

Date: Monday, October 15, 2001
Time: 3.00 p.m.
Place: Committee Room No. 1, City Hall

PRESENT:**Board**

F. Scobie Director of Development Services (Chair)
L. Beasley Director of Current Planning
B. MacGregor Deputy City Manager
D. Rudberg General Manager of Engineering Services

Advisory Panel

T. Bunting Representative of the Design Professions (Urban Design Panel)
P. Kavanagh Representative of Development Industry (*not present for 2525 Ontario*)
J. Ross Representative of Development Industry
D. Chung Representative of General Public
J. Leduc Representative of General Public
M. Mortensen Representative of General Public
R. Bruce Scott Representative of General Public

Absent

J. Hancock Representative of the Design Professions

ALSO PRESENT:

R. Segal Senior Development Planner
P. Mondor Rezoning Planner
M. Kemble Development Planner
M.B. Rondeau Development Planner
A. Higginson Project Facilitator
M. Thomson City Surveyor

Item 3 -298 Thurlow Street - DE406001 - Zone CD-1

J. Cheng James K.M. Cheng Architects Inc.
D. Guspie James K.M. Cheng Architects Inc.
I. Gillespie Westbank Projects
C. Phillips Landscape Architect

Item 4 - 2515 Ontario Street - DE405732 - Zone C-3A

N. Baldwin Nigel Baldwin Architect
T. Woo Aragon Development Corp.

Clerk to the Board: C. Hubbard

1. MINUTES

September 4, 2001:

The following corrections/amendments were noted:

p.1, 5 and 6 - Names misspelled: Michael Mortensen and Alan Wichelo;

p.2 - **2900 East Broadway** - second paragraph - change "concerns of neighbour" to "concerns of the neighbourhood";

p.3, second paragraph - Amend the following sentence to read: "A total of 29 class B spaces are required with 18 (2 for each of 4 buildings and the remainder adjacent to the current railway spur along Hebb Avenue) ... etc.";

p.5 under 1.5 - "4 ft." should read "9 ft.";

p.5, first paragraph, line 4, change "we" to "were".

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of September 4, 2001 be approved as amended.

September 17, 2001:

The following corrections/amendments were noted:

Michael Mortensen's name misspelled; Eric Fiss incorrectly identified as Senior Development Planner;

p.3, last paragraph, change "tenancy" to "occupancy" and delete the last sentence;

p.4, penultimate paragraph, should read: "Mr. MacGregor commented that the guidelines are clear regarding increased floor plate to allow for heritage density transfer; however, in this case the total extra floor plate area exceeds the heritage density transferred. He therefore did not support the floor plate proposed. Mr. MacGregor also advised he would not be in support of Condition 1.1 without it being founded in solid Council policy".

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of September 17, 2001 be approved as amended.

2. BUSINESS ARISING FROM THE MINUTES

None.

3. 298 THURLOW STREET - DE406001 - ZONE CD-1 (COMPLETE APPLICATION)

Applicant: James K.M. Cheng Architects Inc.

Request: To construct a 40-storey, mixed-use, high-rise tower containing retail, office, live/work (129 units) and childcare uses, with 5 levels of underground parking accessed off of Cordova Street and Waterfront Road.

To exclude from FSR, a public atrium area of ~~5,738.5 sq. ft.~~ *approximately 5,740 sq.ft.* located on the main floor level, under the Interior Public Space Guidelines.

Development Planner's Opening Comments

Ralph Segal, Senior Development Planner, presented this application, referring to a project model, the rezoning context model and the Staff Committee Report dated October 3, 2001. He briefly described the neighbouring development. Referring to a diagram of the Burrard Landing Office/Commercial Plaza Precinct Plan, Mr. Segal explained what currently exists in terms of enacted zoning and dedicated streets, namely Thurlow Street meeting an extended Burrard Street and a future plaza to the immediate north of the subject site. The elevation of Thurlow Street is 11.8 m and the future plaza is at elevation 13.0 m. At present, Cordova Street is the only street dedicated and fully designed, and its elevation where it intersects Thurlow Street is 14.5 m. Mr. Segal noted the subject application responds to higher elevations with a new convention centre that will take Canada Place Way to the west at elevations ranging from 14.0 m to 15.8 m. However, a condition of rezoning sought for this application was that it be designed to illustrate a positive relationship to the lower elevations that currently exist (without a convention centre). Staff therefore recommend that the parkade be lowered, without any blank walls protruding above, as called for in condition 1.1 in the Staff Committee Report. Condition 1.2 deals with the interim edge treatment, recognizing that this development is preceding the implementation of the streets and development scenarios to the north - whether a convention centre or any other form of development. Condition 1.3 seeks a redesign of the below grade parkade to reconfigure the access, including achieving 215 designated arts complex parking spaces. Mr. Segal briefly reviewed the remaining major conditions.

Mr. Segal then highlighted a number of Standard Engineering Conditions. A.2.1 addresses compliance with the parking requirements of the CD-1 By-law. A.2.9 deals with the various scenarios that may occur to the north of the site and the requirement for the developer to be financially responsible for modifications to the edge of his property to properly meet higher grades, if they occur. A.2.10 calls for a legal agreement to secure 215 parking spaces in this development, for the evening and weekend use of arts complex patrons.

With respect to the proposed atrium in the lobby area of the development, for which an FSR exclusion of 5,740 sq.ft. is sought by the applicant, Mr. Segal advised it does not conform to the guidelines for FSR exclusion, the main issue being that it is not open to the sky. As well, staff note it fails to specifically convey that it is a public space. As well as the requirement for a public right-of-way through such a space, there is also a need to identify the programming of the space.

Notwithstanding the foregoing major issues, Mr. Segal noted the proposal is a high quality development which staff believe can be a landmark tower on the waterfront. Apart from the easterly shoulder of the office portion of the tower which staff are asking to be lowered (condition 1.5), the general form conforms closely to the rezoning massing. It will be a very positive addition to the waterfront that would complement the convention centre, if it proceeds, or any other form of development that occurs to the north. Mr. Segal advised the Staff Committee recommendation is for approval of the application, subject to resolution of the conditions outlined in the report.

Questions

Mr. Beasley noted there are two changes to the form of the building compared to the rezoning massing. With respect to the easterly shoulder of the tower, Mr. Segal confirmed that upland property owners have requested compliance with the rezoning massing (as called for in condition 1.5). Mr. Beasley also noted a significant change on the western stepping of the tower. Mr. Segal advised the affected neighbouring property owners have confirmed they do not object to this change (Appendix I of the Staff Committee Report) and staff also support it, noting there are no negative impacts.

In response to a question from Mr. Beasley regarding parking spaces for the arts complex, Mr. Segal confirmed that securing these spaces is consistent with the Burrard Landing zoning. A total of 430 arts complex parking spaces will be required, 215 of which staff are requesting be supplied on this site. It was noted these are not additional parking spaces, rather they are typically office parking spaces that are less likely to be used in the evenings and weekends when needed by arts patrons. The intent is that these spaces be conveniently located - ideally in one location - and accessed from the most visible parkade entry. In the event the convention centre proceeds, it will fall to this site and the adjacent Parcel 2A to meet the total arts complex parking obligation.

Some discussion ensued regarding the differing elevations that will occur with different development scenarios to the north of this site. Mr. Segal advised staff believe it is feasible and within design modification potential to achieve a lowered parkade. In response to a question from the Chair as to when staff foresee some certainty with respect to the surrounding roadways, Mr. Segal noted it hinges on a commitment to proceed with the convention centre, the timing of which is purely speculative at this time. He confirmed that, if this application is approved it will be essentially an approval of two schemes, one for each of the two roadway configurations, and with the capacity reflected in both schemes to be able to respond to either situation, with all costs involved in doing so borne by the applicant.

The meeting adjourned briefly for Board and Panel members to review the models which were being removed early at the request of the applicant.

Applicant's Comments

James Cheng, Architect, introduced representatives of Marathon, Pavco and a traffic consultant, all available to respond to questions if required. Mr. Cheng began by stating that while Canada Place Way extension currently has no legal status it is his understanding that Marathon and the City are close to an agreement to formalize its future alignment. As well, as part of a further refinement of the Burrard Landing urban design, Marathon has undertaken to abandon the loop road because it is now believed to be a less than optimal solution, noting there is very little public open space between the road and the water. Most of the public open space is inland at elevation 13.0 m and the road is at elevation 11.0 m.

Mr. Cheng noted that, other than Cordova Street, none of the roadways is fixed. He briefly identified the elevations at various points on the site. He explained, they would lower part of the lobby to relate to the street so that from an urban design point of view the plaza and the sidewalk would flow seamlessly into the building. There would then be a step within the building to accommodate the Cordova and Canada Place Way grades. At elevation 14.0 m, Mr. Cheng said they would be able to meet the Cordova Street grade so that pedestrians can walk from Cordova Street towards the waterfront more or less level. If the convention centre proceeds, at elevation 15.5 m, the only adjustment necessary will be to the street edge to terrace the plaza up to merge with it. He explained that meeting the requirements of condition 1.1 would have a major negative impact on the parkade. They believe the best compromise would be to proceed at about elevation 14.0 m. This would allow the convention centre to proceed, allow this development to provide efficient parking with proper entrance gradients, allow the public open space to be gradually transitioned down to the water, and allow the arts complex to be buried more into the ground. More or less level streets around this project will also give more flexibility to the convention centre. Mr. Cheng asked the Board to reconsider condition 1.1 and give them the opportunity to work with staff to finalize the grades before moving forward. He also stressed the cost implication of this condition is extremely onerous and open-ended. In summary, Mr. Cheng sought the Board's guidance on this issue, if necessary deferring a decision on the application to seek clarification from Council.

Mr. Cheng advised they have no problem with condition 1.2.

With respect to condition 1.3, Mr. Cheng noted their proposal for parking access was confirmed as acceptable by the City in July 2000 and they have been proceeding on this basis. It is also consistent with the traffic consultant's report. Mr. Cheng said they were therefore surprised by this condition and he asked the Board to reconsider it, questioning whether it would be in the interests of the project to combine the parking access off Cordova Street. Mr. Cheng added, they are in agreement with providing parking for the arts complex. He noted, however, that the rezoning requires the spaces to be "made available". It did not specify the number of spaces, nor did it require them to be permanently designated. Their traffic consultant has identified a potential 2,000 parking spaces in the immediate neighbourhood (including this development) and Engineering Services has determined that 430 parking spaces would be desirable for the arts complex. They therefore believe the arts complex will be amply served. Given the allocation of the arts complex parking spaces is shared between three sites, they consider the requirement for this project to provide 215 spaces is onerous. Mr. Cheng said they would like to suggest the condition be reworded to require 50 percent of the office parking to be made available for public use, including arts complex patrons. This would equate to at least 175 spaces; the remainder could be taken up elsewhere in the neighbourhood. Ian Gillespie, Westbank Projects, added, the Section 215 Covenant on the property requires them to make parking available to users of the arts complex at prevailing market rates; the number of spaces is not specified.

Mr. Cheng confirmed they are in agreement with condition 1.4, to provide continuous retail and weather protection. He explained their rationale for the proposed serrated edge. He explained, they have provided a streetwall along Cordova Street but do not believe it to be appropriate on the condition fronting onto public open space, noting also the need to respond to the skyline in this location. With respect to condition 1.5, Mr. Cheng explained their rationale for revising the stepping on the easterly shoulder and noted they are in discussion with the upland property owners in an attempt to satisfy their concerns. He asked the Board to allow them to work with the neighbouring owners to find a way to compensate for the impact, and to eliminate the condition if the neighbours withdraw their objections.

Mr. Cheng then referred to the Standard Conditions. With respect to A.1.2, Mr. Cheng said they agree the atrium needs some design development and asked that they be allowed to work with staff to refine its location away from the office lobby. He also advised the developer is willing to undertake a public endowment to ensure activities in the open space. Mr. Cheng confirmed they intend to meet the Interior Public Space Guidelines, with the exception of having the roof transparent to the sky, given the unique view of the northshore mountains which they believe will adequately compensate for this requirement.

Regarding A.1.15, Mr. Cheng said they have no concerns with meeting the Childcare Design Guidelines on pick-up/drop-off spaces; however, they do have a concern with the recommendation that these facilities be provided within the autocourt at grade. They do not believe this is the best location and note that other facilities in the city have underground parking drop-offs with direct access to the elevator.

Commenting on A.2.1, Mr. Cheng confirmed they will reduce the number of parking spaces and intend to achieve this by reducing the number of small car spaces.

Mr. Cheng reiterated that they consider condition A.2.9 to be very onerous and asked for the Board's reconsideration of this item.

With respect to the eastern shoulder of the building, Dawn Guspie, Architect, drew attention to view analysis diagrams which illustrate the differences in the impact of the original 1996 rezoning massing, the previous rezoning of this project, and the current proposal.

Discussion/Questions

Mr. Rudberg commented the Board has to consider this application in the context of the approved zoning for the site. However, the applicant is asking the Board to ignore that zoning and approve a plan which appears to require a rezoning to achieve a revised site configuration. Mr. Segal agreed this was also a major concern of the Staff Committee, resulting in the significant conditions it has recommended. Mike Thomson, City Surveyor, pointed out it is Council which determines the roads on this site and any modification to the 1996 dedication requires a decision of Council. With respect to the Canada Place Way extension, Mr. Thomson pointed out the City is working on a right-of-way document to provide access to the lower (waterfront) road rear access to the site. This would not result in any dedication of the Canada Place Way extension, which would require a subdivision application. The City therefore must respond to the current dedicated roads and the related implications of grades that currently exist. The rezoning that was dealt with by Council in April 2001 (not yet enacted) only deals with Towers 2A and 2B; it does not deal in any way with Tower 2C, nor the roads as they exist around the site.

John Ryan, Assistant Vice President, Marathon, explained that, in 1996, when they made their Discovery Place submission for the convention centre, they had proposed to the City to build Canada Place Way in exchange for the existing Burrard Landing road structures, all conditional upon the convention centre proceeding. With respect to the subject proposal, Mr. Ryan said they are working on a legal agreement which is a No Development Covenant prohibiting construction on the hotel site or the lands north until Engineering Services is satisfied with respect to access, that access effectively being the construction of Canada Place Way.

Mr. Rudberg noted that in order for the Board to proceed on the basis of a Canada Place Way extension there needs to be a formal abandonment, through Council, of the Burrard Street extension and a new subdivision which would dedicate a new road and the elevations as contemplated in this proposal. Mr. Thomson agreed that this would add some clarity to the proposal and facilitate the Board's consideration of the application.

Mr. Beasley commented it is becoming clear there are options regarding the future of the road both in its alignment and its elevation. The only one that has any certainty is the one already dedicated and identified at the time of the rezoning. Everything else - while it might be better - remains to be proved to the point that it could be adopted as an alternative. Staff have indicated they believe there are solutions that would allow a variety of scenarios to occur, such that they recommend approval now with resolution of the issues as conditions of approval. In response to a question from Mr. Beasley regarding the applicant's preference, Mr. Cheng confirmed they believe the current elevations would impose such a constraint that would require a complete redesign of the underground parking. Therefore, rather than proceeding with the application with this matter as a contingent item, they would prefer to defer a decision, if necessary seeking clarity from Council. Mr. Gillespie added, the condition with respect to retrofitting the building magnifies the issue. However, they feel confident they can work with staff to come to a solution. He said they would not proceed on a project based on the premise of demolishing it and rebuilding it later. He confirmed they would prefer to have consideration of the application deferred until the issue is resolved.

In response to a comment from Mr. MacGregor that condition (vi) of the rezoning deals with the issue of lowering street grade levels in the event the Trade and Convention Centre does not proceed, Mr. Cheng

explained they misunderstood this condition because they were working on the assumption the elevation would be about 14.0 m - and they saw no problem if it went from 14.0 m to 15.8 m - however, they failed to appreciate that the intent was to return to the original elevation of Burrard Landing road. Mr. MacGregor added, in the absence of the convention centre, the public objective of the existing zoning is to have the road extended and to enhance the water views. When it was agreed to bring this project forward it was on the basis that since it would take too long to re-plan the entire area the developer and the land owner would agree between themselves to deal with the circumstances. In discussion, it was agreed the ideal situation would be if the applicant could arrive at a solution that would satisfy all parties and provide them with some certainty about the elevations they use for the design of the building. Failing this, Mr. Beasley said the variation to be designed for needs to be established.

At the request of the Board, Sue Harvey, Social & Cultural Planner, provided further information on the parking to be provided for arts complex patrons. She explained, the legal agreement speaks to priority access for arts complex patrons and while it defines the number of seats in the complex it does not indicate a number of parking stalls. The term "designated" is not intended to mean exclusive use but managed so as to be available for use in evening hours and weekends, and for the public in general, not necessarily arts complex ticket-holders. Mr. Thomson confirmed this is also his understanding. In discussion, it was agreed that condition A.2.10 should be reworded to be more consistent with the agreement. Mr. Thomson explained, the agreement was put in place based on current zoning in which the towers were all intended to be for office use. Site 2A is now identified for hotel and 2C for convention centre and both these uses are less likely to have spaces available outside office hours. The approach has been to ensure that the last site to be developed within this precinct is not burdened with accommodating the total number of spaces. Mr. Gillespie confirmed they have less concern as a result of this explanation but wish to ensure they can accommodate a specific tenant which will occupy as much as 80 percent of the building. He confirmed they will maximize the amount of parking available.

With respect to parking access, Mr. Thomson advised Engineering Services is not departing from the position of supporting two access points. Parking access for residents of the live/work units is expected to be off the lower road, with less frequent users using the Cordova Street access, noting that, if the Canada Place Way extension does get built, the lower road parking access will be covered and less visible to casual users. From a safety and operational perspective, it is considered better to have the public users accessing the parking from the upper grade of Cordova Street, and for the residents to access parking from below. Mr. Cheng responded that they believe the waterfront road has the capacity to accommodate more traffic than Cordova Street. Their rationale was that it would be better to make sure the design of the Cordova ramp serves all the parking garages and is well signed so that it is clear to the public there is ample parking available.

Responding to a question from Mr. Beasley concerning the lower podium treatment (condition 1.4), Mr. Cheng confirmed that weather protection can still be provided if the jagged edge is retained. With respect to the atrium (condition A.1.2), Ms. Harvey advised Cultural Planning would welcome discussions with the applicant as to the type of programming and its sustainability and would seek legal agreements to address an endowment fund and ongoing revenues to ensure continuing public programming.

With respect to condition A.1.15, Mr. Rudberg suggested that when the childcare drop-off is discussed further, it would be helpful to have some examples of similar arrangements for indoor pick-up/drop-off. He agreed it may be appropriate to look at some alternative to the plaza area which

will likely be quite congested. Ms. Harvey noted Social Planning's concern relates more to the distance from the drop-off to the access to the building.

Comments from Other Speakers

Frank Musson, Architect, on behalf of SDM Realty and the property owners immediately to the south of this site, confirmed there have been ongoing discussions between the different parties. He requested that, if the application is before the Board again at a later date, they would like the opportunity to address the Board if their negotiations with the applicant have not been successful.

Panel Opinion

Mr. Bunting noted that much of the discussion today did not arise at the Urban Design Panel, although the Panel did express some reservations about trying to assess a project with so much uncertainty about its immediate context. Nevertheless, the Panel found it a very high quality project and it was unanimously supported. Mr. Bunting noted that most of the Panel's comments are reflected in the prior-to conditions. There was some discussion about the height of the podium and the Panel found the applicant's changes to the massing to be an improvement to the scheme. The main issue raised by the Panel related to the north-facing serrated edge of the project, and Mr. Bunting said he was pleased to hear the applicant was proposing a solution that would include continuous pedestrian weather protection along that edge. Some of the issues to do with this edge had to do with how the tower came down to the pedestrian level, although the Panel thought the serrated edge would still have a credible design function as a streetwall. Mr. Bunting said the atrium as presented to the Panel did not appear to be different to any high-end office lobby and it remains to be seen how the guidelines will be fulfilled. Mr. Bunting stated that, from a design point of view, it is difficult to see how a decision could be made on the application given the looseness of the response that would be required. The conditions certainly present a significant encumbrance. He suggested it would be preferable to have the issues resolved as far as possible before proceeding with the application.

Mr. Ross said it might have been better if the application had been a preliminary submission. He said he could not support approval as it is, although the project itself is fabulous. While staff believe the issue can be addressed by Condition 1.1, it is clearly not acceptable to the applicant. With respect to the parking allocation for the arts complex, Mr. Ross said he believed the 215 spaces indicated for this project seems to be the fairest way to distribute it, unless the adjoining property owner agrees to more than 50 percent being allocated to the hotel site. With respect to the jagged north-facing edge, Mr. Ross said that, provided there is a canopy, it is acceptable and an interesting change. He said he was encouraged by the discussions with respect to the atrium.

Mr. Kavanagh said today's discussion has been very useful because a number of agreements have been reached on many of the issues. He strongly supported condition 1.4.

Mr. Chung agreed that condition 1.1 seems to be the most significant issue. With respect to the arts complex parking, Mr. Chung said he thought that future developments should also contribute. He had no concerns about the north-facing jagged edge, as long as weather protection is provided. The building itself is a wonderful design and will be an asset to the skyline.

Mr. Mortensen supported deferring the application until there is some resolution of the grades. He said he would be interested to see what use and programming is proposed for the atrium. With respect to parking access, Mr. Mortensen said he would support a resolution that makes it easy for the public to locate the parking. He supported the continuous weather protection called for in condition 1.4 and had no concerns with the jagged edge in this location.

Mr. Scott said he looked forward to revisiting this project. He supported two parking access points. He had some concerns about equipment installations on the roof which he will pursue when the application is returned to the Board. He also looked forward to more input from the neighbours.

Ms. Leduc said there appears to be too much still to be resolved before the application can be approved, and may also require seeking clarity from Council. With respect to the parking access, Ms. Leduc expressed concern about changing the ground rules late in the day. For the arts complex parking, Ms. Leduc said she thought 175 spaces would be sufficient given the nature of the tenant in this building and the need for flexibility. She also supported the proposed jagged edge and felt the architect should be given design license, provided it meets the guidelines. She said he hoped the application would come back to the Board soon, with many of the issues resolved.

Closing Comments from Staff

With respect to the north-facing jagged edge, Mr. Segal stressed it is not the intent to apply a prescriptive streetwall to a sculptural form, but for the architect to take it a step further, without sacrificing the sculptural aspects of the lower portions of the building's west face.

Board Discussion

Acknowledging the expressed preference of the applicant as well as the unanimous advice of the Advisory Panel, Mr. Beasley moved deferral of the application. He also expressed the hope that the other outstanding issues discussed today will be resolved as well. He indicated there should be a special task force of Planning, Engineering and the applicant to resolve the grade issue, noting this is a unique circumstance that needs some quick attention so there can be design clarity for the project to proceed as soon as possible. Mr. Beasley added, the project is moving very well in terms of being a very positive addition to the skyline. It is also the kind of mixed-use concept that Council approved in principle in the rezoning that will be a very positive addition to this part of the inner city. He said he felt it was better to defer the application and deal with the issues that seem to be of a nature that it is unpredictable how they will affect the design.

In seconding Mr. Beasley's motion, Mr. MacGregor commented on two of the issues. With respect to the access to parking, he stressed that since the primary intent of the lower road is to provide loading activities, the first priority for the lower access should be the residents of the building who are familiar with the area. Priority for commercial access should therefore be off Cordova Street. Regarding the arts complex parking, Mr. MacGregor said this issue should also be addressed by the special task force. Mr. Scobie added, it would also be appropriate for Marathon to be involved in these discussions.

Mr. Rudberg said he had some concerns that this project had proceeded too quickly given the disconnect between the applicant and staff around some of the issues, and it is not as productive as it might have been if the time had been taken to resolve the issues before coming to the Board. Nevertheless, he noted the applicant has received direction on many of the issues that will assist in allowing this important project to move forward.

Mr. Scobie drew the applicant's attention to standard condition A.2.6 (b) regarding pending changes to the Parking and Building By-laws with respect to disabled parking standards.

Mr. Scobie said it is clear the Staff Committee was trying hard to accommodate a recommendation of approval to the Board in the context of a rather large scope of uncertainty. That the application had advanced so far before the magnitude of the potential difference in the grade become apparent to the applicant was somewhat worrisome. Mr. Cheng commented, it is the nature of this site rather than any fault with staff or the process. Mr. Scobie added, if a definite elevation is not identified when the

submission is returned to the Board, then at least the scope of the alternatives should be narrowed and identified with greater clarity.

In discussion on timing, it was agreed the special task force should decide on a reasonable time frame for the application to proceed.

Motion

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

THAT the Board DEFER Development Application No. 406001 so that the issue of the design related to the potential changing grade can be resolved. Further discussion should also take place on the issues identified in the Development Permit Staff Committee Report dated October 3, 2001 and as discussed today.

- CARRIED

4. 2515 ONTARIO STREET - DE405732 - ZONE C-3A (PRELIMINARY APPLICATION)

Applicant: Delrich Enterprises Ltd.

Request: To construct a mixed-use, retail/residential development, having a height of 63.5 feet, containing retail use at grade on the Broadway frontage and 78 dwelling units on the second through fifth storeys, all over two levels of underground parking.

Development Planner's Opening Comments

The Development Planner, Mary Beth Rondeau, presented this preliminary application to develop the site at the corner of West Broadway and Ontario Street in the character neighbourhood of Mount Pleasant in the C-3A zone. Referring to a model and posted drawings, she reviewed the site context, noting a number of character houses and apartment buildings on West 10th Avenue to the south, and the 10th Avenue Alliance Church directly across the lane. The church site is zoned RM-4 which would permit a 4-storey apartment building to a maximum height of 35 ft. The lowest portion of the church is approximately 35 ft. On Ontario Street there is an existing Bikeway which is proposed to be upgraded to a Greenway; however, no specific improvements are envisaged for this portion of the greenway.

The site has a large frontage of 150 ft. and a fairly significant slope of about 10-12 ft. from the lane to West Broadway. The project does not include a corner notch of the site which contains a 2-storey commercial building and a retail outlet (Wilkinson's Automobilia) on the ground floor. At the rear of the site there is an L-shaped lane which was originally created to provide access to some lots on West Broadway that would otherwise have been locked in. This lane is no longer necessary with the *previous proposed* consolidation of this site.

Parking and loading are proposed from the lane, providing for uninterrupted commercial use along West Broadway. Residential use above the commercial is proposed, three storeys on the easterly side of the site and four storeys on the west. The additional storey to the west is mostly absorbed by the slope of the site. The development proposes high quality materials composed in the character of the neighbourhood. With respect to the Greenway, the developer proposes to create a greenway hub which would include a number of amenities including a drinking fountain, benches and landscaping. The proposal also includes an upgrade of

the L-shaped lane, to be maintained by this developer until such time as the corner site is redeveloped and consolidated. This will include retention of an existing maple tree in the lane.

The main issue arising from this application is view blockage. In the C-3A zone the outright permitted height and density of 30 ft. and 1.0 FSR may be relaxed to 70 ft. (per this sub-area's guidelines) and 3.0 FSR, respectively. These relaxations are conditional and must be earned. In general, relaxations are earned by adding to the general amenity and character of the area, providing pedestrian amenity and open space, and providing massing to preserve views and sunlight access to Broadway. In the early stages of this project a guideline scheme was proposed which raised considerable concern in the neighbourhood, noting a 70 ft. building would have fairly significant impacts for residents to the south. The subject proposal, which is considerably lower, is the result of a subsequent redesign. While the proposal is a variation of the guidelines, there are some clear benefits, including shadowing which is generally superior to a guideline scheme. There are still some views affected by this proposal, however, in particular for 52 and 36 West 10th Avenue, from which there is some blockage of city and lower mountain views. Staff are therefore recommending a height reduction of 3 ft. on the westerly end of the site, as called for in condition 1.1.

In considering the slight view loss from the two units on West 10th Avenue vs. what is being achieved by this development, staff took into account the strong pedestrian environment on Ontario Street, including the deletion of vehicular crossing, continuous commercial use and weather protection on Broadway, high quality building materials, a well resolved building massing in character with the area, provision of a greenway hub, and upgrading and maintenance of the L-shaped lane including a tree retention strategy. Ms. Rondeau noted that future views from the church site also do not benefit from the proposed massing. View analysis suggests that the fourth floor of a future apartment building on the church site to the south could benefit from some views across the site in a guideline scheme but with this proposal those future views would be blocked. However, the basis of relaxation in the by-law refers to *existing* views. Staff have therefore given views from the existing residential to the south priority over future views from possible redevelopment of the church site.

Ms. Rondeau briefly reviewed conditions 1.2 - 1.6 contained in the Staff Committee Report dated September 19, 2001. She also summarized the response to notification and noted the applicant also conducted a number of community meetings prior to and during the development application process.

Staff consider the proposal presents a very thoughtful and sophisticated solution that can be a catalyst for high quality development in the Mount Pleasant portion of this Central Broadway Corridor. Subject to satisfactory resolution of the conditions, the recommendation is for approval in principle, with the complete application to be dealt with by the Director of Planning.

Applicant's Comments

Thomas Woo, Aragon Development Corp., explained they invited the participation of the community early in and throughout the process and held five public consultation meetings, and adjustments were made to the design as a result of this neighbourhood input. He noted and thanked the 10th Avenue Alliance Church for providing a convenient and central location for the public consultation meetings with the residents to the south. He advised the current proposal represents the third complete redesign for this application. Throughout the process they have made numerous compromises to accommodate neighbourhood concerns, and the current proposal is a compromise, one that they believe addresses both their needs as well as the needs of the neighbourhood. To ask the project to make more sacrifices at this stage would seriously jeopardize the quality of the development. Mr. Woo sought the Board's support for the proposal as submitted because they feel the spirit of the C-3A Schedule has been achieved, earning the discretionary height and density requested. With respect to their participation in the greenway enhancement, Mr. Woo requested that their contribution be capped at \$45,000 and they will continue to work with staff.

Nigel Baldwin, Architect, briefly described the design history of the project, including the initial 70 ft. scheme that would have met the C-3A guidelines. As a result of neighbourhood response to that scheme, as well as on the direction of staff, the design was revised to reflect the current approach which clearly has benefits for the residents who have existing views to the north. Referring to view diagrams, Mr. Baldwin described how this project would affect an RM-4 development on the church site, concluding that their proposal would be not much worse than a "guideline scheme." He agreed the proposal favours existing views and causes some increased view blockage to a potential RM-4 development on the church site. However, he said the whole discussion of view needs to be taken into context with future developments to the north of this site, including what may occur on the Southeast False Creek lands.

Mr. Baldwin stated, the "flat top" solution results in a very different massing but one that seems very appropriate to this context on Broadway, firstly, in its relationship to uptown and Main Street and secondly, that there has been very little development, if any, along this portion of Broadway. It is likely to be developed slowly and this proposal gives a sense of a small, incremental type development which will fit in very well now as well as during the eventual building out of Broadway to its finished state. Mr. Baldwin acknowledged that part of earning 3.0 FSR is the provision of public open space. However, the guidelines strongly call for continuous retail frontage which makes public open space difficult to achieve along Broadway. Public open space on the south side of Broadway is also difficult in terms of sun access. There are also issues of territoriality and security. Their alternative has therefore been to contribute to the greenway on Ontario Street as well as providing additional setback and open space. This creates some space in the corner of the site where it is useful and a convenient stopping point for cyclists on this route. He agreed this part of the scheme needs more design development and further discussions with staff and the Greenways Committee.

Referring to the prior-to conditions, Mr. Baldwin said they have concerns with 1.1. He said that while he recognized the desire to lower building heights, they have already given a lot by going from a "guideline scheme" to the current proposal in terms of providing a much better preservation to the existing views of buildings on West 10th Avenue. He asked the Board to delete this condition and permit the height as proposed. Reducing the height would be a great hardship to this project and gives very little additional benefit to the neighbours. Mr. Baldwin noted they are trying to build on a very difficult part of Broadway where there have been no new conditional C-3A developments between Cambie and Main Streets in the last twenty years. As well, with respect to use, it is clear that City and GVRD policies expect densification of the city's arterials. He explained, they are trying to create fairly small, economical suites that have a loft-like feel with 10 ft. ceilings, noting that 8 ft. ceilings are no longer the norm in today's market except in extreme conditions such as FM-1 and C-2 zones. With respect to the retail component, Mr. Baldwin said they do not want excessive ceiling heights but reasonable ceiling heights of about 13 - 15 ft. The intent is to allow either small or relatively big tenants to take part of the space. He stressed it is the extreme slope of the site which is resulting in the higher portions of the retail. Mr. Baldwin urged the Board to consider the view studies in terms of how the neighbours benefit from this proposal over a "guideline scheme", and how little more they benefit by reducing the building by 3 ft.

With respect to condition 1.4 dealing with the Greenway hub, Mr. Baldwin reiterated Mr. Woo's request that the cost to the developer be capped at \$45,000.

In summary, Mr. Baldwin said the deviation from the guidelines has been for the benefit of the neighbours and not for the benefit of this development. Furthermore, it performs significantly better than a "guideline scheme" in terms of preserving existing views. The massing fits very well in this part of Broadway. The approach to open space, while unusual, is quite justifiable and will create a nice landscaped hub on the greenway. The further reduction in height significantly affects the project and does not significantly benefit the neighbours. They have no problem with the remaining prior-to conditions.

Comments from Other Speakers

Robert Chester, member of the 10th Avenue Alliance Church, referred to a view diagram showing the impact of the proposal on views from the church. He disagreed that the proposal is better than a guideline solution with respect to shadowing. Mr. Chester advised they were notified by mail of the initial "guideline scheme" and had no objections to it, but they were not informed of the subsequent redesigns until receiving the City's notification of the application. He stressed it was not developed in consultation with members of the church and suggested the developer may have been selective in his consultation process. Mr. Chester referred to the Staff Committee Report and noted a number of areas in which they are in disagreement. He stressed the church does have existing views, noting the guideline does not distinguish between residential and church use in this respect. He also thought consideration should be given to preserving the viability of a future residential development on the church site. Referring to the Staff Committee Comments on p.15 of the report, Mr. Chester noted it is a by-law which is being relaxed, not a guideline. In summary, Mr. Chester said the proposal provides no visual relief and completely obstructs their view. He asked that the current application be revised.

Tony Fam noted there are seven properties affected by the development. He spoke on behalf of the Strata Council of 52, 54, 56 and 58 West 10th Avenue. He said they are generally in favour of the development but have concerns about the height and the impact it would have on their existing views of the city and the mountains. He itemized their concerns. With the elevation rising southwards from the subject site, they believe development at the north side of the slope should not be higher than the next development above it. In this instance, the proposal is 7 ft. higher than the 10th Avenue Alliance Church at the western portion of the development, and the recommended 3 ft. reduction will result in it being 4 ft. higher. In summary, Mr. Fam said they support the development subject to the height being lowered below the height of the church on the western portion of the development. In response to a question from the Chair, Mr. Fam confirmed they prefer a flat top scheme and would not support a guideline solution.

Richard Harrison, 36 West 10th Avenue, advised his views will be affected by the current proposal. He said he would like to see it conform with the contour of the building across the street, reducing it by 7 ft. on the west side. Mr. Harrison also read a letter from Andrew Pecovic, resident of Alberta Street. Mr. Pecovic considered the proposed development to be too large and the units too small to be desirable to long term tenants. The additional traffic the development will generate was also of concern.

Henry Loo, 22 West 10th Avenue, advised they do not support a guideline solution for this site. He said he was disappointed by the response of the 10th Avenue Alliance Church, stating he had every confidence in the public consultation process that took place. Mr. Loo expressed concern about the increased traffic from this development and the hazard it will create for cyclists on Ontario Street bikeway. He was opposed to the access off the lane, preferring it to be off Broadway.

Marilyn Bell, resident of West 10th Avenue, noted the developer has gone to great lengths to consult with the neighbours before finalizing the design. She noted that while the public consultation meetings were held in the church, no representatives of the church building/real estate group attended the meetings. She reiterated that all the affected West 10th Avenue residents would be satisfied if the western portion of the development was lowered to the same height as the church. She stressed they want the development and hoped a way could be found to make it work. Ms. Bell also had concerns about the increased traffic and its impact on the bikeway.

Marjory McLean, 46 West 10th Avenue, agreed with her neighbours' comments. She complimented the developer and the architect on the innovative design.

John Davis, resident of the 100-block West 10th Avenue supported the project but was concerned about the loss of his neighbours' views. He also requested that the westerly portion of the building be reduced by 7 ft. He

said it is unfair and unneighbourly to permit high ceilings in this situation, adding that this neighbourhood is a recognized civic amenity which deserves protection. Otherwise, it is a very fine proposal that will be a very fitting and welcome addition. He requested that the complete submission be returned to the Board for consideration.

Board and Panel members took a few minutes to review the model and posted materials.

Panel Opinion

Mr. Bunting advised the Urban Design Panel also saw the earlier schemes and felt strongly that this proposal was the best approach to the site. The Panel did not believe height to be an issue and thought it was a very good, sympathetic response to the neighbourhood. The form of development was thought to be considerably superior to the initial proposal, as well as superior urban design for Broadway and the neighbourhood in general. With respect to condition 1.1, Mr. Bunting noted that when an application has reached this stage much has already been considered in terms of height reduction and this has clearly already been done on this project. He said he would be very nervous about continuing to "tweak" it. He agreed it would be problematic to lower the ground floor because it impacts the parking ramp and the overall developability of the site. A good solution would be to put the parking entry off Broadway. Referring to the view studies, Mr. Bunting agreed the height could perhaps be pushed down although it would be problematic to reduce the floor-to-ceiling heights given current market demands. In many respects this proposal is good enough as it is, without further adjustments; it has gone a long way to reduce the impact which is now confined to the westerly portion of the site. His preference was for the complete application to be dealt with by the Director of Planning.

Mr. Ross noted that earning relaxations is necessary in this zone. He agreed, the proposal has earned the relaxations in many ways, with the exception of the neighbourhood responses. He recommended that rather than being prescriptive with respect to the height the applicant should work with staff, noting the neighbours' concerns, and see how a reduction can be achieved. In summary, Mr. Ross said he supported the application on the basis that the neighbourhood concerns are taken into account more. He also thought greater consideration should be given to impact on the church site; not a "guideline scheme" but something that takes the church into account. He recommended that the complete application be returned to the Board.

Ms. Leduc agreed the applicant has gone a long way to address the neighbours' concerns, and noted the church had ample opportunity to participate in the public consultation, given the meetings were held in the church. She said she was rather torn about the height issue but did not believe it should be returned to the Board at the complete stage.

Mr. Scott said he was confident the developer and staff could come to an agreement to satisfy everyone. Mr. Scott said he was opposed to the parking access off the lane but was in favour of the project overall and did not believe it should come back to the Board.

Mr. Mortensen said the project will be an attractive addition to the neighbourhood. He was quite interested with the neighbours' desire to retain urban views. He agreed that higher floor-to-ceiling heights increase livability and noted that these units will likely be marketed to smaller households where higher ceilings will be important. However, he supported some reduction in ceiling heights to achieve a building height reduction of at least 3 ft., to be worked out between the applicant and staff. He suggested there could be some negotiation on the height issue in relationship to the proposed greenway hub. Mr. Mortensen thought the complete application should be dealt with by the Director of Planning.

Mr. Chung did not support condition 1.1 but if the Board supports it, the maximum should be 3 ft. He supported the application and said it will encourage other development in the neighbourhood.

Board Discussion

Mr. Rudberg commented it is unusual to see such a split in the opinion of the Advisory Panel. He said this project is an opportunity for this section of Broadway between Cambie and Main Street to generate some development that is needed in this area. It is also important for it to be a high quality development. Given this is a preliminary application Mr. Rudberg expressed some reluctance at being prescriptive in terms of the height reduction. He said he was quite comfortable with the recommendation to reduce the height by at least 3 ft., noting there is an opportunity to go beyond the 3 ft. through some manipulation of the floor-to-ceiling heights on the westerly side, at the same time as maintaining overheight ceilings. He encouraged the developer to work with staff to see what can be done to achieve something greater than 3 ft. although he said he did not support as much as 7 ft. because it would negatively impact the quality of the development. He moved approval of the application, with a minor amendment to A.2.8. With respect to the greenway hub, Mr. Rudberg said he was not prepared to put a cap on the developer's financial contribution, noting it contributes to earning the relaxations being sought. In closing, Mr. Rudberg stressed that the purpose of the lanes is to service property and it is important to maintain them for vehicular access, particularly along busy streets such as Broadway.

Mr. Beasley said he also supported the application and was prepared to second Mr. Rudberg's motion, with amendment to 1.1 to reduce the height of the development to be in line with the height of the adjacent church, but not to exceed 7 ft. on the westerly portion of the site. He noted that in the C-3A zone it is possible to earn over 200 percent of the allowable density for a design which is high quality, offers amenity and is neighbourly. The neighbours have indicated they believe this scheme is the right approach; however, they do not believe the height has been reduced quite enough. As well, this is a situation where the floor-to-ceiling heights are not at their minimum so there is some room to manoeuvre. He noted this is an area where residents have restored houses that might otherwise have been demolished and who had some expectations with respect to the heights of buildings that might be developed and the view impacts. Mr. Beasley said it would be a little unfair at this point to start to encroach upon this, especially with discretionary density which is expected to perform in a highly neighbourly way. He stressed, however, that he supported the application and would support Mr. Rudberg's motion if his proposed amendment failed.

Mr. Rudberg did not accept the proposed amendment. Mr. MacGregor noted the application has gone a long way to earn the extra density. With respect to height, it is clear the majority of the neighbours are opposed to a guideline solution. He said he believed the staff recommendations are appropriate and he seconded Mr. Rudberg's motion.

Mr. Scobie commented the developer has departed from the guidelines, with the direction and support of staff, on the basis of community input and a clear preference not to proceed with a "guideline scheme." He said did not support condition 1.1, noting there has been no new development in this part of Broadway in recent years and the higher floor-to-ceiling heights may give the development the advantage it needs to succeed. This site and many others on this part of Broadway are seriously in need of some rejuvenation and this will only happen if it is viable in the marketplace.

Motion

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

THAT the Board APPROVE IN PRINCIPLE Development Application No. 405732, in accordance with the Development Permit Staff Committee Report dated September 19, 2001, with the following amendments:

Amend A.2.8 to reflect that encroachment agreements will be required for both (a) and (b).

It was also noted that the Staff Committee Comments on p.15 of the report should be amended to reflect the committee's consideration of a *variation* to the guideline and not a relaxation.

The Board confirmed that the complete application should be dealt with by the Director of Planning, as recommended.

5. OTHER BUSINESS

None.

There being no further business, the meeting adjourned at 9.05 pm.

C. Hubbard
Clerk to the Board

/ch

F. Scobie
Chair