

Date: Monday, May 12, 2003
Time: 3.00 p.m.
Place: Committee Room No. 1, City Hall

PRESENT:**Board**

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

Advisory Panel

H. Besharat Representative of the Design Professions (Urban Design Panel)
J. Hancock Representative of the Design Professions
E. Mah Representative of Development Industry (present for 1451 Homer only)
D. Chung Representative of General Public
C. Henschel Representative of General Public
J. Leduc Representative of General Public

Regrets

P. Kavanagh Representative of Development Industry

ALSO PRESENT:

M. Thomson City Surveyor
P. Pinsker Parking & Development Engineer
J. Barrett Development Planner (1451 Homer Street)
V. Potter Project Facilitator (1451 Homer Street)
M.B. Rondeau Development Planner (455 West 8th Avenue)
D. Robinson Project Facilitator (455 West 8th Avenue)

1451 Homer Street

W. Francl Walter Francl Architects
P. Webb Concord Pacific Properties
B. Hemstock Philips Wuori Long Inc.

455 West 8th Avenue

N. Baldwin Nigel Baldwin Architects
J. Smithson Brook Development Planning Inc.
R. Beechinor Grosvenor Canada Ltd.

Clerk to the Board: C. Hubbard

1. MINUTES

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of April 14, 2003 be approved.

2. BUSINESS ARISING FROM THE MINUTES

None.

**3. 1451 HOMER STREET - DE407362 - ZONE CD-1
(COMPLETE APPLICATION)**

Applicant: Walter Francl Architects

Request: To construct an approximately 8,223.9 sq. ft., two-storey Child Day Care Facility in Beach Neighbourhood.

Development Planner's Opening Comments

The Development Planner, Jonathan Barrett, presented this application, noting that an extensive public process was carried out for the Beach Neighbourhood, including the daycare, when the site was rezoned CD-1 in 1996. The site is located between two large residential towers at the southerly end of Homer Street between Pacific Boulevard and Beach Crescent. Vehicular access, parking and garbage facilities are provided for the daycare in the adjacent development (1408 Strathmore Mews) and secured by legal agreement at the rezoning stage.

The only minor issue that has been identified relates to the adjacent triangular piece of property which is part of the adjacent strata. The recommendation is that the applicants seek agreement from the adjacent strata corporation for a right-of-way for use of this land, to provide some relief to the main entrance to the daycare. The entrance functions adequately without this additional land but its inclusion would improve the entry by making it a little more generous. Staff note that the high quality of the architectural design, the materials and open space meet the high expectations of this important community facility. The recommendation is for approval, in accordance with the Staff Committee Report dated April 16, 2003.

Mr. MacGregor raised a concern that recommended condition 1.1 may require the applicant to submit revised drawings showing inclusion of the triangular portion of the adjacent site before issuance of a development permit.

Applicant's Comments

Walter Francl, Architect, explained the design is a contextual response. Given the scale of the project, they sought to marry it with some of the adjoining building forms and use it as a means of solving some of the grade elevational problems that currently exist. With respect to the adjacent triangular piece of land, Mr. Francl noted they had always intended to visually borrow it and landscape it a little differently. Negotiations with the adjacent strata corporation will be vigorously pursued.

In response to a question from the Chair, Mr. Francl confirmed he had no problems with the comments of Building and Fire and Rescue Services, in Appendix C of the report.

Comments from Other Speakers

None.

Panel Opinion

Helen Besharat advised the project was well received by the Urban Design Panel and supported unanimously. Mr. Hancock agreed it is a good project, well designed and responsive to its context. The Advisory Panel unanimously recommended approval of the application.

Board Discussion

Mr. MacGregor strongly supported the project. He recommended an amendment to condition 1.1 so that the project can proceed without it being contingent upon obtaining rights to the adjacent triangular area. Mr. Beasley concurred and commended the applicant team on an excellent design and high quality materials. He noted the daycare is an essential facility given the large number of children in the neighbourhood. Mr. Timm also supported the application.

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. 407362 in accordance with the Development Permit Staff Committee Report dated April 16, 2003, with the following amendments:

Amend 1.0 to read:

Prior to the issuance of the development permit, the applicant, with staff, is to approach the adjacent property owner (Strata Plan BCS 183) to acquire the use of the triangular portion of its site located between the main day care entrance and the driveway, for use by the daycare development.

Note to Applicant: If approved by Strata Plan BCS 183, revised drawings and information shall be submitted to the satisfaction of the Director of Planning for approval of a Minor Amendment to the development permit.

CARRIED UNANIMOUSLY

4. 455 WEST 8TH AVENUE - DE407357 - ZONE C-3A
(PRELIMINARY APPLICATION)

Applicant: Grosvenor Canada Ltd.

Request: To construct a 5 storey mixed use building comprised of 3 storeys of retail/commercial/restaurant, 2 levels of double height artist live/work, class A studios (80 units) and four (4) levels of underground parking.

Development Planner's Opening Comments

The Development Planner, Mary Beth Rondeau, presented this preliminary application to develop the full block site bounded by Cambie Street, Yukon Street, 7th and 8th Avenues. The site has no lane. The proposal is for three levels of commercial use with 80 two-storey Artist Live/Work Studios (ALWS) above, lining the exterior edges of the site. Ms. Rondeau briefly described the project, noting the adjacent Canadian Tire property is also proposed to be redeveloped in the near future, with a development application process. A market impact study indicates the proposed large retail component will enhance rather than negatively impact the smaller scale retail use in the area. The Central Area Plan recommends commercial uses in this location. The maximum permitted 3.0 FSR is sought. Outright permitted height in the C-3A zone is 30 ft., with increases above 30 ft. permitted conditionally to an unspecified maximum. Relaxation of the outright permitted height and density must be earned in the C-3A zone. The proposal complies with the Cambie Street Eastside C-3A Guidelines which call for a tree-lined, pedestrian boulevard on Cambie Street, a 30 ft. high podium and a principal building of approximately 90 ft. The building is lower on the easterly portion of the site, down to about 60 ft.

Ms. Rondeau briefly reviewed the view study diagrams showing the impact on the adjacent 8-storey XL Lofts building on the south side of West 8th Avenue. The XL building contains ground floor commercial use with ALWS above. It was noted that views from the second floor and below of the XL building would be blocked by an outright 30 ft. building on this site. A schematic of a revised scheme (not under consideration today), prepared by the applicant to address some of the view issues, indicates improvement to views from the XL building by reducing the height of the commercial podium by about 2 ft. and providing a view slot at about 38 ft. off West 8th Avenue. This will allow mountain views from the westerly block units of the XL building, from the 5th floor and above. Staff also recommend (in condition 1.2) that the height of the West 8th Avenue commercial entry be reduced to about 25 ft. to reduce impacts on the XL building.

Ms. Rondeau briefly reviewed the loading and traffic access to the site. A small Greenway Hub is recommended for the corner of 7th Avenue and Yukon Street (condition 1.5). It is also recommended that one of the ALWS units be registered under the City's Artists Residency Award Program (condition 1.6). The applicant has indicated the development will seek LEED green building rating and details will be sought at the complete development application stage.

In summary, staff believe the development will have a positive impact on the neighbourhood. Extensive traffic and transportation measures will be undertaken. The project contributes significant public amenity as well as indicating high quality architectural resolution and finishes. The Staff Committee recommendation is for approval in principle, subject to the conditions contained in the report dated April 16, 2003. Staff consider the proposal earns the height and density relaxations being sought.

Questions/Discussion

Staff provided the following clarification in response to questions from Board and Panel members:

- the complete application will be reviewed by the Urban Design Panel;
- condition 1.4 can be amended with respect to timing, noting it is likely a conclusion will be reached on traffic measures prior to submission of a complete submission;
- the XL building was developed to the maximum permitted 3.0 FSR;
- the proposal earns the requested relaxations by: complying with the guidelines in terms of building setbacks and building massing; the architectural resolution and high quality of materials; provision of a large plaza at the corner of 8th Avenue and Cambie, and an additional amenity (the greenway hub) is being sought; provision of an art feature; the Artists Residency Program; and the LEED sustainable building contribution;
- staff believe the large retail component will be a significant improvement in the changing character of the neighbourhood and it is supported by the zoning and policy framework;
- the double-height volumes in the ALWS units are counted twice in the FSR calculation;
- the Yukon Street access will be well used by traffic arriving from the north, including the potential 14,000 new residents of Southeast False Creek which will be a major market for this development, as well as from Downtown; a lengthy left-turn advance signal off Cambie Street onto 7th Avenue is discouraged due to its impact on both Cambie through traffic and 7th Avenue through traffic east of Yukon;
- compliance with the Sign By-law requirements is acceptable for the majority of the site; however, condition 1.2 calls for the second floor retail to be sensitive to the residents of the XL lofts.

Applicant's Comments

Nigel Baldwin, Architect, concurred with the conditions recommended in the report. He noted some work has already been done to improve views from the XL building which they believe will address condition 1.1. He confirmed they can also reduce the height of the 8th/Yukon retail pavilion by one floor, and he agreed the treatment of the second floor retail on 8th Avenue needs more work. He briefly reviewed the amendments they intend to make to the ALWS units in response to concerns expressed by residents of the XL building and the Urban Design Panel. He also noted the revised scheme will treat each elevation differently. Mr. Baldwin added, the site currently occupied by Wendy's is also a potential development site so they have treated 8th Avenue equitably with respect to impacts. With respect to condition 1.1, Mr. Baldwin advised they intend to lower the roof garden by 2 ft. and remove most of the private roof gardens to achieve a total height reduction of 5. ft. 6 in. The complete submission may seek retention of some of the private roof gardens. He said they are working with staff on the building and fire code issues.

Ryan Beechinor, Grosvenor Canada Ltd., said they are confident the development will introduce a positive change to this area of Cambie Street and they look forward to working with the community. Janet Smithson, Brook Development Planning Inc., briefly reviewed the public consultation that has taken place to date.

Mr. Baldwin responded to questions from the Board and Panel.

Comments from Other Speakers

Richard Thompson, resident of XL Lofts (428 West 8th Avenue), distributed copies of his presentation (on file). He presented three proposals for amendments to the development.

In response to Mr. Thompson's presentation, Ms. Rondeau advised this site is not affected by a view cone and the Central Broadway C-3A Guidelines are not applicable.

Mr. Beasley sought the architect's response to Mr. Thompson's proposals. Mr. Baldwin confirmed he would have no difficulty with the proposal being reviewed against the Central Broadway C-3A Guidelines. He stated the building clearly will not impact any views of City Hall, and the Cambie Street view cones at 12th and 10th Avenues are well above this proposal. With respect to Mr. Thompson's Proposal 2, Mr. Baldwin advised the 8th/Yukon corner will be reduced to about 22 ft. He also agreed they can set back the building on Yukon an equivalent amount to XL Lofts. While their proposed revisions will not fully address Mr. Thompson's Proposal 1, Mr. Baldwin said they intend to provide a sizeable view slot through the middle of the site which would address view impacts from the 5th floor of the XL building.

Rita Parada, resident of the XL building, disagreed with the type and scale of the development proposed, in particular the proposed grocery store which will operate seven days a week, resulting in increased late night noise, pollution and traffic congestion. She noted there are already three grocery stores in the immediate vicinity. She pointed out there are many unoccupied retail units in the area, including in the XL building. Ms. Parada also objected to the view obstruction that will result from this development, noting the Staff Committee Report fails to address the complete loss of view from the third floor, west side of the XL. She distributed photographs showing the views they currently enjoy. She suggested an increased setback (40 ft.) could be provided on Cambie Street to preserve some of their views as well as a further setback at the corner at 8th and Cambie. She also suggested the grocery store could be partly below grade. She stressed that view loss will impact their property values and said the development will change the face of the entire community by taking away from its current characteristics. Ms. Parada urged the Board to consider their concerns.

Sara Genn illustrated her remarks with a slide show presentation. Her concerns related to the size and scale of the development in relation to surrounding buildings. She suggested that direction should be sought from City Council, noting the proposed development is one third the size of Oakridge shopping centre. She did not believe that so much retail is justified on this site. She recommended that, for the West 8th Avenue elevation, the volume of the retail massing be reduced to a maximum height of 20 ft., that the retail frontage be broken up and an appropriate pedestrian scale frontage be provided. She also noted the current high vacancy rate of retail units in the area. She urged the Board to consider her suggested amendments.

In response to questions from Ms. Leduc as to whether this is a "big box" development and whether there is any precedent for this type of development, Ms. Rondeau said it is her understanding that the grocery store is intended to be much smaller scale than a typical suburban store, similar to gourmet-type grocery stores in the downtown. It is not considered to be a "big box" development.

Responding to a question from Mr. MacGregor regarding the zoning, Ms. Rondeau advised it is a commercial zone which allows residential use conditionally. However, this sub-area of C-3A, given its adjacency to an industrial zone, allows only Artist Live Work Studios rather than conventional residential use, with the expectation that they will be occupied by working artists. This also applied to the ALWS units in the XL building.

Joe Hargitt, resident of the XL building, expressed concern about the large number of parking stalls being proposed in this development and the impact that the increased traffic will have on the neighbourhood. He noted that West 8th Avenue is already very busy and 8th and Yukon is a dangerous corner. As well, 7th Avenue is a greenway and bikeway. He urged that the amount of parking be reduced to two levels and that one floor of retail be eliminated.

Bruce Hinckley, neighbourhood resident, sought clarification regarding the Cambie Street Guidelines which indicate that residential use is unacceptable in this area. Mr. Scobie explained that only ALWS is permitted in this sub-area because of its proximity to the adjacent I-1 industrial district east of Yukon Street. Mr. Hinckley

expressed concern about the height relaxations being supported by staff, and noted that 93 percent of residents responding to the notification were opposed or concerned about this project, which seems to have been disregarded. He suggested the site sign which describes the development as a 5-storey building is misleading when it is over 100 ft. high. With respect to the size of the development, Mr. Hinckley noted that the five major tenants will occupy an area of five acres, which is a very large box. With respect to the provision of open space, he pointed out that the roof top garden will benefit only the residents of the building, and only a small public plaza is provided on the southeast corner of the site. He urged the Board to require the developer to provide viable, accessible public open space at street level.

Kirsten Dewetts spoke to the environmental impact of the development. She urged that the developer be required to commit to LEED gold rating, in keeping with the City's commitment to ecological sustainability.

Panel Opinion

Helen Besharat reported that the Urban Design Panel strongly supported this proposal as a preliminary application. The Panel was excited about the urban character of the building on this very important site at the gateway to Cambie Bridge and the downtown. The Panel had some minor concerns which are outlined in the report. Ms. Besharat noted the public consultation process was not far advanced when the Panel reviewed the application. The Panel strongly supported the proposed mixed-use of the development, particularly the Artist Live Work component. Ms. Besharat added, she was encouraged by the applicant's commitment to a sustainable building, which was not indicated when it was presented to the Urban Design Panel. With respect to signage, Ms. Besharat said the Panel was concerned about the impact of signs on the street as well as on residents in this building and elsewhere in the neighbourhood, particularly in the XL building. The Panel also recommended some exposure of the rooftop garden for the benefit of XL residents.

Mr. Hancock acknowledged the well presented representations from the public. With respect to view impact, he noted the XL building itself was permitted a height of 82 ft. and he suggested this developer should be entitled to similar consideration. He acknowledged the improvements that the applicant has indicated will be made to improve view impacts, and pointed out that residents in the third floor of the XL should not to expect to maintain their views forever. With respect to the retail use, Mr. Hancock said the issue is not its size but whether it will start to negatively impact adjacent retail uses. He agreed with the delegation who expressed concern about the large number of parking stalls being proposed. Mr. Hancock said he liked the concept of LEED certification. With respect to open space, he noted it is predominantly private open space that is being provided, and suggested a more public gesture might be appropriate in order to earn the requested 3.0 FSR. Mr. Hancock stressed it is a preliminary submission and said he was encouraged by the applicant's willingness to go some way further in developing the scheme. Based on that commitment, and the conditions recommended by staff, Mr. Hancock recommended that the project be permitted to proceed, noting that much work remains to be done.

Ms. Leduc said she believes the proposal raises more questions than answers at this stage. She agreed the mixed-use is good but questioned what impact this amount of retail might have on the small industrial nature of this neighbourhood. She also supported the proposal to seek LEED certification and recommended a commitment to at least a silver rating. Ms. Leduc was very concerned about the number of parking spaces which will counter what is being achieved in this neighbourhood. She thought the amount of public amenity was lacking and agreed the rooftop garden is a private amenity. She did not believe the proposal had earned the maximum height and density being sought. It has to be designed in a way that does not present a full block of retail, especially at two storeys. She said a lot of work needs to be done before she could recommend approval.

Mr. Henschel thanked the members of the public for their comments. He noted that, as a preliminary proposal, the scheme is more about massing than the quality of the architecture, and the massing seems enormous for this

area. He noted that traffic is already a problem in this neighbourhood and providing 800 more parking spaces will exacerbate the situation. He did not believe there is enough public amenity in the project to justify the maximum density. LEED certification is only meritable if it is *silver or* gold rating. The view slot proposed by the applicant will benefit only a few XL residents. As well, the greenway hub and the art feature are very minor amenities. The amount of public open space is also inadequate. Mr. Henschel also questioned how this proposal fits with the City's transit plans. He did not support the proposal in its current form.

Mr. Chung questioned the impact of the development on the 7th Avenue bicycle route and said that issues of transportation and traffic circulation need to be investigated further. With respect to the retail, he said it seems more like destination shopping than a neighbourhood amenity, contrary to the City Plan goal of introducing more neighbourhood oriented retail. He said he was aware of the empty retail spaces in the area and was concerned that this development could exacerbate the situation. Mr. Chung also found 800 parking spaces to be excessive and counter to the goal of encouraging the use of public transit. With respect to the massing, Mr. Chung said he hoped the recommended conditions would improve the building, noting it needs to be handled carefully since it is a full block. He felt the project could proceed but noted there are many issues that remain to be addressed.

Board Discussion

Mr. Beasley thanked the public delegations for their input. He stressed that the application is preliminary, the objective of which is to deal with the major issues and pose questions to be addressed prior to its resubmission as a complete application. He noted there are questions about the massing as it affects views as well as the scale of the building on the street. Mr. Beasley said he felt confident about the changes being proposed by the applicant team but noting they may need to go further. He said there is an issue about the potential of this retail use turning into "big box" retail. While the retail study has indicated the retail units will not have a negative impact, if all the units were to be converted to one or two units it could negatively impact the neighbourhood. With respect to the parking, Mr. Beasley agreed the amount proposed far exceeds the By-law minimum and should be amended to a more appropriate number.

Mr. Beasley noted the Board was very supportive of the XL building when it was approved, not as residential but a live/work project providing a good transition to the industrial zone. Likewise, he believed the Board should also support this proposal for its proposed ALWS use. He moved approval in principle, with amendments and additions to the conditions, stating he believed this would allow the project to move forward in a way that gives a high probability, when redesigned, to be compatible with the neighbourhood, and specifically the XL building. He noted that some of the XL neighbours will lose some of their views, which is to be expected in the developing city, in the same way that neighbours to the south of the XL also lost views when it was developed.

Mr. MacGregor seconded Mr. Beasley's motion. He noted that while XL residents consider this to be their residential neighbourhood, the fact is that the zoning to the east of Yukon Street is industrial and it is a special dispensation that Artist Live Work use is permitted in this niche of the C-3A zone. Furthermore, the intent is that these units are occupied by working artists rather than being for purely residential use. There must therefore be a greater tolerance towards new commercial neighbours in the area noting there have to be places in the city in which to locate commercial uses. Mr. MacGregor said he believes this area is very appropriate for a substantial amount of retail provided the size issue ("big box") is addressed. He noted the smaller units shown in the proposal are certainly more appropriate than a big box development. With respect to the massing, Mr. MacGregor said he thought it needs to be articulated much more. He said he would also like to see more details about the proposed greenway hub. Mr. MacGregor stressed that, at the complete stage, he expects to see precise details as to what is being provided to earn the maximum FSR, as well as a summary of what was provided in the XL building, for comparison.

Mr. Timm agreed with the direction the applicant is taking to refine the design and involve the neighbourhood. He expressed concern about how the project earns the maximum FSR, noting this is a full city block and, on a total square foot basis and given there is no lane, the developer is achieving more density on this block than would be found in any other C-3A block. This results in a massive building, and for this reason the developer must work harder than most other C-3A sites to justify the maximum FSR. A second concern relates to parking. Mr. Timm supported Mr. Beasley's motion in this respect and he stressed the Board will need to be convinced that the proposed amount of parking is needed to support the development. Mr. Timm noted that one advantage this development provides is that it creates a relatively unique opportunity, fairly close to the downtown, for stores that can also serve the downtown core. He added, the development may result in a reduction in overall traffic in the city because people from the downtown core will not need to drive as far to do their shopping.

Mr. Scobie commented that this site, because of its size and the absence of a lane, clearly has greater capacity to achieve 3.0 FSR than most smaller sites in C-3A. He considered the proposed uses to be very appropriate and consistent with the zoning, adding the only issue with respect to the retail use is the concern about it being "big box" development.

Motion

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

THAT the Board APPROVE IN PRINCIPLE Development Application No. 407357 in accordance with the Development Permit Staff Committee Report dated April 16, 2003, with the following amendments:

Amend 1.1: to add *in consultation with neighbours*;

Amend the Note to Applicant in 1.1 to add: *Consideration should be given to extending the benefits of the view slots and setbacks to third floor XL units, where practical*;

Amend 1.2 to add: *in consultation with neighbours*;

Delete "furthermore, within 5 years of final occupancy", from 1.4;

Add 1.9:

design development to make the fin-out at 8th and Yukon in the order of 22 ft. or less in height;

Add 1.10:

design development to consider having the proposed building's upper retail and residential setback from Yukon an equivalent amount to XL Lofts, preserving the northern views of balconies on the east side of XL and those from 10th Avenue;

Add 1.11:

that the Central Broadway C-3A Urban Design Guideline be carefully reviewed as to its relation to the project;

Add 1.12:

further consideration and evaluation of the appropriate parking count for this project, in line with similar inner city commercial parking provisions and meeting the City's transportation goals;

Note to Applicant: Minimum Parking By-law requirements must be met;

Add 1.13:

when the complete application is submitted, the developer to deliver a commitment not to expand or consolidate the retail to big box but that the major retail tenants be generally as proposed in the preliminary submission;

Note to Applicant: This commitment will require legal documentation before final development approval.

CARRIED UNANIMOUSLY

5. OTHER BUSINESS

Mr. Scobie reported that a Board of Variance "third party" appellant recently attempted to contact members of the Advisory Panel to question them about a Development Permit Board decision. While the names of the Advisory Panel members are public information, telephone numbers are not generally released by the City. In discussion, it was agreed that the Advisory Panel's role is to advise the Development Permit Board before it makes its decisions and members should not be involved in discussions with applicants or opponents before applications are considered. However, Panel members who are representatives of the general public may choose to attend public meetings for observation, but should do so in as unobtrusive a manner as possible. Advisory Panel members are not expected to take any responsibility for decisions made by the Board. It was noted that AIBC members are strongly discouraged by their Institute from participating in any direct communication with interested parties. Anyone approaching them is referred to the relevant Planner.

Mr. Scobie agreed to review the situation further with a view to including some directive in the Board procedures, including provision that the general public representatives might attend public information meetings, as observers, before Development Permit Board meetings.

There being no further business, the meeting adjourned at 6.25 pm.

C. Hubbard
Clerk to the Board

F. Scobie
Chair

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