

Date: Monday, October 5, 1998
Time: N/A
Place: N/A

PRESENT:

1068 Hornby Street - DE403543 & DE403598
Minutes
Motion

2298 Granville Street - DE402269
Minutes
Motion

Board

F.A. Scobie, Director of Development Services (Chair)
J. Rogers, Deputy City Manager
D. Rudberg, City Engineer

Advisory Panel

J. Drohan, Representative of the Design Professions (Urban Design Panel)
P. Kavanagh, Representative of Development Industry
D. Chung, Representative of General Public
B. Parton, Representative of General Public

Regrets

A. Waisman, Representative of the Design Professions
A. Gjernes, Representative of Development Industry
S. Kellington-Catliff, Representative of General Public

ALSO PRESENT:

City Staff:

R. Segal, Development Planner
N. Peters, City Surveyor

Item 3 - 1068 Hornby Street - DE403543 and DE403598

P. Busby, Busby & Associates Architects
B. Wal, Wall Financial Corp.
D. Gillanders, Wall Financial Corp.

CLERK TO THE BOARD: Carol Hubbard

1. MINUTES

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of September 21, 1998 be approved.

2. **BUSINESS ARISING FROM THE MINUTES**
None.
3. **1068 Hornby Street - DE403543 and DE403598 - Zone DD
(Complete Application)**

Applicant: Busby & Associates Architects.

Request: (1) DE403532: To change floors 16 to 21 and one townhouse unit from residential to time-share (hotel - 44 units total), and to add 3,925 sq.ft. as a result of previously excluded floor space for balconies and in-suite storage now being counted, which will be accommodated by a transfer of heritage density to this site.

(2) DE403598: To add 1,130 sq.ft. to provide for exiting to the townhouse units for building code purposes, which will be accommodated by a transfer of heritage density to this site.

Development Planner's Opening Comments

The Development Planner, Ralph Segal, presented these applications. This development, now under construction, was previously approved for residential use and, as such, the areas for balconies and in-suite storage were excluded from FSR. The applicant now proposes to change the use of floors 16 to 21 in the tower and one townhouse unit to time share units (hotel use under the by-law). It is proposed to make up the resulting density shortfall of 3,925 sq.ft. by means of a transfer of heritage density from the former Vancouver Public Library site. In addition, a transfer of heritage density of approximately 1,130 sq.ft. is proposed to accommodate a building permit requirement for additional exiting in the townhouses. The staff recommendation is to approve the applications in accordance with the report dated October 5, 1998, with the addition of condition 1.2 dealing with the legal arrangements required to ensure the townhouse unit is maintained for the administrative functions associated with the time share operation. A typographical error was noted in the Technical Analysis on p.2 where the total proposed floor area under DE403543 should read 168,822 sq.ft.

Discussion

In response to a question from Mr Rudberg, Mr. Segal explained that the FSR is "existing non-conforming" because the original application was approved and issued prior to a 1995 amendment to the balcony enclosure provision which reduced the amount of FSR exclusion for enclosed balconies.

Some discussion took place concerning the recommended conditions A.2.1 - A.2.4 relating to the operation of the time share component, and whether they should now be incorporated into the new condition 1.2. Mr. Rudberg was concerned that the City should not be involved in policing the operations of the building since it would be difficult to enforce. Mr. Segal said staff believe it is important that the administrative functions be restricted to the townhouse unit rather than being incorporated into the lobby, in order to preserve the residential nature of the overall development. This is believed to be the first project of this nature in the city. Mr. Bruno Wall advised the intention is that the proposed conditions of the development permit would facilitate enforcement by the Strata Council.

Applicant's Comments

Mr. Peter Busby, Architect, reiterated it is expected that the Strata Council will police the time share operations. The proposed conditions of the development permit will allow the Strata Council to ensure proper control without involving the City unless agreement cannot be reached. Mr. David Gillanders added, he has discussed this matter with the City's legal department who have indicated a preference to have the conditions included in the development permit as opposed to a Section 219 covenant. Mr. Gillanders confirmed they have no objections to the proposed new condition 1.2.

Comments from Other Speakers

None.

Panel Opinion

Ms. Drohan said she had no major concerns about the proposal. She agreed that security needs to be addressed to ensure the time-share tenants are not a disruption to the permanent residents, and she appreciated the applicant's proposed strategies for alleviating disruption. She supported the conditions, including 1.2. The proposal to accommodate the time-share administration in the townhouse is acceptable, and the use is appropriate in this area.

Mr. Kavanagh, Mr. Chung and Ms. Parton concurred with Ms. Drohan's comments and recommended approval.

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 Nos. 403543 and DE403598, in accordance with the Staff Committee Report dated October 5, 1998, with the following amendments:

Add 1.2: legal arrangements to the satisfaction of the Director of Legal Services and the Director of Planning to provide that the townhouse unit (Strata Lot 16, 1080 Hornby Street) maintain administrative functions for timeshare operations and not be separately transferred from the timeshare suites;

**4. 2298 GRANVILLE STREET - DE402269 - ZONE C-3A
(COMPLETE AFTER PRELIMINARY APPLICATION)**

Applicant: Perkins & Co.

Request: To develop a mixed-use residential/retail complex comprising a cluster of five buildings ranging from 3 to 20 storeys with retail use on Granville Street and a total of 274 dwelling units;

Development Planner's Opening Comments

The Development Planner, Ralph Segal, presented this complete application for the south block of the former Pacific Press site. The proposal for the north and south blocks was approved in principle in June 1997. In January 1998, the complete application for the north block was approved and is now under construction. Mr. Segal briefly reviewed the preliminary conditions and how they have been addressed in this complete submission. The main issue to be resolved relates to the location of the westerly tower which is now 42 ft. farther to the west than originally proposed. This is 96 ft. from the Granville Street property line, closer than

recommended in the Burrard Slopes Design Guidelines which suggests a 100 ft. setback from Granville for towers higher than 70 ft. The impact of the tower position on the Masonic Lodge and the Diamond Robinson building to the south has been the subject of an extensive view analysis. Staff are recommending a further westerly shift of 6.5 ft. This is felt to be an appropriate response both to the preliminary condition which seeks to minimize view impact for neighbours to the south, and the protection of public views to the north on Granville Street. A letter from the Masonic Lodge (Appendix G) requests that the tower be shifted as far west as possible.

In summary, staff consider this is an exemplary development which earns the height and density proposed. The recommendation is for approval, subject to the conditions contained in the Staff Committee Report dated September 9, 1998.

Discussion

Responding to a question from the Chair concerning standard condition A.1.4, Mr. Segal explained there is a potential change to the balcony enclosure guidelines which will be recommended to Council in the near future. If adopted by Council, the change could seriously impact this development in terms of FSR exclusions. With respect to standard condition A.1.11, the Chair questioned whether further clarification is necessary to indicate that gates are not required on the north-south connector. Mr. Scobie also suggested rewording condition B.1.4 dealing with potential subdivision and air space parcelling.

Applicant's Comments

Mr. Eric Martin, Bosa Development Corporation, said they have tried to ensure the refinements that have been made to the project are acceptable to staff, the Board and the neighbours. He pointed out that 3.0 FSR was not realised on the northerly site but they believe it can be reasonably achieved on this site. He confirmed they will provide children's play areas as requested. Mr. Martin said the potential revision to the balcony enclosure regulations was of serious concern, noting it would be time consuming, expensive, and unfair if they are required to revise the proposal retroactively. With respect to the impact on views for neighbours to the south, Mr. Martin noted the westerly tower is now 42 ft. farther to the west than originally proposed. He also noted they have met with the Masonic Temple Association and have expressed willingness to shift the tower farther if required to do so, as well as any other changes that can be accommodated. He added, they have agreed to lower the low-rise building to achieve improved views for neighbours. He urged the Board to approve the application and confirmed acceptance of the conditions recommended by the Staff Committee.

Discussion

Responding to a question from Mr. Scobie concerning the expectation of the Board in its note to the applicant in preliminary condition 1.2, Mr. Rudberg advised it was not his understanding that the instruction ... to ensure that view obstructions are minimized from the properties to the south... was intended to mean maximum westerly shift to the edge of the Granville Street view cone (compromising the Burrard Slopes 100 ft. setback guideline for towers over 70 ft. in height) in order to minimize private views from properties to the south, rather than an appropriate balance be achieved.

Comments from Other Speakers

Mr. Jack Barr, Masonic Temple Association, said the cumulative effect of both north and south parcels has a considerable impact on the views from their banquet facilities. He used an illustration to indicate how they will retain only 37 percent of their existing views with the current proposal, and urged that the tower be shifted to the west as much as possible. Mr. Jim Lehto said they appreciate that conditions 1.4 and 1.5 will address some of the concerns of the

Masonic Temple, however, their main concern relates to condition 1.1 and the location of the westerly tower. He noted the District Schedule calls for preservation of the character and general amenity desired for the area when considering height and density relaxations. He stressed that the Masons, in requesting a shift of the tower farther to the west, are trying to share in a reasonable manner what is their primary amenity. With respect to the impact on the Granville Street view corridor, Mr. Lehto noted the mountain view is already obliterated by the height increase over 100 ft.

Mr. Don Andrews, 1355 West Broadway, distributed a number of photographs taken from his 10th floor apartment. He said the proposal will severely impact the lower suites in his building and will encroach on a much higher horizon than the immediate neighbours across the street. He urged that the applicant be required to move the westerly tower farther west to open up the view corridor, noting as well that spreading the buildings apart as far as possible reduces the "wall" effect. Commenting on the issue of balconies, Mr. Andrews said enclosed balconies are essential in this area because of the amount of dirt that is generated.

Panel Opinion

Ms. Drohan reported that the Urban Design Panel unanimously supported this application which has evolved considerably since the original submission, particularly in the overall massing of the scheme. The Panel did recommend that the tower be shifted to the west, although without recommending a specific amount. Ms. Drohan commented it is very much a question of balance between a public amenity, i.e. the Granville Street view, and a private amenity, i.e., the view from the Masonic Temple. She noted the applicant has agreed to lower the 6-storey podium and remove the roof accesses, and has also expressed willingness to move the tower farther west. She said she believes these efforts are sufficient in terms of addressing the Masonic Temple's concerns, so that it then becomes a question of urban design. She noted the tower could be moved considerably more to the west while respecting the Granville Street view cone, and she suggested it be moved somewhat further than the lane, possibly to be aligned with the centre of the new building to the north. This would also address some of the Panel's concerns about the uncomfortable relationship between the tower and its podium base. She supported staff's recommendation to reduce the triangular balconies on the easterly tower. She briefly summarized the Panel's review of the submission. With the recommended refinements, she said the Panel agree with staff that it is a commendable project.

Mr. Kavanagh concurred with Ms. Drohan. He supported the recommended conditions, including 1.1 which he said is a fair compromise between public and private views.

Ms. Parton commended the applicant for the major improvements made to the scheme since the preliminary stage. She said she was concerned about safety in the public areas, including the north-south pedestrian corridor and the children's play areas. She said she sympathized with the Masonic Temple's concerns but noted this is a growing city and the applicant has gone a long way to ensure that some of their views will be maintained with this scheme. She recommended approval of the application, adding she would support deletion of 1.1 if it resulted in the applicant not being able to receive a permit prior to the enactment of potential revisions to balcony enclosure regulations.

Mr. Chung noted the applicant has gone to great lengths to accommodate all interested parties. He commented that the loss of views is unfortunate but inevitable. He concurred with the recommendation to shift the tower 6.5 ft., and agreed with staff that the public views down Granville Street should be respected. He agreed with Ms. Parton's recommendation with respect to condition 1.1.

Board Discussion

Mr. Rudberg noted the proposal had significant impacts on private views at the preliminary stage. It has progressed considerably since then and the applicant is to be complimented for the positive response to the previous concerns. Mr. Rudberg echoed Ms. Drohan's comment that it is a balance between two conflicting policy objectives to protect both public and private views. He said he was persuaded particularly by the Granville Street view study illustrations that shifting the tower 6.5 ft. is the maximum that is acceptable. Granville is an example of the "great streets" that the City is trying to achieve and the public views to the north on Granville should not be compromised any more than indicated by moving the tower 6.5 ft. He moved approval of the application.

Ms. Rogers said staff's recommendation is a fair compromise between public and private interests with respect to views and is important for everybody.

Motion

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

THAT the Board APPROVE Development Application No. 402269, in accordance with the Development Permit Staff Committee Report dated September 9, 1998, with the following amendments:

Amend the Note to Applicant after A.1.11 to add: For clarification, the north-south pedestrian connector should remain open and ungated;

Revise B.1.4: If subdivision of this development, including possible air space parcelling, is anticipated, the applicant should contract the City's Subdivision Group staff prior to development permit issuance to minimize potential implications affecting the design and layout of the various components of the development.

5. OTHER BUSINESS

None.