

Date: Monday, May 27, 2002
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
J. Forbes-Roberts General Manager of Community Services (Items 1-2)
D. Rudberg General Manager of Engineering Services

Advisory Panel

D. Chung Representative of the General Public
W. Francl Chair, Urban Design Panel
J. Hancock Representative of the Design Professions (Items 2-6)
J. Ross Representative of the Development Industry (Item 1-4)
B. Scott Representative of the General Public

Regrets:

P. Kavanagh Representative of the Development Industry
J. LeDuc Representative of the General Public
M. Mortenson Representative of the General Public

ALSO PRESENT:

E. Fiss Development Planner
J. Barrett Development Planner
R. Hargraves Assistant City Surveyor
A. Higginson Project Facilitator
V. Potter Project Facilitator

Item 3 - 7001 Mont Royal Square - DE406527 - Zone CD-1

W.T. Leung W.T. Leung Architects, Inc.
B. Krause W.T. Leung Architects, Inc.
W. Armstrong-Taylor Wendy Grandin Ltd.

Item 4 - 400 Beach Crescent - DE406387 - Zone CD-1

J.K.M. Cheng James K.M. Cheng Architects
D. Negrin Concord Pacific Group
C. Philips Landscape Architect

Recording Secretary:

R. Ratslef Raincoast Ventures

CALL TO ORDER

A quorum being present, Chair Scobie called the meeting to order at 3:04 p.m.

1. MINUTES

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of May 13, 2002 be approved with amendment to page 10, last paragraph, line three, to replace "protected" with "protecting".

2. BUSINESS ARISING FROM THE MINUTES

None.

Ms. Forbes-Roberts advised she had another commitment she could not avoid and would therefore, unfortunately, be unable to remain at today's meeting. With apology but noting the Chair would be able to vote on items if required, she left the meeting.

**3. 7001 MONT ROYAL SQUARE - DE406527 - ZONE CD-1
(COMPLETE AFTER PRELIMINARY)**

Applicant: Intracorp Champlain Dev. Ltd.

Request: To construct Phase 2 of the residential portion of the overall Champlain Mall redevelopment project (Parcels A and B), comprising 46 stacked and non-stacked townhouses and a four-storey multiple dwelling building containing 79 units, all over one level of underground parking.

Development Planner's Opening Comments

Eric Fiss, Development Planner, referencing the Development Permit Staff Committee Report dated May 1, 2002 and posted drawings, introduced the complete after preliminary application for 7001 Mont Royal Square. Mr. Fiss discussed the application in the context of the surrounding neighbourhood, reviewed conditions established by the Board in granting preliminary approval, and commented on how these had been addressed.

Mr. Fiss reported that the project had been twice reviewed by the Urban Design Panel (UDP), and that concerns addressed by the UDP during its first review were largely addressed in the second presentation. It was noted that staff worked with the applicant to maintain the project review schedule and to accommodate two reviews by the UDP without delaying the project's presentation to the Board and Advisory Panel. The conditions recommended by the Staff Committee refer to the initial drawings submitted as the revised drawings could not be fully reviewed by all staff, for reporting through the Staff Committee, without deferral of this Development Permit Board meeting date. Clarification was offered that many of the conditions noted in the Staff Committee report had been addressed by the applicant in their second presentation to the UDP.

The Board and Advisory Panel were informed of staff's recommended approval of the application with conditions noted in the Staff Committee report relative to entrances to the townhouse units, landscape design, pedestrian access, underground parking access, and improved design character. Two amendments to the conditions in the Staff Committee report were tabled and concerned retention of the four mature trees on the west side of the project site, and provision of access from the underground parking to the units wholly within the development site.

Questions/Discussion

In discussion, a query was tabled regarding whether the ~~fifth~~**four** mature oak trees on the eastern side of the site had been assessed by an arborist *and whether the fifth oak tree in the centre of the property* could be assessed to determine whether it could be retained and/or relocated.

In response to a Board member's question, staff reported that there had been a meeting with the applicant team and Fire and Rescue Services to discuss how the applicant intended to provide appropriate access to buildings four and five. It was noted that the applicant was seeking to obtain a right-of-way agreement from the neighbouring property for access to building four, and that a pathway parallel to the parkade entrance was being considered for access to building five.

In response to further questions, the following was noted:

- the Staff Committee ~~reported~~ **report** addressed the posted drawings, new drawings had not been fully reviewed in terms of their compliance with set-backs, height and FSR; and
- the requirement that non-toxic plants be used throughout the project - as opposed to just in the children's play area - was not seen to be an unnecessary hardship for the applicant and was deemed desirable by staff given the project's proximity to an elementary school and shopping centre.

Staff provided assurance that the applicant was aware that the project had to achieve compliance with the Building By-law and the Fire and Rescue Services requirements in order to obtain a building permit. Discussion ensued concerning whether the applicant's written acknowledgement of the requirement was necessary, and whether such written acknowledgement was standard procedure. Given that staff and the applicant both confirmed knowledge of the need for compliance, Board members agreed that written acknowledgement was not needed, and that the meeting minutes would be sufficient to ensure that the applicant was aware of the concerns and requirements relative to access.

Applicant's Comments

Wing Leung, W.T. Leung Architects Inc., referencing the Staff Committee report, reviewed standard conditions listed that had been addressed by the time of the second UDP review of the project, and confirmed that it was anticipated all conditions could be met without difficulty. Mr. Leung discussed the history of the site and its subdivision into commercial and residential portions, commented concerning past and current discussions with Fire and Rescue Services regarding access issues related to the site, and expressed his confidence to be able to resolve the access issues in a way that would not upset the development application.

Wendy Armstrong, Wendy Grandin Ltd., confirmed that the applicant's arborist would assess the ~~fifth~~**four** mature oak trees on the *eastern side of the site and the fifth mature oak tree in the centre of the property* to determine whether it could be retained/relocated. Concerning the condition relative to use of non-toxic plants, Ms. Armstrong agreed that the condition was not too restrictive and was in a general a good idea. As well, she discussed the additional landscaping articulation along the south property line, and did not express any concerns with the overall landscape design conditions in the Staff Committee report.

Mr. Fiss confirmed that the reference to use of non-toxic plants had been included in several past applications. He noted that there was a guideline to provide a safe and secure landscape in the guidelines for high density residential, and that specific reference to use of non-toxic plants was contained in the childcare facility guidelines.

Comments from Other Speakers

None.

Panel Opinion

Walter Francl observed that there were a lot of improvements to the project between the UDP's first and second reviews, and commented that it would have been instructive to have information on both submissions at the meeting for comparison purposes. Mr. Francl advised of the UDP's unanimous support of the second submission.

James Hancock commented that it was a well resolved scheme. Following staff's confirmation that Condition 1.2 had been addressed in the applicant's second submission, Mr. Hancock expressed his confidence that the access issue could be resolved, and recommended approval of the application.

Jim Ross acknowledged the significant changes to the project since its first submission to the UDP, and expressed his support for the conditions included in the Staff Committee report. Given that the applicant had not expressed concern regarding the condition relative to use of non-toxic plants, he supported inclusion of that condition, and recommended approval of the application.

Darren Chung commented that this was a great scheme, and recommended its approval.

Bruce Scott commented that the project seemed somewhat congested. However, he noted that the prior tos established at the preliminary approval stage had either been met or seem well in hand, and given this, indicated his support of the application.

Board Discussion

Mr. Rudberg expressed appreciation for the efforts of staff and the applicant to move the application along on schedule despite its having been reviewed twice by the UDP with the Staff Committee Report addressing only the initial submission. Mr. Rudberg agreed with the conditions in the Staff Committee report, and with the recommended additions for A.1.10 and 1.7 as tabled by Mr. Fiss.

Mr. Beasley offered positive comments regarding the overall project and acknowledged its positive contribution to the area. He also expressed appreciation for how the application had been moved along, and commended staff for assisting the applicants to stay on schedule.

Motion

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

THAT the Board APPROVE Development Application No. 406527 as submitted, subject to Council's approval of the revised form of development, the plans and information forming a part thereof, thereby permitting the construction of a residential development comprised of 46 stacked and non-stacked townhouses and a four-storey multiple dwelling building containing 79 units, all over one level of underground parking, subject to the conditions outlined in the Development Permit Staff Committee Report dated May 1, 2002, with the following amendments:

- Condition 1.7, add to the end of the sentence ", including retention of the four existing oak trees on the west side of the property, adjacent to the driveway to the commercial development, and consideration for saving/relocating the fifth oak tree on the eastern portion of this site";
- Add Condition A.1.10 as follows, "Design development for the provision of access from the underground parking spaces to individual units to be wholly within the development site, in accordance with Section 4.7.5 of the Parking By-law."

4. 400 BEACH CRESCENT - DE406387 - ZONE CD-1
(COMPLETE APPLICATION)

Applicant: James K.M. Cheng Architects

Request: To construct a new residential project consisting of a 24-storey tower, an 18-storey tower, an 8-storey mid-rise building and a 3-storey amenity building with street-oriented townhouses. Included are 140 dwelling units and three levels of underground parking with 341 stalls.

Development Planner's Opening Comments

Jonathan Barrett, Development Planner, referencing the Development Permit Staff Committee Report dated May 15, 2002 and project model, introduced the complete application for 400 Beach Crescent and discussed the application in the context of the surrounding neighbourhood. Mr. Barrett commented that the majority of the neighbouring sites were market (noting two non-market sites), and discussed the importance of the site to the waterfront.

Mr. Barrett reviewed the six major conditions in the Staff Committee report relating to:

- increasing the number of townhouses around the periphery;
- elimination of the width of the gaps in the peripheral built form;
- adjusting the elevation of the grade level patios around the periphery to more closely reflect the 1.0 m elevation above adjacent public realm guideline;
- provision of a children's play area;
- elimination of office uses in amenity space; and
- improvement of amenity roof.

It was noted that the applicant had accepted the prior to conditions and was seeking means to resolve these.

Questions/Discussion

Mr. Barrett responded to a question concerning the project's FSR and floorplate size noting that the FSR was due to the inclusion of the proposed office space amenity, and that the size of the floorplate was supported by staff given that the overage was very small and had minimal impacts on views and shadows. A Board member expressed concern regarding the slippery slope of allowing overage in the size of project floorplates given that in most areas of the City strict adherence is required. However, it was acknowledged that in this instance there were few neighbours in the surrounding area who would be impacted.

Concerning Condition 1.1's Note to Applicant relating to the relationship of the townhouse front doors to the public realm, Mr. Barrett commented that there was some flexibility provided to the applicant in this regard given the difficulty of the site. As well, he advised that staff would be presenting revised guidelines to Council on May 28, 2002 regarding the preferability of townhouses to other forms of low-rise buildings as presently referenced in the guidelines.

In response to a Board member's question regarding Condition A.1.10 relating to the height of hedges and how these would be enforced, Mr. Barrett advised that the condition had been used in past approvals as an indication of the City's intent for the reference of developer and owners. It was suggested that, in future, if the hedges were allowed to grow over the height specified and there were complaints received, the City would be able to draw on the condition to encourage the applicant's owners' compliance.

Applicant's Comments

James Cheng, James Cheng Architects, commented regarding issues raised by Board members in discussion. With respect to Condition A.1.10, he indicated that its rewording to reflect a "maximum height of four feet" would be preferred as it would allow owners to trim their hedges to a lesser height to reveal more of their views. Concerning the size of the floorplate, Mr. Cheng reported on the applicant's study of the floorplate sizes in the downtown south and Coal Harbour, and noted that the floorplate for this project was in the middle range of these. As well, he indicated that concerns relative to the levels of the townhouse front doors had been resolved.

David Negrin, Concord Pacific Group, discussed Condition 1.5 relating to the elimination of office uses. He noted that in previous developments by the applicant, owners had requested meeting rooms as an amenity, given this, the intent was to include office use as an amenity in this project.

Mr. Barrett indicated that staff's concern was that office use did not fit the classic definition of an amenity, and if approved, would be setting a precedent. It was noted that amenity space was excluded from FSR calculations but that office use had not previously been considered an excluded amenity. As well, staff were anxious regarding the number of proposed office spaces and their potential implications for the neighbourhood, both in terms of whether they would require separate parking, and whether they would operate differently than the CD-1 zoning intended for this residential neighbourhood.

Discussion ensued regarding how the issue of office use as an amenity should be dealt with. It was suggested that if the Board and Advisory Panel were supportive, there could be a report to Council asking for recognition of office use as an amenity, or the condition could require compliance with the by-law and a separate text amendment or allowance could be sought from Council so as to not stall the project. It was suggested that some clarification from Council regarding the existing policy relative to amenities should be pursued.

Mr. Negrin continued his comments concerning the proposed office use amenity clarifying that the spaces would not be assigned to individual units but would be open for all residents to use at no charge save for a minimal maintenance/clean-up fee. He noted that the spaces would not be used to make a profit through leasing or renting to the public or owners.

Further discussion ensued during which it was suggested that the proposed office use amenity could become a commercial operation. It was noted that a condition could be included to specify that this was amenity space only and was not to be used for profit recognizing that people residing in high density areas lived differently, and required different amenities.

Concerning the townhouse orientation, Mr. Negrin commented that the applicant was supportive of wrapping the townhouses around the park as a good urban design response. He noted that the revised project design included true townhomes for families at ground with front doors and was consistent with the report that would be presented to Council concerning the guidelines for townhouses at the base of buildings in this area. Mr. Negrin clarified that the redesign of the perimeter buildings to more fully enclose the interior courtyard had been a business decision and was not as a result of staff's insistence.

Board and Panel members reviewed the model and posted materials.

Comments from Other Speakers

None.

Panel Opinion

Jim Ross indicated his displeasure that the grade level gaps in the project had been filled in on one side of the seawall. Otherwise, he noted his support for the proposed office use amenity, and suggested that a way to deal with it from a policy point of view, without holding up the project, be found.

Walter Franci also commented regarding the loss of the gaps and indicated that the UDP had been charmed by the secret views to and from the interior space that the gaps had offered. He encouraged that opportunities to preserve gaps should be pursued. Mr. Franci commented that the asymmetry of the landscaping was quite strong, and also echoed comments regarding the usefulness of the proposed office use amenity. He advised that the UDP strongly supported the second project design.

James Hancock commented that it was a well presented scheme. He indicated his appreciation for the design's sense of containment on the street but noted that he did not object to including gaps provided that there was something interesting to look into. Mr. Hancock suggested that there was a need for balance regarding the gaps, that the first design may have been too much, and the second too little. Regarding the office use amenity, Mr. Hancock noted that, as long as it did not exceed the amenity space exclusion, he was very supportive. As well, he indicated that the 0.7 and 1.1 meter variations in the townhouse entrances were acceptable given the slope of the street.

Bruce Scott commented that this was a first class project and suggested that if the height of the hedges could be regulated so could the use of the amenity space. He offered that there should be regulations to prevent the proposed office spaces from being leased out that would also allow for their retention for the use of tenants. Mr. Scott was supportive of the application.

Darren Chung cautioned that once the strata took over the project they could be tempted to make money from the office use amenity to offset increased strata fees for residences. Notwithstanding this, he indicated his support for the amenity inclusion if there was related regulation. He noted it was a first class project, indicated his support for it proceeding.

Board Discussion

Mr. Beasley commented that this was a good project overall, and that it would set a nice pace for the neighbourhood and reinforce its character in a positive way. He noted that some of the most wonderful gardens in the City were private inner courtyard gardens, and indicated his support for Condition 1.2 as recommended by the Staff Committee noting that it provided the applicant with some leeway on how to deal with the gaps in the design.

Concerning the townhouses at the base, Mr. Beasley suggested that moving towards more domesticity would give increased safety, security and eyes on the street. He offered that the conditions moved in the right direction without being too deterministic.

With respect to the office use amenity, Mr. Beasley commented that the zoning did not allow for it but suggested that appropriate amenity spaces could be defined differently as genuine amenity support for the residences. He commented that there was the need for a related discussion with Council, and suggested that this could be initiated by referencing the issue in reporting to Council for form of development approval, as Mr. Scobie had suggested. In the long term, it was suggested that the definition of amenity could be further explored.

Mr. Rudberg commented on his experience in walking along developments with gaps that allowed the pedestrian to view the inside courtyards. He noted that there were ways to incorporate gaps yet still incorporate security measures such as gates or waterfalls and that this created some interest on the part of the pedestrian, and suggested that in some cases it may be appropriate to reduce rather than eliminate the gaps. He expressed concern that in all cases the gaps could be eliminated, and suggested

that the urban designers should work with staff towards a solution that eliminated/reduced the gaps with a diversity of treatments on the four facades.

Concerning the proposed office use amenity, Mr. Rudberg did not disagree that it was a good amenity, but recognized that there was the need to protect against an unscrupulous developer taking advantage of it given that it provided excludable FSR. He supported the intent of the rooms but encouraged staff to develop guidelines with strong measures around amenity space and how it was to be used and not abused. The need for public consultation and clarification from Council on the issue was suggested.

Mr. Scobie obtained confirmation that only a Section 219 covenant would preclude the office amenity spaces from being assigned as Limited Common Property by the future Strata Council. Both Mr. Beasley and Mr. Rudberg felt this would be excessive.

Mr. Beasley assured Board and Advisory Panel members that he was prepared, as the Co-Director of Planning, to take forward a separate discussion to Council regarding the definition of amenity space and how it could be expanded in ways that were helpful and not destructive.

Motion

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

THAT the Board APPROVE Development Application No. 406387 as submitted, subject to Council's approval of the final form of development, the plans and information forming a part thereof, thereby permitting the construction of a 24-storey tower, an 18-storey tower, an eight-storey mid-rise building and a three-storey amenity building with street-oriented townhouses all sited on a landscaped ground floor which is above three levels of underground parking, subject to the conditions outlined in the Development Permit Staff Committee Report dated May 15, 2002, with the following amendments:

- Condition 1.2, replace "to eliminate or reduce the width of the gaps" with "to reduce the width of the gaps or, in some cases, eliminate the gaps"
- Condition 1.5, add "and redefine the spaces as appropriate amenity spaces in conformance with the CD-1 By-law", and in the Note to Applicant, delete last sentence and add "as bona fide amenity space" to the third sentence;
- Standard Landscaping Condition A.1.10, replace "maintained at a four ft. height" with "at a maximum height of four ft.";
- Condition of Development Permit B.2.6, second to last line, amend to read "be permanently maintained for **daily** use by **all** residents/users/tenants".

5. OTHER BUSINESS

Visitor Parking and On-Site Loading for Larger Residential Projects

The Board and Advisory Panel received a memorandum dated May 23, 2002 from Ian Adam, Assistant City Engineer, Transportation, regarding "Multiple Residential Loading and Visitor Parking".

Paul Pinsker, Parking and Development Engineer, reviewed the memorandum. He clarified that residential loading was not a requirement in the parking bylaw but that it was a requirement in some CD-1 by-laws in the downtown peninsula. He indicated that staff would undertake a significant review of loading requirements, including looking at the City's practices and researching what other cities

were doing, and would prepare recommendations relating to residential and office standards. Mr. Pinsker reviewed the proposed interim practices outlined in the memorandum.

Discussion ensued regarding the problems of residential communities facing loading on the street. It was suggested that if the net effect of change was that the streetscape was wiped out, that there was a need to preserve the domesticity of the streetscape as the priority. It was recognized that there needed to be a way to satisfy the off-street residential loading requirement on an individual basis, that there would be a blanket requirement for its provision, but not for its design or location.

Support for the interim loading practices was provided, with the request that bullet 2 referenced in the memorandum be amended by replacing "imposed" with "sought by".

Regarding the visitor parking requirements, Mr. Pinsker reviewed the present requirement noting that it was not explicitly pursued, and introduced the proposed visitor parking provisions as outlined in the memorandum. It was clarified that the parking guidelines were not Council approved given that they were very technical design oriented.

Rick Michaels, Manager, Enquiry Centre, advised that there was an administrative bulletin that was provided to individuals along with the Zoning Development By-law, and proposed that it could be amended to add the interim loading and visitor parking practices as a guideline for developments.

The Board and Advisory Panel expressed general support for the proposal.

In response to a Board member's question, Mr. Pinsker commented on the residential and visitor parking standard in the downtown core and downtown south districts. He noted that the south district had a market driven, low requirement, and that the core remained with the 1986 standard that had rather abrupt, incrementally increasing requirements based on square footage. Mr Pinsker advised that staff anticipated reviewing the standard particularly given the implications of 600 Granville and 801 West Georgia Streets and Costco, and reported on the findings of studies of eight related developments in the past month.

6. Adjournment

There being no further business, the meeting adjourned at 6:10 p.m.

Rae T. Ratslef
Recording Secretary

F. Scobie
Chair