

Date: Monday, November 8, 2004
Time: 3.00 p.m.
Place: Committee Room No. 1, City Hall

PRESENT:**Board**

A. McAfee Co-Director of Planning (Chair)
L. Beasley Co-Director of Planning
D. Rudberg General Manager of Engineering Services

Advisory Panel

B. Haden Representative of the Design Professions (Urban Design Panel)
J. Hancock Representative of the Design Professions (*excused 1280 West Pender Street*)
J. McLean Representative of the Development Industry
E. Mah Representative of the Development Industry
D. Chung Representative of the General Public
K. McNaney Representative of the General Public
C. Henschel Representative of the General Public

Regrets

G. Chung Representative of the General Public

ALSO PRESENT:**City Staff:**

R. Segal Development Planner
M. Kemble Development Planner
M. Mortensen Project Facilitator
M. Thomson City Surveyor

538 Smithe Street

F. Adab F. Adab Architects Inc.
L. Zunino F. Adab Architects Inc.
W. Harrison Landscape Architect
N. Manji Dams Development Corp.

1280 West Pender Street

P. Busby Busby & Associates Architects
M. Nielson Busby & Associates Architects
J. Laxton No. 249 Cathedral Ventures Ltd.

Clerk to the Board: C. Hubbard

1. MINUTES

788 Richards Street

Mr. Rudberg requested the following amendment to reflect the Board's intent to provide some flexibility with respect to the proposed lane bridge:

p.18, paragraph 5, to add to the resolution:
or an encroachment agreement.

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of October 12, 2004 be approved as amended.

2. BUSINESS ARISING FROM THE MINUTES

None.

3. 538 SMITHE STREET - DE408385 - ZONE DD (COMPLETE APPLICATION)

Applicant: F. Adab, Architects Inc.

Request: To construct a 7-storey multiple dwelling building with 60 units including 10 street-oriented townhouses, and two levels of underground parking accessed from the lane.

Development Planner's Opening Comments

Ralph Segal, Development Planner, presented this application, referring to a context model, an architectural model and posted drawings. The proposal seeks the maximum permitted density of 3.0 FSR plus a ten percent heritage density transfer, for a total density of 3.3 FSR. Mr. Segal briefly described the immediate context of the site at the corner of Smithe and Richards Streets, noting the project is relatively small-scale compared to neighbouring buildings in Downtown South. Referring to the Development Permit Staff Committee Report dated October 13, 2004, Mr. Segal briefly reviewed the recommended conditions of approval, noting that Staff and the Urban Design Panel consider the heritage density transfer to be well handled on the site. The application seeks a height relaxation of 9 ft. for an amenity room at the top of the building to provide better access and usability of the roof deck. This relaxation can be approved by the Board under Section 3.2.4 of the Zoning and Development By-law. There is an existing old house on this site that will be demolished. The house is not on the heritage inventory and is in poor condition. Staff support its demolition. Subject to satisfactory resolution of the recommended conditions, the Staff Committee recommends approval of the application.

Questions/Discussion

Mr. Beasley sought clarification with respect to the interface of this building with the adjacent townhouse of the Mondrian development, particularly with respect to the large blank wall at the rear. Mr. Segal agreed that an amendment with respect to the massing adjacency could be made to condition 1.5.

Michael Mortensen, Project Facilitator, advised that information has just been received from the Housing Centre that the existing house at 909 Richards Street is listed on the SRA Register. Mr. Beasley noted that typically the Board would apply a condition to seek Council approval for either the removal of the SRA units or payment of the SRA fee, and this will be necessary for this development application.

Mr. Rudberg expressed some concern about invoking the "hardship" clause of the Zoning and Development By-law to permit additional height, noting that an earlier application where this occurred was on a sloping site, which is not the condition in this case. Mr. Segal noted that small sites such as this in Downtown South generate a lot of dwelling units at the maximum permitted FSR, which makes it difficult to provide sufficient open space on the site. Staff concluded that relaxing the height for the rooftop amenity room was justified because it makes the roof deck much more usable for the residents. Mr. Segal added that while the proposed amenity room is excluded from the floor area calculation it is required to be included in the height because it is habitable space.

Applicant's Comments

Fred Adab, Architect, stressed that the amenity room will make the roof deck more usable for the residents and noted the roof garden is also beneficial for the neighbours who overlook the building. With respect to the interface with the neighbouring townhouse, Mr. Adab said they are confident they can address the concerns. Bill Harrison, Landscape Architect, confirmed they have no problem with the conditions recommended by the Staff Committee.

Questions/Discussion

In response to a question from Mr. Haden regarding the proposed water feature at the corner, Mr. Harrison confirmed the corner treatment will receive more attention and the water feature can be deleted as requested in condition 1.4.

Mr. Rudberg noted the application seeks the minimum permitted number of parking spaces. Mr. Adab advised they intend to increase this by eight spaces by adding another half level of underground parking. Mr. Segal noted the by-law provides for a minimum and maximum number of parking spaces. Mike Thomson, City Surveyor, added that unless the Board wished to apply a prescriptive condition, the addition of eight parking spaces can be made in the resolution of the prior-to conditions because the total number of spaces would still be within the permitted range.

Comments from other Speakers

Mary Spiracio, owner of the adjacent townhouse in the Mondrian development, supported the proposal but expressed concern about security, the appearance of the blank wall, and impacts during construction. She noted the existing old house on the property is in very poor condition and she urged that the developer exterminate the rats in the basement before demolishing the building. She also requested that attention be given to treatment of the parkade edge to ensure people cannot easily gain access to her balcony. Ms. Spiracio said she was sorry the project did not include live/work use which provides more "eyes on the street".

In response to a question from Mr. Beasley regarding the adjacent blank wall, Ms. Spiracio said she would prefer an attractive treatment of the wall as opposed to lowering it. With respect to Ms. Spiracio's concerns about construction impacts, Mr. Beasley noted this is not typically included in conditions applied by the Board; however, it is an appropriate neighbourly gesture for the developer to consider the neighbours during construction. Nizar Manji, Dams Development Corp., confirmed they fully intend to take the neighbours into account and will communicate with them during the construction period to address their concerns.

Panel Opinion

Mr. Haden advised this application was reviewed twice by the Urban Design Panel. The Panel noted substantive improvements in the revised submission and it was unanimously supported. Mr. Haden confirmed the conditions accurately reflect all the Panel's concerns and he recommended approval. With respect to the corner treatment, the Panel's concern about the water feature was in part related to ongoing maintenance, although it was thought there may be a solution that includes it. Mr. Haden suggested an amendment to condition 1.4 to provide more flexibility in this respect. He also recommended an additional condition to address the security concerns of the neighbour.

Mr. Hancock said the general massing is acceptable and the conditions address all the issues. He agreed in particular with condition 1.1 which calls for design development to the exterior building façade. Mr. Hancock supported the requested height relaxation and recommended approval of the application.

Mr. McLean also recommended approval and said it is a very successful application for a difficult site given its size. Mr. McLean strongly supported the roof deck and the requested height relaxation.

Mr. Mah recommended approval and supported the additional height for the amenity room.

Mr. Chung concurred with Mr. Mah and recommended approval.

Mr. McNaney also supported the project and agreed with Mr. Hancock that condition 1.1 needs to be carefully addressed in design development. He supported the height relaxation for the amenity room, and encouraged the developer to provide spigots on the roof for the garden plots and a storage area for garden supplies.

Mr. Henschel supported the proposal and the additional height. He noted that roof gardens are typically sought by the Board and the provision of the amenity room provides good access to it. The roof garden also offers a good outlook for the many taller neighbouring buildings.

Board Discussion

Mr. Beasley said it is a good project and he agreed with the Urban Design Panel, the Advisory Panel and Staff and there needs to be refinement of the architecture and materials. There also needs to be some refinement of the relationship with the adjacent townhouse. Mr. Beasley added he was pleased to see buildings of this scale being proposed because they contribute to the diversity of buildings in the area. It is also consistent with Council policy that these smaller sites are not developed with towers. He moved approval of the application, with amendments to the conditions.

Mr. Rudberg reiterated his concern about invoking the "hardship" clause of the Zoning and Development By-law with respect to the height, but said he was persuaded by the advice of the Advisory Panel that it is appropriate in this case. With respect to the corner treatment, Mr. Rudberg cautioned that water features often become a maintenance problem after a few years.

Motion

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

THAT the Board APPROVE Development Application No. 408385, in accordance with the Development Permit Staff Committee Report dated October 13, 2004, with the following amendments:

Amend 1.4 to add after "street tree, and": *refine the corner detailing*, deleting the remainder of the condition.

Amend the Note to Applicant in 1.4 to add: *which may include deletion of the water feature*;

Add 1.8:
design development to the project's south edge to ensure CPTED principles are followed with respect to security, especially for the adjacent Mondrian townhouse;

Add 1.9:
arrangements to the satisfaction of the Director of the Housing Centre and Council approval for demolition of the SRA-designated building at 909 Richards Street ("Roseberry House");

Add 1.10:
design development to amend the parking to reflect the amount of parking actually envisioned, within the allowances in the Parking By-law, to the satisfaction of the General Manager of Engineering Services;

Add to A.1.11:
, and provision of hose bibs on all private and common terraces and roof areas for maintenance of all landscape features;

**4. 1280 WEST PENDER STREET - DE408652 - ZONE DD
(COMPLETE APPLICATION)**

Applicant: Busby & Associates Architects

Request: To construct a 28-storey mixed-use building with 60 residential units, a townhouse base and a 4 1/2 level underground parkade, incorporating a transfer of 7,926 sq. ft. of heritage density from a vendor site.

Development Planner's Opening Comments

Ralph Segal, Development Planner, presented this application, noting it has been a challenging project for the applicant, staff and the neighbours. He briefly reviewed the site context, referring to a context model and an architectural model. The application seeks the maximum permitted density of 6.0 FSR, plus a ten percent heritage density transfer (total 6.6 FSR). The site currently contains the Crime Lab restaurant which is identified on the post-1940's list but is not on the heritage register and is not incorporated into the scheme. In addition to the residential tower, the proposal includes some at-grade retail use on Pender Street and three townhouses on Melville Street.

The main issue arising from this proposal relates to the position of the tower on the site, its shape and impact on views, particularly from the Pointe Claire which is the closest neighbour across Melville Street to the south, and for seven units in the Banffshire at the corner of Melville and Jervis. The site is an unusual triangular shape and the applicant proposes a "flat iron" shape tower located at the westerly end of the site, which causes considerable view blockage for the neighbours. The tower has an exceptionally small floorplate of 3,481 sq.ft. and a width of 99 ft. on Melville Street. Referring to posted view diagrams, Mr. Segal briefly described the impact of the requested tower location as well as an alternative easterly location. While the latter favours westerly units of the Pointe Claire by maintaining their views to Coal Harbour Park to the northwest, a tower siting at the easterly end of the site locates it directly in front of the Pointe Claire, impacting views for 60+ units. It also results in a tower separation of less than the 80 ft. which raises livability concerns. Staff are therefore recommending a modified scheme with a reduced east-west dimension and increased setback from Jervis Street, maintaining the offset from the Pointe Claire. Mr. Segal noted that upland buildings other than the Pointe Claire need to be taken into account in the view analysis.

In summary, staff have concluded that a westerly tower location is preferable but in a much reduced width. Staff also recommend a reduction in height of 40 ft. because analysis indicates shadow impact on Coal Harbour Park at the equinox.

There are a number of other conditions relating to open space treatment and the public realm interface. Although the submission is a complete application, staff recommend approval in principle only, subject to the conditions outlined in the Staff Committee Report dated October 27, 2004, with the complete application returned for review by the Board.

Questions/Discussion

Mr. Beasley expressed appreciation for the efforts made by design team and staff to find the optimum footprint and location of the tower. He agreed the impacts on the neighbours need to be addressed. In response to a question regarding view impact on the Banffshire apartments, Mr. Segal advised staff's recommended alternative maintains the views currently enjoyed from this building, unlike the submission which impacts seven units of the Banffshire.

Mr. Beasley noted the units in the Pointe Claire that need to be most carefully considered are the 03 units on the northwest corner. Staff's recommended alternative, in order to avoid a less than 80 ft. separation, avoids any overlap of the easterly edge of the proposed tower with the westerly edge of the Pointe Claire. However, an option (referred to as 3A) which has a modest overlap has little impact on the 03 units' northerly views but a very positive affect on views to the northwest. Such an option creates a 70 ft. separation for a portion of the interface. Mr. Segal distributed copies of a diagram of this option and confirmed it was considered by staff and is a further variation of the recommended modified scheme. Mr. Beasley questioned whether there could be additional sculpting of the southwest corner of the tower to achieve an 80 ft. separation. Mr. Segal confirmed this could be done but could create difficulties if it starts to encroach into the elevator core. Mr. Beasley requested that any residents of 03 units that address the Board indicate their preference between the staff alternative and the 3A option.

With respect to the existing Crime Lab restaurant on this site, Mr. Beasley questioned whether consideration had been given to replicating its mass at the corner rather than the proposed open space so that the restaurant is retained in the neighbourhood. Mr. Segal noted the submission proposed an open space on the corner and was supported by staff, although another option would be to help define the corner with the replacement of the Crime Lab massing.

In response to a question from Mr. Rudberg regarding the development rights of this site, Mr. Segal advised the zoning permits the requested uses and they are supported by staff. The DD zoning allows 6.0 FSR and includes the discretion to transfer ten percent heritage density if it can be shown to be a workable proposition. 300 ft. is the discretionary maximum permitted height, subject to urban design and impact analyses.

Mr. Rudberg questioned the extent of neighbourhood consultation with respect to the various options being discussed. Mr. Segal advised there has been fairly extensive communication with the neighbourhood, including several meetings. Three massing alternatives were represented to the Pointe Claire residents who were well aware of the proposal. They were shown the east tower alternative and, at the most recent meeting on October 21 with up to 20 residents present, staff's recommended modified west tower scheme was also shown. Neither the neighbours nor the applicant have seen Option 3A which locates the tower slightly further east than staff's recommended option. Mr. Segal confirmed that staff's recommendation to approve the application in principle, as a preliminary, would allow further consultation with the neighbours to occur.

Mr. Haden expressed concern that the staff recommendation attempts to establish some very prescriptive design guidelines for this site, which is different than considering a scheme proposed by the applicant. Mr. Segal confirmed the alternatives were requested by staff for comparison purposes and the applicant was made aware of the recommended modified west tower location. Mr. Haden said he was concerned that this alternative is not the scheme reviewed by the Urban Design Panel. As well, he was concerned about imposing a number of conditions that create a situation which makes it very difficult to make a building that is either workable or of architectural excellence.

In response to a question from Mr. Chung regarding shadowing on Coal Harbour Park, Mr. Segal briefly reviewed the shadow analysis diagrams.

Applicant's Comments

Peter Busby, Architect, advised they have met with the neighbours on three occasions and are well aware of the issues related to the project. He explained this is a unique site in Vancouver for which they wanted to make a strong piece of architecture. The tower has a unique shape with a very small footprint, which is very expensive to build, but this site provides the opportunity to do something special. Vancouver has many mundane buildings and needs stronger vertical architecture. The tower is a very elegant structure with a curtainwall skin and a very interesting top. He urged the Board to take this into account and he expressed the hope that it does not become "designed by committee". Mr. Busby pointed out that the Pointe Claire is not a waterfront property, being five streets back from the water. At the suggestion of staff, extensive view studies were conducted which indicate that some suites are impacted more severely in one arrangement than another, and other towers, such as the Venus, are impacted more severely with one arrangement or another. On balance, there was no clear conclusion about the view impacts on the various neighbouring buildings.

With respect to staff's recommended modified alternative scheme, Mr. Busby said they believe that while it is not as elegant as the submission, it has the potential to work. However, Option 3A has adjacency issues. He noted they have been very careful to orient their units away from the Pointe Claire. As well, a frit glass is proposed which will act as a veil to mitigate privacy concerns. Mr. Busby noted that locating the tower east on the site makes it very difficult to achieve the parking. With respect to the height, Mr. Busby noted it is not a typical tower top and they wish to maintain it. With respect to the requested height reduction, they would like to amend the recommendation to allow 270 ft. The penthouse floor would be compressed from

18 ft. to 8 ft. and the mechanical equipment relocated to the basement. This would have the same shadow impact as 260 ft. but would provide one more usable floor. He stressed that they wish to maintain some element of the "crown" at the top of the building and still address shadow impacts on the park.

With respect to the corner restaurant, Mr. Busby noted the issues related to restaurant use are loading, parking and garbage, none of which exist currently for the Crime Lab. However, if there is some flexibility offered with respect to parking and loading, it is possible the restaurant could be replicated.

Finally, Mr. Busby urged the Board to approve the application as a complete application and he committed to engaging in further community consultation as part of the final resolution.

Questions/Discussion

Mr. Beasley requested staff to comment on the architect's suggestions. Mr. Segal confirmed that provided the decrease in shadow impact on the park is achieved, the architect's suggested solution of decreasing the height of the penthouse would be acceptable. With respect to the Crime Lab restaurant on the corner, Mr. Segal confirmed that restaurant use does generate more servicing needs than retail use. Mr. Thomson noted the application is already proposing 12 parking stalls more than the required minimum, some of which could be converted to commercial use. Arrangements for loading would also be necessary because loading off West Pender Street is not acceptable. He agreed there is a potential solution if the applicant chooses to include a restaurant to replace the Crime Lab.

Mr. Beasley sought clarification about the impacts of approving the application as a preliminary or a complete. Mr. Segal confirmed that the intent of the conditions as written was that it could be approved as a complete, provided there is a high degree of cooperation from the applicant. A complete approval could also include the public consultation committed to by the applicant. Mr. Thomson noted the development application for the adjacent site was approved in principle and he expressed concern about the subject application dictating access arrangements for that site, given it is proposed to be a shared driveway. In discussion, Mr. Busby confirmed they have now received agreement from the neighbour with respect to the easement. He agreed the issues to be resolved, whether as a complete or a preliminary, take the same amount of time. The issue for the developer is marketing of the development which cannot begin until the complete application is approved.

Mr. Rudberg sought clarification regarding condition 1.1. Mr. Segal explained staff believe the dimensions outlined in the condition are essential to achieve a good balance of impacts and benefits of the development.

Comments from other Speakers

Brian Maryk, 703-1238 Melville (Pointe Claire), agreed there needs to be compromise and said he would appreciate achieving any amount of view possible. In response to a question from Mr. Beasley, Mr. Maryk confirmed that he supports the modified alternative recommended by staff. He said privacy is not an issue.

Angus Carten, resident of the Pointe Claire, said there is no merit to retaining the Crime Lab restaurant and it would be better to keep the corner as green space. His major concern was that this application is being considered in isolation rather than considering the block as a whole. This block is too small to accommodate two towers and they do not complement each other or the community. Mr. Carten was also concerned that having several developments

starting construction at different times results in a prolonged period of disruption to the neighbourhood.

Richard Liu, representing a number of owners in various locations in the Pointe Claire, distributed photographs illustrating view impacts. Mr. Liu opposed approval of this application as a complete because there are too many unresolved issues. He noted they commented on the applicant's original proposal but their concerns have not been considered. Even staff's recommended modified scheme takes up a significant amount of the best view to the northwest, which is what they paid for when the Pointe Claire was built in 1995. He said he appreciated the concerns about privacy if the two buildings are opposite each other but privacy is less of a concern than view loss, for both easterly and westerly units in the Pointe Claire. Mr. Liu urged the Board to consider the property rights of existing owners, noting that 73 owners in the Pointe Claire do not support the modifications agreed to between Planning and the developer.

Bob Standerwic, 1238 Melville Street (Pointe Claire), represented 11 owners. He said his preference was for Option 3A referred to earlier because the residents' concerns are about loss of views, not privacy. He urged that the application only be approved as a preliminary. In response to a question from Mr. Beasley regarding the Crime Lab restaurant, Mr. Standerwic suggested it is a poor location for a restaurant, and he was concerned about the garbage it generates.

Amy Chung, 1238 Melville Street, representing residents in the westerly-facing O2 units, said the proposal is too big for such a small lot, even with the modifications recommended by staff. It will block 80 percent of their current view which includes the marina and Stanley Park, which equates to a loss of about \$100 per square foot. Ms. Chung urged the City to be fair to everyone. Even though the Pointe Claire is not a waterfront building, the developer does not have the right to take away their current view.

Wendy Shum concurred with the previous speakers. She stressed the importance of harmony and said the building should be designed in a way that blends in with surrounding buildings. She said the decrease in their property value to satisfy the developer's design is not acceptable. If the Board decides to approve the application, it should be approved only as a preliminary.

Sean Lo, 1803-1238 Melville Street, was opposed to the application and said they need more time to study the modified scheme.

Rebecca We, 1238 Melville Street, was concerned about view blockage. With respect to the architecture, Ms. We said an interesting design at the expense of unhappy owners does not achieve a harmonious community. She noted the view analysis is based on the original submission, and they need more time to study and discuss the alternatives.

Alois Jauk, 1238 Melville Street, said the neighbouring Banffshire apartment building already partially blocks his view, and this proposal will block it completely.

Dr. Lee, representing the strata council of 1239 West Georgia Street (the Venus), said they would strongly object to a scheme which locates the tower at the east end of the site. He said the design of the building was chosen because of the unusual configuration of the site. Dr. Lee said he did not believe the Crime Lab restaurant is an asset to the community. In response to a question from Mr. Beasley, Dr. Lee said he believes the Venus residents would support the modified scheme.

Kimberly Cole, Manager of the Crime Lab restaurant, said they would like to be part of the new development. She said they operate a successful business and are a good neighbour.

Mr. Beasley noted that Lesley Pomeroy, a resident of the Banffshire who was unable to stay at the meeting, had earlier advised him of her support for the staff's recommended alternative scheme. She also had no objection to the Crime Lab restaurant being replicated provided it does not exceed its current height.

A letter dated October 29, 2004 from Rodney Neys, 3202-1238 Melville Street, was acknowledged.

Board and Panel members briefly reviewed the model and posted materials.

Panel Opinion

Mr. Haden said this is a difficult project with many complexities. The Urban Design Panel reviewed the proposal as submitted, not staff's recommended modified scheme. Mr. Haden said the modified version varies substantially from the original, such that he is unable to comment on it without further investigation. He said it is important to review the Urban Design Panel comments on the original scheme which was unanimously supported, and the critical issue is to see an outstanding building on this unique site, with the Crime Lab restaurant. The Panel considered the value of architectural excellence on a unique site overrode the specific considerations of those whose views would be negatively impacted. The Planning Department's view analysis shows approximately 15 - 17 percent more units are negatively impacted by the westerly location of the tower vs. the central tower location. Mr. Haden said he did not believe this shift in view impact is substantial enough to justify architectural mediocrity. The modified scheme is a severe compromise which will not result in an excellent building. Mr. Haden said he would support a reduction in tower height. In summary, Mr. Haden said his concern was about tower design generated by residual view corridors, and the ability to comment on a design which is not sufficiently developed. The economic interests of both the applicant and the Pointe Claire need to defer to the long term interest of the city. Mr. Haden said he would not support the current compromise scheme, but if the Board chooses to do so it should be as a preliminary.

Mr. McLean said staff have done a very good job to arrive at a compromise solution. He said he believed the modified scheme could be developed into good architecture and if all parties are agreed, it should be pursued. Mr. Mclean said he believed more public consultation was needed for the modified scheme to be developed further.

Mr. Mah noted the original submission has been studied fairly thoroughly and he agreed with a comment from the Urban Design Panel that this site demands that the flatiron form be taken advantage of. Mr. Mah said his preference would be to approve the original submission, as a complete, with a reduction in height to minimize shadowing, and possibly a minor pulling back from the northwest corner to slightly improve views. Mr. Mah said he did not believe the alternatives have had much analysis but he would also be prepared to support approval of the modified scheme recommended by staff, as a complete.

Mr. Chung recommended approval of the application, as submitted, noting this is a prominent site that deserves this exceptional architecture. He supported a reduction in height to 260 ft. Mr. Chung said that if the modified scheme is supported, condition 1.1 should not be prescriptive but the applicant should be given the flexibility to achieve the best possible

design. He also recommended that approval of the modified version should be as a preliminary.

Mr. McNaney said any option will have some impact on the Pointe Claire but the modified version reduces impact on the Banffshire. He was concerned that shifting the tower further to the east would result in privacy issues. Mr. McNaney said he would support the modified version, with a reduction in height, and including a restaurant if possible because it adds to street animation. Mr. McNaney said that, in general, he strongly supported public consultation where it offers genuine opportunities for change. However, in this case he was not convinced that anything more can be achieved. He recommended approval of the modified scheme, as a complete.

Mr. Henschel said he strongly supported the flatiron design but the severe view blockage is a problem. He suggested that Option A, which locates the tower further east than the recommended modified version, could successfully retain the flatiron shape. It would improve views for westerly units of the Pointe Claire and not impact the Venus. He did not believe there would be privacy issues. Mr. Henschel recommended approval as a preliminary.

Board Discussion

Mr. Rudberg said it is unfortunate the application was not a preliminary submission. The original proposal is a fine piece of architecture but issues of views are important and need to be considered. The building has to be shifted to deal with some of the view issues. Mr. Rudberg said he was convinced that the direction of staff's recommended modified scheme is appropriate and he noted the architect has indicated he can create a good piece of architecture from it. Mr. Rudberg agreed the height should be reduced to reduce shadowing on the park.

On the issue of whether the application should be approved as a complete or a preliminary, Mr. Rudberg noted the public has indicated they need more time but there is also strong indication from the Advisory Panel that the modified scheme is fairly fixed. On this basis, Mr. Rudberg moved approval as a complete application, with amendments to the conditions. He said there should be some flexibility in the design but with meaningful public consultation and opportunity for fine-tuning to improve some of the view issues and, most importantly, to create some public understanding. With respect to access from the adjoining property, Mr. Rudberg urged the applicant to address this matter early in the process. In amending condition 1.1, Mr. Rudberg confirmed his intent is that the east-west dimension of the building would be no wider than indicated in the modified scheme.

Mr. Beasley commented the Board is obliged to consider development applications and cannot delay proposals until neighbouring development proceeds. In any event, it is likely that construction of the site to the east will occur at the same time as this building. It is a reality that a tower will be developed on this site, as permitted by the zoning, and this should be understood by the neighbours. Nevertheless, while the rights of a developer to develop a site are acknowledged, there is no less responsibility to find a solution that minimizes impacts on the neighbours. Mr. Beasley said he did not support the opinion that the views of the neighbours should be disregarded for excellent architecture. While the neighbours must accept that this site will be developed, the applicant must accept that the design has to be re-shaped to respond to the neighbours. The Board's role is to find the optimum solution to minimize view blockage for as many people as possible. Mr. Beasley said he disagreed with the position that good architecture cannot be achieved unless the proposed building footprint is maintained, noting that Mr. Busby is one of the best architects in the country. He said he was convinced that Mr. Busby can deliver a piece of architecture which equals the original design.

With respect to Mr. Rudberg's amended condition 1.1, Mr. Beasley said he would have preferred to provide greater flexibility, but he accepted the amendment in the interests of finding a solution. Mr. Beasley said he appreciated the input from the proprietor of the Crime Lab restaurant, and said if a way can be found to allow its replication it would be a good benefit to the neighbourhood. It will, however, require some flexibility with respect to the technical requirements. It is clearly a viable location for the restaurant and should be seriously considered by the developer. Mr. Beasley strongly supported approval of the application as a complete, as recommended by the majority of the Advisory Panel. He recommended a further amendment to 1.1, to require further consultation with the neighbours and input from the Urban Design Panel. Mr. Rudberg concurred. Mr. Beasley said there needs to be continuation of the dialogue already started with the neighbours.

Mr. Laxton said he was very glad to have reached to a compromise and better relations with the neighbours is more important than architecture.

Motion

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

THAT the Board APPROVE Development Application No. 408652 in accordance with the Development Permit Staff Committee Report dated October 27, 2004, with the following amendments:

Amend the approval preamble to read:

THAT the Board APPROVE Development Application No. 408652 as submitted, the plans and information forming a part thereof, thereby permitting the construction of a 28-storey mixed-use building with 69 dwelling units, including three townhouses on Melville Street, retail uses at grade on West Pender Street and a 4-1/2 level underground parkade accessed from the adjacent 1211 Melville Street site, and incorporating a transfer of 736.8 m² of heritage density from a vendor site, subject to the following conditions;;

Amend 1.0 to read:

Prior to the issuance of the development permit, revised drawings and information shall be submitted to the satisfaction of the Director of Planning, clearly indicating;;

Amend 1.1 to read:

design development to modify the proposed tower siting and east/west dimensions (width) to reduce impacts on private views from upland neighbours, in particular the Pointe Claire and Banffshire heritage apartments, by:

- *reducing its east-west dimension (Melville Street property line) from 30.2 m (99 ft.) to ~~approximately~~ 25 m (82 ft.); nor more than*
- *increasing the tower setback from Jervis Street by approximately 8 m (26.2 ft.) along the Melville Street property line to achieve a setback of at least 16.5 m (54 ft.); and*

- *finalizing the exact location of the tower should be determined in consultation with the neighbours and with input from the Urban Design Panel;*

Amend 1.2 to read:

design development to lower the height of the tower by 9m (30 ft.) to substantially reduce shadowing of Coal Harbour Park, with an elevator/mechanical penthouse of no more than 8 ft. above that height;

Amend 1.4 to add:

or consideration of a massing and use which duplicates the existing restaurant at the far westerly end of the site, as an integral part of the development;

Amend 2.0 to read:

That the conditions set out in Appendix A be met prior to the issuance of the Development Permit.

Amend 3.0 to read:

That the Notes to Applicant and Conditions of the Development Permit set out in Appendix B be approved by the Board;

Amend the preamble in Appendix A to read:

The following is a list of conditions that must also be met prior to issuance of the Development Permit.;

Amend A.2.3 to add, after "establishment": *as road;*

The conditions contained in Appendix B are also to be amended to reflect approval as a complete application. A revised Appendix B will be returned to the Board for approval at its next meeting.

5. OTHER BUSINESS

None.

There being no further business, the meeting adjourned at 7.30 p.m.

C. Hubbard
Clerk to the Board

A. McAfee
Chair