

Date: Monday, March 27, 2006
Time: 3.00 p.m.
Place: Committee Room No. 1, City Hall

Date: Tuesday, March 28, 2006
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Place: Committee Room No. 1, City Hall

PRESENT:**Board**

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

Advisory Panel

M. Long Representative of the Design Professions (Urban Design Panel)
R. Acton Representative of the Design Professions (absent March 28, 2006)
J. McLean Representative of the Development Industry (absent March 28, 2006)
J. Scott Representative of the Development Industry (absent March 28, 2006)
K. Hung Representative of the General Public
C. Henschel Representative of the General Public
M. Braun Representative of the General Public

Regrets

G. Chung Representative of the General Public

ALSO PRESENT:**City Staff:**

R. Segal Senior Development Planner
J. Greer Project Facilitator
V. Potter Project Facilitator
M. Thomson City Surveyor
M. Schwark Projects Engineer

100 Keefer Street

J. Hancock Hancock Bruckner
H. Heyvaerts Hancock Bruckner
P. Kreuk Durante Kreuk
J. Carney Henderson Development

818 West 10th Avenue

M. Whitehead

1575 Homer Mews

W. Francl Walter Francl Architects
M. Ashby Walter Francl Architects
E. Hughes Concord Pacific
D. Negrin Concord Pacific
C. Gillham Concord Pacific

Recording Secretary: D. Kempton

1. MINUTES

It was moved by Mr. MacGregor, 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 27, 2006 be approved.

2. BUSINESS ARISING FROM THE MINUTES

None.

**3. 100 KEEFER PLACE - DE409456 - ZONE CD-1
(COMPLETE AFTER PRELIMINARY APPLICATION)**

Applicant: Hancock Bruckner/IBI

Request: To construct 2 residential towers (33-storey and 35-storey), an 8-storey mid-rise (Abbott Street), and townhouses on the podium level (Keefer Place), with retail at grade, for a total of 451 units, and parking for 957 cars accessed off the lane and Keefer Place.

Development Planner's Opening Comments

Ralph Segal, Development Planner, presented this complete, after preliminary application approval, to construct 2 residential towers, a mid-rise, as well as townhouses and retail at grade. Referring to the architectural model Mr. Segal briefly described the immediate site context noting that a lane is provided on the adjacent property which is the Costco site at 651 Expo Boulevard.

At this complete after preliminary application stage Mr. Segal said that staff report that all substantial urban design issues have been resolved and most of the preliminary development application conditions have been fully or substantially addressed.

Mr. Segal stated that this is the last "market" site in the International Village CD-1 zone and therefore many of the obligations of the development and legal agreements that were awaiting completion of the International Village CD-1 zone have to be settled. Staff are concerned that failure to meet those obligations will result in delays that the applicant needs to be aware of. Mr. Segal said that significant legal encumbrances and obligations are covered in the Standard Engineering conditions.

Mr. Segal said that the conditions of the Development Permit Staff Committee Report address some matters that need further attention; however staff believe that those issues are fully resolvable by the applicant team. Mr. Segal briefly reviewed and offered further explanation of the conditions in the report noting that the "active uses" described in condition 1.3 do not necessarily have to be retail use. He said that the Developer has concerns about retail viability at that location and staff are open-minded to retail or community use there although staff would prefer to see long term retail potential maintained at the ground floor level. With respect to notification responses, Mr. Segal advised that at the preliminary development application stage the response to notification indicated concerns about the position of the taller tower B. The applicant provided an analysis of the tower position and staff assessment concluded that in terms of overall impact of other neighbours, clearance from tower A and

impact on Keefer Circle, that the proposed tower position in the complete application is correct and consistent with the Guidelines. Mr. Segal said that there were no responses to the notification for the complete application.

Mr. Segal said that staff believe this is a design that has advanced considerably and will be a fitting final piece to the International Village zone. The Development Permit Staff Committee recommendation is for approval subject to the conditions noted in the report.

Questions/Discussion

Mr. Beasley sought further clarification of the Costco lane circumstance. Mr. Segal advised that the Costco construction team has built a wall off the lane that is 3 ft. higher than it needs to be taking into account final building grades. The wall will jeopardize proper treatment of that area and staff have not been able to come to a definitive explanation of why the wall was built so high and who will be responsible for the retrofit. Mr. Segal said that proper resolution of that circumstance is to chop off 3 ft. from the wall along its entire length. Mike Thomson, City Surveyor, said there will be a cost to remove the unnecessary wall and some work will have to be done with the Engineering staff that approved the lane and the Costco development team.

Mr. Beasley asked if staff were comfortable with the applicant's suggestion to use the existing elevator rather than providing an elevator on this site. Mr. Thomson responded that the original rezoning conditions require an elevator to be provided on this site. He said that staff were anticipating provision of a funicular as part of this project and the loss of that has come up in a time frame that has not allowed staff sufficient time for review of alternatives.

Further to that, Mr. MacGregor said that the elevator will need someone on-site to monitor it and it has to operate during the hours of Skytrain service regardless of who maintains the elevator. He asked the applicant to, during their presentation, describe their solution and why they are proposing it.

Mr. Timm questioned the provision of pedestrian seating noted in condition 1.4. He expressed concern that the seating might allow ticket scalpers, panhandlers and the like to sit near the front of the building on private property which may cause difficulties for the residents. Mr. Segal advised that the setback area has been treated in a handsome and typical way in the combination of seating, planting and surface materials. He said that staff feel the benches will provide an amenity that is a public benefit. On the other hand, the proposed water feature is seen as a nuisance and may be a problem with the press of pedestrians during stadium events; therefore staff would like to see a significant reconfiguration of the water feature or deletion of it altogether.

Mr. Scobie sought clarification regarding the Development Permit Staff Committee comments about the progress of legal and technical items which has not occurred and may ultimately delay occupancy of this building. Mr. Thomson advised that this is the last development site within International Village and there are many legal encumbrances that remain on the title from the original rezoning. Many of the right-of-ways over this site do not allow construction of anything on this property so those need to be released or modified to allow construction of this project. Mr. Thomson said that the title for these lots has pages of encumbrances and although the solicitor for the applicant has provided a good charge summary they have presented solutions that are not possible under the Land Title Act. John Greer, Project Facilitator, has set up several meetings with staff and the applicant to start work on the issues to ensure that the obligations are met. Mr. Thomson noted that these issues were raised at the preliminary application stage as well.

Applicant's Comments

Jim Hancock, Architect, said that both conditions 1.1 and 1.8 are achievable. He said that the separation between the tower and the base has been increased to 20 ft. and the low-rise portion has been pulled back and stepped. Mr. Hancock advised of an error in the amount of parking noted in the report that should be 597 not 957.

In response to Mr. Hancock's note about the amount of parking stated in the report, Mr. Scobie asked staff to confirm the correct figure for the parking. Mr. Segal confirmed that the parking amount should be 652 spaces.

Hilda Heyvaerts, Hancock Bruckner, said that the applicant team has looked at the grades provided for the Costco lane situation and if the applicant team were to match the new grades there would be a clearance of 13 ft. under the Skytrain and then a slope down into the grades of the parkade which would be doable. With respect to the issue of the wall, Ms. Heyvaerts said it will need to come down in order to gain access to this site.

Jim Carney, Henderson Development, said that Henderson Development owns the mall on the adjacent site and the main reason to keep the existing elevator access is because when the mall opens up in the morning it is the responsibility of Henderson Development to ensure that the elevator is clean and working and it is in their interest to do so. Mr. Carney acknowledged that the elevator is in need of better signage for public access and he said there will be signs in front of the building on both levels.

Mr. Carney confirmed that the public delegation from the preliminary application Board meeting was contacted and aware of this meeting today and could have attended.

Questions/Discussion

Mr. Beasley asked the applicant to comment on who they believe is responsible to remove the new concrete wall that has been constructed in order for the applicant to fulfill condition 1.6. Ms. Heyvaerts responded that the wall does not belong to Henderson Development and Mr. Thomson will have to look into who will pay for the wall to be removed. Mr. Thomson responded that work has to be done with staff to determine why the wall was built and, if removed, how that will occur. Mr. Thomson said he was comfortable that the Engineering Projects staff would be able to come to a resolution on that issue.

Mr. Beasley asked the applicant to describe what the condition of the frontage under the Skytrain Guideway would look like. Ms. Heyvaerts advised that the entire underside of the Guideway will be painted white as per CPTED conditions and there will be a decorative see-through fence in between the columns of the whole site. The fence will not be chainlink; it will be nicely designed steel with different planting to break it up.

Mr. Timm asked whether the applicant had any comments or concerns with providing pedestrian seating at the corner of Beatty Street and Expo Boulevard as per condition 1.4. Peter Kreuk, Landscape Architect, responded that the area is changing and there is increased residential use so some of the existing problems will cease to exist. Mr. Kreuk said if this seating is well incorporated to the building it will be used by residents waiting for taxis etc.

Mr. Scobie said that the report notes the discussion at the preliminary stage of the application for a third option, as a last resort, to provide an exit from the parking to the lane behind Beatty Street has been abandoned. He wondered if the point of access to Keefer Place was considered as right-in and right-out only. Ms. Heyvaerts responded that Ward Engineering

provided a comprehensive report after conducting extensive studies and the conclusion was that it should remain in and out access both ways.

Comments from other Speakers

The following delegations spoke in opposition to the application:

Joshua Hodgson
Tsunng Wei Lin
Dal Richards

Comments in opposition included:

- Concerns that Henderson Development has been uncooperative in redirecting or turning off a large construction light on the Firenze site that has been disruptive for the Paris Place residents and that the same type of light will be used on this site;
- Keefer Circle already has a lot of traffic and only having one entrance to the proposed development could be an issue;
- Concerns that ambulance service may not be able to access Keefer Circle if there is a traffic jam;
- Would like to see windows on the lane way to increase the feeling of safety and "eyes on the lane";
- Would like to see the design for the centre of Keefer Circle better reflect the historic part of the city that is Chinatown and the silk road route;
- Strongly encouraged consideration of providing a public elevator in the new development because the existing elevator is difficult to find and requires navigation of narrow corridors to get to it;
- The strata council should not be required to maintain the elevator;
- The proposed water feature will end up collecting debris;
- The Keefer Steps need better upkeep and lighting;
- 8-storey mid-rise will block views from Beatty Street;
- There is not a level of comfort in using Beatty lane after dark because of criminal activities that occur in the lane.

In response to some of the questions raised by the delegations, the following clarification was provided:

- John Greer, Project Facilitator, will follow up with Henderson Development and Intertect Canada to ensure that the construction site light is turned off beyond normal working hours;
- The single entry issue to Keefer Circle was addressed at the preliminary application stage and after further exploration staff felt that traffic did not need to be restricted to "right in and right out only" situation.

Panel Opinion

Ms. Long said the conditions noted in the report addressed all of the Urban Design Panel concerns with the exception of the gap between the tower and mid-rise which was the most significant issue for the Urban Design Panel. Ms. Long hoped that the character and quality of the garden level would be achieved as it was described by the applicant team's landscape architect. She added that it would be nice to see more public space between the garden level and the interface with the public and private area.

Personally, Ms. Long added that it is good to consider different options for elevator access when you are dealing with disabled access; however the elevator location should be considered

as a primary, not secondary, access to Skytrain. In terms of Keefer Circle, Ms Long said that the public art feature in the centre should be something that will create an important feel and character in that space. With respect to the suggested deletion of the water feature at the corner of Abbott, Ms. Long said that the applicant team should ensure that the residential entrance is a nice experience whether they keep the seating there or not.

Mr. Acton said he was a bit disappointed with the applicant's response to solutions for the unique places on this site which he thought would show more promise at the complete application stage. Mr. Acton supported the conditions as written although, with respect to condition 1.2, he heard that staff were satisfied with the use of painted concrete in significant places and Mr. Acton wished that the material standards could be raised higher. Mr. Acton felt there was an opportunity to further develop the entire space under the SkyTrain Platform.

Mr. Acton agreed with deletion of the water feature as suggested in condition 1.4 but he would like the seating to remain for residents to use while waiting for taxis etc. In terms of condition 1.8, Mr. Acton said that nothing less than full accessibility through this site can be accepted. The Keefer Steps are a significant urban design gesture and then to have the elevator access done in a roundabout way through a mall and around a maze of corridors is not acceptable. With respect to the proposed artwork in the centre of Keefer Circle, Mr. Acton agreed with Ms. Long's comments that encourage staff to ensure that something more meaningful happens in that space than what is being proposed.

Mr. McLean agreed with the previous Advisory Panel member's comments and said that he supported the overall design and felt it would finish off the neighbourhood. Mr. McLean said the area under the Guideway should be addressed and needs some public design. With respect to the elevator access, Mr. McLean felt that any alternative proposal by the applicant team should be an equal or better solution than what was approved-in-principle by the Board at the preliminary application stage. He supported condition 1.8 and suggested adding "Director of Planning " to the wording of the condition.

Mr. Scott said the project is easy to support because it is in an area that needs help. He noted the significant legal issues that will come up before occupancy of this project and felt those issues would be a challenge for the developer and staff. Mr. Scott said that he would like to see work started on those issues as early as possible. Mr. Scott said he would like to see the heritage of the area recognized through the choice of materials used and the Keefer Circle artwork. He said that this development is adjacent an important SkyTrain Station that should be made to feel like an arrival and the lost and forgotten spaces under Guideways should be addressed. Mr. Scott did not believe that this developer should be obligated to take the wall on the lane down. He supported Mr. Acton and Mr. McLean's comments regarding elevator access and said that the elevator should be a solution that meets what was intended and not become a secondary deal.

Mr. Henschel commended staff on a very well written report. He said that the gap between the tower and mid-rise as addressed in condition 1.1 is an important issue and 20 ft. is the minimum setback. He felt that the issue might have to be resolved with further shaping.

Regarding condition 1.4 Mr. Henschel said he would like to see the seating remain. He also suggested that the Keefer Circle artwork could be larger. In terms of the elevator access, Mr. Henschel said accessibility is a very important issue and noted the comments from the delegations stating that the existing elevator access is difficult to navigate. Mr. Henschel agreed with previous Advisory Panel members that the underside of the Guideway needs to be addressed and he asked the City to consider putting the Georgia and Dunsmuir viaducts on the

ground so that the situation with the underside is not replicated. Mr. Henschel said the project looks great and he recommended support of the application.

Ms. Hung said this will be a lovely development to complete the International Village and Keefer Circle. Ms. Hung said anything that could be done to minimize the utilitarian look of the lane and make it more pedestrian friendly would be appreciated. In terms of the elevator access Ms. Hung said in her experience elevators maintained by SkyTrain staff are not very clean and she would not like the onus for maintenance to be on the Strata owners either. Ms. Hung suggested that if the existing elevator is used for access then at the least the signage should be enhanced. She was conflicted on the elevator issue because of the approval-in-principle at the preliminary application stage which included provision of an on-site elevator.

Mr. Braun said this is an impressive development. He supported condition 1.4 and the deletion of the water feature and took it a step further to suggest that the condition be reworded to have an attractive area there without the water feature or seating. Mr. Braun said the elevator solution should be handled in a creative way and felt it was debatable whether the applicant had satisfied the preliminary approval condition. He expressed disappointment that there wasn't more concern about the treatment of the area directly under the SkyTrain station. Mr. Braun said the alley way is a blank wall combined with the Abbott Street and Keefer Place low-rise wall. He was surprised that a suggestion for glazing on those walls was not made. With respect to the Keefer Circle artwork, Mr. Braun suggested that the Board add a condition to ensure that the artwork is more reflective of Vancouver character.

Mr. Scobie confirmed with staff that the number of parking spaces in the report preamble should read 652 spaces and not 957 spaces.

Board Discussion

Mr. Beasley said the design development that has occurred between the preliminary application and complete application has been good and he is confident that the project will be a positive addition to the area. Although he sympathized with the delegations concerns for one access way to the parking from the street leading to Keefer Circle Mr. Beasley said that he felt obligated to stay within the conclusions made at the Public Hearing and preliminary development application stage.

Mr. Beasley expressed concern about the lane edge facing the Costco building, the confusion with grades and how that will be resolved, and the concept of design finishing which sounds like a security fence. Following the advice of the Advisory Panel members Mr. Beasley said that façade needs to be artfully finished. He suggested a mandate for staff, working with the applicant, to make sure this is a positive façade and to look at it from the point of view of safety of pedestrians, lighting and other things. He did not want to create an unsafe lane experience similar to what has been described about the Beatty lane.

With regard to the elevator, Mr. Beasley said there has to be a logical vertical circulation and he agreed with Ms. Hung's comments that the applicant's suggestion to use the existing elevator could be considered with further finishing to make it more light and deal with fire doors, signage etc. Mr. Beasley suggested the possibility of involving Translink as a partner in the elevator and he said it would not be a good idea to settle on the Strata Corporation to maintain the elevator because they may chose to close the elevator due to maintenance costs. Mr. Beasley said he would accept a less direct solution to elevator access so long as it would be open, safe and clean most of the time.

With respect to the feature at the centre of Keefer Circle Mr. Beasley said there should be a condition to secure the provision of it and he would like to see further design development of that feature. Mr. Beasley said he hoped that the issue of the construction site light, as brought up by the delegations, would be dealt with by Henderson Development today. Mr. Beasley moved approval of the application with several amendments and additions to the conditions.

Mr. Timm agreed with the amendments posed by Mr. Beasley and supported the addition of a condition to secure the feature for the centre of Keefer Circle. He was pleased with the generality of condition 1.8 which will allow judgment to be made as to whether use of the existing elevator will be an appropriate solution. Mr. Timm was not confident that adequate improvements could be made to the existing elevator to satisfy the condition. He said that the City has to make every effort to have disabled access co-located along the same path as the public route and noted that it is especially important to have good accessibility at this primary location adjacent to the SkyTrain station and major sporting venues.

Mr. Timm highlighted Mr. Thomson's comments about the amount of work that remains to be done in resolving the legal requirements for this site and said that the importance of that work cannot be overstated. He encouraged the applicant to work on resolving those issues. Mr. Timm seconded the motion for approval with Mr. Beasley's amendments.

Mr. MacGregor felt that although the design was well resolved the project still exhibited a lot of unresolved issues at the complete application stage. Mr. MacGregor said that the requirement for an elevator on this site has been there since the beginning and he did not want to see that requirement short changed. He said that the elevator needs to be provided now and properly. Mr. MacGregor said he would be happy to consider use of the existing elevator if it is properly signed and the Special Advisory Committee on Disability Issues is satisfied with that solution. He did not support the suggestion to put the elevator in the transit station because it was originally located on the Keefer Steps since that area was identified as a destination. Mr. MacGregor also noted that locating the elevator in the transit station was discussed already a number of years ago.

Mr. MacGregor agreed that the environment and discussion in condition 1.6 is critical. He said that this issue exists when we are trying to join two different grade levels of the downtown elevation to the lower flats area and that area must be handled properly to create a decent environment. Mr. MacGregor support approval of the application while noting his disappointment that some of the preliminary conditions were not better resolved.

Mr. Scobie agreed with Mr. McLean and Mr. MacGregor that this project was a bit disappointing in the resolution of issues considering the explicit direction provided by the Board at the preliminary application stage. Mr. Scobie was anxious that no material submission was available for the proposed fencing as mentioned in condition 1.6.

Mr. Scobie expressed concern regarding the outstanding legal obligations and encouraged the developer to resolve those outstanding issues so that the Board is not confronted with the potential of the building being constructed and then having occupancy delayed because of these outstanding obligations. With respect to accessibility, Mr. Scobie referenced the use of a moving inclined walkway at the Highgate Shopping Centre in Burnaby and encouraged the applicant team to explore alternative opportunities and new technologies to find something that will work.

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. 409456, in accordance with the Development Permit Staff Committee Report dated March 1, 2006, with the following amendments:

Amend the preamble, executive summary and technical table to read 652 cars;

Amend 1.4 to add after the word *significantly* after the words "further design development to"; AND to delete the words "while retaining pedestrian seating";

Amend 1.6 to add the words *reconcile grades*, after the words "beneath the SkyTrain Guideway to";

Amend 1.8 to add , *the Director of Planning* after the words "General Manager of Engineering Services;

Add 1.9:

design development and arrangements to secure provision of an appropriate feature at the centre of the Keefer Circle to the satisfaction of the General Manager of Engineering Services in consultation with the Director of Planning and the Director of Legal Services.

**4. 818 WEST 10TH AVENUE - DE409 - ZONE CD-1
(COMPLETE APPLICATION)**

Applicant: Musson Cattell Mackey Partners

Request: To develop a six-storey research and rehabilitation facility (Medi-Tech building) related to the "International Collaboration on Repair Discoveries" (ICORD) program.

Development Planner's Opening Comments

Sailen Black, Development Planner, presented this application for a medical research building in the VGH Precinct. Mr. Black described the immediate site context noting that the building will be located on the south side of 10th Avenue adjacent to the Willow Street pedestrian alignment. The building site is currently occupied by the auditorium wing of the Willow Chest Centre and an annex of the BC Research Pavilion, both of which will be demolished.

Mr. Black reviewed the background of the VGH Precinct overall Form of Development and Master Planning process noting that the Board granted approval "in principle" to a preliminary development application on January 31, 2005. Mr. Black said it is anticipated that the overall Form of Development will be reported to Council on May 2, 2006. On March 13, 2006 the Board considered a request from representatives of VGH and ICORD, for the Board to consider the complete development application for ICORD in advance of Council's consideration of the overall Form of Development.

Mr. Black provided details regarding the significance of the ICORD building and its site noting its importance not only as the first Medi-Tech site to be developed but also because of its

position in relation to the Willow Street Pedestrian Alignment. This development is a part of the realization of the Heather Common building, a centerpiece of the long-standing vision for the revitalization of the Precinct.

Mr. Black said that staff were disappointed that the application did not include any underground parking. He said that both ICORD and VGH representatives have indicated their willingness to remove the proposed surface parking to the east of the building and begin development of the pedestrian corridor in accordance with the overall Master Plan as per condition 1.1.

The proposed height with mechanical equipment and screening goes beyond the maximum 26 m. permitted; therefore Mr. Black advised that a text amendment or revision of the design will be necessary to address the discrepancy. Mr. Black said that staff would support a text amendment. He also noted that the applicant is pursuing a text amendment to the CD-1 By-law to amend the setback requirements, which staff support.

In terms of notification, Mr. Black said there was one response from the strata council at 2577 Willow Street. Regarding the loss of green space, Mr. Black said their concern has been addressed in condition 1.1. The strata council also requested the building setback from 10th Avenue be increased and the building height reduced. Mr. Black said there is a 2 m stepping back or terracing of the building at the 6th floor and further design development is recommended to reduce the rooftop mechanical screen as per condition 1.3(b).

Mr. Black reviewed the conditions of the report and concluded by stating the creation of a new medical research building on this site is strongly supported by the established vision for this Precinct. With the conditions noted in the report the Development Permit Staff Committee recommends approval.

Questions/Discussion

Mr. Scott asked whether the conditions cover issues that will come up in the Master Plan and if staff have considered conflicts that might arise. Mike Thomson, City Surveyor, advised that staff have ensured that this development application is compatible with the Master Plan and does not create conflicts with the Master Plan.

Mr. Scobie noted that the application is in conflict with the CD-1 By-law with respect to retail frontage and building height. He asked whether there was a text amendment application in process to address those initiatives. Mr. Black responded that text amendments would most likely be preferable compared to a redesign but that would be the decision of the applicant. Mr. Scobie asked the applicant to comment, during their presentation, on the timing of possible text amendments.

Applicant's Comments

Mark Whitehead, said the applicant team is in general agreement with the conditions of the report as presented and will work with staff to resolve the issues. With respect to conditions 1.5 and 1.6 which would require text amendments, Mr. Whitehead said that the applicant team will work with staff to explore the impact of complying with the conditions.

Questions/Discussion

Mr. Scott asked about the loading and unloading for this particular building. Mr. Whitehead responded that there is a centralized loading system for the campus that this building can use and in the interim there are three full-sized loading bays provided.

In response to a question from Ms. Long regarding parking Mr. Whitehead confirmed that the disabled parking would ultimately go underground in the second phase of development.

Comments from other Speakers

The following delegations spoke in opposition to the application:

Jackie Eckles, on behalf of June Binkard (brief filed)
Jack Dosenberg

Comments in opposition included:

- Save the Parks Association does not support any form of parking on Willow Street;
- Willow Street should become part of the open public greenspace for the benefit of patients, staff, visitors and local area residents;
- Concerns about shadow impact of the proposed 6-storey height onto Willow Garden Apartments which faces this development;
- Concerns that the type of retail use proposed within this development is unclear and should be written in the permit so that a small coffee and snack bar doesn't become a Laundromat or Barbershop use years later.

The following delegation spoke in support of the application:

Betty Kirkwood, Heather Heritage Representative

Comments in support included:

- the applicant was commended on their sensitivity to the design considerations in reference to Heather Pavilion;
- hope that there will not be a reduction in the open space;
- Heather Pavilion is a heritage jewel and worthy of an appropriate setting;
- encroachment that would compromise the preservation and adaptive redevelopment of Heather Pavilion would concern the Heather Heritage Committee.

In response to some of the questions raised by the delegations, the following clarification was provided:

- Retail or other service uses are required in the Guidelines for this area to animate 10th Avenue routes. The intent during the formation of the CD-1 By-law was to prevent large scale retail. The entire retail space is approximately 900 sq.ft. and will not generate much traffic. The applicant anticipates that the retail use will relate to activities within the building and that the space might be used for a Foundation office or a medical device supplier.
- The condition to remove the permanent parking allocation on the east side of the building and develop the first step of the Willow pedestrian extension confirms that there will not be any loss of open space that was in the Master Plan.

Panel Opinion

Ms. Long said the biggest issue when this application was reviewed by the Urban Design Panel was the parking. The Urban Design Panel felt that a building with this use and purpose should provide disabled parking in close proximity of the front door. The concern with putting the disabled parking close to the front door now was that it would be difficult to remove that parking in the future as the other sites develop. The Urban Design Panel also wanted to see

more sustainability attributes to the application. The Panel was pleased with the way the atrium worked as a public space and its interface with Willow Street and 10th Avenue.

Mr. Acton said the subject matter of the project is compelling but he felt the application was unsubstantial and did not provide enough information from an architectural perspective. Mr. Acton said the overall massing and concept for the design is evocative but he felt it was lacking in detail and seemed institutional in character. Mr. Acton supported the inclusion of condition 1.3.

Mr. McLean said this is probably one of the most complicated neighbourhood developments undertaken with a lot of competing issues. He said the project was very well managed and all of his concerns had been addressed.

Mr. Scott said if this project is approved staff will need to ensure that it conforms to the zoning (except where there are text amendments approved) and that it conforms to the Master Plan. He expressed concern that the parking was too far away and said that even one level of parking for this building would go a long way in helping the project.

Mr. Henschel felt that the cart was being pushed by the horse in this case but trusted that staff would deal with any issues and ensure that nothing falls through the cracks. Mr. Henschel said his biggest concern was the internal ramp because he felt that rather than enhancing the atrium it actually takes away from it. He said the large wall facing the public open space does not make the space friendlier and that condition is avoided in other areas of the city. Mr. Henschel said that easily accessible disabled parking is very important for this building and that by not providing that parking the building is not suiting its purpose. He agreed with condition 1.3 and said that the exterior colour of the building could use further consideration. Mr. Henschel said that not following the correct process does harm the project and the precinct; however this is an important project and he supported approval of the application.

Ms. Hung said the work of ICORD is very important and she strongly supported the application. She understood the need to fast track the application but felt there was still a lot of work to be done particularly with regard to condition 1.3. Ms. Hung said the building looks very functional and grey. She hoped that the end result would be a building that would complement the restored Heather Pavilion building and that the project would be better resolved as it progresses.

Mr. Braun recommended approval of the application subject to the conditions of the report. He questioned the proposed central parking facility given that many users of this building are not fully able. Mr. Braun supported approval of the application and hoped that future VGH Precinct buildings would be better resolved and have fewer conditions to satisfy before they reached the Board for decision.

Board Discussion

Mr. MacGregor shared some of the comments made by the Advisory Panel members that it would be nice to have the issues better resolved before the Board is asked to make its decision. Mr. MacGregor said that the building fits in the area and he was pleased to see the changes on Willow Street. He shared the Advisory Panel member's comments about parking and he said that it seemed unusual that this building would not provide parking close by. Since VGH stated that their clients can work with the proposed parking, Mr. MacGregor agreed with it as proposed.

With respect to the public realm, Mr. MacGregor said he would like to see improvements to the streets and sidewalks on 10th Avenue sooner than later. Mr. MacGregor moved approval of the application subject to the Staff Committee recommendations and with several amendments.

Mr. Beasley commended staff on their complete presentation and said this project is coming along as exactly what the Master Plan envisioned. Mr. Beasley also shared some of the Advisory Panel members' comments that this application is not as fully detailed and articulated as the Board and Panel would like. He emphasized to the applicant that they must carry through with the details.

Mr. Beasley said that the one fundamental mistake being made here is not providing underground parking in this building. He acknowledged the funding issues but said that VGH will regret not providing underground parking that they will need every day and that users of the building who require direct access will need. He encouraged the applicant to search for funding in order to provide underground disabled parking.

In terms of the Willow Street pedestrian corridor, Mr. Beasley said that will be achieved and there will not be any diminishment of spaciousness around the restored historic Heather Pavilion. Neighbours of this building will have the benefits of spacious, green pedestrian access which will add to the quality of the area. Mr. Beasley said he had no hesitation in supporting and seconding the motion to approve this application.

Mr. Timm agreed with Mr. MacGregor and Mr. Beasley's comments about parking and encouraged the applicant to provide underground parking which would be a huge benefit and would provide weather protected parking for people with disabilities to access the building. Mr. Timm said if the parking provided is not convenient there will be future concerns and impacts on the neighbourhood. He supported the direction that the Board is taking with respect to its decision on this application.

Mr. Scobie said the absence of underground parking in this application is lamentable.

Motion

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

THAT the Board APPROVE Development Application No. 409911, subject to the conditions presented in the Development Permit Staff Committee Report dated with the following amendments:

Amend the preamble to read:

THAT the Board APPROVE Development Application No. DE409911 as submitted, the plans and information forming a part thereof, subject to City Council's *enactment* of the *zoning text amendments and* final Form of Development, thereby permitting the development of a six-storey Medi-tech building, subject to the following conditions:

Amend 1.8 to delete "suitable arrangements must be made to revise the" and replace with *revision of*;

The meeting adjourned for a brief recess at 7:40 p.m. and reconvened at 8:00 p.m.

5. 1575 HOMER MEWS - DE409903 - ZONE CD-1
(COMPLETE APPLICATION)

Applicant: Walter Franci Architects

Request: To develop a floating marina with 22 berths and a 75m² marina building on a floating dock.

Development Planner's Opening Comments

Mr. Segal, Development Planner, introduced this application for a 22 berth marina in the Beach Neighbourhood and provided a brief description of the immediate site context. Mr. Segal said the proposal is substantively consistent with the Form of Development that was approved "in principle" by Council on October 22, 2002.

Mr. Segal highlighted some of the conditions of the report which address design refinements to provide more detail and bring the proposal in line with the Form of Development that was approved by Council. With respect to condition 1.1 Mr. Segal said it is staff's assessment that the height of the building could be lowered to 14 ft. and still retain the functional necessities. Mr. Segal advised that condition 1.3 deals with the marina services float area which had not been indicated on the Form of Development drawing at the rezoning stage because at that stage that level of detail had not been achieved. Mr. Segal said the conditions are very focused and detailed in nature because the application is substantially in conformance with the Form of Development that Council considered and approved "in principle".

In terms of neighbourhood notification Mr. Segal said there was considerable response and many objections to this marina proposal. He advised that some of the concerns identified from the notification were considered when the marina was assessed as a rezoning application at Public Hearing, with Council having approved the CD-1 rezoning and also given approval "in principle" to the Form of Development of the marina. The Development Permit Staff Committee recommends approval subject to the conditions of the report.

Questions/Discussion

Mr. Scobie asked for an update on the commentary in the report with respect to notification responses. Vicki Potter, Project Facilitator, advised that an additional 28 written letters and emails were received from neighbours in the last week for a total of 49 opposed, 21 in support and 9 other comments or general questions. Two petitions were received, one of which had 570 signatures opposed; however there may be some duplicates in the numbers where some people wrote in and signed a petition.

Mr. Timm sought clarification with regard to condition 1.2 and the orientation of the access ramp. Mr. Segal responded that the applicant has proposed to angle the ramp to avoid the area to the east of the striking point of the ramp where the grade beneath the water line bellies out from the seawall. Mr. Segal said the result of that angle requires a triangular landing from the seawall which creates a higher degree of visibility of the access ramp element and associated gates. Staff feel there are ways to deal with and overtake the fish habitat area below the seawall yet still achieve a perpendicular access ramp that will be less obtrusive as seen from the seawall. Mr. Segal said it is also a matter of trying to achieve, as close and consistent as possible, the Form of Development that Council approved "in principle".

In response to a question from Mr. Beasley about how noise and other impactful activities such as parties would be managed, Mr. Segal said that the marina berths will be strata titled with 24 hour security at the marina and an on-site concierge.

Mr. Henschel questioned whether the Board had the authority to determine the size and type of vessels that would be permitted in the marina. Mr. Segal advised that the material presented to Council outlined the expected size of boats for the marina and that was understood and approved by Council. Further, Mr. Segal said that the size of berths would be a factor in determining the size of boat, with 5 larger berths intended to accommodate vessels ranging from 60 to 100 ft. in length and with the expected height that would arise out of that length of vessel.

In response to a question from Mr. Scott about marina management and how the concerns of neighbours, particularly regarding noise, would be dealt with, Mr. Segal said that noise complaints can be made to the City and they will respond as they do to any other noise complaints.

Ms. Hung asked whether boat owners could live aboard their boats. Mr. Segal advised that the rezoning does not allow liveaboards in this marina; however if a boat owner wanted to stay overnight on their boat it would not be something the City would try to prevent.

In response to a question from Mr. Acton about bicycle parking, Mr. Segal said the intent is to find space for bicycle parking for this development in 1500 Homer Mews.

With respect to the parking and loading, Mr. Scobie sought clarification as to whether Council incorporated their decision that parking and loading should be provided off-site, in the CD-1 By-law or whether the Parking By-law prevails and this Board is being asked to consider a Parking By-law relaxation. Mike Thomson, City Surveyor, advised that the CD-1 By-law has the standard language, notwithstanding that Council fully understood that parking would be provided off-site. Therefore, Mr. Thomson confirmed that if the Board were to approve this application it would require a relaxation for the parking location and a relaxation of the off-street loading, with a possible additional relaxation for bicycle parking.

Applicant's Comments

Walter Francl, Architect, said the intent of the marina accessory building is to be a quiet building that is not architecturally obtrusive. On behalf of his client, Mr. Francl supported the Staff Committee recommendations in the report with the exception of condition 1.2 and noted that the proposal for berths, boat sizes and the configuration of the marina, as proposed, is in conformance with the Form of Development that was approved by Council.

With respect to condition 1.2 Mr. Francl explained that there is an underwater promontory that comes forward and precludes the dock landing if perpendicular to the seawall because the dock will run aground at low tide. The proposed location is the only location in the immediate vicinity that permits floatation of the landing at the lowest tide.

Chris Gillham, Concord Pacific, said that the marina accessory building will be strictly for office use and that no one will live there. Further, Mr. Gillham said that the rezoning stated there should be no "party boats" or liveaboards in the marina and Concord Pacific intends to follow through on that. Mr. Gillham noted that the outstanding approvals needed from BIERC may take upwards of a year to obtain if this application is approved by the Board.

Questions/Discussion

Mr. Beasley asked the applicant if they would be agreeable to securing, through a condition of approval, that there are not to be any "party boats" or liveaboards in the marina. David Negrin, Concord Pacific, said those conditions are incorporated into the disclosure statements and most purchasers of the marina berths live on a Concord site; nevertheless he said he would not object to a specific clause in the approval or permit.

Mr. Beasley asked the applicant how they will solve the issue regarding the access ramp as per condition 1.2. The applicant responded that the cobble beach is part of the existing shoreline slope and through a process with Fisheries and BIERC the applicant has agreed to not to disturb that area. The ramp cannot be hung off the seawall therefore to address the condition the landing for the ramp would have to be made deeper out of the seawall and then go down from there.

Mr. Scobie asked whether the applicant has applied for the environmental approvals required through BIERC, DFO and NWPA. The applicant advised that they were waiting for approval from the Development Permit Board before proceeding with those applications.

With respect to the early commentary from the Processing-Centre Building staff regarding potential Building By-law and Fire issues, Mr. Scobie asked whether the applicant is confident that those issues are being satisfied in their servicing concept. The applicant confirmed that they understand what is being asked and believe that they have addressed or can address those issues.

Comments from other Speakers

The Board briefly discussed whether to impose a time limit for public delegations given the long list of names of those registered to speak to this application. It was decided that delegations should be encouraged to keep their comments brief and that the Chair should remind delegations of the scope of the Board's deliberations regarding this application given Council's approval on use and Form of Development.

It was also decided that the speakers list would be closed at the end of today's meeting. If it is necessary to resume the meeting tomorrow, the Board will hear only from those speakers registered by the end of today.

The following delegations spoke in opposition to the application:

Mr. Scobie read a brief from Isabel Minty who had to leave the meeting (brief filed)
Rider Coeey
Mr. Beck
Richard Kramer
Greg Morfitt
Jerry London

The meeting adjourned at 11:00 p.m. and reconvened at 5:00 p.m. on March 28, 2006.

The following delegations spoke in opposition to the application:

Kin Lo
Donna Wilkie
Norton Youngs

Susan Boutwood
Arn Coleman
Carolyn Kramer
Joseph Schuler

Comments in opposition included:

- Would like to see heritage registration for the shoreline waters of False Creek for greater limitations of development of marinas in False Creek;
- The proposed marina is not a beneficial contribution to the public realm;
- There are already enough marinas in False Creek which provide 1,355 official berths for vessels;
- Impact on water views from the seawall, due to a lengthy "wall" of boats nearly 175' long and 17' high, at high tide;
- Impact on long views and the unique panoramic view prospect over the water to the green shoreline and over lawns and trees;
- Impact on views from George Wainborn Park, particularly from the promontory looking eastward down False Creek. The current view is uncluttered;
- Impact on private views, particularly from the King's Landing townhouse units and those on the lower levels. These respondents felt they were not provided with accurate information at the time they purchased their units (beginning in 2003) about the scale of marina that would be developed;
- Result in additional traffic in an already congested neighbourhood, with too few off-site marina parking spaces being proposed (11) for the number of berths (22);
- Create navigational hazards in False Creek, especially the large boats that would be competing for space in the narrow channel where there have already been accidents;
- The large boats that will moor in this marina will create a large wake when they are manoeuvred which could impact the ferry docks or people in small non-motorized vessels;
- Concerns that the paddlers and kayakers who use False Creek will be forced into the flow of larger traffic because of the marina location;
- The western exit from the marina is unsafe for boaters because of shallow water;
- Concerns that the marina shape will create a polluted water trap;
- Motorboats contribute 70% more pollution into the environment than automobiles;
- Area residents should not be confined to their homes because of the pollution from idling motors, oil spills and noise;
- The privacy of residents will be invaded by the large boats together with the marina office and deck area;
- At Quayside marina the larger boats are out farther on floats with the smaller boats located near the shoreline;
- This proposal will reduce the overall aesthetics of Beach Neighbourhood;
- A "wall" of boats is not a neighbourly development;
- Concerns that the deck area surrounding the accessory building will be used as a "party dock";
- Views from the south shore of False Creek to the north would be even more cluttered;
- A belief that marinas are an eyesore, like a surface parking lot;
- The clutter of the marina spine, garbage and recycling facilities, the gates and ramp will be unsightly;
- Concerns that small zodiac inflatable type vessels will be moored on the inside float spines closest to the seawall;
- Noise, water and air pollution will result;
- A marina at this location is an incompatible use with surrounding residential uses;

- Liveaboard use should not be permitted and the number of consecutive days that people can stay on their boats should be spelled out in the permit;
- The public benefits package approved by Council in 2002, in exchange for allowing a marina at this site, was too heavily slanted in the developer's favour;
- Pre-purchasers in adjacent buildings never had an opportunity to address Council directly at the time of the rezoning;
- The developer did not accurately portray the potential scale of the marina at the time the King's Landing residential development was being sold;
- Concerns about public recourse if the marina does not operate the way it is expected to given the conditions of the permit;
- Council gave approval based on misinformation about the scale of the marina and the size of boats that would be in it;
- The proposal is not consistent with the form of development that was approved by City Council;
- The marina accessory building overhang is excessive;
- The view analysis presented at the December 2005 Open House did not accurately portray the heights of boats, the tide fluctuations, and the likely ratio of power to sail boats;
- Restrict the size of boats both in terms of length and height;
- Allow only sailboats;
- Remove the southernmost float, thereby better preserving views from the Park;
- Restrict the building and deck size to a total of 75 sq. m;
- Make allowance for berthing of non-motorized boats on the docks, or the deck surrounding the marina building;
- Reduce the number of slips by half;
- General issues with the size of the access gate, ramp location, size of the marina accessory building and the marina services float area.

In response to some of the questions raised by the delegations, the following clarification was provided:

- The Board cannot debate whether there should or should not be a marina at this location because City Council has already approved the use after a full debate and duly advertised Public Hearing process;
- The Official Development Plan was amended to include the marina as per Appendix I page 1 of 1 in the report so this proposal is not in contradiction of the Official Development Plan;
- The marina accessory building will be clearly identified on the drawings as just that and not an office or lounge which have other meanings in the Zoning By-law. It may be stated on the permit what specific items are acceptable in this marina accessory building structure;
- Liveaboards are not a permitted use in this CD-1 zone.
- The rezoning file from July 2002 indicates that at the time of rezoning two site-signs were posted and 2,500 letters were sent out to a two block radius in the Beach Neighbourhood and an additional 1,145 letters were sent to pre-purchasers in the Beach Neighbourhood;
- The BIERC process will check issues such as water depth for safe navigation, traffic and environmental impacts;
- The applicant stated that they would be prepared to state that at least 20% of the boats within the marina will be sailboats.

Panel Opinion

Mr. Scobie noted that three of the Advisory Panel members from the previous day were absent from the Advisory Panel for today's deliberations.

Ms. Long noted that this development application was not reviewed by the Urban Design Panel (although the rezoning application had) therefore her comments would be from the standpoint of a design professional and not on behalf of the Urban Design Panel. Ms. Long said she appreciated the passion expressed by the delegations. She supported condition 1.1 to reduce the height of the marina accessory building and said that a further reduction of the roof over the deck area by one-third, as the applicant offered, would help to minimize view impact from the seawall as a number of delegates suggested. Ms. Long supported the remaining conditions and said that after attending the site she felt there was some benefit to not expanding the existing False Creek Yacht Club marina in order to have some water views as opposed to creating one larger, massive marina.

Mr. Henschel said this is a complex issue and he commended the delegations that spoke for defending False Creek. Mr. Henschel said he hoped the delegations would continue to be involved in the process when this application is reviewed by BIERC. He agreed with Ms. Long's comments about the marina location proposed here being preferable to an expansion of the existing False Creek Yacht Club marina. Mr. Henschel expressed concerns that the amount of view blockage created by large powerboats versus smaller sailing vessels will be an issue and is not in keeping with the renderings that were apparently shown to Council during the rezoning. He suggested limiting the size of the berths to accommodate a maximum size of 60 ft. boats on the eastern side of the marina. Mr. Henschel supported the conditions of the report as written and said there should be a landing at the top of the ramp so that marina users do not burst onto the seawall with a wheelbarrow and bump into pedestrians etc.

Ms. Hung thanked the delegations for their comments and presentations which helped her to better understand their concerns. Ms. Hung said that boats add to the False Creek experience and she was satisfied that the marina would be well managed and the necessary services would be provided to minimize further pollution of False Creek.

With respect to the safety concerns of the delegations Ms. Hung agreed that there are safety issues with motorboats and paddlers maneuvering in this channel. She expressed disappointment that such large berths were approved by Council so close to the seawall because large powerboats are the size of a small building. Ms. Hung suggested a condition to limit the length of berths. She said that with many development applications on land sites there are amenities provided however this application on a water site does not offer any significant public benefits.

Mr. Braun said he sympathized with the public and appreciated their frustration for the limited authority of the Board given Council's approval of the Form of Development. Mr. Braun said the proposed ramp should remain perpendicular to minimize the impact on the seawall. He supported any additional wording that the Board might add to the conditions to clarify the use of the marina accessory building. Mr. Braun felt it was important to note that the application did receive support from some members of the public during the rezoning process. He disagreed with the suggestion of limiting the size or type of boats that would be permitted in these private strata lots. Mr. Braun encouraged the delegations to pursue their navigational safety concerns with BIERC members during their review of the application.

Board Discussion

Mr. Beasley recalled the public hearing process for this marina application and said that the Council of the day had a full and rich democratic debate about all of the issues in principle and many that were touched on during this Board's discussion of the application and the presentations made by the delegations. With respect to the delegations concerns about navigational safety in False Creek and access to the marina, Mr. Beasley said those issues are not in the jurisdiction of this Board; however he felt there should be a condition to ensure that those whose decision it is will come to a conclusion before the issuance of a permit.

With respect to some of the Advisory Panel member's concerns that the type of boats that would occupy the marina were misrepresented in the artist's rendering for the Form of Development, Mr. Beasley said there is nothing in any documentation about the type of boats that were presented to Council. He said if Concord purchasers felt there was a misrepresentation to them by Concord then they should take that matter up with Concord Properties and the Real Estate Board.

Mr. Beasley said he appreciated the delegations' presentations and suggestions for amendments. He said that he takes great care in what is seen from the seawall therefore the ramp needs to be designed as close as possible to the approved Form of Development and the scale of the ramp should be limited as much as possible. Further, Mr. Beasley said that the marina services area should be minimized in scale and the facilities should be relocated to be in line with the deck area as shown in the Form of Development. He said that staff were on the right track with the size of the marina accessory building in terms of recommended square footage and height; however he would like to see the size of the roof addressed.

Mr. Beasley said it was clear that Council's intention was not to have the marina accessory building used for parties and he was confident about the use of that building as a marina office. Mr. Beasley said the overall pattern of floats is in line with Council intentions; however there needs to be a measure to manage views looking southeast and long views. There also needs to be noise mitigation measures from marina machinery such as pumps and a place for people to complain about problems associated with this development. Mr. Beasley said he appreciated the Developer's offer to reduce the roof scale and to agree to a minimum number of sailboats for the marina because both of those measures are not required in the CD-1 zoning. Mr. Beasley said that this scheme fits the Guidelines and the Board ethically compelled to move approval with conditionality. Mr. Beasley said his experience with the Developer gives him confidence that they will do a quality job and will provide top quality treatment of this marina. Mr. Beasley moved approval of the application subject to the conditions of the report with several amendments.

Mr. Timm said he sympathized with some of the delegations, particularly those immediately across the seawall who said they were not aware of the size and scope of this marina. He seconded Mr. Beasley's motion for approval with two friendly amendments. Mr. Timm did not support Mr. Beasley's proposed amendment to condition 1.3 because he felt that it is important to the function of the marina that the services be appropriately located and Mr. Beasley's proposed amendment to locate the marina services at the end of the floats near the marina office would be an unnecessary imposition on the Developer; therefore he supported the condition as written by staff in the report. Further, Mr. Timm said that the issue of whether the boats would be sail or powerboats was considered by Council and he did not feel that the Board should take further action to specify a certain number of sailboats for the marina as Mr. Beasley proposed in condition B.2.6.

In light of Mr. Timm's comments Mr. Beasley said he would like to hear from Mr. MacGregor as to whether he will second the amendments and if not then the items can be dealt with separately.

Mr. MacGregor supported the direction of Mr. Beasley's proposed amendment to 1.3 but suggested excluding the pumping facility from the condition because it would be best to locate the pump at the centre of the marina. Mr. Beasley agreed to amend the condition accordingly to exclude the pumping facility. In terms of condition B.2.6, Mr. MacGregor said the actual number of berths that will contain sailboats should be specified rather than a percentage. He suggested that the number of sailboat berths should be 4. Mr. Beasley concurred with Mr. MacGregor's suggestion to express the actual number versus a percentage.

Mr. MacGregor said he has been dealing with False Creek for over 30 years and he disagreed with the delegations that suggested this proposal was not forward thinking. Mr. MacGregor said that the City has been pursuing legislative changes to deal with anchoring restrictions for False Creek which may address some of the safety concerns. He said that the proposal is in compliance with Council's intentions and Mr. Beasley's proposed amendments to the conditions to address the canopy overhang will address some of the delegations concerns. Mr. MacGregor said that Concord Pacific has honored agreements with the City and has provided some of the best public realm treatments in the city. Mr. MacGregor reiterated his support for the recommendations put forward by Mr. Beasley with the friendly amendments as agreed to by Mr. Beasley.

Mr. Timm noted that the Board's decision regarding the Parking By-law relaxation is completely a technical matter because the off-site parking and loading arrangements approved by Council were not incorporated into the CD-1 By-law when it was adopted.

Mr. Scobie said he was confident that the Council of the day fully understood what they were dealing with in terms of the application they considered and that they grappled with the issues and had a full array of perspectives brought to their deliberations in addition to staff and Park Board commentary. Mr. Scobie noted that Council unanimously approved the application.

One area that Mr. Scobie said he found the proposal to be lacking in was the design development of the marina services area. He noted that there was no design materiality for what the proposed screening would look like and having that information may have helped the Board in reaching their decision.

Motion

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

THAT the Board APPROVE Development Application No. 409903, in accordance with the Development Permit Staff Committee Report dated March 1, 2006 with the following amendments:

Amend 1.1 to add at the end:

AND cutting back the size of the roof by one-third where it covers the terrace;

Amend 1.2 to read:

design development to ***consider the technical feasibility and, if found to be technically feasible,*** to orient the access ramp perpendicular to the seawall as shown in the approved-in-principle Form of Development, to the satisfaction of the Director

of Planning and General Manager of Engineering Services AND in any event to minimize the scale of the ramp and landings;

Amend 1.3 to read:

design development to the marina services float area to make it as small as practical with most functions moved to a location on the deck south of the marina ancillary building; and to screen wherever it is located all equipment, garbage, recycling bins and wheelbarrow storage to minimize the appearance of clutter from the seawall;

CARRIED (Mr. Timm opposed)

Amend 1.4 to delete the words "such as" and replace with *as represented at*;

Add 1.5:

that the "lounge" be re-identified specifically as "marina accessory building" on all drawings and documents;

Add 1.6:

that noise mitigation measures be implemented for pumps and related machinery in the marina;

Add 1.7:

that a name and contact information for complaints to the marina management be identified and posted on an on-going basis for community information;

Delete A.1.2 and renumber the remaining conditions accordingly;

Add B.2.5:

that the specific activities allowed in the marina ancillary building (specifically prohibiting parties) and the prohibition of overnight occupancy be identified on the development permit;

Add B.2.6

that the proportion of sailboat berths be identified on the development permit as a minimum of 4 berths; AND specified on the plans as being berths located at the southwest corner of the marina;

CARRIED (Mr. Timm opposed)

Amend B.2.2 to close the parentheses after the word "Environment".

6. OTHER BUSINESS

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

THAT the Board gives their thanks to the retiring members of the Advisory Panel.

There being no further business, the meeting adjourned at 9:15 p.m.

D. Kempton
Assistant to the Board
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F. Scobie
Chair