

Meeting: No. 480
Date: Monday, May 15, 2000
Time: 3.00 p.m.
Place: No. 1 Committee Room, City Hall

PRESENT:**Board**

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

Advisory Panel

P. Grant Representative of the Design Professions (Urban Design Panel)
J. Hancock Representative of the Design Professions (excused Item #4)
A. Gjernes Representative of Development Industry
M. Mortenson Representative of General Public

Absent

P. Kavanagh Representative of Development Industry
J. Leduc Representative of General Public
R. Mingay Representative of General Public
R. Roodenburg Representative of General Public

ALSO PRESENT:

R. Segal Development Planner
N. Peters City Surveyor

Item 3 - 550 Burrard Street - DE404803

F. Musson Musson Cattell Mackey Partnership
A. Whitchelo Bentall Corporation
D. Wuori Landscape Architect

**Item 4 - 1239 West Cordova Street - DE404441
and -1281 West Cordova Street - DE404757**

J. Hancock Hancock Bruckner Eng + Wright Architects
C. Brook Brook Development Planning Inc.
B. Langereis Delta Land Development Inc.

CLERK TO THE BOARD:

C. Hubbard

1. MINUTES

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of April 17, 2000 be approved.

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of May 1, 2000 be approved.

2. BUSINESS ARISING FROM THE MINUTES

None.

3. 550 BURRARD STREET - DE404803 - ZONE CD-1 (PRELIMINARY APPLICATION)

Applicant: Musson Cattell Mackey Partnership

Request: To construct a 34-storey office tower with ground floor retail/office use, a retail (food) pavilion, and a public plaza, in two phases. Phase 1 is for the first 20 storeys of the tower and a temporary plaza; Phase 2 is for the remaining 14 storeys of the tower, the retail pavilion, a permanent plaza and expansion of the top five (of seven) levels of the underground parking underneath the plaza.

Development Planner's Opening Comments

The Development Planner, Ralph Segal, began his presentation of this application with a brief review of the history of the site. In May 1991, Council approved a CD-1 Rezoning which included a 450 ft. high office tower, a new YWCA facility on Hornby Street, an additional 400 parking spaces to replace the DPC parkade previously on the site, and "Palm Court", a glazed pavilion at the Burrard/Dunsmuir corner. The new YWCA facility with rooftop daycare was completed in 1995 along with 638 underground parking spaces. In July 1997, a Text Amendment was approved to permit hotel use, with a revised form of development to include hotel lobby and associated facilities at the Burrard/ Dunsmuir corner. The hotel proposal was not pursued and the Burrard/Dunsmuir corner remains undeveloped. The current application reverts to the office use proposed in the 1991 rezoning, retaining the dimensions of the original scheme but with substantially different architecture.

The applicant proposes to develop the project in two phases. Phase 1 is to construct the first 20 storeys of the tower, with the top two floors remaining vacant to facilitate completion of the tower in Phase 2. A temporary plaza is proposed until the second phase proceeds. At that time, the temporary plaza will be demolished to construct the underground parking and the permanent plaza. The principal issue identified by staff relates to the usability of the temporary plaza. Staff conclude from the shadow analysis that there is sufficient sun reaching the

corner, primarily in the morning and later in the afternoon, for a plaza with a food court to be appropriate. Staff believe there needs to be more than the proposed berm in Phase 1 and are recommending incorporation of a demountable food pavilion that can be moved off site during construction. There are other landscape design issues relating to the plaza, including the request for a wind study.

A concern has been raised by the YWCA that the usability of its rooftop daycare will be seriously compromised during the two construction phases of this project. The applicant is urged to work with the YWCA to establish a construction procedure that will not curtail the daycare operations. Mr. Segal tabled an additional condition to address this issue. Another matter raised by the YWCA is the potential encroachment into their air space parcel, noting the tower cantilevers over the property line between the YWCA and this property. Staff seek confirmation from the applicant that the air space parcel was devised in such a way that there will be no such encroachment.

In summary, staff recommend approval in principle of the application, subject to the conditions outlined in the Staff Committee Report dated May 3, 2000. The Staff Committee also recommended that the complete submission be returned to the Board for consideration.

General Discussion

Responding to a question from Mr. Beasley regarding the underground pedestrian linkage between this development and Park Place, Mr. Segal explained that while there is no obligation for the developer to create a link beneath Dunsmuir Street to Park Place, the applicant is being asked to consider such a connection, noting that Park Place was responsible for the underground link beneath Burrard Street to the SkyTrain Station. In response to a question from Mr. Rudberg, Mr. Segal confirmed that this proposal is consistent with the CD-1 zoning; the 1997 Text Amendment was to allow an additional use (hotel). This application will require Council approval of the form of development only. With respect to the condition calling for consolidation of Lots C, D and E, Mr. Noel Peters, City Surveyor, explained there are three ground parcels and one air space parcel that form this site, and consolidation is a normal requirement in a comprehensive development such as this. Mr. Whitchelo, Bentall Corporation, advised there is an existing single site covenant attached to the site; it was not intended to consolidate because of different ownership of the parcels.

Noting this application was submitted on January 14, 2000, Mr. Scobie questioned the length of time it has taken to bring this application before the Board. Mr. Segal explained there has been a large increase in major applications in the past four to five months, particular for non market housing which has Council priority over market developments such as this application. With respect to the Staff Committee's recommendation that the complete application be returned to the Board, Mr. Segal agreed this was a conservative recommendation that could be reversed by the Board to permit the complete submission to be dealt with by the Director of Planning.

Applicant's Comments

Mr. A. Whitchelo, Bentall Corporation, said they do not believe a food operation will ensure the success of the Phase 1 plaza, noting there are a number of successful plazas in the area that do not have food services. A demountable food pavilion will preclude the creation of a high quality plaza in Phase 2. It could not be re-used and will be a waste of money, noting it would require the same services as a permanent structure. As well, they do not believe the first phase, approximately 300,000 sq.ft., is sufficient to support the kind of food use envisaged in the future. Alternatively, Mr. Whitchelo said they believe good landscaping design can achieve an appropriate interim plaza. He requested deletion of condition 1.1. With respect to the requirement for public art in Phase 1, Mr. Whitchelo noted the intent is to integrate the public art into the plaza, which they believe can be done much

more meaningfully in Phase 2, noting also that the full amount of money to be allocated to public art will not be available until the second phase.

With respect to an underground pedestrian connection, Mr. Whitchelo said their request for a mid block connection on Burrard Street, between the Bentall Centre and Tower 5, was refused at the rezoning stage. Since the current proposal contains no underground retail, a connection to Park Place seems unlikely to occur. With respect to condition A.1.12, Mr. Whitchelo reiterated there is a single site covenant on title, which they believe is sufficient, as opposed to site consolidation. Regarding the requirement for Council to approve the form of development (A.4.4), Mr. Whitchelo requested this be sought sooner than the complete stage of Phase 1 so that they can have some assurance of Council's concurrence before proceeding further. Mr. Whitchelo also requested that the date for submission of a complete application (condition A.4.2), be for Phase 1 only. With respect to condition A.4.6 concerning Development Cost Levies, Mr. Whitchelo noted the rezoning required them to provide the daycare and public art, and he questioned whether these items are taken into account in the calculation of DCLs.

Regarding the YWCA, Mr. Whitchelo confirmed the building will go above its air space parcel. When the YWCA and its daycare were built, it was with the intent that this development would be built later. He assured the Board they will work with the YWCA to ensure their operations can proceed, although they cannot guarantee there will not be occasions when closure may be necessary. Mr. Whitchelo asked that the Board not impose a condition that might prevent them from proceeding with construction.

Referring to condition A.1.9, Mr. F. Musson, Architect, explained the dedications that were made at the rezoning stage, to allow for truck manoeuvring. Since the situation is now changed, he said they intend to revisit this matter with Engineering Services. With respect to A.1.10, Mr. Musson noted both the original office tower submission and the later hotel scheme had covered areas under the building which were excluded from FSR. He questioned why the current scheme includes in FSR approximately 2,300 sq.ft. which is a registered public pedestrian right-of-way. Finally, noting that this submission has generated very little discussion on the building itself, Mr. Musson urged the Board to permit the complete application to be dealt with by the Director of Planning.

Mr. D. Wuori, Landscape Architect, said he concurs with the commentary and conditions in the report relating to the landscape and plaza treatment.

General Discussion

In response to a question from Mr. Beasley regarding the phasing of the project, Mr. Whitchelo noted the layout of the site lends itself to the intended phasing. Referring to a site diagram, he explained how the construction would be handled, noting the crane would not swing over the YWCA or the sidewalk. The top two storeys of the Phase 1 tower will be buffer floors to accommodate storage of materials and lunchrooms and washrooms for the construction workers. A fine mesh will encircle the whole tower, extending 30-40 ft., to act as a safety net around the building. As well, other pedestrian safety measures will be incorporated. It is anticipated that the crane will be in place for about 12 months. They have studied a number of other locations where similar phasing has taken place and are confident it can be done with adequate advance planning. It is intended that the underground parking would be built at the same time as completing the tower.

Given the uncertainty of the timing of Phase 2, Mr. Beasley questioned the proposed treatment of the interim plaza. Mr. Wuori said the intent is to create a berm (7-8 ft. high) with planting on the lane side for screening, and a grass berm fronting onto the plaza.

In response to a question from Mr. Beasley concerning the applicant's preference for a single site covenant as opposed to site consolidation, Mr. Peters agreed this would be acceptable.

Noting the applicant's stated intention to cooperate with the YWCA with respect to construction impacts on the daycare, Mr. Beasley questioned their reluctance to accept a condition in this regard. Mr. Whitchelo said their concern would be with how such a condition would be monitored. He reiterated, the YWCA was built with the understanding that this development would be occurring later, and he saw no need for a condition of the development permit in this respect. He stressed they intend to do everything possible to protect the use of the YWCA and its daycare, but uninterrupted use may be impossible to achieve. He added, they would not want to be "held to ransom" by a third party for construction of the tower, adding it was the vagueness of such a condition that would be a concern.

Responding to a question by Mr. Gjernes concerning the applicant's request to seek Council approval of the form of development at the preliminary stage, Mr. Segal advised there have been occasions when preliminary submissions have been taken to Council for form of development approval. In such cases, the design has been sufficiently advanced that staff were assured no major changes would occur at the complete stage. Mr. Segal confirmed that the level of design of the subject submission is such to support seeking early approval of the form of development. Mr. Beasley added, since this is a very unusual phasing plan, it would be a positive benefit to be aware early if Council had any problems with it. In discussion, Mr. Beasley noted it is normal practice to put forward to Council only what is going to be given a permit. Mr. Scobie added, Council may be advised of an intended future phase, but it would only be put forward to Council when a development application for the later phase is made. Council could approve in principle the form of development for a later phase in order to provide some direction for the development application. Mr. Whitchelo confirmed it would be their preference to advise Council it is intended to be a phased project and to seek approval for both phases at the same time.

Some discussion took place regarding the applicant's question about FSR calculation (condition A.1.10). Mr. Rudberg commented it does not seem unreasonable to exclude the walkway from FSR if it is a public right-of-way, although Mr. Beasley expressed concern about establishing a special calculation arrangement for this application rather than calculating FSR in the way it is generally done. It was agreed it may be determined that the space in question is excludable from FSR, but that this should be determined in the usual manner of calculating FSR.

Members of the Board and Advisory Panel then took a few minutes to review the model and posted drawings.

Comments from Other Speakers

Ms. Marion Taylor, YWCA, noted the Staff Committee Report raises the two issues that directly affect the YWCA, namely the loading zone and construction impacts. With respect to loading, Ms. Taylor said they are confident they can come to a satisfactory agreement with the developer. However, the impact of the two-phase construction plan will directly affect the rooftop outdoor play space for the 26 daycare children. Noting the report encourages the applicant to work with the YWCA to provide a construction plan that minimizes disruption to the daycare, Ms. Taylor asked the Board to apply a prior-to condition in this respect, stressing it is not their intention to hold anyone up to ransom. Everything possible must be done to mitigate safety concerns for the children and staff during construction. Ms. Taylor added, the YWCA has enjoyed a close working relationship with Bentall Corporation over the years in order to achieve their own program centre in the early '90s.

Panel Opinion

Mr. Grant reported that the Urban Design Panel found this to be an exciting, well designed proposal. Given the history of the project and the number of years it has taken to come to fruition, it has culminated in an elegant scheme. The Panel did wish to see Phase 2 proceeding without delay, and some Panel members wanted to see the food court developed to a fairly high level in Phase 1. Another recommendation was that there should be more soft landscaping than indicated, particular in Phase 1. The Panel saw Phase 1 as a well resolved step towards Phase 2 and concurred with the methodology proposed by the applicant with respect to the somewhat temporary nature of the plaza, although there was emphasis on having some activity associated with it rather than being a purely passive space.

Mr. Hancock complimented the applicant on a scheme that is much better than seen previously for this site. It is a very attractive design. With respect to the prior-to conditions, Mr. Hancock had no concern with the food court being developed in Phase 2. He felt the money might be better spent once and spent well, provided the plaza is sufficiently substantial to survive the possibility of Phase 2 being delayed. With respect to condition A.2.11, Mr. Hancock said he was not convinced an underground connector is necessary. He also agreed with the applicant that the public art could be done in Phase 2. With respect to A.1.9, if the corner cut exists on the lane, as mentioned by Mr. Musson, he saw no reason not to give back the two setbacks to the development. He also agreed with excluding the public walkway from FSR (A.1.10). Regarding the daycare, Mr. Hancock felt it was sufficient to encourage the applicant to work with the YWCA to come up with a satisfactory solution. He concurred with Council reviewing Phase 1 at the preliminary stage but thought Council should also review Phase 2 at the preliminary stage, in order to get some certainty on future direction.

Mr. Gjernes concurred with Mr. Hancock's comments. He recommended approval in principle, with the complete application referred to the Director of Planning. He said, it is good to see this office development coming forward and the Board should encourage the applicant to proceed and accommodate the proposed phasing plan, recognizing the reality of the marketplace.

Mr. Mortenson found it an attractive building design and an innovative approach to adding some office density to the downtown core. He had some concern that the needs of the YWCA daycare are looked after, noting it will impact 26 families. He recommended approval in principle, with the addition of condition 1.8, to require some effort to reach an accommodation with the YWCA.

Board Discussion

Mr. Beasley said he found this quite an inventive proposition. The tower is a better concept than previous proposals for this site, as evidenced by the lack of conditions relating to the tower. In moving approval in principle, Mr. Beasley said it can be dealt with administratively how best to report this to Council; we can respond positively to the request for early reporting, which will also be beneficial to Council. We can deal administratively with the questions of FSR calculation and the issue of the final lane configuration and setbacks, noting this is a preliminary application. Finally, because this is a very significant building in the city, and questions remain about the glazing, etc., Mr. Beasley said it would be useful for this application to come back to the Board for final approval.

Commenting on A.1.24, Mr. Rudberg said it provides for a right-of-way agreement to allow public access through the site. Staff can deal with the FSR exclusion issue, taking other precedents into account. He added, he was concerned about the phased development of this site. It will be highly disruptive to the tenants and some of the surrounding property owners to go through the construction experience twice. It was therefore with some reluctance that he supported the application. It would certainly be the Board's preference to see the whole development completed in a single phase, notwithstanding market conditions.

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 Preliminary Development Application No. DE404803, in accordance with the Development Permit Staff Committee Report dated May 3, 2000, with the following amendments:

Delete 1.1;

Amend 1.2 to add, after "canopy of trees":

and reflecting that the interim treatment could exist for a considerable period of time;

Amend 1.3:

design development to the *final* plaza, ~~both interim and final,~~ to incorporate public art, etc.

Add 1.8:

the applicant is encouraged to work with the YWCA to manage disruption to the daycare operation during the construction periods in order to minimize impacts;

Amend the last sentence of the **Note to Applicant** after A.1.10 to read:

Please note that ~~neither~~ mechanical spaces above base surface ~~nor the covered outdoor arcade at the ground level~~ may not be excluded from the calculation of floor area.

Amend A.1.24:

arrangements shall be made, to the satisfaction of the Director of Planning, *General Manager of Engineering Services*, and Director of Legal Services for ~~an agreement a Covenant~~ to ensure the provision of public access and use of the plaza located at the southwest corner of the site *and pedestrian arcade through to Hornby Street;*

Amend A.2.12 to add:

or alternatively a single site covenant, to the satisfaction of the Director of Legal Services;

Amend A.4.2:

If a complete application *for Phase 1* is not submitted etc.

Amend A.4.4 to delete the words "At the complete stage, and";

4. 1239 WEST CORDOVA STREET - DE404441 - ZONE CD-1 and
1281 WEST CORDOVA STREET - DE404757 - ZONE CD-1
(PRELIMINARY APPLICATIONS)

Applicant: Hancock Bruckner Eng + Wright Architects

Request: To construct a multiple dwelling development consisting of a 35-storey tower on Site 2A, a 27-storey tower on Site 2B, and grade oriented townhouses containing a total of 277 dwelling units, with three levels of underground parking.

These applications, dealing with adjacent properties, were presented simultaneously. The Staff Committee Report dated May 3, 2000 deals with both applications.

Development Planner's Opening Comments

The applications were presented by the Development Planner, Ralph Segal. The proposed two residential towers (2A and 2B) are located in Harbour Green Neighbourhood, the first phase of which is now complete. Following a brief review of the immediate context, Mr. Segal described the proposed tower forms. Tower 2A conforms to the maximum 99 m (325 ft.) guideline height and exceeds the 625 m guideline floorplate by about 22 m. Its width is about 10 ft. less than the guideline maximum of 97 ft. The height of Tower 2B is proposed at 76.6 m (251 ft.), exceeding the maximum guideline height of 72 m. The floorplate of Tower 2B is proposed at 6,628 sq.ft., 226 sq.ft. more than the guideline floorplate. The width of 85.63 ft. is less than the guideline maximum of 97 ft. Mr. Segal noted the Board can relax the height but pointed out that the guideline heights for the five towers in this sub-area were rigorously negotiated with upland owners at the rezoning stage. The Harbour Green Neighbourhood CD-1 Zoning contains no provision for height relaxation, although the overall Official Development Plan for Coal Harbour does contain such a provision. In summary, both towers are slimmer than the guideline dimensions, the floorplates are 3.5 percent larger, and Tower 2B is about 15 ft. higher. The main benefit of the proposed massing is that a terrace zone of 12 storeys or more has been eliminated. As well, the chamfering of the building on its north edges does improve views past the building for upland property owners.

View impact is the major issue. While the elimination of the terrace zone improves low level views, there is disbenefit for 1177 West Hastings with respect to the increased height, as indicated in the view analysis. In summary, staff have been persuaded that the view benefits overall are sufficient to justify the 15 ft. height increase and the modest increase in floorplate. As well, the top of Tower 2B has been configured in such a way that some further advantages are gained over a more typical mechanical penthouse proposal.

There has been extensive consultation with the upland owners with respect to this proposal. Two letters of objection have been received, including one from the owner of 1177 West Hastings Street. Fifteen e-mail letters have been received in support of the quality of the architecture proposed.

The recommendation is for approval in principle of the applications, subject to the conditions contained in the Staff Committee Report dated May 3, 2000. Mr. Segal tabled a further suggested Note to Applicant to the effect that the height relaxation is approved in principle on the basis of the quality of the architectural design.

General Discussion

Responding to a question from Mr. MacGregor as to whether height relaxations have been granted to other proposals in this neighbourhood, Mr. Segal advised that 301 Jarvis Street was approved at ten percent over the guideline height. In answer to a question from Mr. Beasley concerning mechanical penthouses, Mr. Segal explained a mechanical appurtenance can be excluded from height if it covers no more than ten percent of the area of a typical floor, and may be relaxed beyond ten percent if it is deemed to be a decorative rooftop feature. With respect to the additional height being sought for Tower 2B, Mr. Segal advised it represents a little less than two floors. The floor-to-ceiling height is now 8 ft. 6 in., reduced from the originally proposed 9 ft. Mr. Scobie questioned the nature of the rooftop treatment for the townhouse units. Mr. Segal advised there is access from each unit to rooftop gardens.

With respect to the Staff Committee recommendation that the complete application be returned to the Board, Mr. Segal explained the Committee felt the unique architectural treatment should be maintained and more precisely described, for review by the Board at the complete stage.

Applicant's Comments

Mr. J. Hancock, Architect, said they recognized that the significance and prominence of this site provided an opportunity to do something special. Their vision for the site concluded that the terrace zone has proven to be somewhat unsuccessful on previous projects because the bulk blocks diagonal views. It also fails to contribute to the appearance of tall, slim buildings from the water side. This led to the current "regatta" concept for the five buildings which acknowledges the maritime setting and the image of sails and curving forms. Community input was sought in a variety of ways - open houses, meetings on site, stakeholder meetings, and an interactive website - as a result of which four out of five people who responded were strongly in support. The community input led to a series of changes including lowering the height. Mr. Hancock said he believes the proposed 3.5 percent increase in floorplate size is well within established precedents in the area. The building was moved back 10 feet, which opens up wide vistas. The view analysis has been very extensive and overall there is a net positive impact. Mr. Hancock advised they can work with the prior-to conditions, with a few exceptions to be discussed by Mr. Brook.

With respect to condition 1.1 for Tower 2B, Mr. C. Brook, Brook Development Planning Inc., requested that the Board give consideration to a cash in lieu contribution for the play area in the semi private courtyard. They believe it may be more useful and practical to enhance the existing public children's play area for the benefit of all the children in the neighbourhood rather than accommodating it within the semi private courtyard. Alternatively, they ask the Board to consider rooftop play areas. With respect to standard condition A.1.14 calling for clarification regarding the non-market units required by the CD-1 By-law, Mr. Brook noted the by-law calls for the provision of 110 units of core-need and 182 government-funded units. The ODP identifies these non-market units on Site J (Lot 1) and there appears to have been a shortfall of eight units. However, Mr. Brook said they fail to understand how this is relevant to the subject application, and he requested deletion of this condition. Finally, given the extensive design development process that this project has undergone, and given the relatively modest conditions being recommended, Mr. Brook requested that the Board permit the complete application to be dealt with by the Director of Planning.

Mr. Hancock added, even if the two future towers (which are intended to be "matches" to the subject towers) receive similar relaxations, tower 3A, being directly in front of 1177 West Hastings, will be of more significant benefit to them than a guideline-conforming scheme. Referring to the Development Planner's earlier comment about floor-to-ceiling heights, Mr. Hancock noted it is an air-conditioned building, requiring extra height to accommodate the ductwork. With respect to the treatment of the townhouse roofs, Mr. Hancock said the design has not progressed this far. There is potential for rooftop terraces, but rooftop decks were not intended.

General Discussion

Responding to a question from Mr. Beasley regarding pay-in-lieu for the play area, Mr. Segal advised the Staff Committee Park Board representative was opposed to such a proposition. Mr. Segal confirmed that buildings containing family units are required to provide play areas on-site, and experience to date has shown there are more children resident than anticipated. He agreed that a rooftop play area could be considered as an alternative. With respect to the rooftop treatment, Mr. Beasley commented that urban rooftop gardens are a very desirable feature. Mr. Hancock advised this issue has not yet been addressed, but they would be happy to provide them. With respect to the shortfall of eight non-market units referenced in A.1.14, Mr. Segal confirmed it was envisioned that Site 1 would receive all the non-market housing. It was not intended for this or other waterfront sites. Mr. Brook expressed concern that the condition be applied to this application, since the new site owner was not a party to this requirement of the rezoning. In discussion, the Chair noted it was intended to "flag" an impending shortfall issue, rather than an obligation of this applicant.

Comments from Other Speakers

Mr. Bruce Warner, representing Geoffrey Lau (Golden Properties) owner of 1177 and 1111 West Hastings Street, addressed the Board. He noted, the five waterfront building were agreed upon at the rezoning stage, and Tower 2B was intended to be 72 m high, as described in the By-law. The ten percent height bonus provision is contained in the guidelines, in distinct contrast to 301 Jervis Street where the ten percent bonus was written into the by-law. Mr. Warner acknowledged the applicant's attempts to reduce the overall height of the tower over the last few submissions; however, the current proposal is still 15 ft. over the height originally intended. Mr. Warner noted the upper half of their building contains the high rent office space, so eliminating the terrace makes no difference since it only affects the lower floors. He noted they have recently committed the top five floors of their building to a single tenant, based on representations of what would be built in the future. Mr. Warner urged the Board to consider that the height bonus significantly affects upland owners. Furthermore, if a relaxation is applied to this building, it could easily be applied to the three future buildings, further impacting views.

Questioned by Mr. Beasley about the impact of a more typical mechanical penthouse on a 72 m high building, Mr. Warner said the proposal, even with its reduced mechanical appurtenance, is still 12 ft. higher than the permitted maximum. In discussion, Mr. Beasley commented that approval of extra height on this building would not mean approval of extra height on any other building. Mr. Warner added, the width above the 11th floor is greater than originally envisaged with the terrace zone scheme, which causes as much or more view blockage. Mr. Segal advised the width (east-west) of Tower 2B is 9 ft. narrower than the guideline would permit. Noting that if the future building to the east (3A) was 9 to 10 ft. narrower than permitted in the guidelines, thereby allowing both buildings behind to enjoy a greater view, Mr. Beasley asked Mr. Warner if a trade-off would be appropriate. Mr. Warner agreed a narrower building would be of benefit, however, there is no guarantee the same applicant will develop the later buildings. The height of the building in question is of greatest concern to them.

Mr. Rod Fram, Property Manager of an 8-storey building at 1199 West Pender Street, said they have met with the developer and architect and reviewed the drawings and view studies. They support the application as presented.

Members of the Board and Advisory Panel then took a few minutes to review the model and posted drawings.

Mr. Beasley sought clarification from the applicant regarding the meetings that were held with the upland property owners, noting there were two other owners who were concerned about the proposal. Mr. Brook advised they met with one of the owners and were able to satisfactorily demonstrate to him that water views were maintained from the fifth floor of his building. The other owner originally declined the invitation to attend the stakeholders meeting; however, the dimensions of the building were subsequently clarified to him and he seemed to be satisfied that his concerns were addressed.

Panel Opinion

Mr. Gjernes congratulated the architect and developer for a bold and innovative approach to the two buildings in question. They fit well within the guidelines. He recommended approval of both applications, with the conditions in the report. The slimness of the towers, their unique design and removal of the terrace zone warrants the extra height being requested on Tower 2B as well as for the slight increases in the floorplate sizes. Mr. Gjernes recommended deletion of A.1.14.

Mr. Grant reported that the Urban Design Panel was in favour of the height, noting it has been reduced further since the time the Panel reviewed it. It is an elegant and well thought out project which, for the most part, serves well the upland owners. The Panel did have some concerns, however.

Firstly, that there is no guarantee the three remaining buildings of this set of five will be developed in kind. Secondly, the design development aspect of the skin and the sail component of the glazing system, where the Panel sought assurance of the technical methodology so that it has the appearance intended. With respect to the children's play area, Mr. Grant expressed surprise that the Park Board would not take money in lieu and said he would encourage the playground being public as opposed to private. Regarding the rooftop gardens, Mr. Grant commented that the plinth formed by the townhouses is a fairly clean base for the "sails"; his concern was that some of this clarity would be lost with enclosed access to the roof.

He recommended light, outside staircases as opposed to heavy rooftop structures.

Mr. Mortenson also supported the unique nature of the buildings. He supported the applications, with a children's play area on the site, noting more and more families are moving downtown.

Board Discussion

Mr. Beasley commented the architectural solution is very elegant and very suave. The relationship between the townhouses and the towers is much better than the guidelines, and there are benefits for lower upland buildings. Mr. Beasley said he remained troubled by the fact that the owner of two adjacent buildings is still not completely satisfied with the trade-offs. He noted there was an unusual negotiation involving all the upland property owners to arrive at a solution that would allow them to withdraw a legal challenge they had made, and express support for the rezoning, which was a fairly significant issue for Council at the time.

Mr. MacGregor also supported the architectural treatment and agreed with the Urban Design Panel's concern about the compatibility of the three future buildings. While he supported the proposed solution for the mechanical penthouse, he could not agree with the increased height at this time. However, he would be prepared to do so if the applicant could persuade the upland owners that the narrower buildings will be an improvement for them. Mr. MacGregor noted the upland owner has not changed his opinion about the height since the rezoning, albeit there may be some willingness to compromise on the shape of the building. He moved approval in principle, with the addition of condition 1.5, to reduce the height to 72 m.

Mr. Rudberg did not support the motion to reduce the height to 72 m because he felt the broader public interest would be served by the proposed solution. Many trade-offs have been made and the current design is superior to what would have been provided under the guidelines. He noted it is only one upland owner who remains opposed to the proposal, whereas a number of other owners have benefited from the trade-offs that have been made. Mr. Rudberg added, he supports approval in principle of the applications.

Mr. Brook questioned whether the Board was making a decision without knowledge of the number of letters of support that have been received from upland owners. In discussion, the Chair noted the presentation by Mr. Segal had advised the Board of supportive community comments. However, the concerns of the Board members relate to the integrity of the process that took place at the time of the original ODP. He added, however, that he agreed with Mr. Rudberg, because if the sanctity of those earlier discussions was as important as suggested, it might have been incorporated into the by-law or the ODP rather than relegated to the guidelines. Noting the new condition 1.5 does allow for the extra height to be reconsidered at the complete stage, Mr. Scobie suggested it may well be that those owners who have indicated support can have a role to play in the discussions.

Mr. Beasley noted condition 1.5 allows the dialogue between the applicant and the dissenting upland owner to continue, adding he would be pleased to facilitate such a dialogue. This would be in line with the objective of achieving great architecture and honouring the important agreements that were made at the time of the rezoning. He agreed the Board has the latitude to allow deviation from the guidelines but the additional factor in this

case is that there was an explicit process that took place which caused owners to withdraw their legal challenge against the rezoning. The resolution is consistent with Council's expectations in putting the zoning in place.

Motion

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

THAT the Board APPROVE IN PRINCIPLE Preliminary Development Application No. DE404441 (Site 2B) in accordance with the Development Permit Staff Committee Report dated May 3, 2000, with the following amendments:

Amend 1.1:

design development to the semi-private courtyard *or rooftops*, to provide adequate children's play space to be shared by both Site 2A and 2B residents;

Add 1.5:

design development to reduce the height to the CD-1 Guideline of 72 m;

Note to Applicant: *The Development Permit Board will reconsider the 15 ft. extra height if the upland owners can be convinced by the applicant that benefits will accrue to them by narrower buildings, prior to the final submission.*

Delete A.1.21 and move the **Note to Applicant** to A.1.20;

CARRIED
(Mr. Rudberg opposed to 1.5)

THAT the Board APPROVE IN PRINCIPLE Development Application No. DE404757 (Site 2A) in accordance with the Development Permit Staff Committee Report dated May 3, 2000, with the following amendments:

Add 1.4:
design development to the semi-private courtyard or rooftops, to provide adequate children's play space to be shared by both Site 2A and 2B residents;

Delete A.1.21 and move the **Note to Applicant** to A.1.20;

CARRIED

5. OTHER BUSINESS

None.

There being no further business, the meeting adjourned at 6.50 pm.

C. Hubbard
Clerk to the Board

F. Scobie
Chair

/ch