed condition A.1.1 could be amended to allow for further discussion between the applicant and technical staff.

Responding to a question from Ms. Leduc regarding minimum unit sizes, Ms. Molaro confirmed the Zoning and Development By-law sets a minimum dwelling unit size of 400 sq.ft. This may be relaxed by the Director of Planning or the Board to 320 sq.ft. but this is normally only applied to non-market housing. Mr. Leung confirmed the initial marketing strategy is for the building to be for rental housing. The units will be strata titled and guaranteed with the Home Owner Protection Office for ten years rental. Mr. Beasley noted the City would have no security on the question of maintaining the units for rental housing.

In discussion with respect to the treatment of the alcoves, Mr. Molaro said the CPTED concerns could be resolved by lighting or other mechanisms. Condition A.1.23 provides the flexibility to consider the alternatives.

Comments from Other Speakers

None.

The meeting adjourned briefly for Board and Panel members to review the model and posted drawings.

Panel Opinion

Mr. Francl advised the Urban Design Panel unanimously supported this application. There was consensus that it was quite a successful project in architectural terms, particularly with respect to the massing. The Panel also thought the entry sequence of the residential component was especially well done. The minor concerns expressed by the Panel have been addressed in the prior-to conditions.

Mr. Kavanagh recommended approval and agreed with staff that it is a carefully considered proposal. He commented the surface parking lot currently on this site is an unfortunate gap in the continuity of Robson Street which is developing very well down to the Terry Fox Plaza. He recommended adding a condition to require the provision of street trees. With respect to A.1.1, Mr. Kavanagh suggested that because of the quality of this proposal perhaps the FSR overage associated with the canopies could be permitted.

Ms. Leduc also recommended approval and said it will be a welcome addition to the neighbourhood. She added that it will be good to see more retail and more rental housing in this area. With respect to parking, Ms. Leduc said she had no problem, if it is allowed, in having more parking than 36 spaces. She said it should be left to staff to work out with the applicant the appropriate treatment of the alcoves.

Mr. Scott supported the application. He also favoured as much parking as can be achieved, given the lack of parking in the area. He did not support relaxing the 400 sq.ft. minimum unit size. He thought everything possible should be done to eliminate problems associated with the alcoves.

Mr. Mortensen also supported the application. With respect to condition A.1.1, he noted it is an attractive entry for the residents but the FSR implications should be worked out between staff and the applicant. He also supported maintaining the 400 sq.ft. minimum unit size, noting that previous exceptions have been for hardship and non-market housing. He supported any additional parking, as well as some design work on the blank walls given it could be some time before the adjacent site is redeveloped. Mr. Mortensen commented that alcoves in the downtown do cause problems so anything that can be done to improve it will ultimately benefit the property owner.

Parking

Mike Thomson, City Surveyor, advised the ODP indicates that parking garages are an acceptable use in this area, but not when accessory to another use on the site. More than 36 spaces for the commercial uses could therefore not be permitted on this project.

Board Discussion

Mr. Beasley agreed with the Advisory Panel regarding the general high quality of this proposal. It is an elegantly conceived building and the right kind of building for this location. He commented the conditions of approval outline a direction which the applicant and staff can then work out. It is not helpful for the Board to act as an appeal body to the application of our normal technical standards. He said he accepted the conditions as parameters for areas needing more work and on the basis that the applicant will discuss the issues with staff. He added that he was confident staff's decisions will be made fairly. Mr. Beasley said he saw no reason to have smaller units in this building and did not support the relaxation requested by the applicant. He said it is very important to solve problems with the alcoves. He moved approval of the application, with amendments to the conditions. With respect to street trees, he noted that condition A.2.4 is intended to see the application of the Downtown South design standard to the Seymour Street frontage.

Mr. Timm concurred with the amendments recommended by Mr. Beasley and seconded the motion.

Ms. Forbes-Roberts also supported the application, noting it is very good work that has received the support of the Urban Design Panel and the Board's Advisory Panel. She stressed her agreement with Mr. Beasley that it is important that the Board does not deal with the fine details.

Mr. Scobie agreed with the comments about the quality of this proposal. He added, he was disappointed to note the technical deficiencies and lack of standard notations on the plans, which suggests there should be a greater level of applicant review of their plans prior to submission for a complete application.

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. 406340, in accordance with the Development Permit Staff Committee Report dated February 20, 2002, with the following amendments:

Amend 1.1:

design development to articulate and enhance the south elevation of the tower *and the lower portion of the east elevation on the lane* to improve their visual quality;

Amend the first sentence of the **Note to Applicant** in A.1.1:

The following items, contrary to the overlays provided, *appear not to be* excludable from floor area and have contributed to the FSR overage:

Amend A.1.23 to add *or other alternatives*;

Add A.2.12:

arrangements shall be made, to the satisfaction of the General Manager of Engineering Services, for street trees;

Note to Applicant: Street trees must conform to standard spacing and clearance. Tree species must be approved by the Park Board. Before purchase of trees, final tree locations are to be determined to the satisfaction of the General Manager of Engineering Services. Also, a separate application to Engineering Services is required for street trees, tree grates and any other non-standard

treatment of City sidewalks. Submit a copy of the landscape plan directly to Engineering Services for review.

**4.909 BURRARD STREET - DE406328 - ZONE CD-1
(COMPLETE APPLICATION)**

Applicant: Hancock Bruckner Eng & Wright

Request: To change the use of approximately 24,435 sq. ft. of retail, restaurant and office space on the 1st and 2nd storeys of an existing residential/commercial building to a Grocery Store, and to seek the advice of the Development Permit Board with regard to the provision of a loading area on Barclay Street to accommodate large vehicles serving the site.

Development Planner's Opening Comments

The Development Planner, Bob Adair, presented this application. The site contains a 26-storey residential tower with a three-storey podium, constructed in 1989. Significant adjacent development includes the Vancouver YMCA, the Sutton Place Hotel, and the Electra. There is also residential development further along Barclay Street to the west.

The proposed use of a grocery store is conditionally permitted by the zoning. The existing underground parking and loading areas in the building, accessed off Smithe Street, provide all the parking and loading required by the Parking By-law. However, the existing loading bays and height clearances in the underground garage are not able to accommodate some of the very large trucks that commonly make deliveries to grocery stores. The operator has indicated that of a total of approximately 150 deliveries per week, approximately 40 would be in vehicles too large to use the underground loading. The application therefore seeks an on-street loading area on Barclay Street to accommodate deliveries by the larger trucks. The granting of an on-street loading area is completely at the discretion of the General Manager of Engineering Services. Staff encouraged the applicant to have the development application brought to the Board so that feedback from the public on the combined grocery store and on-street loading could be obtained. A grocery store as a use in this location is considered by staff to be highly positive, noting the City has encouraged increased residential development in the Downtown peninsula and this part of the downtown is under-served by grocery stores currently.

The first two floors of the commercial podium have been largely empty for more than ten years. The creation of a grocery store, which is a highly active and visible use, is extremely positive from an urban design and streetscape point of view for this part of Burrard Street. It is usually very difficult for grocery stores to locate in downtown locations, unless they already own the land, because the large amounts of floor space they require and their relatively low profit margins make it difficult for them to pay the same rental rents as other commercial retail uses. This space, having had no long term tenants for the last ten years, has resulted in an attractive rental rate.

Staff believe these circumstances present an opportunity for a new major grocery store in the downtown peninsula. The operator has indicated that without the proposed on-street loading the proposed store will not be economically viable (ie., having increased costs if only permitted to serve the grocery store with smaller trucks). At the City's request, they have shared confidential financial information with the City's Real Estate Division which has concurred with this conclusion.

There are, however, serious issues with respect to allowing on-street loading on a local residential street, including excessive noise, traffic, garbage, and pedestrian disruption. For these reasons, as well as standard City operating policy, Engineering Services does not support the proposed on-street loading area. Public input has been received from the applicant's two open houses held in December 2001 and the City's normal notification process. Neighbourhood response at the open houses was overwhelmingly in favour of the grocery store. The City's notification resulted in 22 letters in favour and 7 opposed. Primary concerns were the use of Barclay Street as a location for loading, the use of Barclay and Thurlow Streets by large trucks, and major concerns about noise and possible garbage. In its analysis, staff concluded that modifications to the building to locate the loading inside were economically unfeasible and, of the three streets available, Barclay was probably the best

location for loading. With respect to noise issues, several acoustic studies were done. The initial analysis recognizes that the 6 - 7 trucks per day that would use the on-street loading would be audible to residents as individual noise events; however, the study also concluded that the existing background noise levels are such that these additional truck movements would not make an appreciable difference to the general perception of the acoustic environment by nearby residents. In response to specific concerns expressed about increased noise at the Barclay/Thurlow intersection a further study was undertaken using the operator's own trucks. This second study indicated the individual event noise of a large truck turning onto Thurlow from Barclay was somewhat less than the event noise of a large vehicle already proceeding south on Thurlow. Approximately 150 large vehicles per day already use Thurlow Street. The report concluded the 6-7 additional vehicles proposed by the applicant would not be likely to make a significant impact in terms of the perceived acoustic environment in the area.

As indicated in the Staff Committee Report dated March 6, 2002, Staff recommend approval of the change of use, noting that with the exception of the on-street loading it meets all City requirements for the use and associated required parking and loading. The on-street loading requires a separate application to the General Manager of Engineering Services. Staff believe that a careful analysis of the impacts of the loading area indicates that a tightly restricted loading area agreement could result in a fairly modest impact on surrounding residents. A proposed draft of such an agreement is included as Appendix I of the report.

Discussion/Questions

Mr. Timm confirmed that Engineering Services had significant concerns about allowing on the street a loading use which under normal circumstances would be expected to be accommodated on site. Engineering Services was also concerned about the neighbourhood's reaction to allowing it, noting also that it could set an undesirable precedent. However, since it was also recognized that there is a significant desire in the community for this type of use, Engineering Services requested the matter to be brought to the Development Permit Board to seek its advice and to receive input from the Advisory Panel and the public as to whether this kind of an exception to normal procedures is advisable. If the Board concludes that this application should be approved, the General Manager of Engineering Services is very likely to favourably consider that advice, subject to conditions.

Referring to the draft loading agreement, Mr. Beasley said it should include identification of a contact person and some sort of mediation procedure so that problems can be resolved immediately.

In response to a request from Mr. Beasley, the Development Planner briefly reviewed staff's analysis and conclusions with respect to the various options for the loading, and the findings of the acoustic studies. Given the response to notification that this grocery store appears to be considered very positively by the neighbourhood, staff concluded that, provided there was an appropriate agreement in place, it could work for the long term benefit of the area.

Referring to the draft loading agreement in Appendix I, Mr. Kavanagh recommended deletion of "use reasonable best efforts to" in paragraph (h).

In discussion about the refrigerated trucks, Mr. Adair noted there may be some conflict between regulations in that the Health Act requires the refrigerator units to be on all the time but in doing so may not meet the Noise By-law. The applicant confirmed there will be one or less refrigerated truck delivery per day.

Ms. Forbes-Roberts sought clarification regarding the definition of grocery store and what mechanisms exist to ensure it remains as such. Mr. Adair explained, the loading agreement could be made specifically with this operator and require renegotiation in the event of a change.

Some discussion took place with respect to the wording of the recommended approval. Mr. Thomson said the conditions as set out are appropriate because the General Manager of Engineering Services is seeking advice which he is highly likely to follow but is not compelled to follow. In discussion, it was agreed to include a statement that consideration items 1.4 to 1.6 are conditions of the Board. Regarding 1.6, Mr. Timm questioned the recommendation for stamped concrete or exposed aggregate which may not be appropriate for the intended use.

The draft loading agreement in Appendix I was discussed. Mr. Beasley suggested that such an agreement should be administered by the General Manager of Engineering Services with the collegial involvement of the Director of Planning. Mr. Adair added, it could also be made specific in the agreement that the agreement is only with the operator of this grocery store.

Applicant's Comments

Martin Bruckner, Architect, extended his appreciation to staff for working with them to bring this application forward. He said they believe this is an ideal location for a food store for a number of reasons, including the City's stated goals. Current City policy seeks to enliven streets with pedestrian interest, thereby increasing public safety. There has also been a move to integrate residential and commercial uses in the downtown. There has also emerged the desire to avoid internalised retail malls in favour of street fronting development. This approach provides for more activity on the street, makes the use more directly accessible from the public realm and provides greater flexibility for retailers. This grocery store would be a neighbourhood centre and, because of its location, would be moving people rather than cars which would help ease congestion and improve the environment in the downtown. It would also help reinforce and help the central area to continue to play a key and distinctive role. IGA's intent is to operate a standard grocery store, with competitive prices. Mr. Bruckner briefly described the proposed store. He noted the internal arrangement would be such that there would be visual penetration into and out of the store. He concurred with restricting the height of displays in the windows but to a little more than the recommended 3 ft. Mr. Bruckner briefly reviewed the public response to the two open houses. He confirmed they are generally in agreement with the Staff Committee Report.

Phillip Lee, owner of the building, noted they have tried to find suitable tenants for this space for the past eleven years. They are now pleased to be in a position to provide the space to IGA which will add to the vitality of Burrard Street.

In response to a question from Mr. Beasley regarding the proposed loading agreement, Anthony Tang, IGA, advised it is a franchise operation and the owner-operator would be the appropriate contact person in the community. He added, this would be supported by the H.Y. Louie Company who would also nominate a contact person. Mr. Tang said H.Y. Louie Co. would be pleased to also be a party to the agreement. In response to a further question from Mr. Beasley, Mr. Bruckner confirmed that garbage pick-up will take place underground and not in the on-street loading area. With respect to the suggested five year term of the loading agreement, Mr. Bruckner suggested it might be more logical to have the term of the agreement coincide with the term of the IGA lease, which is a minimum of ten years.

Response from the Public

45 letters and emails of support for the application were circulated.

Comments from Other Speakers

Edward Chapman, 909 Burrard Street, strongly supported the application. He said he has been anxiously waiting for this store to open and said that he, and many others, will no longer have to drive to get their groceries. He described the inconvenience of living far from the nearest grocery store.

Lucy Roschat, 909 Burrard Street, was also enthusiastically in favour of having a supermarket in the building. It is an ideal location. She thought that people who live downtown should not be penalized by not having convenient grocery shopping. She said she and her neighbours do not believe they will find the noise generated by the loading trucks to be an issue.

Oliver Wu, 909 Burrard Street, spoke on behalf of his wife and family as well as his neighbours who all support having IGA in this building. He said it is very much needed in this area and urged the Board to approve the application, with the Barclay Street loading.

Cynthia Pretrakis, Manager of the Biltmore apartment, 955 Thurlow Street, was opposed to the application and took issue with a number of items in the Staff Committee Report. She said the store will have serious impacts on the residents of the nearby older buildings, particularly in terms of noise and traffic. She also said 955 Thurlow Street was excluded from the notification. She felt the loading would be best located on Burrard Street.

Elyn Dobbs, 1082 Nelson Street, agreed the IGA would enliven the area but the issues relating to traffic and the loading bay need to be resolved. She said it would be preferable if the loading could be on Burrard Street. She had serious concerns about the impact on pedestrians, particularly at the Barclay and Burrard, Barclay and Thurlow and Nelson and Thurlow corners which are already very dangerous for pedestrians. She strongly supported the loading agreement and suggested the neighbours be included in it. The conflict between pedestrians and traffic is a real issue in the area. Ms. Dobbs said that, on balance, she was 60-40 in favour of the application because IGA has a reputation for being a good neighbour and able to engage in community partnerships.

Craig Aspinall, public relations consultant to IGA, noted the mail-out was done through Canada Post and he saw no reason for 955 Thurlow to have been omitted because it is within the notification boundary. All the neighbouring strata councils were invited to meet with the architects and building owners, and meetings were held with Amacai Housing, 1047 Barclay, at their request. These residents indicated support for the store as long as there was an agreement with respect to managing the loading zone.

Panel Opinion

Mr. Francl noted the Urban Design Panel was not consulted on this application because very minor exterior changes to the building are proposed. He noted it is currently a very visibly vacant space which he hoped could be made as vibrant and visibly occupied as possible. He recommended the applicant carefully consider the lighting to open the interior of the store out to the street and that the displays do as little as possible to disrupt views into the building. He noted that all the parking and most of the loading will be off Smithe Street. He also noted the acoustical consultant's findings are generally that the noise will not be an appreciable increase over what is already in the neighbourhood. The new loading bay will result in an unconventional sidewalk in this location, with competing uses from time to time. It is therefore incumbent on the applicant to carefully consider how the surfaces are treated to make them special, in recognition that it will have to mediate an unconventional exchange (similar to what occurs on Granville Island).

Mr. Kavanagh supported the application with the loading area on Barclay Street. He strongly supported condition 1.2, dealing with the height of shelving units. He recommended amending the Note to Applicant in 1.6, to delete reference to stamped concrete or stamped aggregate, and amending clause (h) of the loading agreement.

Mr. Mortensen supported the application and said he was satisfied that loading off Barclay Street can be accommodated with the conditions noted. He also thought the use would result in a reduction in vehicle trips in the city, noting it is fundamental to have reasonable access to food in such a densely populated area. He fully supported the loading agreement.

Mr. Scott also supported the application. He said he appreciated some of the concerns expressed about loading on Barclay Street and encouraged those neighbours who have concerns to get involved in the loading agreement.

Ms. Leduc recommended approval, noting there is an urgent need for this type of grocery store in the area. She said it will alleviate traffic if people can walk to the store. She recommended that the agreement be for a ten year term, to coincide with the lease term. Also, that it be tied to this particular establishment so that another use would require further review. Regarding the Thurlow and Nelson and Thurlow and Barclay intersections, she recommended that Engineering Services review the traffic patterns in these locations.

Board Discussion

Ms. Forbes-Roberts supported the application, on the basis of a broader concern for the City's overall policies. The City has been encouraging people to live and work in the downtown for some time, out of recognition of larger environmental concerns and to encourage more of a sense of community. There is no doubt there is a need for this use in this area and a grocery store is a vital component of a successful urban place. Ms. Forbes-Roberts said she did have some concerns about the traffic, noting the issue will have to be dealt with from a policy point of view as the downtown becomes more and more densified. Ultimately, the distribution of goods will probably need to take a different form. She said she was convinced by the efforts of staff and the applicant

to minimize the impact on the neighbourhood, noting also the letters of support from people living very close to this site.

Mr. Beasley concurred with the amendments proposed in Ms. Forbes-Roberts' motion of approval. He noted that grocery stores are what make a community. However, the impacts they can have are significant and must be handled carefully. The most important consideration is whether most of the residents nearby are supportive. By any measure, most of the people in this neighbourhood seem to want the grocery store and are prepared to forego some of the other aspects of the neighbourhood to get it. Mr. Beasley particularly noticed that people who live above the proposed store and in the co-op next door want it. Any other residents are, to some degree, a little remote from the particular impacts that would come from the loading and unloading. However, he said he agreed with Ms. Dobbs that the general traffic is still a concern and Engineering Services needs to look at mitigation measures, noting the Downtown Transportation Plan is underway which should provide some guidance. With respect to handling the impacts of the loading, Mr. Beasley said he believed the loading agreement is extremely important because it lays out very specific terms. The draft agreement in Appendix I should be considered as a reference for the General Manager of Engineering Services to craft the final agreement, in consultation with the Director of Planning. Mr. Beasley said he believed the issue of covering the windows is very important to ensure the store is visually attractive for the residents.

Mr. Timm stressed that Engineering Services clearly believes that a grocery store at this location is strongly supportive of City policy, including the Downtown Transportation Plan and the objectives that Council has set for transportation priorities. This is the kind of use that will reduce vehicle trips. The difficulty for Engineering Services with respect to this particular proposal relates solely to the aspect of putting loading on a residential street. Mr. Timm thanked the members of the public and the Advisory Panel and Board members for the advice to Engineering Services, noting this process has allowed an opportunity for people to express their concerns and for a judgement to be made that, on balance, is probably the right one. Engineering Services will now move forward on the basis of the draft agreement. He also noted the concern about pedestrian safety on the sidewalk which should be reinforced in the agreement.

Mr. Scobie commented it is discouraging to read the comments of Planning and Real Estate Services staff about the difficulty of supermarkets to be able to compete in downtown locations such as this, noting this opportunity has arisen only because it happens to be an existing space that has remained unleased for many years. He noted there is nothing from a zoning and land use point of view that would not permit a grocery store, the only issue being the loading. He added, the proposal is very fortuitous because it has allowed the type of complete community referenced in the Living First Strategy. He said he had some concerns about performance under the loading agreement because the draft document neglects to indicate any enforcement opportunities. It is critical to the success of the grocery store operating in a neighbourly fashion in this community. He added, there should also be the opportunity for the expectations of the agreement to be shared with the community so that residents are aware of the rights and obligations of the business in using that space.

Mr. Beasley added, the advantage of doing the agreement through Engineering Services is that it is not necessarily tied to the approval of the development and can be revoked, based on performance. He stressed that the success of the agreement will not depend on regulation and enforcement but upon good corporate responsibility. Noting there seems to be a very positive performance by this particular applicant and organization in terms of being corporately responsible, Mr. Beasley suggested they consider having dialogue with the residents on an ongoing basis.

Mr. Timm pointed out that enforcement of parking and loading regulations comes under the Street & Traffic By-law. There will be an agreement between the City and the applicant as to how the space will be used but the enforcement of activities in the space will be dealt with under the Street & Traffic By-law.

Motion

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

THAT the Board APPROVE Development Application No. 406328, in accordance with the Development Permit Staff Committee Report dated March 6, 2002, with the following amendments:

Amend 1.1 (b) to add:
including 1.4, 1.5 and 1.6 below;

Amend 1.2:
design development to prevent any significant obscuring of the existing exterior glazing, including provision of details on the height and design of all proposed shelving units located along the windows facing Burrard, Barclay and Smithe Streets; open shelving at a slightly higher level may be considered on the second floor;

Delete the Note to Applicant in 1.2;

Amend the preamble to the consideration items:
THAT the Board ADVISE the General Manager of Engineering Services that it would support the approval of the application to create a loading area on Barclay Street, subject to the terms of the Loading Area Agreement, generally as set out in Appendix I, but with any other terms and conditions that he may impose including specific reference to the current operator of the grocery store as the only tenant allowed to enjoy the on-street loading; the provision of a contact person to deal with residents' complaints and a mediation process to resolve those complaints on an ongoing basis; and that the agreement reflect the length of the ten year lease with IGA, and subject to the following conditions of the Development Permit:

Amend the Note to Applicant in 1.6 to delete "such as stamped concrete or exposed aggregate";

Add a Note:
All the comments made by the Board regarding the details of the draft loading area agreement should be taken into account.

5. OTHER BUSINESS

None.

There being no further business, the meeting adjourned at 6.40 pm.

C. Hubbard
Clerk to the Board

F. Scobie
Chair

/ch

Q:\Clerical\DPB\Minutes\2002\mar18.wpd