

Date: Monday, May 8, 2006
Time: 3.00 p.m.
Place: Committee Room No. 1, City Hall

PRESENT:**Board**

F. Scobie Director of Development Services (Chair)
T. French Assistant Director of Planning
T. Timm General Manager of Engineering Services
J. Forbes-Roberts General Manager of Community Services (Items 3 & 4 only)

Advisory Panel

W. Francl Representative of the Design Professions (Urban Design Panel)
R. Acton Representative of the Design Professions
N. Shearing Representative of the Development Industry
J. Scott Representative of the Development Industry
K. Maust Representative of the Vancouver Heritage Commission
M. Braun Representative of the General Public
D. Chung Representative of the General Public
K. Hung Representative of the General Public
C. Nystedt Representative of the General Public

Regrets

None

ALSO PRESENT:**City Staff:**

F. Molina Development Planner
V. Potter Project Facilitator
P. Mondor Rezoning Planner
M. Thomson City Surveyor

535 & 565 Smith Street

G. Borowski Merrick Architecture
P. Merrick Merrick Architecture
J. Stamp Durante Kreuk

Recording Secretary: D. Kempton

1. MINUTES

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of March 27 & 28, 2006 be approved with minor housekeeping amendments.

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of April 10, 2006 be approved with minor housekeeping amendments and specifically:

Amend p.4, fifth paragraph, 3rd line to change "insistent" to *inconsistent*;

Amend p.4, fifth paragraph, 4th line to add after the word "for": *consideration of*.

2. BUSINESS ARISING FROM THE MINUTES

None.

**3. 535 & 565 SMITHE STREET - DE409895 & DE409900 - ZONE CD-1
(COMPLETE APPLICATION)**

Applicant: Merrick Architecture

Request: At 535 Smithe Street, to develop a 31 storey residential tower, 5 live-work townhouses, retail uses at grade, office uses on levels 3 and 4, four levels of above-grade public parking and four levels of below grade residents' parking; and at 565 Smithe Street, to develop a 28 storey residential tower with retail uses at grade, office uses on levels 3 and 4, four levels of above-grade public parking and five levels of below-grade residents' parking. Public parking in the two towers is connected by four levels of bridges over the lane. The projects include a 21,000sf heritage density transfer, established through the rezoning, from 55 E. Cordova Street.

Development Planner's Opening Comments

Francisco Molina, Development Planner, introduced these two applications which will be reviewed as one project although they are separate Development Permit applications. Referring to the model Mr. Molina described the immediate site context noting the potential future park site to the west of Richards Street and the existing Orpheum Theatre with a low profile and 4 storey podium height.

Mr. Molina noted that the general form and character of the proposals were established at the rezoning stage and are reflected in the resulting CD-1 By-law. The Seymour Street tower is 28 storeys and the Richards Street tower, across the lane, is 31 storeys. Both towers sit atop a 4.5 storey high podium. Mr. Molina briefly described the multiple uses of this development which includes provision of a 4 storey public parkade, the two above grade parking levels will be connected by bridges across the lane.

Mr. Molina said that the conditions of the report seek further design development and refinement to specific design aspects of the proposal to advance the architectural and urban design to the level of quality expected at this downtown location. He reviewed the major recommended conditions of approval, noting that there has been a reduction in height of the towers by 30 ft. from the rezoning stage to the complete application submission.

In terms of notification, Mr. Molina said approximately 2,000 letters were mailed out and only three responses were received with concerns related to increased density, view blockage, lack of green space in the area and an increase in air pollution. Mr. Molina said those issues were discussed and adjudicated by Council at the rezoning stage. The Development Permit Staff Committee recommendation is for approval subject to the conditions noted in the report.

Questions/Discussion

Mr. Timm sought clarification to condition 1.3 and the setback area where further design development is needed. Mr. Molina advised that the sidewalk area is proposed to the Downtown South standards but the private setback area, which is 18 ft., needs more treatment.

Referring to condition 1.2, Mr. Timm asked how the porte-cochere could be enlarged without reducing the amount of parking. Mr. Molina responded that there are several planters on the parking levels which could be removed and staff anticipate a minimum loss of 8 parking spaces. Mr. Timm suggested amending the condition to replace the words "not reduce" with "minimize".

Ms. French asked if it was necessary, as per the Note to Applicant in condition 1.4, to flip the amenity areas in both towers. Mr. Molina said by flipping both amenity areas the outdoor common amenities for both towers would be facing each other.

Mr. Francl said the Urban Design Panel had specific discussion around the public realm streetscape and the Seymour Street frontage; however condition 1.3 only addresses the Smithe Street public realm. Mr. Molina responded that the Seymour streetscape will be developed as per the Downtown South Guidelines.

Mr. Shearing sought clarification to the fact that Downtown South Public Realm Guidelines are being applied to this site, which is not in the downtown south. Ms. French advised that the block between Smithe Street and Robson Street is covered under the Downtown South Guidelines and public realm treatments. Ms. French said the intention of condition 1.3 is to achieve a consistent flow between the private setback and the public property. Mr. Timm suggested including some wording in the Note to Applicant that the treatment of private property should reflect the treatment of public property in accordance with the Downtown South Guidelines and public realm treatments.

Ms. Nystedt asked how much public parking there is in the existing public parkade and how much will be provided in the new parkade. Phil Mondor, Rezoning Planner, advised that there are 412 spaces in the existing parkade. Mr. Molina said the new parkade will provide 201 public parking spaces subject to some variation depending on the percentage of small cars and large cars. He noted that Council anticipated a reduction in the number of public parking spaces.

Mr. Acton expressed concern about the experience of the porte-cochere. Mr. Molina said staff recognize that there are problems of livability and quality of this space and there are some specific recommendations related to glass treatment of this component and staff felt that some improvement to the porte-cochere is quite possible.

Mr. Scobie noted a typographical correction for conditions A1.1.13 and A2.1.10 to change the word "screen" to "screened". He also sought minor clarification to numerous conditions within the report. Mr. Scobie noted that the wording for conditions A1.1.16 and A2.1.12 should be consistent with one another. He advised that the second sentence of condition A1.2.16 should become a Note to Applicant, for consistency. Further, A1.2.19 and A2.2.23 should be reworded to be consistent with one another. Mr. Scobie advised that a parallel condition for B1.1.6 should be added to Appendix B2.

Ms. French questioned the rationale for the specific design solution in A1.1.20 and A2.1.16 to accommodate the children's play area. Mr. Molina said there are other ways to accommodate the children's play area; however the conditions were written to reflect the recommendation from Social Planning staff that specified the "amenity/yoga area" be used. Ms. Forbes-Roberts said allowing some flexibility, in terms of how to solve that issue, would be preferable. Mr. Molina agreed.

Applicant's Comments

Paul Merrick, Architect, said that most of the conditions of the report were raised by the Urban Design Panel and many address the public realm and integration with private property. As this site is the first transition between Yaletown and the Downtown proper, Mr. Merrick said he wants to integrate, as much as possible, the public realm condition on the private side with the city streetscape. He noted that when this site was acquired the applicant team worked with the City to provide public parking which has resulted in the unusual scenario of above grade parking.

Greg Borowski, Merrick Architecture, said the applicant team generally supports the Staff Committee recommendations and conditions with the exception of a few items. He sought more flexibility in the wording of conditions 1.4, A1.1.20 and A2.1.16 so as not to be restricted to a precise location and to allow for optimal layout. Mr. Borowski noted that one half of the fifth floor has 12 ft. ceilings and the other half has 8 ft. ceilings so the residential is presently located on the lower side. While access to the outdoors is desirable on that side, Mr. Borowski said the applicant team wants to ensure that not all of the amenity is located under the 8 ft. ceiling.

With respect to condition A2.2.4, Mr. Borowski requested that the metal cornice on Seymour Street be allowed to remain given that it is removable and would create architectural continuity between the Smithe Street façade and the Seymour Street facade.

Referring to page 24 of the report under the heading Heritage Planning, Mr. Borowski said the heritage purchase has been completed and is therefore not an outstanding issue. Mr. Scobie advised that as per condition B1.1.7 a development permit cannot be issued until the heritage density donor site has either completed restoration work or provides the City with a letter of credit for the value of the restoration work.

In terms of the public parking needs, Mr. Borowski said that an assessment was conducted by Bunt Engineering to determine the regular use of the existing parkade. He advised that the assessment found that 240 spaces were regularly used and the balance of spaces were filled periodically; therefore the proposed 201 spaces should meet the typical needs of the Granville Entertainment District.

Mr. Borowski sought a relaxation to the on-site loading corridor requirement as per condition A1.2.10, in order to allow loading to occur off the setback area on Smithe Street. Mr. Merrick

noted that the only way to achieve an on-site loading corridor for Smithe Street would be to put a loading condition on the retail side of the residential zone which would create another set of undesirable circumstances.

Questions/Discussion

Mr. Scobie asked staff to respond to the applicant's request to delete condition A2.2.4 which calls for the deletion of the metal cornice. Mr. Thomson advised that Council, at the rezoning stage, established a condition that cornice encroachments are not supported and should be deleted. Mr. Thomson said cornice encroachments are generally not supported on new construction and the strata title of the development opens up issues regarding volumetric easements. He said that anything outside of the property line is not within the jurisdiction of this Board to approve but rather the decision is that of the General Manager of Engineering Services.

Mr. Borowski said that the applicant team is seeking a softening of the wording regarding the percentage of small car parking stalls because the public parking is an amenity to the Orpheum and Granville Street Business and Entertainment District and any loss of spaces is a loss to the public. Mr. Timm said he is sympathetic; however he also has concerns about the operation of the parking structure if the size of spaces does not match the size of cars that need to park there. Mr. Timm suggested some alternative wording to conditions A1.2.20 and A2.2.11 to allow more flexibility. Mr. Borowski agreed to Mr. Timm's amendment.

Mr. Braun asked how the applicant would provide a service corridor if the Board was not willing to delete the condition. Mr. Thomson responded that the Parking By-law requires direct access be provided from the loading area and the Board does not have the latitude to allow that relaxation other than to relax the required loading to zero. He said that the Director of Planning may relax the provision on the basis of hardship. Mr. Scobie said that the By-law also provides the Board with the ability to assume the authority of the Director of Planning.

Comments from other Speakers

None.

Panel Opinion

Mr. Francl said that the staff conditions as presented in the report reflect the spirit of what was brought forward by the Urban Design Panel. Mr. Francl supported conditions 1.1 and 1.3 to 1.6. He said that condition 1.2 which addresses the porte-cochere was the most contentious issue for the Urban Design Panel. He said that the improvements to that space were seen largely as increasing of volume and exposure to daylight which would result in the loss of parking stalls. If the condition is applied in spirit of the Urban Design Panel comments then one or more floors in the space above the courtyard would be removed. He noted that the sections show a fairly restrained aperture to daylight. Mr. Francl acknowledged the commentary regarding the desire to maintain parking stalls and he said despite that, it is important for a level of additional floor space to be taken to enhance the volume of the porte-cochere space. He said the commentary in the Note to Applicant in 1.2 which instructs the applicant to attempt not to reduce the amount of above grade parking stalls would be difficult to achieve.

Mr. Francl supported the Staff Committee recommendations and said he hoped there would be some leniency around the requirement for loading bay access to the Smithe Street frontages so that access would not be required off the lane.

Mr. Acton said he was disappointed in the porte-cochere and the lack of light penetration. He said the twin tower and symmetrical concept sets up the design for a lot of problems. Mr. Acton expressed disappointment regarding the applicant's solutions to seek a loading corridor relaxation and provide small car parking stalls and said these issues should have been considered earlier on. Mr. Acton deferred to the General Manager of Engineering Services with respect to the loading issues.

With respect to the porte-cochere, Mr. Acton said it has lost its sense of importance as a piazza. Mr. Acton supported flexibility in the wording of condition 1.4 to allow the architect to find the best orientation for the children's play area. He supported conditions 1.5 and 1.6. He did not support the mountable canopies as proposed by the applicant since Mr. Thomson advised that mountable canopies are not encouraged on new buildings.

Mr. Shearing supported condition 1.1 and suggested an amendment to the Note to Applicant to insert a period after the word "foyer" and delete the rest of the sentence. He supported condition 1.2 and felt that the applicant should not be penalized for the percentage of small car parking spaces because those spaces are offered in addition to the parking requirement for this development. Mr. Shearing said if the loading bay issue was addressed in an inventive way that may provide an opportunity for some redesign of the porte-cochere.

Mr. Shearing offered amendments to condition 1.3 and 1.4 and suggested the deletion of the Note to Applicant in 1.4. He supported the remaining conditions as written.

Mr. Scott said this is an important site and the twin towers will be important buildings for downtown. Mr. Scott shared some of the disappointment of other Panel members regarding the unresolved issues of this application and the lack of light into the porte-cochere. He said the porte-cochere is an important step into using lanes and he was hoping for something special and that wasn't achieved here. He did not think it was a good trade-off to cut back on parking spaces in order to get more light into the porte-cochere because this area of downtown needs the parking.

Mr. Scott said the glass public art feature is very interesting. He strongly supported condition 1.1 and said he hoped to see a great entrance. With respect to condition 1.5, Mr. Scott was concerned that the proposal would get approved and the tower façade was still unresolved at this point.

Ms. Maust said all of the heritage issues have been well addressed and she had no further comments.

Ms. Nystedt said the architect and developer have done a wonderful job of addressing a unique development; however from the public's perspective the number of available public parking spaces is being cut in half and that is a huge concern. Ms. Nystedt recognized that the decision regarding the public parkade and the amount of public parking was already made by Council at the rezoning stage; nevertheless she felt there should be a larger discussion about these types of decisions. Although she applauded the efforts of the architect she could not support the development because of her concern that lack of public parking is an increasing problem.

Mr. Chung agreed with the applicant in terms of condition 1.4 and the need to consider a redesign of the space rather than just flipping the spaces. In terms of the parkade and plaza, Mr. Chung said, like Mr. Scott, he was also disappointed.

Mr. Chung liked the idea of the pairing of the towers and hoped that some of the issues could be resolved. With some trepidation Mr. Chung supported the application and said he hoped the outstanding issues would be resolved prior to issuance of the development permit.

Ms. Hung expressed concerns about the porte-cochere and whether it could be an inviting space given the loading uses and garbage pickup that will take place there. She said that the roof over top of the porte-cochere is likely to amplify the noise. She supported the condition to open up that space even at the expense of losing some parking spaces. Ms. Hung said she found it difficult to believe that the use of the existing public parkade was generally only about 200 cars but she was pleased that the property owner will continue to provide public parking at that location. Ms. Hung said if any relaxations were granted to allow for more than 25 percent of small car spaces that a study or survey of the types of cars in the parkade at different times and events should be conducted to get an accurate representation of the cars that are in that space. She expressed concerns for maneuvering if there are too many small car spaces.

With respect to condition 1.2, Ms. Hung suggested deleting the words "primary arrival area to the main lobby" because she does not see the space as an entry space or arrival area. She supported condition 1.4 with some flexibility in the wording to allow for the best solution. Ms. Hung supported the remaining conditions and recommended approval of the application.

Mr. Braun recommended approval of the application. He was surprised that the applicant requested the cornice to remain even though it was clear from the rezoning conditions that it should be removed. Mr. Braun suggested deleting the Note to Applicant in condition 1.4 to allow the applicant to find the most creative way to program the fifth floor. He said it may be best to locate the residential units on the quieter side of the building rather than on the Seymour Street and Granville Street façade.

In terms of loading, Mr. Braun said he would not recommend deletion of the service corridor requirement as the applicant requested. He said it is clear in the Parking By-law that it is required and moving merchandise and garbage through a busy laneway is not desirable, particularly in a new development. He recommended a 25 percent small car parking ratio based on Mr. Timm's comments about the size and type of cars on the road. Mr. Braun recommended deleting A1.2.14 as it seemed an unnecessary condition and is already addressed in A1.1.8.

Mr. Braun said he would like to see a condition introduced for continuous glass canopies on the canopy façade rather than a mixture of fabric and glass as proposed. Mr. Braun said he appreciated the inclusion of a piece of public art in this development. He wished that the roof top would have the same level of detail as the fifth floor because so many of the building in downtown south look down on one another and more detail would make it a more appealing vista.

Board Discussion

Ms. French congratulated the applicant team on addressing the complicated mixture of uses and functions in this application. Ms. French said that although there is less public parking provided than the ideal, it is probably all this site can bear. Ms. French advised that the City is reviewing parking standards within the city in recognition of the need for parking to serve employment and cultural uses and there will be more public parking on other sites in the future. Ms. French moved approval of the applications subject to the conditions of the reports with amendments.

Mr. Timm offered friendly amendments to conditions A1.2.10, A1.2.20 and A2.2.11. Ms. French accepted the amendments. Mr. Timm seconded the motion for approval. He said this is a difficult development with a number of uses happening in a compact space. Mr. Timm said the front door to this development is in the porte-cochere off the lane which also has commercial loading, the entrance to the parking garage and further down the lane there is surface parking and garbage dumpsters, all in a 20 foot right-of-way. He said this will have to be given further consideration with the future of downtown and the parking needs. Mr. Timm noted that the form of development and uses were approved in-principle by Council.

Ms. Forbes-Roberts said she supported the decision of the Board overall. She concurred with Mr. Timm's comments about increasing development and the balancing act required to address the many uses and interfaces. Ms. Forbes-Roberts said this applicant has done a good job of dealing with those issues.

In terms of the porte-cochere, Ms. Forbes-Roberts was concerned about the space and supported design development to allow more light into that area. She also supported the Board's decision to allow room for a creative solution to deal with the reconfiguration of the amenity space. Ms. Forbes-Roberts said the twin towers will be notable buildings in the city landscape and she supported the condition to further develop the facades and design.

Mr. Scobie thanked staff for their work; however he suggested that the formatting for parallel applications be reviewed to make the numbering of conditions more consistent. He suggested that a table of concordance may be one solution to make referencing conditions between reports more manageable.

Mr. Scobie agreed with Mr. Timm that this type of development with multiple uses will be seen more often in the future and it will become a compromise of what people's expectations are of a livable environment and access to parking. He said that the alternative is not to try, achieve less and have single use sites. Instead, people will have to change their expectations.

With respect to the porte-cochere, Mr. Scobie expressed some surprise given the struggle of the Board to deal with the issues and that Council, at the rezoning stage, did not grapple more fully with that issue. He said he was still not sure that the porte-cochere was the right solution.

Motion

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

THAT the Board APPROVE Development Application No. 409900, in accordance with the Development Permit Staff Committee Report dated April 26, 2006 with the following amendments:

Amend 1.2 to add, after "primary": *automobile*;

Amend the first sentence of the Note to Applicant in 1.2 to replace "not reduce" with: *minimize reduction of*;

Amend 1.3 to read:

design development to the *private setback portion of the* public realm and portion of Richards Street, to enhance the pedestrian experience along the retail frontage *and complement the public realm treatment on the public right-of-way*;

Amend 1.4 to read:

reconfiguration and design development to the residential amenity area (level 5 of the tower) to improve the relationship between indoor and outdoor amenity areas *and significantly increase both the amount and the dimensions of the outdoor amenity space*;

Delete the Note to Applicant in 1.4;

Amend A1.1.2 to add at the end: *and compliance with the CD-1 By-law*;

Amend the Note to Applicant in A1.1.13 to replace "screen" with: *screened*;

Amend A1.1.20 to replace "on the north side of the L5 level" with: *or other space on level 5*;

Amend A1.2.16 to delete the second sentence;

Further amend A1.2.16 to add a new Note to Applicant which reads:

Forward a copy of the landscape plan directly to Engineering for review.

Amend A1.2.10 to add at the end: *or alternative arrangements to the satisfaction of the Director of Planning in consultation with the General Manager of Engineering Services*;

Amend A1.2.20 to read:

design development to reduce the ratio of small car parking stalls in the above grade public garage and to provide analysis to the satisfaction of the General Manager of Engineering Services for any ratio of small car parking stalls in excess of 25%.

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

THAT the Board APPROVE Development Application No. 409895, in accordance with the Development Permit Staff Committee Report dated April 26, 2006 with the following amendments:

Amend 1.2 to add, after "primary": *automobile*;

Amend the first sentence of the Note to Applicant in 1.2 to replace "not reduce" with: *minimize reduction of*;

Amend 1.3 to read:

design development to the *private setback portion of the* public realm and portion of Richards Street, to enhance the pedestrian experience along the retail frontage *and complement the public realm treatment on the public right-of-way*;

Amend 1.4 to read:

reconfiguration and design development to the residential amenity area (level 5 of the tower) to improve the relationship between indoor and outdoor amenity areas *and significantly increase both the amount and the dimensions of the outdoor amenity space*;

Delete the Note to Applicant in 1.4;

Amend A2.1.2 to add at the end: *and compliance with the CD-1 By-law;*

Amend the Note to Applicant in A2.1.10 to replace "screen" with: *screened;*

Amend A2.1.16 to replace "on the north side of the L5 level" with: *or other space on level 5;*

Amend A2.2.11 to read:

design development to reduce the ratio of small car parking stalls in the above grade public garage and to provide analysis to the satisfaction of the General Manager of Engineering Services for any ratio of small car parking stalls in excess of 25%;

Amend the Note to Applicant in A2.1.12 to add, as a new first sentence: *The applicant's response to rezoning conditions indicates hosebibs have been provided, but none can be located on the plans;*

Insert new B2.1.6 to read:

An erosion and sediment control plan is required for Environmental Protection review and approval at the related Building Permit Application stage.

Re-number the former B2.1.6 to B2.1.7.

4. OTHER BUSINESS

None.

There being no further business, the meeting adjourned at 6:05 p.m.

D. Kempton
Assistant to the Board

F. Scobie
Chair