
MINUTES**DEVELOPMENT PERMIT BOARD
AND ADVISORY PANEL
CITY OF VANCOUVER
MARCH 20, 2000**

Meeting: No. 476
Date: Monday, March 20, 2000
Time: 3.00 p.m.
Place: Council Chamber, City Hall

PRESENT:**Board**

F.A. Scobie	Director of Development Services [Chair]
L.B. Beasley	Co-Director of Planning
E. Lo	General Manager, Corporate Services
D. Rudberg	General Manager of Engineering Services

Advisory Panel

P. Kavanagh	Representative of the Development Industry
R. Mingay	Representative of the General Public
M. Mortensen	Representative of the General Public

Absent

A. Gjernes	Representative of the Development Industry
J. Hancock	Representative of the Design Profession
J. Hruda	Representative of the Architectural Profession [Chair of UDP]
J. Leduc	Representative of the General Public
R. Roodenburg	Representative of the General Public

ALSO PRESENT:

J. Barrett	Development Planner
N. Peters	City Surveyor

Item 3 - 1088 Marinaside Crescent - DE404731 - Zone CD-1
[COMPLETE APPLICATION]

Mr. Busby	Busby & Associates Architects
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Speaker:

Mr. Terry Tebb

Acting Clerk to the Board: M. Penner

1. MINUTES

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of March 6, 2000 be approved.

2. BUSINESS ARISING FROM THE MINUTES

None.

3. 1088 MARINASIDE CRESCENT - DE404731 - ZONE CD-1
[COMPLETE APPLICATION]

Applicant: Busby & Associates Architects

Request: To construct a marina containing 150 berths with a floating public pier, a floating ancillary marina office/utility building, and a floating public pavilion building.

Development Planner's Opening Comments

The Development Planner, Jonathan Barrett, presented this application, referring to the model and posted drawings. He also referred to the July 1999 text amendment for this marina which resulted in various changes, including Council's disallowance of the proposed restaurant. He also noted that this application referred to 132 boats, a decrease from the originally configured marina which accommodated 150 boats. Mr. Barrett referred to the public meeting held on March 2, 2000 at the Concord Presentation Centre, attended by approximately 50 people, at which time a plethora of questions had been satisfactorily answered. He further described the public amenities included in this project, i.e., a public pier and pavilion for a variety of uses including the Handicapped Sailing Association's intent to sponsor handicapped sailing events, with the pier to incorporate special hoists to aid the handicapped to access their boats, and "backriders" for handicapped access from the sea walk. Mr. Barrett also outlined the marina's additional facilities; i.e., accommodation for canoe and kayak launching, space for visitors' short-term moorage, as well as 350 boat-nights for visitors.

Mr. Barrett pointed out 3 minor changes since the rezoning: [1] the pier had been pushed to the westerly side of the Davie Street public right-of-way for a more efficient marina layout and although the zoning allows 150 berths, there would be only 132; [2] a minor relocation/modification to the building accommodating the marina operations; and [3] the proposed pier that followed the curve of the Marinaside Crescent, had been straightened out due to insufficient water depths in the curved shoreline. However, the possibility of kayak storage space in the curve of Marinaside Crescent would be pursued, upon approval from a variety of environmental agencies. Mr. Barrett concluded by confirming the DPSC's support of this application, with two conditions: the marina pavilion had been estimated at 750 sq. ft. and as the applicant had been unable to confirm whether or not this pavilion would be enclosed, staff decided to secure a smaller 500 sq. ft. enclosed pavilion; the second condition pertained to a variety of detailed design aspects requiring clarification, including the security gate system, ramp width, etc.

Mr. Beasley questioned whether Conditions A.1.2 and A1.4 were repetitive, even though they referenced different matters in the Note to the Applicant. Mr. Barrett confirmed they could be combined.

Mr. Beasley asked if Condition A.1.6 [which referred to a wide access ramp] was redundant to Condition 1.2. Mr.

Barrett acknowledged the redundancy. Mr. Beasley also asked Mr. Barrett why the pier portion running generally parallel to the shore line wasn't public and whether the zoning would prohibit the Board from implementing this change. Mr. Barrett recalled the discussion at the rezoning stage where concerns about the larger security aspects were raised, which resulted in this conclusion.

Mr. Kavanagh drew Mr. Barrett's attention to Condition A.1.3 and suggested the first two sentences should be a prior-to-condition. Everything following, (i.e., commencing with the 3rd sentence, "Consideration should be given...") should be incorporated in a Note to Applicant. Mr. Barrett agreed.

The Chair asked Mr. Barrett for clarification regarding the Staff Committee's recommended motion which refers to 150 berths, as this proposal appears to contain only 132 berths and should this not be amended to correspond with the drawings accompanying the application. Mr. Barrett advised the zoning permitted 150 berths, which allowed flexibility in the future, and that a minor amendment would be required for an increase in the number of berths at a later date.

The Chair expressed concern with Item 3 under Fire and Rescue Services which states "amenity building as shown will not comply with VBBL 3.2.5.2 for maximum distance from the street" and asked Mr. Barrett whether this would be a resolvable issue. Mr. Barrett advised he had spoken with Ms. Avy Woo, our Fire Protection Engineer, who had confirmed that the applicant would have to apply for an equivalency but it seems to be a resolvable matter.

The Chair referred to Condition A.1.1 and asked whether the Burrard Environment Review Committee [B.E.R.C.], had reviewed this rezoning or commented at the rezoning stage; also had staff and the applicant anticipated difficulty in obtaining approval. Mr. Barrett confirmed meetings had been held, but in the absence of an application outlining project details, no final conclusions had been reached and the review had been in principle on, but had been found acceptable.

The Chair next referred to Condition A.2.4 which details a number of agreements, primarily Engineering matters. Item (f) Service Agreements referred to dedications and rights-of-way, and Mr. Barrett was asked whether this application necessitated any street dedications. Mr. Peters advised there are no dedications required. Also, the applicant's commentary stated 83 off-site parking stalls had been secured; staff's analysis required 75, which Mr. Peters confirmed. Would the agreement specify the minimum by-law requirement of 75, or would all 83 stalls be subject to the covenant and right-of-way for access, etc.? Mr. Barrett confirmed that 83 parking stalls referred to the earlier rezoning, in anticipation of including a restaurant on the pier, which Council had disallowed.

Mr. Beasley asked about the ramifications if the Board approved only 132 berths now (as requested in the applicant's submission) and increased the number of berths to 150 at a later date. Mr. Barrett confirmed that a later increase to 150 berths may require a change in the configuration of the marina, in which case the applicant would need to submit a development application. Mr. Barrett reminded the Board of recent neighbourhood debates concerning this project and felt the public would be best served by approving 150 berths now, rather than having to approach the residents again at a later date regarding an increase in berths.

The Chair concurred and stressed that the passage of time would obscure this discussion and staff in the future would wonder what had caused the inconsistency between the plans (132 berths) which form part of the permit and what's on the face of the permit (150 berths). He preferred that either 150 berths be indicated on the plans so as to be consistent with the permit, or have the Motion read 132 berths.

Mr. Barrett noted that although the marina had an allowance for boats up to 100 ft., there might not be that many of that size, and therefore the marina could accommodate two smaller boats in the length of docks without making any change. He concluded that the dock's proposed configuration could accommodate either 132 or 150 boats, dependant on the size of vessels and where they would be moored, without any re-configuration, and that number of boats might vary from week to week.

Applicant's Comments

Mr. Busby advised that the development application drawings do not number berths 1 through 132. Based on current market trends it is contemplated the dock space and configuration would accommodate 132 boats of varying lengths. However, there might be two smaller boats in lieu of one longer boat. Having approval for berthing up to 150 boats, in the current marina configuration proposed, would allow for flexibility as well as maximum profitability and viability of the marina.

He further noted that the proposed design would integrate public spaces and amenities with the private marina. Public access would consist of a 60 m-long promenade extending into the marina from the end of Davie Street; another public access would be located at the eastside of the marina, which included ramps to allow access to the floating marina office, as well as kayak launching. During the rezoning and early design stages of this project a full public pier had been proposed out to the harbour line; however, in the interest of security this had been amended by incorporating gateways, maximizing the kayak storage racks, etc.

The applicant spoke to a couple of conditions: Condition A.1.3 had been satisfied and that A.1.6 could be deleted, also that Condition A.1.3 had been satisfied in that it was redundant re: Condition 1.2. He confirmed that the 83 parking spaces had been constructed during the rezoning phase when a restaurant was still part of this project at the rezoning stage and now these parking stalls would be available for the additional berths.

[At this point Mr. Busby corrected the applicant's name in the report, stating that BBH Management Ltd. was incorrect and should read Busby & Associates Architects. The Chair confirmed this change in names.]

Mr. Kavanagh enquired if it would be satisfactory if the Development Staff Committee's recommendation were amended to read ". . . a marina containing *up to* 150 berths . . .", rather than ". . . a marina containing 150 berths . . .". Mr. Beasley felt that as the plans did not identify nor show 150 berths, and that parking had been calculated to accommodate 150 berths, Mr. Kavanagh's suggestion may be the solution.

Mr. Mortensen questioned how the drop-off and loading zone would be designed for garbage storage until pick-up time, and would the garbage be contained in a shed until being picked up?

Mr. Busby described a lay-by at the eastern end of Marinaside Crescent for short-term drop off and loading of materials on vessels, and on garbage day mornings it would be taken back by the Marina Operator. He also confirmed there would be no physical structure - rather just a drop-off area.

Mr. Rudberg stated that problems had been encountered at other locations, in keeping similar loading areas clear and free and asked Mr. Busby whether the intent is that the City could be responsible for enforcement.

Mr. Busby noted that he had recently visited the Coal Harbour site and had noticed no difficulties in maintaining the loading area.

Ms. Lo enquired if this would be a 24-hour marina and stressed concern about the noise level.

Mr. Busby advised that access to the pier might be restricted during certain hours, but that would be at the City's discretion. He also confirmed that extensive discussions had ensued during the public process about the possible noise level and one of the commitments made by the developer on behalf of future marina operators was that there would be no charter boats allowed in the marina, which were the source of significant noise. In addition, the type and size of moorage planned would obviate outboard motors on these boats. Mr. Busby also noted that many questions asked during the public meetings had obviously been satisfactorily answered, evidenced by the absence neighbourhood delegates at this meeting.

The Chair asked Mr. Rudberg about loading and signage for this project, i.e., would it be necessary to sign the location of the off-street parking and sign appropriately those portions of the marina that are public vs private. He realized that signage, on private property, was not in this Board's jurisdiction and that the public pier would not be regulated by the Sign By-law because its within the street, but questioned which department would be responsible for appropriate signage for the marina, as well as the parking.

Mr. Busby responded that signage is not required for parking as people who pay for berths have access to parking as directed by the Marina Operator. Public visitor parking would be provided by assigned visitor parking spaces, and that the future security gates would be physical barriers requiring card access, making an obvious differentiation between public and private sectors, without signage.

The Chair also enquired whether the ramp down the main public pier would be subject to the Building By-law as it occurred within the street and would the City incur additional liability in terms of public usage of ramps which tend to be unstable in inclement weather. Mr. Peters confirmed the ramps would be subject to the Building By-law and advised the portion of the street involved has been closed and will be leased by Council, and that the matter of indemnity and provision of public access would be covered in the lease agreement.

Ms. Mingay asked whether this marina would supply overnight parking for transient boats.

Mr. Busby confirmed there would be short-term parking spaces for these transient boats at the public pier. He advised it would be up to the Marine Operator whether or not parking would be extended to over-night moorage. He also referred to the issue of illegally parked boats in False Creek, which had incurred public discussions and hoped this public visitor moorage would aid in dealing with those issues.

The Chair referred to the 350 nights' moorage - would that be above and beyond the short-term daytime moorage adjacent to the pier, and could owners' leased slips be utilized in their absence? Mr. Busby confirmed both comments, enabling the marina to provide a service to Vancouver tourists.

Mr. Kavanagh noted that as the accessibility to the public pier would be decided by the City, how would that decision be made and what would be the hours for the general public to access that pier?

Mr. Busby advised general access would be between the City and the Marina Operator; the City would be looking for extended hours whereas the Marina Operator would be looking at the security aspect, noting some of the neighbours were most interested in having the marina closed at 0200 Hours.

Comments from Other Speaker

Mr. Terry Tebb, resident at 1199 Marinaside Crescent, "Aquarius I", advised he had been unable to attend the public meeting and that the small representation here from the neighbourhood was in no way an indication that everyone was pleased at the public meeting, and referenced a number of issues. Security - he quoted the report stated the Police reviewed the zoning application and did not anticipate any security problems because of the overlook from the residential units. His home overlooks the marina, but doesn't feel it should be his responsibility to keep a look-out for possible problems; that the developer needed to deal with the security issue. Garbage - the City has not been able to deal with the garbage problem along the walkway. Noise - the City by-laws have not been able to control the noise problems as they exist today; this will only escalate when this project is finished.

Mr. Tebb also indicated the reason for the small public turn-out was not because they'd been satisfied with the answers received at the public meeting, but rather felt this project was a "done deal" between the Planning Department and the developer. He also mentioned concerns of various agencies, i.e., fisheries, environmental assessment for potential contamination, etc.

Mr. Beasley asked staff to summarize their views regarding security, garbage and noise.

Mr. Barrett responded: Security - at the rezoning stage Police reviewed this proposal and believed this project was going to be secure because of the surrounding residents. A survey comparison of the marinas in other parts of the lower mainland had also been made. However, there is a Legal Agreement that states the City, in cooperation with the developer and the Police, will meet to discuss a higher level of detail in terms of security arrangements, which could include future changes to the physical aspects, as well as hours of operation for the public pier. He further noted staff's comfort through the development process and that the overall review indicated there would not be significant problems here.

Garbage - The Board had a clear understanding of how the marina garbage was going to be dealt with. He suspects the neighbourhood's major concern is actually from the illegally moored boats, which numbered in the 50s at one time. The Parks Board and Engineering are aware of this problem. Concerning garbage on the walk way - garbage containers are the responsibility of Parks and if this persists, City Engineers should be notified.

Noise - Mr. Barrett referred to Mr. Busby's comments and that only inboard motored boats would have access to the marina. Noise from party/charter boats was a concern at the rezoning and that was one of the reasons the developer agreed to ban them from the marina. This is a private water lot and the Noise By-law does apply and controls will be enforced.

Mr. Beasley enquired whether an environmental assessment, regarding the fisheries aspect, had been performed, and had clearance been received at the time of the rezoning? Mr. Barrett confirmed that it had. Mr. Beasley explained that the fisheries review must be completed to the satisfaction of the Department of Fisheries and Oceans or this permit wouldn't go forward.

Mr. Beasley also enquired about documentation regarding experience of noise from other marinas in False Creek. Mr. Barrett confirmed he had contacted the Strata Council Chair of South East Slopes and had been advised that no complaints had been received.

Mr. Beasley asked Mr. Tebb if he had participated in the process by attending the Public Hearing on this marina and making his views known to City Council. Mr. Tebb advised he had attended a meeting at Concord's presentation centre approximately 1 year ago and heard nothing further till the "Busby sign" had been posted. He had written Mr. Fong, but had been out of town for the March 2nd meeting.

Mr. Beasley enquired of Mr. Barrett [1] whether there had been signage on the site, and [2] what had transpired at the Public Hearing? Mr. Barrett referred to the three public meetings held through the rezoning process, which were attended by approximately 150-200 residents. Subsequent to those public meetings, Public Hearing notification letters, detailing a different configuration of the marina, were mailed. A long and contentious Public Hearing occurred, approximately 30 speakers from the neighbourhood addressed Council, at the conclusion of which Council made the final decision to expand the marina, reduce the number of berths from the originally planned 260 and eliminate the restaurant. A fourth public meeting was held advising the neighbourhood what Council's conclusions and recommendations had been.

The Chair summarized stating that everything before the Board today was consistent with Council's decision when they approved the marina through the rezoning amendment. This Board was simply following through with Council's earlier decision in terms of the detailed design now described in the development application, and that Council, in July 1999, went through the process that had been described with 3 public meetings held in advance of the Public Hearing, a fourth post-Public Hearing meeting, heard approximately 30 delegations at the Public Hearing, and decided to allow this marina.

Panel Opinion

Mr. Kavanagh was pleased to approve this application, because questions about garbage, noise, and security had been satisfactorily answered, and also because they will be monitored. He suggested that the Board insert "up to 150 boats" in the Staff Committee's recommendation and would add another condition in A.1.3, after the first two sentences, starting with "Consideration should be given . . ." should be incorporated in a Note to Applicant.

Mr. Mortensen supported this application and changes.

Ms. Mingay sympathized with Mr. Tebb, however, stated that this neighbourhood was an ever-changing one. She was satisfied with the application.

Mr. Beasley indicated this was a good project and while he sympathized with the delegation's concerns, the Board's role flows from Council, which had heard many people's comments and approved zoning to allow a marina; this Board was not a policy-making body, but rather implemented Council's decisions.

There were 2 aspects of the concern that Mr. Beasley wanted incorporated in the Minutes [not a resolution] for staff to take back to other staff who have to implement various decisions: [1] the Engineering Department take note of the concern about general litter on the quay side; and [2] as staff implement the Legal Agreement regarding security - it would be prudent to seek advice from the property owners.

On that basis Mr. Beasley moved approval of this application with the adjustment of the wording in the Staff Committee's recommendation changing the words "containing 150 berths" to "containing up to 150 berths".

Delete Condition A.1.4 as being redundant.

Amend Condition A.1.2 by moving A.1.4's Note to Applicant as a second Note to Applicant, and add the word "also" in this second Note to Applicant, between the words "is required".

Amend Condition A.1.3 - by taking everything after the first 2 sentences and including it as a Note to Applicant.

Delete Condition A.1.6 as being redundant.

In response to a question from the Chair, Mr. Barrett asked that Standard Condition B.1.2 be amended by changing the May 29, 2000 date to read December 31, 2000.

Ms. Lo stated that a 24-hour operation would reduce the level of privacy for the residents in that neighbourhood but believed staff had gone through the proper process and therefore she supported this application and seconded Mr. Beasley's Motion.

Mr. Rudberg was also in support of the Motion and the amendments, and wished to emphasize that the Board's role was not to change policy once Council has given approval, but to implement Council's decisions. He stated that to change Council's decision was legally beyond the Board's mandate; however, he was hopeful the issues that were raised will be addressed aggressively by staff although operation of the marina is 24 hours in terms of access to the boats by the owners. He felt the public access can be addressed, that it was a matter of coming to an agreement with the neighbourhood around what level of public access should be provided and have those wishes incorporated in the legal agreements. Mr. Rudberg concluded by supporting the application, the Motion and the amendments.

Motion

It was moved by **Mr. Beasley** and seconded by **Ms. Lo**, and was the decision of the Board:

THAT the Board APPROVE Development Application No. DE404731, in accordance with the Development Permit Staff Committee Report dated February 23, 2000, with the following amendments:

The Development Permit Staff Committee Recommendation to read as follows:

THAT the Board APPROVE Development Application No. 404731 as submitted, subject to Council's approval of the final form of development, the plans and information forming a part thereof, thereby permitting the construction of a marina containing *up to* 150 berths with a floating public pier

Amend Condition A.1.2 by moving A.1.4's Note to Applicant as a second Note to Applicant, and add the word "*also*" in this second Note to Applicant, between the words "is required".

Amend Condition A.1.3 by incorporating everything after the first 2 sentences as a Note to Applicant.

Delete Conditions A.1.4 and A.1.6 as being redundant.

Amend Condition B.1.2 by replacing the bolded date of **May 29, 2000** to read **December 31, 2000**.

6. OTHER BUSINESS

None.

There being no further business, the meeting adjourned at 4:40 p.m.

M. Penner
Acting Clerk to the Board

F.A. Scobie
Chair

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