

Meeting: No. 487
Date: Monday, September 18, 2000
Time: 3.00 p.m.
Place: No. 1 Committee Room, City Hall

PRESENT:**Board**

J. Forbes-Roberts General Manager Community Services [Alternate Chair]
L. Beasley Co-Director of Planning
B. MacGregor Deputy City Manager
D. Rudberg City Engineer

Advisory Panel

P. Grant Representative of the Design Professions [Urban Design Panel]
A. Gjernes Representative of Development Industry
P. Kavanagh Representative of Development Industry
J. Leduc Representative of General Public

Absent

J. Hancock Representative of the Design Professions
M. Mortenson Representative of General Public
R. Mingay Representative of General Public
R. Roodenburg Representative of General Public

ALSO PRESENT:

R. Segal Development Planner
N. Peters City Surveyor

Item 3 - Address - DE404521 Zone CD-1

J. Cheng James K.M. Cheng Architect Inc.
Domonique Domais James K.M. Cheng Architect Inc.
Bob Pearce Aspac Development

Clerk to the Board:

Kathy Pedersen, Raincoast Ventures

1. MINUTES

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of August 22, 2000 be approved.

2. BUSINESS ARISING FROM THE MINUTES

None.

**3. 500 NICOLA STREET - DE404521 - ZONE CD-1
(COMPLETE AFTER PRELIMINARY)**

Applicant: James K.M. Cheng Architects Inc.

Request: To construct a 245 unit, mixed-use, multiple dwelling development, including two residential towers at 20 and 25 storeys, over a 3-storey and 4-storey townhouse podium, respectively; a seven-unit, 3-storey townhouse building along Hastings Street; and a 3-storey commercial/townhouse building along the waterfront, with the commercial use at grade, fronting onto the waterfront.

Development Planner's Opening Comments

The Development Planner, R. Segal, displayed the two context models which were approved in principle some time ago. Mr. Segal then briefly introduced the surrounding area and the project at hand. He stated that there were not many issues to deal with and that the outstanding issues could easily be resolved as they were not substantive. Staff consider this an exemplary project in an area that is the most livable and highest quality high density area, probably in the world. Mr. Segal advised the project is proceeding very well and outlined the remaining issues that follow:

The first issue relates to the minor floorplate issue as set out in Condition 1.1 of the Development Permit Staff Committee Report dated September 6, 2000 in that the towers are slightly over the maximum allowed by approximately 200 sq. ft. each. Staff support the general massing of the proposal as the towers are slimmer than the guidelines. Condition 1.1 calls for adherence to the maximum guideline floor plate of 6,405 sq. ft.

The second issue refers to terracing the massing of the townhouses on top of the commercial podium along the waterfront edge to minimize shadowing on the waterfront walkway. Mr. Segal pointed out the shadowing on the displayed diagrams. Although reduced slightly from what was indicated at the preliminary stage, this still exceeds the latitude (10 percent additional height) provided by the Board, thereby generating additional shadow on the walkway. Staff are asking for some design development to carve back the townhouse second floor to meet the guideline intent. Staff have brought forward the preliminary condition to this complete application as set out in Condition 1.2.

The third issue relates to the tower mechanical penthouses which were perceived at the preliminary stage as bulkier than needed. Staff feel that due to the highly sensitive view neighbourhood that more refinement is needed as set out in Condition 1.3.

The fourth issue relates to compliance with the guidelines which provides for all units to have private outdoor space by way of an open or enclosed balcony. Mr. Segal advised that open or enclosed balconies are not provided for 17 units. Staff are recommending balconies for these 17 units as set out in Condition 1.4.

One letter has been received from the Strata Council of an adjacent westerly development that opposes the vehicular access off Nicola Street and recommends relocation to Hastings Street. This letter reiterates one of the concerns raised at the preliminary stage. Staff feel that the proposed access location on Nicola Street is well located to minimize impacts on the new townhouses on Nicola Street as well as adjacent development and Staff do not support relocation to Hastings Street. The proposed access off Nicola and Broughton Street will provide for the best traffic circulation. Staff feel that the 'drive-through' parking access will divide up traffic

in the best way possible. The Development Permit Board, at the preliminary stage, also believed the access, as proposed, to be appropriate.

Staff highly recommend approval of this project.

Questions:

Mr. MacGregor asked for clarification on floor area as set out on page 3 of the Report as the total sq. ft. stated in 'Proposed' is not the correct total. There also appears to be a slight overage on the residential proposed sq. ft. to the maximum permitted. It appears that the difference is approximately 372 sq. ft.

Mr. MacGregor inquired of Staff as to their rationale for supporting 19 visitor parking spaces. The project has over 245 parking spaces, but only 19 allocated to visitor parking. Mr. Peters was unsure as to the rationale and the By-law would have required 49 parking spaces.

Mr. MacGregor asked for clarification to 1.4 of the preliminary conditions as contained on page 9 of the report, as it appears that the width has been increased to 18 ft. rather than the 20 ft. minimum wide gap at the top floors of the townhouses. Mr Segal stated that instead of increasing the top floor gap to a width of 20 ft. with something less at the lower level, the 18 ft. width full height, is a superior arrangement in Staff's view.

Mr. Beasley requested clarification on the Staff proposed set-back of the townhouses on the waterfront as it does not appear to be dramatic, and that it will achieve the intent of the guidelines. Mr. Segal clarified that this was correct.

Mr. Beasley inquired as to the roof treatment and how much volume will be visible as the proposed development appears to provide more height than may be required to cover the mechanical equipment. The application also refers to the additional height to provide sculptured tower tops, as well as space for mechanical and air conditioning equipment. The Applicant was requested to respond to this item as well.

The FSR overage set out in A1.1 has not been put forward as a discretionary condition and Mr. Beasley requested clarification as to whether the Board can deal with this only under the hardship clause or whether it is dealt with routinely. Clarification was provided by Mr. Segal that the hardship route was the only avenue for the Board to deal with this issue and would be an unusual application of this relaxation clause.

Mr. Gjernes requested clarification on the location of the 17 units without balconies. These are located on either side of the two towers with 9 on one side and 8 on the other side. It was noted by Mr. Cheng that he has counted only 16, representing 8 on each side of the tower.

Mr. Rudberg sought clarification on the intent of the 'drive through' which will allow people to come in one side and exit the other side as well as verification of the clearance height for commercial loading in order to avoid problems which have occurred in other developments. He also wanted to ensure that large trucks do not have to back up to exit the development. Mr. Segal advised that the main parking level is a 'drive through' and has been judged to be very efficient. The By-law clearance of 11.6 ft. has been exceeded with clearance at one end of 12.6 ft. to high of 14 ft. due to difference in elevation.

As a result of the mixture of parking allocation, i.e. some of which is marina, some of it for commercial use, some for residents and visitor parking, Mr. Rudberg wanted clarification as to how security would be provided for each of these users. Staff have reviewed residential security which is provided by a gated situation. The public zone will be left unobstructed and free to vehicular movement during daily regular operating hours with the later hours providing gate security for all of the parking spaces in order provide a two tiered level of security. The Applicant can provide further details on this matter.

Applicant's Comments

Mr. Cheng advised that they are not asking for relaxation of residential density. The additional marina parking is above grade. However, if Staff include this as residential density then this will exceed the permitted area. On page 4, Item 1, the marina parking has been incorporated in the commercial FSR and was acceptable to zoning. Mr. Cheng will cut back on residential floor area in order to comply with Section 6.5 of the CD-1 By-law.

With respect to the allocation of 19 visitor parking spaces versus the 49 original parking spaces, and the clarification from Staff that the City no longer allocates visitor parking through a fixed formula, it was felt that 19 visitor parking spaces would be sufficient due to the overlap of users of commercial, marina and residential parking spaces. Commercial parking would be open to public during office hours which can be used as residential or visitor parking after hours. Due to the shared use, the 19 visitor parking spaces are increased to 50 spaces after 6 p.m.

The loading facilities are self contained within the site and there is no need to enter onto the City street for loading or unloading. There is ample room for over height garbage trucks.

Mr. Cheng then provided comments to the conditions as follows:

The Applicant is in agreement with Staff to install windows overlooking the water to improve appearance and to provide surveillance of the street-fronting garden/pool area as set out in Condition 1.5.

With respect to the private open space as set out in Condition 1.4, it is the intention of the Applicant to provide double height living room windows which can slide open in place of the balcony for those second storey units with the exception of 4 units. The Applicant understands that the guidelines provide that each unit must have an open space, however, it is felt that the same results are achieved with the double height living room windows rather than a balcony. The Applicant asks the Board to consider a substitute for this requirement. This provision is a guideline and not a By-law requirement and Mr. Cheng feels there is some latitude. If this cannot be obtained, then the Applicant will include the balconies; however, there may be an issue as to appearance of these balconies on the building and the Board should take this into consideration.

In regards to the tower mechanical penthouse set out in Condition 1.3, Mr. Cheng agrees that the mechanical room in Tower 3 is oversized (20 ft) due to the presence of the elevator equipment, but is not 29 ft. as is Tower 4. The current CD1 guideline (Tower Top Zone) was brought to the Board's attention which encourages that the tower top integrate with surrounding construction. This project is smaller in size than the Bauhinia Village which is immediately west of this project. The project complies with Tower Top Zone 1. The mechanical could be reduced, if necessary. The Applicant feels he is complying, but may also be in a position to reduce the height if necessary as long as the air conditioning units are covered completely. It is not known at this time whether it will be 6.1 ft. or 6.5 ft. and some flexibility is requested.

Regarding the concerns on shadowing as set out in Condition 1.2, the Applicant referenced the detailed analysis of the shadow impact provided on the shadow diagram which shows an impact in May with more shadowing contained within the private realm which is 18 ft. from the property line. The impact for the months of June and August were very minor. The shadowing is not on the seawall but contained within the property line. The Applicant would like to keep the roofscape as interesting as possible for people viewing same from the seawall so that it is not just a flat roof with undistinguished vertical silhouette. This will make the visual appearance more interesting. They will leave this matter for the Board to decide.

Mr. Cheng advised that they are approximately a couple of hundred square feet over recommended floorplate guideline. Compliance has been met in width (24 m). The main reason for this design is to create truly functional townhouses with windows on front and back and due to this they are not as deep as the traditional

townhouses. The floorplate increase is a better compromise than bulking up tower base of the building which will have a greater shadowing impact on the street.

Questions

Mr. Beasley questioned Mr. Cheng as to the 9 ft. height difference on the mechanical penthouse and whether that is necessary for the mechanical equipment. Mr. Cheng advised that a detailed analysis had not been done, but each tower has over 100 units in it and that air conditioners are placed on the roof along with the hot water tank for the entire building and that is why a larger bulk on top is required. There is no place in the garage or garden areas to place the equipment on.

Mr. Beasley would like to add the words "but still screening all mechanical equipment" after the word bulk in the first sentence in Condition 1.3 so that the mass is brought down to a point where it screens the equipment without leaving any bulk. Mr. Cheng advised that there will be some WCB clearance requirements to adhere to in respect of a certain distance beside screening.

In respect of the setback of the townhouses on the top level on the waterfront side, Mr. Beasley commented that the Staff proposed setback is a modest one. Mr. Cheng advised that the roof peaks are about 3 ft. above every unit which creates the interesting roofscape. The bulk of it will be in compliance. At the most critical point the setback is 8 ft. The terrace top can be setback without any problem, but the Applicant would prefer not to change to a flatter roof in order to comply.

Mr. Rudberg questioned Mr. Cheng regarding Condition 1.4 and the double height windows in place of the balconies. Mr. Cheng advised that they hope to achieve the open space by the double height windows which can open and will not be screened off with partitions.

Mr. Kavanagh commented regarding Condition 1.3 and the apparent slimness of the building. The maximum tower floor plate width is 78.7 ft. and this development is 78.3 ft.

Mr. MacGregor requested clarification on the 150 commercial parking spaces. Mr. Cheng advised that he had made an error in stating 150 spaces and that the total should be 100 with 80 commercial parking spaces and retail/service at 20 spaces. They were covenanted to provide the marina parking spaces. Mr. MacGregor commented also that perhaps 60 parking spaces will be used by the marina for parking on weekends which will then not be available for visitor parking during that time. Mr. Cheng advised from his past experience that 19 visitor parking spaces will be sufficient and the visitor parking is not used in Tower 2.

The Applicant commented that due to the overlap of commercial, marina and visitor parking, the space is sufficient. The first two buildings complied with old formula and initially these spaces were quite empty. The Applicant has not monitored this for some time now but feels that this arrangement for the three users provides flexibility.

Mr. Cheng advised that they have provided for 407 residential and visitor parking spaces, which is 21 more spaces than the City requirements. The 19 visitor parking spaces are currently outside the security gate. Additional visitor parking spaces inside the gate can be assigned to visitors if the need arises.

Mr. Gjernes requested clarification on the floorplate size and variations to same. Mr. Segal advised that the Board has been consistent in this area as views are very important. Some variations and latitude of about 3 to 3.4% in other projects have taken place, but the majority of developments have complied with floorplate guidelines. One project is the Escala which has about a 3% increase on the maximum floorplate guideline, which is Mr. Cheng's project as well. There were no guidelines in place for the Harbour Side at the time.

The Board Members reviewed the models with Mr. Segal to seek clarification on certain issues. The Chair requested Mr. Cheng to step forward to clarify some issues in respect of the issue on shadowing and balconies.

Mr. Beasley inquired of the Applicant whether it made sense from a marketing point of view to have some units without balconies and his preference would be to see balconies on all units. The Applicant was hoping to achieve this through the french balcony to provide more space in the unit.

Comments from Other Speakers

Mr. Richard Atkinson and Ms. Linda Finkelstein, Chairperson and Member of the Bauhinia Strata Council.

Mr. Atkinson spoke first on behalf of the residents of Bauhinia who are very supportive of this development on the site adjacent to them and in particular are very pleased to see that the project has such a highly competent Developer, Aspac Developers, and Architect, Mr. Cheng, behind it.

The design point of view is excellent. However, there are safety issues surrounding the traffic pattern in this neighbourhood which need to be addressed.

Mr. Atkinson advised the Board that during the preliminary stage, he forwarded a letter to the Planning Department raising the concerns of the Bauhinia Strata Council (bus traffic due to Bayshore Hotel; significant amount of pedestrian traffic; and a request that the parking entry be on Hastings Street or further south on Nicola Street). His letter was read to the Board. Mr. Atkinson received a letter from the Planning Department acknowledging receipt of his letter and stating that his comments were appreciated. There has been no other communication or contact by the Planning Department until Mr. Atkinson obtained the report dated September 6, 2000 wherein the relocation to Hastings Street was not supported by Staff. Mr. Atkinson requested clarification from Staff as to why the relocation was not supported.

Mr. Atkinson has witnessed a recent accident with a hotel bus hitting a Landrover in this intersection. Recent events also included as many as 15 tour buses parked on two separate occasions on Nicola Street at 10:00 p.m. in order to pick up people from their boat cruises and return them to the Bayshore Hotel, which resulted in deadlocked traffic. Ms. Finkelstein's husband and Mr. Atkinson had to request the buses to shut off their idling motors and move in order to reduce disruption to the residents. The traffic problems are not unique and the entire West End has similar situations. Mr. Atkinson would like to see a collective resolution to this problem.

Ms. Finkelstein advised that she resides in the ground floor suite at the Bauhinia Complex and is quite familiar with the traffic congestion. If this project cannot be changed at this time, Ms. Finkelstein would also like to

see a collective resolution to the traffic congestion. Some suggestions would be to close off Coal Harbour Quay for access only by local traffic or remove parking meters on either side of Nicola Street which would allow more traffic to flow through. There is also the possibility of opening up West Hastings Street through to Cardero Street.

The Chair requested information from Staff.

Mr. Segal advised that the guidelines for this site indicate the potential for parking access on Nicola and Hastings Streets. The grade on Hastings Street would pose a problem.

Staff felt that by locating the Nicola Street entrance slightly south from the intersection that it would create the most efficient vehicular movement through that zone without causing traffic to pile up. Based on the review done by the Engineering Department combined with the arguments raised by the proponent of this site, it is felt this is the best location. The observations by the residents make it apparent to all that perhaps this area has suffered too much success. Fifteen tour buses parked on the street is very disturbing.

Mr. Segal clarified guidelines on Appendix F which did not show parking entry on Broughton Street. At the preliminary stage, however, the Broughton Street entry was supported in order to minimize the Nicola Street entry usage and the sharing of the two entrances.

Mr. Rudberg commented that the issue of the driveway was vetted during the preliminary application and it is very difficult to go through now and change something as substantial as this due to it already being discussed and decided at the preliminary stage. However, the traffic movements should be looked at to see what can be done and work should occur with the tour bus companies, as well as with the Bayshore, in order to reroute the tour buses to minimize the impact on residential properties. As to the suggestion of the parking meters, Mr. MacDonald, Parking Engineer, should look at this issue and how parking is allocated around this site to open up visibility and additional space for traffic flow. Given the planned development in the area, this should be addressed now. The fact that it has been raised now provides an opportunity to review the situation.

Mr. Beasley commented that the bus traffic problem may improve in the near future. The current construction of the Bayshore property does not allow for proper road access for the buses. As well, a portion of the commercial moorage will be moved to another end of the neighbourhood by Burrard Inlet. It certainly is not acceptable or planned to have 14 buses lined up at the Quay. A question was raised as to whether some relief can be offered to the situation now by providing safety reminders/signs at the entrance way and exits and pedestrian signage also. Mr. Peters advised that they will take this into consideration and signs would be helpful to bring attention to a pedestrian zone to the vehicle traffic.

Mr. Beasley commented that this project may work in favour of this neighbourhood as the design allows for the in/out driveway which will take traffic off street and into the development.

Mr. Cheng confirmed the route on the diagram displayed. If the parking entrance was located further down the street, it would be located directly opposite the entrance to the Bauhinia which would create more of a problem. Also, it would not be possible to have the same entrance/exit due to loading/unloading by the large trucks. If that was to take place then an underground section would have to be provided in order for these trucks to manoeuvre.

Ms. Leduc sought clarification on the completion date for this project and the Bayshore development. The Bayshore has a long term plan to build further; however, in the next 6-10 months the roads will be in place and the buses should not be on Nicola Street once that has been completed.

The Applicant is aware of the concerns by the owners of units at Bauhinia and has attempted to deal with them. Some options can be looked at now, but the larger issue at this time is to look at the current situation with tour buses and parking issues.

Mr. Atkinson reiterated the issues of vehicular movement and pedestrian movement, as well as the issue of jaywalkers. One suggestion is to open up Hastings Street so that the buses would continue straight down Hastings Street to the Bayshore instead of current travel west on Hastings Street until they reach Nicola and Cardero Streets and then turn north and come down Nicola Street. Due to Nicola Street being a through street, all east and west traffic proceeds here. Perhaps the City could look at turning Coal Harbour Quay into a local road only, so no other traffic can go through.

Mr. Beasley suggested the possibility of closing off a portion of Hastings Street with access only to public transit for buses. He encouraged Mr. Atkinson to be involved in further discussions with owners in the neighbourhood over the next year as these issues are currently being raised with other developments. The Chair reminded everyone that it was not appropriate to make these condition of this application.

Mr. MacGregor commented that the closing off of Hastings Street was a hotly debated issue and the adjacent property owners would object if it was now opened.

Mr. Rudberg noted there were several petitions to close off Hastings Street. It has to be studied comprehensively to see what traffic patterns provide the best solution. It simply does not make sense to sacrifice one street for another. It all has to be part of the process.

The Chair thanked Mr. Atkinson and Ms. Finkelstein for their comments and advised that further planning will take place in the areas discussed.

Panel Opinion

Mr. Grant advised that the Urban Design Panel was fully in favour of this project. It is an elegantly designed project and all major issues have been dealt with. The Applicant has produced a building that is in keeping with this neighbourhood.

With respect to the floorplate overage, Staff had asked the Panel to comment on this. Without exception, every Panel Member was okay with the overage as presented. They supported the building design and slimness of the building.

In respect to the design of the terrace top floor of townhouses on the waterfront, this should be left to the Applicant and Mr. Cheng to resolve with Staff.

With respect to the tower and mechanical penthouses, the Panel and Mr. Grant, personally, support the extra

height rather than a bulkier building in order to provide a nice flow when looking at the building.

In respect to balconies and west and east elevations of the building, the Applicant and Staff should work this out so it does not look like an afterthought to the project and the Panel supports the insertion of the small window(s).

The Panel is very supportive of the two access points to loading which also provides tenants with two way access.

Mr. Kavanagh supported approval of the project. He suggested making Items 1.1 and 1.3 consideration items.

Mr. Gjernes also supported the approval, subject to the items raised by Staff. He suggested that Item 1.1 be deleted, that Item 1.2 remain in order to minimize the shadowing, and Item 1.3 be a consideration item as suggested by another Member. In respect of Item 1.4, if the balconies can be incorporated into the remaining 17 units and stay within the 78.5 ft. maximum then they should proceed, but if not, then let these units proceed without balconies. Item 1.5 is a traffic management issue rather than a design issue and should be taken up with Staff.

Ms. Leduc commended the Applicant for such a handsome project which is very pleasing to look at. Ms. Leduc agreed with the comments from other Members and supported the approval with the removal of Item 1.1, the inclusion of 1.2, the mechanical penthouse design suits the building and should not be tampered with as per Item 1.3, as well as having Item 1.4 be a consideration item only, in order to provide the Applicant with the option of french balconies rather than an open balcony.

Board Discussion

Mr. Beasley feels this is an exemplary project and supports approval with the following amendments. Deletion of Item 1.1. An amendment to Item 1.2 in order to remove the word "terrace" and to include the words "top of the" after the word "massing" and by removing the words "to generally comply with the height envelope stipulated in the guidelines". The addition of the words "but still screening all mechanical equipment" to the end of Item 1.3. The inclusion of Item 1.6 that assignment be such that at least 40 parking spaces are identified for visitor parking. He appreciated Mr. Rudberg's comments on the traffic situation. The suggestion to open Hastings Street will be a very large and difficult issue to deal with due to residents either opposing or in favour of same.

Mr. MacGregor sought clarification on Item 1.4 with respect to enclosed balconies and whether the 17 units had enclosed balconies. It was not Staff's intention to pursue an enclosed balcony, but to pursue the open balconies on these 17 units. It was also not Staff's intention to remove any floor space for the addition of the balcony.

Mr. MacGregor was in agreement with the comments made by Mr. Beasley with the exception of Item 1.4 which provides for open space to be included for the 17 units and proposes the removal of this Item.

Mr. Rudberg agreed with Mr. Beasley's comments with the amendment to Item 1.4 in order to include this Item as a consideration due to the Applicant's design for the french balcony on these 17 units and providing the Applicant with the final decision on the type of balcony used.

Discussion followed to amend Item 1.4 in order to proceed with the motion.

Mr. Beasley commented that Item 1.4 is not a casual item that should be left with the developer to decide and it should be dealt with as a separate issue.

Motion

It was moved by Mr. Rudberg and seconded by Mr. MacGregor, and was the decision of the Board (with Mr. Beasley opposed):

That Item 1.4 be a consideration item with the Applicant's decision whether to proceed with open balconies or french balconies.

Motion

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

THAT the Board APPROVE Development Application No. 404521, in accordance with the Development Permit Staff Committee Report dated September 6, 2000, with the following amendments:

Item 1.1 is deleted.

Item 1.2 to read as follows:

"1.2 design development to the massing of the top of the townhouses on top of the commercial podium along the waterfront edge to minimize shadowing on the waterfront walkway.

Note to Applicant: A minor height relaxation of up to ten percent is supported so long as no additional shadowing is created beyond that envisioned in the guidelines."

Item 1.3 to read as follows:

"1.3 design development to the tower mechanical penthouses, to reduce their height and bulk, in response to the guidelines, but still screening all mechanical equipment"

Item 1.4 will be a consideration item (as per the previous motion opposed for the record by Mr. Beasley).

Item 1.5 will remain in place.

Item 1.6 will be added as follows:

"1.6 that assignment be such that at least 40 parking spaces are identified for visitor parking.

4. **OTHER BUSINESS**

None.

There being no further business, the meeting adjourned at 5:08 p.m.

Kathy Pedersen, Raincoast Ventures
Clerk to the Board

Jacque Forbes-Roberts
Chair