

Date: Monday, January 12, 1998
Time: N/A
Place: N/A

PRESENT:

Minutes

Business Arising from the Minutes

2060 West 41st Avenue - DE402626/2079 West 42nd Avenue - DE402627

1316 West 11th Avenue - DE 402493

175 Robson Street - DE 402652

Other Business

Board

L.B. Beasley Director of Central Area Planning (Chair)

J. Rogers Deputy City Manager

D. Rudberg City Engineer

Advisory Panel

N. Baldwin Representative of the Design Professions (Urban Design Panel)

A. Waisman Representative of the Design Professions (present for Items 1-3 only)

S. Kellington-Catliff Representative of General Public (present for Items 1-4 only)

J. Oberlander Representative of General Public

Regrets

A. Gjernes Representative of Development Industry

P. Kavanagh Representative of Development Industry

B. Parton Representative of General Public

ALSO PRESENT:

City Staff:

R. Segal Senior Development Planner

M. Kemble Development Planner

B. Adair Development Planner

N. Peters City Surveyor

(Agenda order changed as indicated)

Item 3 - 2060 West 41st Avenue - DE402626/2079 West 42nd Avenue - DE402627

S. Chandler Chandler Associates Architecture

P. Bunt Traffic Consultant

C. Phillips Landscape Architect

Item 4 - 1316 West 11th Avenue - DE402493 (originally Agenda Item 3)

J. O'Donnell Polygon 100 Ltd.

L. Doyle Lawrence Doyle Architect

R. Barnes Landscape Architect

Item 5 - 175 Robson Street - DE402652 (originally Agenda Item 4)

B. Shaw Dominion Co.

J. Wensley B. James Wensley Architect Ltd.

N. Baniich B. James Wensley Architect Ltd.

T. Ito Landscape Architect

CLERK TO THE BOARD: Carol Hubbard

1. MINUTES

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of December 15, 1997 be approved.

2. BUSINESS ARISING FROM THE MINUTES

None.

3. 2060 West 41st Avenue - DE402626 - C-2
(PRELIMINARY APPLICATION)

AND

2079 West 42nd Avenue - DE402627 - C-2
(PRELIMINARY APPLICATION)

Applicant: Chandler Associates Architecture

Request: 1. On the north block (2060 West 41st Avenue/DE402626), to construct a five storey building, containing retail use (6,500 sq.ft.) on the first floor and residential units (30) on the upper floors with two levels of underground parking;

2. On the south block (2099 West 42nd Avenue/DE402627), to construct a 2 building multi-level retail/residential complex consisting of 38,000 sq ft of retail space and 85 dwelling units.

To increase the building heights from (1) 40 ft. to 53.94 ft. and (2) 40 ft. to 64.33 ft.

Development Planner's Opening Comments

The Development Planner, **Bob Adair**, presented these applications, referring to a model and posted drawings. The proposal comprises two separate development applications on two adjacent sites located in the block bounded by West 41st Avenue, West 42nd Avenue, Maple Street and East Boulevard. The Development Planner briefly described the proposal and the surrounding existing development and zoning. He also described what is permissible to be built under the C-2 zoning that applies to this site. The focus of Mr. Adair's presentation was on the principal issues identified by staff, namely, height, overlook of adjacent properties, the design of the pedestrian walkway, the streetscape, and traffic impacts. He reviewed the conditions recommended to address the concerns. With respect to height, staff consider a relaxation to a maximum of 55 ft. to allow a 5-storey building on 41st Avenue is an appropriate trade-off for the provision of the pedestrian walkway. The height proposed for 42nd Avenue is considered excessive and staff recommend a maximum of 40 ft. Staff consider the pedestrian walkway to be the major justification for considering additional height in this development, and believe it should be made as attractive as possible so that it functions as a well used public amenity. Condition 1.1 of the 2060 West 41st Avenue application seeks design development to increase

its openness by opening it to the sky for at least two-thirds of its length and by widening it at West 41st Avenue to make it more inviting. It was noted that two traffic impact studies were conducted by the applicant, the results of which have been reviewed by Engineering Services. A number of recommendations are made by Engineering to address the traffic and loading issues and these are included in the conditions. Mr. Adair reviewed the response to the notification and the major concerns raised by the respondents who objected to the proposal. A number of recommendations were also made by residents immediately across West 42nd Avenue to the south. The Staff Committee recommendation is for approval in principle of both applications, subject to the conditions outlined in the report dated December 17, 1997.

(Board and Panel members then took a few minutes to review the posted material)

Applicant's Comments

Sheldon Chandler, Architect, noted that London Drugs has been a member of the Kerrisdale community for over twenty years. Their intention is to remain in the community and to create a high quality mixed-use development that fits in and respects the neighbourhood, and addresses problem areas such as traffic, transportation, loading and streetscape. Mr. Chandler explained the developer has committed to incorporate into this project universal design guidelines related to adaptive housing, noting it is expected that many of the future residents of this development will be part of an aging population currently occupying single family houses in the area. Mr. Chandler noted the C-2 zoning of this site is an anomaly in that it confronts existing single family residences. Therefore, the objective of creating a financially viable mixed-use development while respecting the neighbourhood's concerns about view impact and privacy has been a considerable challenge.

Mr. Chandler briefly reviewed the design rationale and stated they are in agreement with the majority of the conditions recommended in the Staff Committee report. Their main area of concern relates to the height (condition 1.1, p.3). He presented their rationale for allowing additional height at the corner of West 42nd Avenue. He pointed out the parkway nature of East and West Boulevard and the relationship to the very long brownstone building across the street. As well, the site slopes almost 7 ft. from east to the west, which reduces the apparent height at the corner. Mr. Chandler noted the sloping roof design also contributes to lowering the appearance of the building. He requested deletion of condition 1.1 in its entirety and deletion of the reference to lowering the height in 1.2. He stressed that allowing the requested height will enable them to achieve the other items sought in the conditions, namely the additional setback and widening of the pedestrian walkway.

Responding to a question from **Ms. Kellington-Catliff** concerning the future of the CPR right-of-way between East and West Boulevard, Mr. Adair advised there is no information available. In response to the applicant's request to delete condition 1.1, Mr. Adair explained that among the issues to be taken into account when considering additional height on the corner is the development potential of the C-2 properties to the north and the scale of development along the street.

Comments from Other Speakers

Mr. Manuel Azevedo, representing six property owners on West 42nd Avenue, across the street from the existing London Drugs store, distributed copies of his submission (on file). He was accompanied by **Mr. Ron Stromberg**, one of the property owners in question. Firstly, he expressed concern that the City's notification letter to the residents makes no reference to the maximum height permitted in the C-2 zone. He suggested the Board consider deferring consideration of the application until a proper notice is issued. Mr. Azevedo presented his submission. Mr. Azevedo pointed out that section 3.2 of the C-2 District Schedule implies that

(conditional) residential use is not permitted on the first floor. As well, the property owners consider the pedestrian walkway to be an amenity for the developer rather than the residents because it provides a convenient access to London Drugs. Mr. Azevedo reviewed the C-2 Residential Guidelines with respect to height (Section 4.3). The property owners do not believe the application meets the guidelines for allowing a relaxation in height, noting there is no indication that reduction of views for surrounding neighbours has been considered. Mr. Azevedo explained the owners' concerns about the unauthorized use of the loading facility at the southwest corner of the site. He noted he has been unable to respond to the traffic study because he only obtained a copy today. Traffic and parking are major concerns to the residents. In summary, the property owners request that the City (1) stop London Drugs from unlawfully using the loading facility; (2) ensure the replacement of the 25' x 150' landscape buffer cedar hedge; (3) require any redevelopment of Site 1 to be set back in line with the adjacent office building to the east; and (4) enforce the maximum permitted height of 40 ft.

Discussion

Responding to the question of whether or not residential is permitted at ground level of the easterly portion of the development, **Mr. Ralph Segal**, Senior Development Planner, noted the intent of section 3.2 of the District Schedule is to protect retail viability and residential livability in a typical commercial street with retail frontage. In this case, there is no commercial use fronting on West 42nd Avenue, so staff concluded the proposal for all-residential on the fronting street was a superior alternative for a site opposite RS-1 single family houses. Mr. Segal noted the District Schedule does allow the Board to consider ground floor residential provided it considers the design and livability of the dwelling units. He agreed, however, that the District Schedule is clear that in a mixed-use building there shall be no residential within the first 35 ft. Clause 3.2.4 (the "hardship" clause) of the Zoning & Development By-law may be invoked by the Board to permit relaxation.

Ms. Rogers requested clarification regarding the notification. Mr. Adair explained that where the By-law provides for increases in height the minimum permissible height is not normally noted in the City's notification letter.

Given the neighbours' concerns about loading, **Ms. Kellington-Catliff** questioned the requested relaxation from 2 to 1 loading bay (2040 West 41st Avenue site). Mr. Adair explained that since the two sites will effectively operate as one, it was felt the relaxation was justified. The required 3 loading spaces are proposed for the 2099 West 42nd Avenue site.

In response to a question from the Chair concerning the existing trees on East Boulevard, Mr. Adair noted there is as yet no design for the proposed widening of East Boulevard but the location of the trees will be taken into account. Information to date is that no trees will have to be removed.

Referring to p.12 of the Staff Committee report, Mr. Rudberg pointed out that street widening is not required to go to public hearing but is dealt with in Council or Council Committee.

Other Speakers (Continued)

Mr. Gordon O'Leary, 2084 West 42nd Avenue, questioned the applicant's assertion that London Drugs is concerned about the neighbourhood. He explained he was forced to install a buffer along his fence to prevent damage by London Drugs' customers, and to position rocks to prevent people parking on his lawn.

Mr. Ross Hill, Kerrisdale Business Association, spoke in support of the application. He noted that London Drugs have actively sought his association's approval of the proposal and have

shown considerable interest in their feedback. He said they believe this proposal will open up the corridor from 41st to 42nd Avenue and benefit local businesses. Mr. Hill noted that redevelopment is occurring continually in Kerrisdale without a community plan and it would not be feasible to hold up development until there is one. He added, the Kerrisdale design facade guidelines prepared by his association is currently the only plan that exists.

Mr. Keith Kwan, West 41st Avenue property owner, requested clarification regarding the setback on West 41st Avenue. Mr. Adair explained there is a condition which requires a 10 ft. setback from West 41st Avenue.

Ms. Brenda Miller, resident of West 42nd Avenue, expressed concern that this development will cause view blockage from her property. She was also concerned about the impact of the pedestrian walkway which is opposite her home.

Panel Opinion

Mr. Baldwin noted this application was unanimously supported by the Urban Design Panel. With the exception of the issue of height, Mr. Baldwin said the recommended conditions address the issues discussed by the Panel. The Panel had no concerns about the height proposed. It was suggested the expression of the corner, proposed as 6 storeys, be changed to have a massing break above the third floor. Mr. Baldwin suggested the Panel would wish to amend condition 1.1 (2099 West 42nd Avenue) to request design development to adjust the massing to respond to the scale of the smaller buildings on West 42nd Avenue, but without any reduction in height. With respect to 1.2, the Panel felt the site was of sufficient size that it could accept some portions at 5 storeys without significantly affecting the massing. While the Panel agreed the fifth storey was quite well disguised by the large chimneys, the chimneys themselves were not supported. Nevertheless, Mr. Baldwin stressed that the Panel thought small parts at 5 storeys are quite appropriate provided they are set back, and provided the scale on 42nd Avenue is maintained. He added, the project creates a series of courtyards, some of which will be of benefit to future C-2 developments on either side on West 41st Avenue. He noted it also provides a much better alternative to scheme which meets all the regulations but is a large 4-storey mass extending the full length of the site. He recommended amending 1.2 to delete the requirement to reduce from five to four storeys, but to maintain the need for design development to develop the design of the fifth floor to ensure it is not apparently increasing the scale on West 42nd Avenue. Mr. Baldwin added, C-2 is a difficult zone and the large C-2 sites in anomalous conditions are especially difficult. This applicant has responded quite well to a particular context. With respect to the easterly building, Mr. Baldwin suggested the Board, if possible, should exercise its broader By-law discretion to allow the townhouses at grade.

Ms. Kellington-Catliff supported the application, subject to the conditions. She said it is an exciting project that will revitalize this part of Kerrisdale. She recommended modifying condition 1.1 (2060 West 41st Avenue) to include the provision of natural and electric light for safety and security reasons. She was also concerned about safety and security of the pedestrian walkway at the lane. To improve its safety and protect child occupants from potentially dangerous and fast-moving vehicles, she recommended adding one or more speed bumps in addition to special paving to mark this portion of the walkway. She recommended the developer consult with neighbouring property owners in this regard. With respect to the 2099 West 42nd Avenue application, Mr. Kellington-Catliff recommended amending condition 1.1 to require the top floor to be set back approximately 2 m from the perimeter of the building. Unless special paving marks the entire pedestrian right-of-way and not only the crossing, she recommended incorporating an anti-skateboarding condition. She recommended a Note to Applicant to consider softening the blank wall along the lane to make it more attractive to the users of the public walkway (.e.g, vines, ivy or artwork). With regard to loading, Ms.

Kellington-Catcliff confirmed that the west parking lot is frequently used as a loading bay for large inventory vehicles. Regarding the easterly building, she said that, if at all possible, the Board should exercise the hardship clause to allow residential at grade. She agrees with Mr. Baldwin's comments regarding building height. Finally, she recommended adding a garbage/recycling condition to the 2060 West 41st Avenue application.

Mr. Waisman acknowledged the concerns of the residents on West 42nd Avenue. However, in view of what *could* be built on this site as an outright development under the C-2 zoning, he said it is clear that what is being proposed is a very high quality project that will actually improve the whole area. He concurred with his Panel colleagues that, if possible, the Board should invoke the hardship clause to permit residential at grade on West 42nd Avenue because it softens the overall impact of the development on the residential houses across the street. With respect to the pedestrian walkway, Mr. Waisman noted there are a number of solutions for increasing the amount of light. His preference would be to have it widen open, or to raise its height to two storeys. He was concerned that any enclosed portions reduce its sense of publicness. He supported staff's position on the need for more landscaping. With respect to the height issue, Mr. Waisman said he agreed with the Urban Design Panel. The suggested reduction in height will make no difference because the architect has already reduced the apparent height by creating a sense of a series of small buildings rather than one large mass. The openness at the back also has certain merit if there is a future building on the corner. He urged the Board to amend 1.1 and 1.2, stressing that what is being proposed is so much better than what might have occurred. He strongly recommended approval.

Ms. Oberlander congratulated the applicant on the urban design response. It is a very attractive proposal that breaks down its scale very effectively. She commented the application is quite refined for a preliminary proposal. She also felt height was not critical but agreed with the suggestion that the applicant should take another look at the chimney forms and the angle of the roof slope. She noted the applicant has made a concerted effort to set back the upper storeys from the street. She recommended deleting condition 1.1 (2099 West 42nd Avenue). Regarding 1.4, she suggested the larger plaza area may offer some opportunities to tie some of the landscape back to West 41st Avenue. She urged that attention be given to cohesiveness of the pedestrian walkway in design development, and agreed with the need for adequate lighting, possibly motion activated. Regarding 1.7, she suggested there may be an opportunity for some form of artwork or texture incorporated into the wall. She also felt the Board should invoke the hardship clause to ensure the residential component at grade on West 42nd Avenue is maintained.

Board Discussion

At the request of **Ms. Rogers**, Mr. Chandler reiterated his arguments for allowing the increase in height being sought. He noted it is their intention to redesign the chimneys to reduce their dominant appearance.

Some discussion took place regarding the residential component on West 42nd Avenue. **Mr. Rudberg** commented the all-residential proposal is a better solution for the neighbourhood and he would wish to see it maintained. Mr. Segal confirmed that section 3.2.4 of the Zoning and Development By-law allows the Board to exercise its discretion in this respect, given the strict wording of the C-2 District Schedule (3.2.DW) prohibits the first 35 ft. being residential. It was noted that it is the unique context of West 42nd Avenue, being a one-sided commercial street, which calls for the use of the hardship clause in this case. Imposing the 35 ft. setback requirement as per the C-2 District Schedule would be a hardship not only for the proposed dwelling units but a worse condition for existing residents across the street.

Commenting on the height issue, Mr. Rudberg said he disagreed with the Advisory Panel. Limiting the corner site to 55 ft., which is already 15 ft. beyond what is recommended in the guidelines, sets a proper context along East Boulevard. If it is allowed to go higher it presents a problem for the adjacent corner site, given a higher building at the corner of East Boulevard and West 41st Avenue would not be appropriate. He said he agreed with staff that this component should be limited to a maximum of 55 ft. Mr. Rudberg said he was also concerned about amending condition 1.2. This is a unique site, abutting a residential neighbourhood which has to be respected. Despite the advice of the Panel, Mr. Rudberg said he concurred with staff on both conditions 1.1 and 1.2.

Ms. Rogers agreed that, while sympathetic to the comments of the Panel regarding the unique nature of this proposal, she ultimately was compelled to agree with the staff recommendation with respect to height, noting that some relaxation is already being considered.

Relinquishing the chair temporarily to Ms. Rogers, **Mr. Beasley** offered some comments as a Director of Planning. He said he also felt that one of the balances that can be struck in this application is to apply the recommended conditions on height, noting it is clearly important to the residents. He said while he had some sympathy with the comments made about the architecture - and he congratulated the architect on producing a suave and sensitive development with respect to height - he still felt it was not sufficiently convincing for the residents. He added that another way to respond to the community, which has not been shown and would have had a much greater economic impact on the development, would be to accept the increased height but to set it back 25 ft. as suggested by the neighbours. Overall, however, he said he agreed with staff's judgment in supporting the proposal, with the recommended conditions.

In moving approval of the applicant, Mr. Rudberg commented it is a difficult site but one that requires the kind of treatment that the applicant is proposing. He added that since this is a preliminary application there is the opportunity to do some further design development.

Motion

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

THAT the Board APPROVE IN PRINCIPLE Development Application No. 402626, in accordance with the Development Permit Staff Committee Report dated December 17, 1997, with the following amendments:

Amend the Note to Applicant in 1.1: The pedestrian walkway needs to be as inviting as well as well-lit, open and attractive as possible ... etc.

Add 1.4: in consultation with the other property owners on the block, consideration be given to the addition of speed bumps in the lane;

Add A.2.10: clarification shall be required regarding garbage/recycling pick-up operations.

THAT the Board APPROVE IN PRINCIPLE Development Application No. 402627, in accordance with the Development Permit Staff Committee Report dated December 17, 1997, with the following amendments:

Add 1.13: provision of residential units along West 42nd Avenue in recognition of the unique context and one-sided commercial development;

Note to Applicant: The Development Permit Board has agreed to relax the C-2 District Schedule in this respect, in accordance with Section 3.2.4 of the Zoning and Development By-law.

Add 1.14: design development to the landscaping along West 42nd Avenue to respond to the concerns of adjoining neighbours;

**4. 1316 West 11th Avenue - DE402493 - RM-3
(COMPLETE APPLICATION)**

Applicant: Polygon 100 Ltd.

Request: The construction of a 12-storey multiple dwelling building on this site consisting of:

58 dwelling units

a building height of 112.8 feet

a floor area of 46, 174 square feet (FSR of 1.85)

underground parking for 66 vehicles, accessible from the rear lane

Development Planner's Opening Comments

The Development Planner, **Bob Adair**, presented this application, referring to a model and posted drawings. He described the proposed development and the site context. The site currently contains two residential rental buildings (the "Banfield" and "Rose Court"). As a conditional use, the RM-3 District Schedule allows residential in excess of 1.0 FSR and in excess of 12.2 m height but the only factor referenced for consideration by the Board in giving such approval is the rate of change in the neighbourhood and the opinions of tenants who will be displaced by the development. The issue of rate of change is dealt with under the RM-3 Multiple Dwelling Guidelines. In 1990, Council reviewed the rate of change and established a minimum acceptable rate of change in a number of neighbourhoods. In this neighbourhood (South Granville/Cambie) Council determined a five percent rate of change per year was reasonable. Analysis carried out by staff indicates that in the preceding 12 months there has been slightly less than one half of one percent reduction in the number of rental units in this neighbourhood, thereby complying with Council's rate of change guidelines.

There has been considerable negative response to notification, mostly because the application involves the demolition of existing affordable rental housing. There were also comments on the impact on the streetscape and change of character in the area. Parking was also an issue. Planning staff are sympathetic to the concerns expressed. However, the application meets all the regulations of the RM-3 District Schedule, the RM-3 Multiple Dwelling Guidelines and Council-approved policies for the administration of those guidelines.

Mr. Adair noted there is also a rezoning application for this site, filed in October 1997. This application proposes the retention of Rose Court as rental housing in addition to the construction of the proposed new building, thus retaining some of the existing rental

accommodation on the site. However, this rezoning application, legally, has no bearing on the subject development application since this application is largely an outright proposal. The recommended conditions of approval include requirements for consolidation should the rezoning application be approved by Council.

Responding to a question from **Ms. Kellington-Catliff** regarding the future of Rose Court, Mr. Adair said that while it is a good representative of its era, he did not believe it would be strongly sought by the City for addition to the heritage register. With respect to the rate of change, Mr. Adair confirmed that statistics from CMHC include buildings removed from the rental pool as a result of strata buildings containing rental units that were subsequently resold as owner-occupied condominiums.

Mr. John Jessup, Housing Centre, explained Council's intentions with respect to Rose Court. On December 9, 1997, Council agreed that if the rezoning application is successful, the City will purchase Rose Court from Polygon. The property would be held in the Property Endowment Fund and operated by Real Estate Services as market rental housing. It is believed there would be no disruption to the current tenancies and that current rents would remain in place. Rose Court contains five rental units

Applicant's Comments

Mr. John O'Donnell, Polygon 100 Ltd., described the history of his company's involvement with this property. Prior to finalizing the purchase of the site, Polygon reviewed the rate of change for existing rental stock in the neighbourhood and the heritage register. It was found the rate of change was far below the threshold set by Council before special mitigation measures must be taken. Neither building is listed on the heritage register. Polygon recognizes that the issue of reduction in rental housing stock in the South Granville area is important, and difficult for the tenants who must relocate. Mr. O'Donnell noted they recognized that the RM-3 zoning favours locating the new tower to the east end of the site, and by constructing a two floor parking garage they found they could build a new 122-storey building with all its required parking, without disturbing Rose Court at the west end of the site. They felt this created the opportunity to retain some rental housing permanently in the area. Mr. O'Donnell confirmed they have applied to rezone the site to allow the new building to have a smaller site and for Rose Court to remain. Polygon has reached agreement in principle with the City to sell Rose Court if the rezoning is successful. They hope that later this year they will be able to turn the operation of Rose Court over to the City to be operated as rental housing for many years to come. Mr. O'Donnell explained they have been working with the tenants since July 1997 to provide a program to assist the tenants to relocate. This includes an additional moving allowance over and above the compensation of one month's rent required by the Residential Tenancy Act, and a length of tenancy allowance.

Mr. O'Donnell stated it may be argued that consideration of the development application be delayed until the rezoning to retain Rose Court has been finalized. However, this would delay completion of the application and building permits which would make the retention of Rose Court much less feasible. Mr. O'Donnell noted that City staff have agreed to concurrent processing of the development application and the rezoning application which the developer wishes to continue because it is a crucial element in the retention of Rose Court. He urged the Board to support the development application.

Comments from Other Speakers

The following members of the public spoke against the development application:

Ms. Tracy Cooke, resident of Rose Court

(Ms. Cook also read a submission from **Ms. Danielle Steele** and **Mr. Mark Wozniak**, residents of Rose Court, who were unable to attend)

Mr. Chris Millward, resident of the Banfield

Mr. John Oliphant, resident of the Banfield

Ms. Catherine Thomas

Ms. Rosalie Starzomski, resident of Rose Court

Ms. Sue Chapel, former tenant of Rose Court
Ms. Jean Hunt

Ms. Gloria Hershorn, resident of Rose Court

Ms. Linda Mix, Tenants Right Coalition

Ms. Cheryl McReynolds, resident of Rose Court

Mr. Paul Lebofsky, representing the owners of the Skyline Apartment tower directly to the south

Ms. Rosie Hershorn, resident of Rose Court (whose submission was read by the next speaker)

Mr. Paul Stevenson, former resident of Rose Court

Mr. Frank Saunders, resident of the Banfield

The speakers urged the Board to reject the application or defer consideration until after the Public Hearing for rezoning. They lamented the loss of these character buildings, the displacement of long-term tenants, the loss of affordable rental housing, and the impact of the proposed new development on the character of the neighbourhood. Concerns were also expressed about the continuing redevelopment of South Granville as a whole, the ineffectiveness of the rate of change policy, and the flawed development process. Speakers also raised objections about the City processing this development application when a rezoning application has also been applied for. They were especially concerned that the applicant will fail to follow through with the rezoning once a development permit is obtained. It was also suggested that a full review of the zoning in this area is overdue. Also, that the "tower in the green" type of development is inconsistent with policies established over the last twenty years.

Discussion

Responding to a question by the City Engineer, Mr. O'Donnell reiterated it is Polygon's intention to proceed with the rezoning of Rose Court. He noted it will be possible to build the new tower while Rose Court remains occupied. He apologized to the Rose Court residents for any misunderstanding in this regard and confirmed that this is their intention. Mr. Jessup of the City's Housing Centre also confirmed that Polygon and the City have entered into a memorandum of understanding to this effect which was approved by Council in December 1997. In the discussion that followed, it was noted the memorandum of agreement does not actually require the developer to proceed with the rezoning. It was suggested an additional condition be applied with requires the rezoning application to be considered before permitting

the demolition of Rose Court. Mr. O'Donnell confirmed the developer would have no objection to such a condition.

In response to a question from Ms. Oberlander, Mr. Adair advised that tenants can insist on up to four month's notice after the issuance of development, building and demolition permits. Mr. O'Donnell advised it is their intent, once they receive these permits, to serve legal notice to the residents of the Banfield. Mr. Adair said they anticipate the Public Hearing will take place in March/April 1998.

Panel Opinion

Mr. Baldwin began by stating he was very impressed by the eloquence of the speakers who demonstrated some understanding of how urban form and the life of streets influence the life and soul of their neighbourhood. He noted the Urban Design Panel does not normally review RM-3 applications because this zoning offers no discretion in terms of urban design. However, because it was proceeding to the Development Permit Board, the Panel did provide advice on this application. The Panel's advice was that the application was quite a good example of an RM-3 building, and had only very detailed concerns. The Panel did, however, comment on the RM-3 District Schedule which is one of the few remaining district schedules in which there is no design discretion. Maximum FSR is gained in inverse proportion to site coverage whereby the only form possible to achieve the maximum is a single tower with a very small footprint. A tower with a townhouse base, which modern understanding of good urban design would suggest, would require a reduction in FSR by about 25 percent. It is, therefore, a zoning schedule which precludes what is currently considered to be good design. In addition, the placement of the tower is governed by vertical light angles so there is no flexibility to shift the tower to make it a better neighbour. Mr. Baldwin stressed it is clearly time this zoning was revisited. With respect to the rezoning, he said he believed Polygon intends to carry through with its stated intentions, which at least will be a gesture within an existing poor zoning and Polygon's owner constraints, to try and save some rental units and improve the streetscape. He added, however, that the Panel expressed a concern about reviewing the rezoning application, given it is essentially an expedient application that places a tower in a position where the Panel would not wish to see it in the CD-1 zoning. In summary, Mr. Baldwin suggested the Board may wish to indicate to Council that it is time the RM-3 zoning was reviewed, together with the rental retention policies.

Ms. Oberlander noted the application meets all the requirements of the current zoning. She felt there should be an indication from the Board that the RM-3 zoning be reviewed as soon as possible within the constraints of the City's resources. Such a review should focus not only on design features but also consider social impact on the neighbourhood, noting the Banfield and Rose Court buildings already meet the criteria discussed in CityPlan, namely, access to transit and shopping, etc. She suggested the sequence of the building permits, demolition permit for the Banfield, and the rezoning application be tied in a way that creates the least amount of disruption, both for the residents and the area in general. She said he would also like to ensure that Rose Court remains in perpetuity as affordable rental housing after it is purchased by the City.

Ms. Kellington-Catliff expressed strong sympathy for the residents. She urged a new condition requiring Polygon enter into a legal covenant to proceed to Council to rezone on the basis of a letter of agreement tied to the issuance of a development permit. She also supported tying the issue of permits to notices. On this basis, and that it meets the regulations, she supported the application subject to the conditions. Ms. Kellington-Catliff commended the applicant for negotiating with the City to maintain Rose Court as a rental building, and for offering packages over and above that required by the residential tenancy agreement. However, she strongly suggested that future civic action be undertaken to ensure that immediate and full review of

the RM-3 zoning for this neighbourhood be undertaken to ensure that future neighbourhood developments comprise the highest and best uses of sites and contain "eyes on the street" row housing. She also recommended a review of the rental change policies. With respect to this application, she concurred with the Urban Design Panel that access to the bike room looks awkward as proposed. She also encouraged the applicant to use heritage materials from the Banfield where and if possible in concert with the proposed new building materials, to integrate old and new and respect the heritage of the proposal's surroundings. Finally, Ms. Kellington-Catliff recommended revisiting the location of the footprint of the proposed tower to ensure it cannot be shifted to better preserve the street and view amenity of its neighbours.

Board Discussion

Ms. Rogers commented the Board is in a very difficult position in this situation in that all the City's regulations that apply to the site have been met by this particular proposal but knowing what is important to the public as a result of CityPlan and the visioning process. She thanked the members of the public for articulating and continuing to remind the Board of the kind of regulations that are in place that must be revisited. She agreed the Board should bring to the Planning Department's attention the need to review the RM-3 District Schedule. She noted the rate of change policy is under review. **Mr. Rudberg** added that this application has made clear some of the deficiencies that exist in the regulations under which the Board must operate but is unable to change of this application.

In announcing approval of the application, the Chair confirmed the developer indicated agreement with the new condition added by the Board. **Mr. Beasley** added that, while the Board is compelled by the zoning to approve this application, the additional condition will give to Council the final decision whether or not to proceed with the retention of Rose Court. He commended the developer for being part of a solution (the new condition) that responds very directly to the residents' concerns.

Motion

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

THAT the Board APPROVE Development Application No. 402493, in accordance with the Development Permit Staff Committee Report dated December 17, 1997, with the following amendments:

Add A.2.7: an agreement drawn to the satisfaction of the Director of Legal Services in consultation with the Director of Planning which compels the developer to proceed with the rezoning to save Rose Court, prior to any occupation of the new building.

5. 175 Robson Street - DE402652 - DD (PRELIMINARY APPLICATION)

Applicant: Dominion Company

Request: To construct an 18-storey, 120-suite hotel building with a 2-storey commercial podium base, having retail at grade along Robson and Cambie Street. 219 underground parking spaces are provided.

To increase the hotel rooms bonus by 10.1% (allowed increase being 15%).

Relaxation of the maximum building height from 150 feet to 192 feet is requested. Also, to encroach into the Cambie Bridge view cone for the decorative roof.

Development Planner's Opening Comments

The Development Planner, **Mike Kemble**, presented this application, referring to a model and posted drawings. He described the site and its immediate context and reviewed the main areas of concern, namely, tower height and view corridor intrusion; tower bulk and architectural character; street level treatment; and parking. The conditions recommended to address the concerns were also reviewed. Copies of a letter of objection from Mr. Myson Effa were distributed. Mr. Effa's objections related to shadow impacts on Library Square. Referring to posted shadow diagrams, Mr. Kemble noted this development will have no shadow impact on Library Square. In summary, staff recommend approval in principle, subject to the conditions contained in the report dated December 17, 1997.

Applicant's Comments

Mr. Neil Baniich, Architect, distributed copies of the applicant's written response to the prior-to conditions, and **Mr. James Wensley**, Architect, noted they have no problem with most of the conditions. With respect to 1.5, Mr. Baniich said because a restaurant is proposed for the second floor it is important for it to be related to the street directly by the stairs. He explained it will be a franchise restaurant rather than a hotel restaurant. He said they believe they can satisfy all the requirements of continuity without removing the outside stair access as requested. Similarly, they request deletion of A.1.14 which calls for relocating the stairs to the interior. With respect to A.2.4-A.2.7, Mr. Baniich noted the building will be operated as a time-share hotel, i.e., each of the suites is owned individually for a specified period. This precludes tours of large numbers of people at one time so tour buses are not relevant to this development. It would also be very difficult to include one in the porte-cochere, given the street elevation and turning radius into the lane. He therefore requested the Board consider eliminating the need to accommodate tour buses. With respect to A.2.6, they believe it would be preferable to give drivers the opportunity to make a left turn on Cambie Street rather than having the porte-cochere one-directional as requested by Engineering. Regarding A.2.10, based on a study of other nearby hotels, they believe that 2 full size loading bays will be more than adequate, noting they would be willing to add a few small size loading bays in the porte-cochere for couriers and any overload. With respect to parking, Mr. Baniich noted that, based on one car per suite plus amenities, they arrive at approximately 144 stalls. He explained the Downtown District allows only 6 stalls for the 6,000 sq.ft. restaurant which they believe is insufficient. Parking will also be needed for the proposed fitness centre, for which the by-law allows only 5 stalls. They request parking based on one car per suite for the hotel, 1 per 4 seats for the restaurant, 15 spaces for the fitness centre, 12 for the sales centre and 3 per 1,000 sq.ft. for the CRU's, for a total of 199 stalls. Mr. Baniich added that given their location in the entertainment district they believe some extra parking would be beneficial.

Ms. Brenda Shaw, Dominion Company, referring to safety and security concerns about alcoves, noted that this facility would have hotel security staff on duty 24 hours a day which would prevent any loitering in alcoves.

Comments from Other Speakers

None.

Panel Opinion

Mr. Baldwin reported that the Urban Design Panel supported this application. The Panel's detailed concerns are covered adequately in the prior-to conditions.

Ms. Oberlander complimented the applicant on a good design fit for the area and for creating a good transition between Cambie and Robson. She said the applicant's initial response to the conditions is encouraging. With respect to parking, she said she did not believe she had sufficient information to determine whether the 199 spaces being requested by the applicant would be what the City would want. She commented, however, that there is a shortage of parking in the entertainment area and this applicant is willing to provide more than required. She recommended approval in principle.

Board Discussion

Responding to a question from the Chair concerning access to the restaurant, Mr. Baniich noted there are a number of second storey restaurants on Robson Street, the most successful of which have a direct means of access from the sidewalk. Those entered from inside buildings tend to be less successful. In the discussion that followed, it was noted that retail continuity on Robson Street is vital.

In moving approval of the application, Mr. Rudberg commented it is a handsome building that will be a good addition to this area. With respect to the tour bus space, Mr. Rudberg commented on the serious problems that have arisen from older hotels not providing on-site loading for tour buses. However, since this is a preliminary application, he suggested further clarification be sought for the complete submission. Regarding parking, Mr. Rudberg said he was not prepared to make an amendment. Notwithstanding the comments about the lack of parking in the downtown, it would be contrary to Council's policy.

Motion

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

THAT the Board APPROVE IN PRINCIPLE Development Application No. 402652, in accordance with the Development Permit Staff Committee Report dated December 17, 1997, with the following amendments:

Amend 1.5: design development to the treatment of the lower level podium along Robson Street, that reduces the extent of the exterior stair access ... etc.;

Delete A.1.14;

Amend A.2.4: further clarification regarding the need to accommodate tour buses and the hardship caused by providing a 14 ft. clearance for the archway of entrance to drive-through drop-off;

Amend A.2.5 to delete "provide one tour bus space";

Amend A.2.10: provide further clarification on the number of loading bays

Other Business

None.

There being no further business, the meeting adjourned at 9.20 p.m.