

Date: Monday, December 14, 1998
Time: N/A
Place: N/A

PRESENT:

Business Arising from the Minutes
301 Jervis Street - DE403667
Minutes
Motion

Board

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

Advisory Panel

J. Drohan Representative of the Design Professions (Urban Design Panel)
J. Hancock, Representative of the Design Professions
A. Gjernes, Representative of Development Industry
P. Kavanagh Representative of Development Industry
R. Roodenberg Representative of General Public
B. Parton Representative of General Public

Regrets

D. Chung Representative of General Public
R. Mingay Representative of General Public

ALSO PRESENT:

City Staff:

R. Segal Development Planner
M. Kemble Development Planner
N. Peters City Surveyor

Item 3 - 301 Jervis Street - DE403667

J. Cheng, James K.M. Cheng Architects Inc.
J. Lee, James K.M. Cheng Architects Inc.
C. Philips, Landscape Architect

CLERK TO THE BOARD: Carol Hubbard

1. MINUTES

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of November 30, 1998 be approved.

2. BUSINESS ARISING FROM THE MINUTES**2060 West 41st Avenue - DE402626/2099 West 42nd Avenue - DE402627**

These applications were approved by the Board on November 30, 1998. The Chair noted that the legal representative of Mr. R. Stromberg and five other property owners in the 2000 block West 42nd Avenue has served notice that they intend to bring an action for negligence against the City with respect to the processing of the applications.

**3. 301 Jervis Street - DE403667 - Zone CD-1
(Preliminary Application)**

Applicant: James K.M. Cheng Architects Inc.

Request: To construct an 87 unit multiple dwelling development including a 29-storey residential tower and a 2-storey podium base containing 7 residential townhouse units.

To relax the maximum building height by 10 percent in accordance with Section 6.2 of the CD-1 By-law.

Development Planner's Opening Comments

The Development Planner, Mike Kemble, presented this application. The site is in a very prominent location and the building will be a landmark for the Coal Harbour area. Following a brief review of the immediate site context, Mr. Kemble noted that this neighbourhood has been the subject of considerable planning work since 1990 when the Coal Harbour Official Development Plan (ODP) was approved. The sub-area zoning was first tabled in 1991 and this site was rezoned in 1996. At the rezoning stage a number of studies were undertaken which dealt with issues such as phasing, infrastructure, parks, schools, housing, parking, and the environment. This particular site is somewhat unusual in that it is surrounded by public spaces and has only limited access from Jervis Street. Mr. Kemble briefly reviewed the guidelines for the area and described the proposed development. He noted the application seeks a 10 percent increase in the maximum height, which is permitted in the by-law. The proposal does not include commercial use at grade, contrary to the ODP which requires retail along the walkway. Provisions of the ODP cannot be relaxed by the Development Permit Board or the Director of Planning.

The major issues identified by staff relate to: retail use at grade; grade level interface with adjacent public open space to the north and south; emergency and public access through the Jervis Street right-of-way; and the tower massing and character. These items are addressed in the prior-to conditions recommended in the Development Permit Staff Committee Report dated December 2, 1998, subject to which the recommendation is for approval in principle. Mr. Kemble tabled a correction to condition 3.0, that the Staff Committee recommended the complete application be returned to the Development Permit Board.

With respect to the neighbourhood notification, Mr. Kemble noted there were eight responses, one representing about 382 residents of the Harbourside Park Towers to the south who indicated they were led to believe this site would not be developed

Discussion

Mr. Beasley sought clarification regarding the ODP requirement for retail use on the waterfront walkway, and with respect to the right-of-way. The Chair confirmed the Board has no authority to relax provisions of the ODP. Mr. Kemble advised there is a registered right-of-way which can be reduced to 9 m at the discretion of the City Engineer. In response to a question from Mr. Beasley concerning justification for the 10 percent increase in height, Mr. Kemble said staff consider the impact on views is reduced by the narrower tower form at the upper levels.

Ms. Drohan noted the Urban Design Panel questioned whether the definition retail/service could apply to live/work units in this case. Mr. Kemble said the City's concern would be the disposition of such units in the future and how the use could be controlled. In discussion, it was noted the ODP refers to marine oriented retail use, and Mr. Kemble confirmed there was an expectation the retail uses would be related in some way to the waterfront activities. Mr. Segal, Senior Development Planner, confirmed that staff's conclusion is that live/work would not be an acceptable use in this location, noting the objective is to generate pedestrian traffic from the walkway into separate, ground level retail/service units. Mr. Scobie questioned whether the Zoning and Development by-law would exclude live/work as an acceptable commercial use, and suggested the matter may require further investigation and clarification.

Mr. Kemble explained that while the ODP requires the retail/service component, it is not a requirement of the zoning. Mr. Scobie noted the zoning cannot be in conflict with the ODP. The zoning does allow for a certain amount of square footage for commercial purposes but, unlike the ODP, does not mandate it. Although the zoning is not in conflict, the inconsistency could be resolved by an amendment to the zoning, or the applicant could choose to pursue an amendment to the ODP.

Applicant's Comments

James Cheng, Architect, advised that, generally, they are in concurrence with staff's comments, especially regarding the north and south interface where he said they definitely want to bring the townhouses down to grade at the front doors. He added, the home theatre component is intended to be below grade. With respect to condition 1.6, Mr. Cheng explained they had located the children's play area to receive maximum sun exposure in late afternoon. It would also be secure and easily observed by parents. He asked the Board to consider amending the condition to require finding the best location rather than specifying the northeast corner of the site. Mr. Cheng said he agreed with staff and the Urban Design Panel regarding the tower massing, namely that each façade should be different in response to its "hinge" position. Regarding the request for additional height, Mr. Cheng said the main reason is to be in keeping with the Marathon towers which are substantially taller. The extra height also allows for a slimmer profile at the top, creating interest to the skyline. He added, it causes no major view obstruction for residents to the south.

Mr. Cheng noted the 66 ft. right-of-way would allow no access to the site. He explained the emergency access is for emergency vehicles to access Harbour Green Park and the fire-fighting access is for this development. 25 - 30 ft. wide access is acceptable for emergency vehicles whereas fire trucks require greater width. Mr. Cheng requested the Board's direction as to whether the two accesses should be separate, noting this is their preference because a single, wider access would defeat the objective of creating an intimate pedestrian character at the waterfront. He noted it is a dead-end site with no through streets and lanes, and the 200 ft. site width is a major constraint, with only about 40 ft. available for vehicular access. He said they are working with staff to establish perpetual public access, a separate entrance and a turnaround within the site for egress.

Regarding the inclusion of retail use, Mr. Cheng said they had originally understood it was not required because the waterfront retail is not continuous. He said they understand the intent of the ODP requirement, but are reluctant to build retail space that has no activity, given the goal of creating "eyes on the street" and pedestrian interest. He said they will include it, however, if they are required to do so. He added, the space next to the walkway is raised one metre which would impede easy access to any retail space, noting there is some inconsistency between what the City is doing in the neighbouring park treatment and the intent of the guidelines.

Discussion

Mr. Rudberg observed that a number of issues appear to be resolvable if the parking access is relocated from the north to the south of the site. Mr. Cheng said they have no preferred access to the underground parking. The main problem is that, if they do not have access from the 66 ft. right-of-way to turn into the site, it severely limits the driveway location. He confirmed the ramp grade can be re-worked to make it lower. Mr. Kemble said staff agree there is a need for a driveway on part of the right-of-way, and the best location for the fire lane is yet to be determined. With respect to maintaining views to the waterfront, keeping the middle of the right-of-way open would be advantageous. He briefly described how staff envisage it would work, noting that further discussion with fire officials may be necessary.

In further discussion, Mr. Kemble explained the reason for establishing a right-of-way as opposed to a dedicated street was to facilitate the underground parking and to allow some of the space to be counted as part of the public open space provisions in the ODP. At grade level it will operate like a dedicated street.

Comments from Other Speakers

Mr. Manfred Kuchenmuller, 555 Jervis Street, noted that when he purchased his unit he was aware there were plans for development of the area, but at the time he was unable to ascertain any details from the City, other than regarding the proposed community centre. He acknowledged that his view remains more or less in place but said he was disturbed that more information is not available to prospective purchasers. He questioned where other tall buildings will be located.

The Chair noted that plans for the area are now well established in the Coal Harbour Official Development Plan, as well as more specific details in the zoning by-laws. He agreed the information may not have been available at the time of Mr. Kuchenmuller's earlier inquiry. Mr. Scobie encouraged Mr. Kuchenmuller and other property owners to contact Planning Department staff to obtain the details. Mr. Beasley offered to fully brief Mr. Kuchenmuller and his neighbours on what is expected to occur in the area, noting the information is fully documented and followed a very wide public process involving considerable public participation. Responding to a question by Mr. Kuchenmuller about the rationale for locating taller buildings on the waterfront, Mr. Beasley noted this was the subject of considerable debate at Council after hearing from a number of delegations.

(Board and Panel members took a few minutes to review the model and posted drawings)

Development Planner's Concluding Comments

Mr. Kemble noted the first zoning submission for this area was submitted in June 1991 and material has been available to the public since that time.

Panel Opinion

Ms. Drohan reported that the Urban Design Panel unanimously supported this proposal. There was general consensus that the tower character and general massing were acceptable. There were mixed views on the orientation of the tower, but in general the Panel felt that at the very least, given its pivotal position in this particular part of the city, it should recognize (if only subtly) its relationship to areas to the east and the west. The Panel agreed the additional height was appropriate, resulting in a similar scale to towers to the east and contributing to a strong waterfront expression. Ms. Drohan briefly reviewed the concerns raised by the Panel and said she was encouraged by the applicant's willingness to address them. With respect to the west façade, she noted the Panel strongly preferred a residential use over the commercial indicated in the ODP. She added, the matter deserves careful consideration to ensure the commercial use is viable, noting it is in a somewhat remote location. If possible, something like a live/work use with an office attached would be appropriate. Regarding the east treatment, the Panel found the relationship between the public right-of-way and the autocourt very awkward. Ms. Drohan said her preference would be for an extension of Jervis Street with a turnaround for fire truck access, if only because it would clarify the access both to the residences and to the waterfront. With the resolution of the issues, the Panel supported the project and thought it would be a real asset to the neighbourhood. Ms. Drohan recommended amendments to conditions 1.3, 1.4 and 1.5.

Mr. Hancock said he found this quite a handsome project and particularly liked the narrowness of the expression, the slender northerly elevation and the way the podium follows the curve of the walkway. He said he was encouraged by the applicant's willingness to work with staff on most of the issues. He agreed with Ms. Drohan that the "hinge" treatment, if asymmetric, should be very subtle. He also concurred that it would probably be more legible if the street were to continue, perhaps half way, to a cul-de-sac from which the pedestrian access to the park would occur. Regarding the westerly setback and the southerly adjacent development, he agreed with the applicant that there is a transition problem that needs to be addressed and he urged that consideration be given to allowing the applicant to make the transition in a meaningful way. Mr. Hancock said he agreed with the applicant's suggested amendment to 1.6 regarding the children's play area.

Mr. Kavanagh agreed with the previous speakers. He said it is a fine project and was confident that many of the issues will be resolved in the complete submission. He said he agreed with the applicant's arguments for the proposed location of the children's play area and thought condition 1.6 should be deleted.

Mr. Gjernes observed that this is a difficult site. Referring to the prior-to conditions, he said he was troubled by the requirement for commercial use and urged the Board to allow whatever flexibility is possible with respect to the uses. With respect to conditions 1.3 and 1.4, Mr. Gjernes said he had no problem with what the applicant was trying to achieve with the separation of the fire access and the public access to the waterfront, noting that when the adjacent property is developed there is room to widen the pedestrian corridor. Regarding 1.5, Mr. Gjernes said he would be concerned if it resulted in a wider building. He also recommended that condition 1.6 be less prescriptive.

Mr. Roodenburg said he thought the project was well on its way to being a successful development. Regarding the issue of fire access and the relationship with traffic and the right-of-way, he stressed that the issue needs to be resolved with the appropriate experts. Regarding 1.5, Mr. Roodenburg said he did not believe the City should dictate architectural expression, noting also that the application is still preliminary. He agreed with the applicant concerning

the location of the children's play area. Commenting on the reference to marine-related retail use, Mr Roodenburg noted there are diverse uses that may be considered to be related to waterfront activities.

Ms. Parton agreed with the previous speakers. She found it a very good looking building. She urged that safety and security be taken into account in the design of the underground parking, providing adequate lighting and sufficient room to manoeuvre. She agreed the location for the children's play area was appropriate as proposed. She cautioned that having too many trees can result in unsafe conditions. She urged that discussions take place with the Fire Department to resolve the issues around the fire and emergency access.

Board Discussion

Mr. Beasley moved approval in principle, stating the project is progressing nicely and is a good response for a preliminary submission. It needs a lot more work at the base level, however, and the current confusing areas need staff assistance to help resolve them. The issues that need to be explored are the intentions for the retail frontage, the conditions of the park design to the north and south, and the two different ways to solve the extension of the Jervis Street right-of-way on the east. With respect to the required retail use, Mr. Beasley said what was trying to be achieved in the ODP was a retail quay, which he believes will work. He cautioned, however, that it should not be done half way but pursued with proper retail frontage with good glazing so that it can function well. Mr. Beasley said he was encouraged by the applicant's concurrence with staff regarding the north and south edges. Regarding the Jervis Street right-of-way, Mr. Beasley commented that the answer rests as much with addressing differently some of the on-site problems, and he urged that the two areas be designed together. He expressed confidence that the problems can be resolved by this design team. With respect to the additional height being requested, Mr. Beasley stressed that it does demand that the outcome is such that it is clearly a better building by virtue of the extra height.

Mr. Beasley recommended amendments to conditions 1.3, 1.4, 1.5, 1.6 and 3.0. Responding to a question from the Chair as to the necessity of requesting a staging plan vis-a-vis 1.4, he said he was not convinced of the necessity for such a plan and would be reluctant to mandate it at this time. It was noted the solution may imply a phasing plan, but not necessarily.

In seconding the motion, Mr. Rudberg commented this is an interesting site because while it has the potential for a spectacular development it is constrained by a number of problems. He concurred with the suggested amendments to the conditions, adding further amendments to 1.3 and 1.4 which were agreed to by Mr. Beasley. Mr. Rudberg noted there may be some opportunity to have some degree of quasi street access and taking emergency access from it, which may work best in terms of the overall design of the public right-of-way. He said he would prefer to leave it open for further discussions between the applicant, staff and the Fire Department. With respect to the interface with the park, the Board was satisfied the concerns would be addressed by condition 1.2. Mr. Beasley added, it should be possible to create an appropriate terminus treatment in the area where the park seems to intrude into the right-of-way.

Commenting on the required commercial use, Mr. Rudberg said he recognized it is an ODP requirement but had some concerns about its potential viability in this location at the end of the walkway. Mr. Scobie noted the challenge will be to achieve the service access to the commercial use, given the site constraints.

Motion

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

THAT the Board APPROVE IN PRINCIPLE Development Application No. 403667, in accordance with the Development Permit Staff Committee Report dated December 2, 1998, with the following amendments:

Amend 1.3: design development to the vehicular entry court and parking ramp off the Jervis Street right-of-way, in concert with the design of the right-of-way, and locate the underground parking ramp to the least sensitive location, to achieve a better integration of the development with adjacent park areas and to provide a more generous, public entrance to the park through the right-of-way;

Amend 1.4: design development to the public right-of-way area at the foot of Jervis Street, including a conceptual design for the entire 66 ft. wide area, which satisfies required fire access for this development;

Amend Note to Applicant after 1.5: Consideration should be given to a treatment that responds to the adjacent shoreline condition on its westerly side, and a less bulky tower top treatment that adds to its landmark quality, minimizing extra height for appurtenances. Further slimming of the tower floor plate at the upper levels should be considered.

Amend 1.6: design development to consider the best location for the children's play area, in consultation with the Social Planning Department;

Delete the Note to Applicant;

Amend 3.0: That the complete application be dealt with by the Development Permit Board.

CARRIED UNANIMOUSLY

4. OTHER BUSINESS

The Chair noted that this will be the last meeting for Ms. Rogers as a result of her recent appointment to the position of City Manager, effective January 1, 1999. The Manager of Corporate Services, Estelle Lo, will join the Board until such time as the Deputy City Manager position is filled. Board and Panel members congratulated Ms. Rogers and thanked her for her participation in the Development Permit Board.

There being no further business, the meeting adjourned at 4.55 pm.