

Date: Monday, October 20, 2008
Time: 3:00 p.m.
Place: Committee Room No. 1, City Hall

PRESENT:

Board

C. Warren Director of Development Services (Chair)
B. Toderian Director of Planning
J. Ridge Deputy City Manager
J. Dobrovlny Assistant City Engineer

Advisory Panel

J. Wall Representative of the Design Professions (Urban Design Panel)
S. Tatomir Representative of the Design Professions
N. Shearing Representative of the Development Industry
J. Stovell Representative of the Development Industry
H. Hung Representative of the General Public
C. Nystedt Representative of the General Public

Regrets

M. Braun Representative of the General Public
D. Chung Representative of the General Public
K. Maust Representative of the Vancouver Heritage Commission

ALSO PRESENT:

City Staff:

B. Boons Assistant Director of Processing Centre - Development
K. Magnusson Projects Branch Manager
P. Storer Engineering Services
R. Segal Senior Architect/Development Planner
S. Barker Project Facilitator

806-906 - 1238 SEYMOUR STREET - DE412352 & DE412405 - ZONE DD

The applicants were not present.

1101 WEST WATERFRONT ROAD - DE412233 - ZONE CD-1

R. Acton Acton Ostry Architects
P. Palm Park Board
J. Lowden Park Board
B. Hemstock PWL Partnership Landscape Architects Inc.

Recording Secretary: L. Harvey

1. MINUTES

It was moved by Mr. Toderian, seconded by Mr. Dobrovlny and was the decision of the Board:

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of October 6, 2008 be approved with the following amendments:

Page 4, amend paragraph starting "Mr. Toderian" to read:

Mr. Toderian noted that it was important to understand *the difference in interpretation of the Board's discretion. Where considerable discretion (up to 450 feet) had been previously suggested, it is reasonable to conclude that the Board in fact has only "minor discretion" based on the intent of the By-law. In this case before the Board, the Board's discussion for additional height to improve neighbourliness was indeed within the realm of "minor" amendments (i.e. approximately two extra stories). This was not "unfettered discretion". He noted the wording of the By-law providing this discretion was unclear in its intent, but that staffs' interpretation was a reasonable interpretation. He agreed that where discretion and interpretation exist, that it be used to further the EcoDensity commitments as per Council's direction in the EcoDensity Charter.*

Page 6, amend the first sentence in the paragraph beginning "The developer" to read:

The developer is delaying the apartment building on the corner of East 30th Avenue and Nanaimo and in the meantime this area will be used for *private* open space and garden *plots*.

Page 8, amend the 4th bullet under Questions/Discussion, to read:

Staff are not asking for improvements to the lane *which would facilitate truck movements to the east*;

Page 8, amend the 5th bullet under Questions/Discussion, to read:

124 parking stalls are planned for the *commercial component of the* development;

Page 9, amend paragraph under Board Discussion starting "Mr. Toderian", to read:

Mr. Toderian thanked the Advisory Panel and the public for their comments noting that the City can always be doing better in terms of communication. He noted that the Urban Design Panel (UDP) did not support the proposal at the first review. Mr. Toderian said *he felt the applicant had learned from a few mistakes in the process, such as* that a sustainability consultant was brought in *only* after the first UDP review *and non-support*. Mr. Toderian said he was glad to see a sustainability strategy but said there was a weakness in having the sustainability consideration brought in late in the game. He added that he looked forward to seeing how the balconies' passive shading mitigated solar gain and was comforted that the applicant was not planning to use air conditioning for cooling. Mr. Toderian's second *observation of what the applicant had learned was their* approach to the model. He thought the developer was trying to save money by using a marketing model at the first UDP review. As a result, the UDP had to deal with an incredibly oversized model. At the second review, the UDP saw an undersized model, which was also used at the DPB. At no time was an appropriately sized architectural model *presented*. He added that this was not a trend staff wanted to see *as it* had caused a lot of challenges.

Mr. Toderian commended the applicant for their willingness *to propose* the interim use of the community garden and hoped *that access to* it would be extended to the broader community. He added that he hoped this *would be* an example for other developers. Regarding the colour, Mr. Toderian said he appreciated the applicant trying something more risky *and commended the strong colour choice, while encouraging* the applicant to stay away from anything that could be perceived at initial application as “glowing or neon”. He added that he thought there was a sensitive integration of colour in the proposed building design, and encouraged the applicant to continue to look for opportunities to sensitively use colour further *in* the detailing of the facades.

2. BUSINESS ARISING FROM THE MINUTES

None.

3. 806-906 - 1238 SEYMOUR STREET - DE412352 & DE412405 - ZONE DD (COMPLETE APPLICATION)

Applicant: Monica Baillie Architect Ltd. (Suite 806)
Larry Bengé (Suite 906)

Request: Interior alterations to add 135.0 sq. ft. by converting the enclosed balcony to floor space and expanding the mezzanine in Suite #806, and construct a 159.0 sq. ft. addition to the existing mezzanine in Suite #906 in the existing Multiple Dwelling/Residential Unit with Artist Studio - Class A building on this site, using a Heritage Density Transfer of a total of 294.0 sq. ft.

Development Planner's Opening Comments

None.

Applicant's Comments

None.

Comments from other Speakers

None.

Panel Opinion

There were no comments from Advisory Panel members.

Board Discussion

There were no comments from Board members.

Motion

It was moved by Mr. Ridge, and seconded by Mr. Dobrovolny and was the decision of the Board:

THAT the Board APPROVE Development Application Nos. DE412352 and DE412405, in accordance with the Development Permit Board Report dated October 20, 2008.

**4. 1101 WEST WATERFRONT ROAD - DE412233 - ZONE CD-1
(COMPLETE APPLICATION)**

Applicant: Acton Ostry Architects

Request: To develop a three-storey Restaurant - Class 1 in the northeast corner of Harbour Green Park, having outdoor seating at the northwest portions of the first and second levels, and a seasonal outdoor seating and service area at the third floor.

Development Planner's Opening Comments

Mr. Segal, Senior Architect/Development Planner, introduced the application for a restaurant adjacent to the Vancouver Convention Centre noting that the restaurant will also be adjacent to Harbour Green Park and several residential towers (Harbour Green 1, 2 and 3). The most recent tower is Harbour Green 3, a 32-storey building which is still under construction. The proposal is for a 2-storey and open roof terrace restaurant. The Park Board owns the property and is accessed from a road beneath Canada Place at the seawall level. The terminus of West Waterfront Road is at the same level as the seawall and is used by bicyclists and pedestrians. Vehicle access is from West Waterfront Road and a City owned parkade.

Referring to the architectural model, Mr. Segal described the context for the site noting the Grand Stair leading from Thurlow Street down to the seawall. The restaurant will have two levels with an outdoor seating area on the upper level. A glass wall rises above the roof top of the outdoor seating area and screens the area from the residents in the various Harbour Green towers. In terms of zoning, Mr. Segal noted that in 2004, a report went to Council to amend the zoning and establish Sub-Area 3 in the CD-1 By-law. In terms of height for Sub-area 3, a height of 33 metres (109 feet) is allowed in the zoning, with the proposed height for the restaurant at 11.6 metres.

The design for the restaurant includes a multi-coloured, semi-transparent glass element which will screen and mark the site. The architectural strategy terminates in a clear glass prow with a high degree of transparency. The height as proposed makes an architectural statement with the glass screened wall extending above the mid level point, or about 15 feet above the upper promenade.

Regarding notification, Mr. Segal stated that staff sent out approximately 1,900 letters to neighbouring owners. As well, the Park Board held an open house in September. There were 12 objecting responses regarding view impacts, increased traffic, noise, inappropriate use of park land, and cooking odours. Mr. Segal added that Harbour Green 3 will be approximately 90 metres from the restaurant.

Mr. Segal reviewed the recommendations contained in the Staff Report dated October 20, 2008. The recommendation was for support of the proposal, subject to the conditions contained in the Staff Report.

Questions/Discussion

In response to questions raised by the Board and Panel, the following clarification was provided by Mr. Segal:

- Reducing the height of the wall to be in line with the top of the elevator element would offer some view improvement to the neighbours. Architecturally the design would not be compromised.

- In terms of zoning terminology, the application is referred to as a 3-storey building because the elevator stop and stairs end at the third level. However, the restaurant is a 2-storey structure with a roof deck.
- Reducing the height of the wall will lessen the view impacts to the water from the tiered public view areas, the terrace plaza and upper Thurlow Plaza, and will improve the pedestrian experience.
- There are no water view impacts on the buildings furthest away from the restaurant. These buildings include the Karina and the Escala. The lower levels of Harbour Green 2 will have some view impacts.
- Regarding noise impacts, the outdoor seating areas will close at 11:00 PM and as well, amplified music will not be allowed.
- The pedestrian tunnel will have electric lights and will also be lit through a series of skylights set in the surface of the plaza.
- The parking for the restaurant was calculated from the floor area and comes to 6 spaces for this size restaurant.
- The height of the wall is 14.92 feet above roof level and screens the outdoor seating area. The wall will be made of translucent, coloured and clear glass and depending on light conditions, activity will be seen from the upper plaza.
- The float plane terminal will be relocated in front of the Vancouver Convention Centre.
- The building would have been higher (up to 100 feet) had the art centre been approved instead of the restaurant.

Applicant's Comments

Mr. Acton thanked Mr. Segal for his presentation noting that it was a challenging site which is somewhat constrained. Mr. Acton said that they had met with Planning to get a history of the site as well as the plans for the residential towers and the Vancouver Convention Centre surrounding the site. Mr. Acton added that they were prepared to accept the prior-to conditions in the Staff Committee Report. Originally there was a double row of trees planned for both sides of the Grand Stair. As they wanted to build out to the stairs to give more room for the restaurant, Mr. Acton said that staff had asked them to compensate for the lack of trees. As a result, the coloured screened wall was designed to accentuate the promenade of trees that march down the Grand Stair. The wall is to be a double wall system with clear glazing behind the coloured glass panels. The applicant is planning to use self cleaning glass however there will be access from the sides of the panels. Mr. Acton, using the posted materials, described the different views available from different points of view.

Bruce Hemstock, PWL Partnership Landscape Architects, briefly described the landscaping plans noting the expression follows the Harbour Green Park and Vancouver Convention Centre precinct.

Questions/Discussion

In response to questions raised by the Board and Panel, the following clarification was provided by the applicant team:

- The trees along the Grand Stair are expected to reach a height of 45 to 50 feet and will be planted in planters.
- The height of the glass wall was chosen on what the height of the trees would have been along the Grand Stair.
- Whether the glass wall is 9 feet or 14 feet high, it will still bounce any sound into the bay from the roof terrace.
- Changing the height will not make a difference financially for the restaurant.
- An access point on the upper level, at the end of the glass wall, had been included in an earlier design and will be added back as suggested by the Urban Design Panel.

- As it is to be a LEED™ Gold building, light pollution will be minimal from the restaurant and will have a soft expression.
- The green roof will look as if it is part of the lawn coming from Harbour Green Park with planting around the edges. Since there is a grade change the edge may become a seating area.
- Some of the sustainable features include high efficiency glazing, exterior shading at the prow area, heat sinks, planted roofs, a storm water management plan, and low flow fixtures.
- One of the intake vents will be relocated on the side wall at the parkade side of the building. The other vent will be reduced in height and moved closer to the elevator shaft.
- The Park Board has not yet identified the tenant for the restaurant.
- Bicycle storage will be provided for staff.

Comments from other Speakers

Ken Grassi and Jacques Beaudreault of the Vancouver Convention Centre Expansion Project (VCCPEP), had no objections to the restaurant. Their concern was the potential loss of views from the mid-level seating area/stairs. Mr. Beaudreault described the various view corridors through the site noting that the width of the restaurant blocked some of the views. They also felt the trellis and server area blocked the view to Stanley Park and the Lions Gate Bridge.

Aaron and Diane Fineman, residents at Harbour Green 2, said they had no prior notice that the restaurant would be built in the area. They bought their unit in 2005 and took possession 3 1/2 weeks ago. Mr. Fineman objected to the restaurant use noting there were at least 12 restaurants already in the area. Their view of Burrard Inlet will be blocked as they are on the 3rd floor. He asked the Board to defer the decision for a month noting that their first Strata Council Meeting was in a few days. Mrs. Fineman added that they felt the view studies were incorrect.

Alykhan Sunderji, resident of Harbour Green 2, noted that Vancouver has a liveable downtown with areas for families and felt the restaurant was not the best use for the site. Mr. Sunderji was concerned with the loss of views stating that the owners had an expectation regarding views when they purchased their suites.

Cynthia Levy, resident of Harbour Green 2, said she was not notified about the restaurant's public meeting in September. She asked the Board to delay the application for a month to address the issues. She added that the developer only told them about the Vancouver Convention Centre and the float plane terminal.

Questions/Discussion

In response to questions raised by the Board and Panel, the following clarification was provided by the applicant team and staff:

- The restaurant use for the site was approved by Council in 2004 at a public hearing.
- Amendments were made to the CD-1 zoning for the entire area and included the Vancouver Convention Centre, Harbour Green Park, the residential towers and the restaurant.
- Mr. Segal could not confirm that the view from the townhouses as seen in the posted materials for Harbour Green 3 was correct but noted that the other view studies namely, from Harbour Green 2 were accurate.
- The view from the 3rd floor suite in Harbour Green 2 should be over the top of the restaurant.
- The notification letter sent out in July strongly recommended the existing owner forward the notice to prospective purchasers.

- Harbour Green 2 residents probably did not receive notification of the restaurant because the building had not be stratified at the time of notification and the only name and address available was the developer's.

Panel Opinion

Mr. Wall stated that the Urban Design Panel was excited about the project and thought the quality of the architecture was exemplary. They noted the artful architecture on the south façade and the idea of extending down the Grand Stairs was very well done. Mr. Wall said that the Panel did not have any concerns regarding view impacts and thought the building was appropriately scaled for the site. He added that it was not a large building given the scale of the buildings surrounding the restaurant. The Arts Complex that was originally envisioned for the site would have been a much larger and taller building. Mr. Wall noted that Harbour Green 3 is directly behind the project and Harbour Green 2 is west of the restaurant and has direct views out to the water. Mr. Wall thought there would be minimum view blockage and thought it was unfortunate that the view studies didn't show the relationship between Harbour Green 3 and the restaurant. He added that the townhouses in Harbour Green 3 are 2-storey with the main living areas at the Thurlow Plaza level. Mr. Wall recommended that the Board make Condition 1.1 a consideration item and have staff and the applicant team carefully look at the view impacts to see if there was a need to protect the views. Mr. Wall said that he thought there was a design rationale to maintain the existing height of the wall. He noted that people would be approaching the restaurant from the city (Thurlow Street) and the Panel was concerned that it felt as there was a back door at the upper level and suggested, instead an entry and stair should be added. Mr. Wall added that shaving 1.5 metres off the wall would make it look even more like a back door. Regarding the views from the steps, Mr. Wall suggested that the applicant team could make the servery demountable and make the trellis as light as possible to open the view during the off season. Mr. Wall added that he thought the applicant team had done a lot to make the building transparent and not block views. In conclusion, Mr. Wall noted that what makes a liveable city is having spaces filled with people enjoying the parks and waterfront. Mr. Wall recommended approval of the application.

Mr. Tatomir agreed that it was a small project given the size of the surrounding buildings and didn't believe that removing 1.5 metres from the wall would make any significant change in views. Mr. Tatomir was concerned about having painted metal on the intake vents and suggested using more industrial materials. He said he would like to see more sustainable strategies visible on the project. Mr. Tatomir recommended approval of the application.

Mr. Shearing commended the applicant for a great project. He thought it was well thought out and would be a jewel next to the lumbering giant that is the Vancouver Convention Centre. Mr. Shearing recommended approval of the application. He said he was surprised to see the applicant agreeing to lower the glass wall. Mr. Shearing thought that having the applicant meet with the neighbours in Harbour Green 2 was setting a poor precedent. He suggested that if there were problems with the notification process, then the City needed to fix that and not the applicant.

Mr. Stovell said he liked the coloured screen wall. He also thought the building was turning its back on the park and thought it was a good idea to have an entrance at the top of the Grand Stair. Mr. Stovell thought it would be a mistake to ask the applicant to lower the wall as he thought the Board did not have sufficient information to make that decision. Mr. Stovell recommended approval of the application.

Ms. Nystedt first commended the applicant and architect for a superb quality design. She then recounted a discussion at a recent SFU City Program event where former TEAM Councillor and

Park Board member, May Brown, questioned the wisdom of the City's current policy with respect to the commercial use of parkland. Although Ms. Nystedt appreciated that the DP Board is not the forum to discuss Council and Park Board policy, she was compelled to bring this subject to the public record. Our forebears went to considerable trouble consolidating waterfront parkland, and in principle would disagree with locating commercial activities in parks. That said, this particular site does not have a legacy, is clearly transitional to the convention centre, and is a relatively small project in scope. Ms. Nystedt added that it should not be used as a precedent by the Park Board to justify further commercial expansion into parks, on the waterfront in particular, throughout the City.

Mr. Hung said he liked the design and agreed with all the conditions. He thought that lowering the glass wall would minimize the view blockage. He thought the restaurant was a good use for the site but was concerned about the experience walking through the tunnel noting that if the experience were pleasant it would draw more people. Mr. Hung recommended approval of the application.

Board Discussion

Mr. Toderian stated that the Board always listens to what the public has to say, but has to take into consideration Council's direction and policy. He noted that the restaurant is not being considered as a new intervention on land that was anticipated for park space, but rather is being located in the site selected in the initial park master planning exercise. Four years ago Council made the decision on the use of the site for restaurant and it is not the purview of the Board to reconsider that Council decision. Mr. Toderian said he would be curious to know if the developer had portrayed to the residents the plans for the restaurant as they had done for the Vancouver Convention Centre. Mr. Toderian stated that the Board's job was to discuss architecture and not use, and he was not inclined to defer the application.

Mr. Toderian commended the Park Board for its commissioning of this architect. He also commended the sustainability achievement and the architect for a beautifully designed building noting that it was an exceptional piece of architecture. Mr. Toderian thought the screen wall added to the view noting that it was important for the members of the public to understand that there isn't Council Policy that entitles them to an unobstructed view of the water. Mr. Toderian made a motion to add a direction for the applicant to meet further with the residents of Harbour Green 2 before permit issuance, and also added a number of additional amendments to the conditions.

Mr. Dobrovolsky noted that it was an interesting and challenging site with a dramatic design for the restaurant. He added that he supported the design and the recommendations in the Staff Committee Report but did not support a recommendation to require a further meeting between the applicant and the purchasers of Harbour Green 2 to discuss the design and Board conditions.

Mr. Ridge noted that the City advertises through several channels although the process is not perfect and residents may be left out. However, the intent of the multiple channels is to inform as many people as possible. He added that a lot of time was spent with the Urban Design Panel as well as the DP Board and Advisory Panel reviewing the application. Mr. Ridge said there was strong support for the design and that use is not the Board's purview. He added that he could not support a recommendation asking the applicant to meet with the purchasers of Harbour Green 2 to discuss the design and Board conditions.

Motion

It was moved by Mr. Toderian and seconded by Mr. Ridge, and was the decision of the Board:

THAT the Board APPROVE Development Application No. DE412233, in accordance with the Staff Committee Report dated September 24, 2008, with the following amendments:

(Condition 1.6 was not seconded)

Add a new Condition 1.6:

Staff and the applicant be encouraged to meet with the purchasers of Harbour Green 2 to discuss the design and Board conditions, with the ability to further vary the design if deemed necessary by the Director of Planning.

Note to Applicant: Staff should confirm the accuracy of the view impacts from Harbour Green 2. If any substantive changes results, staff should consider whether the revised design needs to come back to the Board.

Amend Condition 1.1 to read:

design development to consider lowering the southerly glass feature wall and southwest corner "prow" together by approximately 1.5 m to reduce public and private view obstruction;

Note to Applicant remains the same.

Amend Condition 1.2 by adding the following Note to Applicant:

Note to Applicant: The applicant is encouraged to further develop the design of the vents to achieve an architectural or artistic expression.

Amend Condition A.1.2 to read:

arrangements for the provision of a minimum of one (1) Class A bicycle parking space, in accordance with Section 6 of the Parking By-law;

Note to Applicant remains the same.

CARRIED UNANIMOUSLY

Ms. Warren suggested the applicant and the Park Board voluntarily meet with public who attended the Board meeting to discuss possible view blockage issues. She thought it would be an opportunity to go over the calculations so that the residents had a better understanding. She added that the Project Facilitator, Mr. Barker, would help to organize the meeting if necessary.

5. OTHER BUSINESS

None.

6. ADJOURNMENT

There being no further business, the meeting adjourned at 5:37PM.

L. Harvey
Assistant to the Board

C. Warren
Chair