

Date: Monday, September 25, 2006  
Time: 3.00 p.m.  
Place: Council Chambers, City Hall

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**PRESENT:**  
**Board**

F. Scobie Director of Development Services (Chair)  
R. Jenkins Assistant Director of Current Planning, Initiatives Branch  
B. MacGregor Deputy City Manager  
P. Judd Deputy City Engineer

**Advisory Panel**

W. Franci Representative of the Design Professions (Urban Design Panel)  
R. Acton Representative of the Design Professions  
J. Scott Representative of the Development Industry  
M. Braun Representative of the General Public  
K. Hung Representative of the General Public  
C. Nystedt Representative of the General Public

**Regrets**

R. Keate Representative of the Vancouver Heritage Commission  
D. Chung Representative of the General Public  
N. Shearing Representative of the Development Industry

**ALSO PRESENT:**

**City Staff:**

V. Potter Project Facilitator  
D. Robinson Project Facilitator  
D. Morgan Development Planner  
B. Adair Development Planner  
M. Thomson City Surveyor  
V. Morris Social Planner  
R. Segal Senior Development Planner  
J. Graves Coordinator, Tenant Assistance Program  
A. Kloppenborg Acting Director, Social Planning  
Sgt. Calendar Police Services

**1808 West 1<sup>st</sup> Avenue**

Ken Williams Wedgewood Ventures Ltd.  
Nigel Baldwin Nigel Baldwin Architects

**11 West 10<sup>th</sup> Avenue**

Keith S. Donald Keith Sullivan Donald Architects  
Linda Gotts 10<sup>th</sup> Avenue Alliance Church  
Mardi Dolfo-Smith 10<sup>th</sup> Avenue Alliance Church  
Julie Linden 10<sup>th</sup> Avenue Alliance Church  
Waymen Crosby 10<sup>th</sup> Avenue Alliance Church  
Steven Dreger 10<sup>th</sup> Avenue Alliance Church

**Recording Secretary: L. Harvey**

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**1. MINUTES**

It was moved by Mr. Judd and seconded by Mr. Jenkins and was the decision of the Board:

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of September 11, 2006 be approved.

**2. BUSINESS ARISING FROM THE MINUTES**

None.

**3. 1808 WEST 1<sup>ST</sup> AVENUE - DE410458 - ZONE C-3A  
(COMPLETE)**

Applicant: Ken Williams

Request: To develop a six storey mixed use building with two levels of underground parking, retail use on the ground floor, and five storeys of residential above containing 45 dwelling units with an FSR of 3.0.

**Development Planner's Opening Comments**

Dale Morgan, Development Planner, introduced the complete application, describing the site context and explaining the discretionary increase in height and density to enable a six storey mixed use development located in the North Burrard area in a C3-A zone. The site is located at the southwest corner of West 1<sup>st</sup> Avenue and Burrard Street. The subject application has requested a density of 3.0 FSR and a height of 65 feet with six storeys. Retail use is proposed at grade along Burrard Street and West 1<sup>st</sup> Avenue with five levels of residential above and parking is underground with access from the lane. Landscaped patio areas are proposed on the 2<sup>nd</sup> through 6<sup>th</sup> floors including a shared amenity space on the 2<sup>nd</sup> level. This application proposes a green roof treatment. The proposed materials are high quality. Planning staff considers that there are no major issues with the application and that the project is well handled and meets the broader urban design objectives and guidelines. The application was reviewed by the Urban Design Panel on August 2, 2006 and was supported.

Condition 1.1 addresses two issues relating to the retail frontage and how it interacts with the public realm. In discussions with the architect, staff acknowledged that condition 1.1 may be somewhat restrictive and proposed some minor rewording of the condition.

Condition 1.2 deals with the treatment of the required road dedication along the Burrard Street frontage, recommending this road dedication be improved as a temporary extension of the public realm with a double row of trees. There are no plans at this time to widen Burrard Street, however the trees could be removed in the future.

It is recommended to improve and strengthen the residential entry as commented on by members of the Urban Design Panel (Condition 1.3). Also some improvement to the livability of the units is proposed by modifying the enclosed and open balconies (Condition 1.4).

The proposed building represents a renewal of this important street. Its interface with neighbouring C2-B is well handled and the use of high quality material is proposed. The green roofs acknowledge the value of sustainability and improve the overlook for existing and future

development. Staff has concluded that this application has earned the discretionary increases. The Staff Committee supports the application subject to the recommended conditions.

#### Questions/Discussion

Ms. Nystedt asked about the bike lane on Burrard Street at 1<sup>st</sup> Avenue and Mr. Morgan explained that the development won't interfere with the bike lane.

Mr. MacGregor inquired about the Note to Applicant in Condition 1.4 where it refers to the horizontal angle of daylight and also about Item 3 on page 17 wanting to know what units it applied to and if it was a relaxation. Mr. Morgan replied that there is a provision in the by-law to relax the horizontal angle of daylight. Mr. Scobie noted as referenced on page 17 that the Director of Planning may relax provisions for enclosed balconies. The horizontal angle daylight matter is also a relaxation of the by-law.

Mr. MacGregor wanted to know if the garden plots Staff were recommending were for the residents rather than the community at large. Ms. Morris, Social Planner stated that the garden plots would be for the residents of the building and noted that the area could accommodate up to ten garden plots plus an informal children's play area. Mr. MacGregor wanted to know if it was Council policy to have the garden plots and Mr. Morris said that it was not Council policy but was included in the evaluation of achieving extra FSR for the building.

Mr. MacGregor inquired about the information on page 5, Section 4.3 Height, regarding the maximum height being forty-five feet from the lane when the proposed height is sixty-five feet. Mr. MacGregor wanted to know if this would impinge on the view cone and Mr. Morgan stated that it did not.

Mr. Scobie sought clarification with regards to the applicant achieving the maximum density on the site and was it so that the development was compatible with the building to the west and was this driving the applicant towards the greater height in order to achieve the maximum FSR. Mr. Morgan agreed that this was the case.

Mr. Scobie stated that he had some concerns about conditions regarding the community gardens and wondered if it was the intent of Council to provide additional public garden plots by 2010 rather than private garden plots and if Council's intent had been overextended. He also stated that he had concerns about the commentary on page 14 with respect to the children's play area. This is the first application seeking both garden plots and a children's play area and wanted to know if this was appropriate for this application. Mr. Morgan stated that this was consistent with Council's policy and was included in meriting the increased FSR. Ms. Morris stated the edible plant reference should also include fruit.

Mr. Scobie pointed out that on page 3 in the technical table Rear Yard & Setback should be changed to reference the figures as permitted minimums.

Mr. MacGregor enquired about Condition A.3.2 where it states "*a minimum 6 ft. solid concrete*" and asked if this should be 6 inches instead. Mr. Morgan replied that it should be 6 inches as it is a standard condition for sound control.

Mr. Scobie asked for more of an explanation of the proposal of the trees on the dedicated area and the widening of the street. Mr. Thomson stated that the widening will occur between West 1<sup>st</sup> and West 3<sup>rd</sup> Avenue. Mr. Scobie asked if the suggested planning would set up an undesirable future context where there would be the loss of mature trees. He also wanted

know if there was a timeline as to when this might occur. Mr. Thomson stated there wasn't a timeline at present and that it was subject to redevelopment of other adjacent lands.

Mr. Acton asked for clarity on the condition regarding enclosed balconies. Mr. Morgan stated that there is an exclusion to allow extra useable floor area and that there are guidelines as to balcony design. Mr. Segal, Senior Development Planner stated that the guidelines for enclosed balconies on new construction suggest they not be buried in the body of the suite but positioned to ensure they maximize as much light as possible into the unit. Mr. Acton also enquired about the depth of the balconies and if that was six feet. Mr. Segal stated that it was six feet minimums for open balconies.

Mr. Scott wanted to know why the applicant was proposing seventy-one parking spots. Mr. Morgan said there had been a change in the Parking By-law.

Mr. MacGregor enquired why provision of edible plants was listed as a condition. Ms. Morris stated that it is a requirement that they not be toxic plants because of the adjacency between the children's play area and the garden plots. Mr. Scobie noted that the condition is encouraging edible plants in the garden plots.

Mr. Braun asked if there was a playground in the adjacent park and if not why staff didn't ask the Applicant to add a playground in the park. Mr. Morgan replied that the applicant was looking for discretionary increases and also supervision and maintenance of equipment in the park could be an issue.

#### **Applicant's Comments**

Nigel Baldwin, Architect stated that although this is an important corner of Seaforth Park, there weren't any guidelines that refer to this site's relationship to the park or address Seaforth Park as a whole. During the enquiry stage three proposals were put forth in order to obtain staff's preference with regard to massing and Seaforth Park. This building is similar to the height and scale of the other buildings ringing the park. There was an interest in the keeping the continuous horizontality and the expression of the buildings along West 1<sup>st</sup> Avenue. As to the horizontal angle of daylight, the condition was accepted and they have already redesigned the suites listed. He felt there might still be a minor relaxation to the horizontal light angle.

Mr. Baldwin stated that he didn't have a problem with the informal play area which meant they might have to use both hard and soft landscaping artifacts to create a place for kids to play. Since the site is relatively small they would also strive hard to achieve the garden plots.

Mr. Baldwin also stated that notwithstanding the lesser By-law minimum they have the number of parking spaces they feel necessary for the residents which is around one and half per unit.

Mr. Baldwin circulated some rewording for Conditions 1.1, 1.3 and A.2.6. Mr. Baldwin pointed out that they had difficulty getting timely minutes from the Urban Design Panel due to a staff change and the minutes in his opinion ultimately didn't reflect the discussion at the meeting. He pointed out that the Urban Design Panel did strongly support the increase in height and asked the Board to consider the increase of one foot in the retail height and therefore one foot increase in the overall height of the building. As to the incremental stepping of the retail, Mr. Baldwin felt this might not be the most viable solution for this site.

Mr. Baldwin was opposed to Condition 1.3 because the discussion portion of the staff report is based on an apparent consensus of the Urban Design Panel that they felt the residential entry was weak and this was not true as it was one comment from one person on the Panel. He asked that it be changed to a consideration item if the Board was opposed to removing the Condition. Mr. Baldwin also asked for a change to the Note to Applicant regarding the canopy at the entry stating that he would like the Note to read "provision of a canopy at the entry *and/or other measures*" so as not to suggest that the canopy is a given.

Mr. Baldwin had a concern with the condition to provide a service corridor connection from the residential lobby to the loading spaces as in the past the CPTED planner denied this as to not mingle residential and retail corridors. He didn't want to be faced with adding another loading bay because he is not allowed to mix the two circulation paths. He asked that the Note to Applicant be "*subject to the agreement of the CPTED planner*".

Mr. Scobie asked Mr. Morgan to reply to Mr. Baldwin's concerns. Mr. Morgan stated that they recognized that the minutes from the Urban Design Panel were pasted together with the help of Staff who were present. Mr. Morgan noted that the floor heights are generous and that there are other means to increase the retail height by taking a more liberal approach. Staff felt the slope conditions are somewhat truncated on Burrard Street and are asking for that to be improved. As for the incremental stepping of the retail, Staff were not advocating small boutiques but the guidelines do talk about limiting the size of the retail frontage which is not the intent of the condition. The condition talks about the access and to insure the slab meets the existing grade at the sidewalk. As to Condition 1.3, with the climate in Vancouver, Staff would like to see a solution that gives greater emphasis to the entry and further resolution of the recess configuration. Condition A.2.6 is about not having people parking on West 1<sup>st</sup> Avenue when moving in and out of the building and seeks to have a link from the elevator to the loading bay.

Mr. Scobie asked Mr. Morgan about the CPTED concerns. Mr. Morgan stated that the corridor access doors were to be lockable and he didn't see it as a concern for the CPTED planner. Mr. Thomson stated that Engineering staff has had a discussion on this issue and would rather see "subject to the agreement of the CPTED planner" added to the condition rather than to the Note to Applicant.

### Questions/Discussion

Mr. Acton wanted to know where the loading bays were located. Mr. Morgan replied that there are two loading bays required and provided, accessed from the lane and the Staff condition seeks to have them shared by the retail and residential. Mr. Acton wanted to know if it was a Parking By-law requirement for residential to have off-street loading and Mr. Thomson assured him that it was not but nonetheless recommended as a requirement in this application noting residential is a conditional approval use.

Mr. MacGregor asked about the second bulleted item on Condition 1.1 and the suggested changes from Mr. Baldwin. Mr. Morgan stated that the changes recommended by Staff would be to the stepping of the retail floor slab and the retail height and the change at the end of the last sentence to read "*as needed for C-3A tenancies*"; also in the Note to Applicant, with the last sentence reading "*which may be adjusted in future, as needed, when retail tenancies are determined*". Mr. Scobie pointed out that these changes were from the information distributed to the Board and Panel from the Project Facilitator, not those circulated by the applicant. He suggested the Board take a break to review the posted material and for Mr. Morgan to provide comments regarding changes proposed by the applicant in regards to Condition 1.1.

**Applicant's Comments**

Mr. Baldwin expressed concerns about the comments from Staff on the residential entry and noted that the recessed plaza is being created to show the importance of the entry and hoped there would be no further changes to the conditions.

**Comments from other Speakers**

None.

**Panel Opinion**

Mr. Francl stated that the Urban Design Panel felt that it was a well executed project and the points being raised were considered minor design elements. The point made in the minutes regarding the lack of emphasis on the residential entrance was not a consensus item and recommended Condition 1.3 be a consideration item and something the Planning Department and the Applicant could come to a resolution over. The Panel also expressed a desire to see the increase in the building height to help the retail. Stepping of the retail floor slab is also an alternative consideration but he would side with the proposal that allows continuous flat surface along the retail floor plan. Mr. Francl recommended supporting the project and giving support to increasing the height to support the retail space. He supported Condition 1.2 and noted that the applicant had already agreed to Condition 1.4. With respect to A.2.6, he would support the inclusion of "subject to the agreement of the CPTED Planner" in the condition.

Mr. Scobie asked about the commentary in the Urban Design Panel minutes on page 12 where Mr. Eckford made mention of the "storage capacity." Mr. Baldwin stated that this was regarding water storage capacity.

Mr. Acton inquired about the applicant's comments on the missing areas in the C-3A zoning that aren't addressed in the guidelines. He was concerned about the communication issues with the staff and applicant and would like to see more clarity. Regarding Condition 1.1 and the heights in the retail, Mr. Acton didn't want to see change in the height of the building if it was at the cost of the expression to the residential but would otherwise support a slight increase in the overall height of the building in order to increase the height of the retail. Mr. Acton was in agreement with everyone with regards to Condition 1.2, the public realm along Burrard Street. He felt the residential entry was well expressed. He supported the relaxation of the horizontal angle of daylight. With regards to A.1.13 and A.1.14 he felt Staff were jumping the gun on some new policy that seemed to be in need of more clarity. He wondered how the garden plots would be monitored over time. Mr. Acton supported a height increase of a foot or two as presented in the applicant's requested revision.

Mr. Scott stated that this project would be a great addition to the area and appeared to be in balance with other buildings on the park. He urged staff and the applicant to get some wording in Condition 1.1 that gives enough flexibility to get the right design on the retail frontage and he also supported the extra height. In Condition 1.3 regarding the entry, he suggested keeping the Condition but deleting the Note to Applicant as he didn't think we the Board needed to be that prescriptive with the applicant. He feels there are lots of options available to strengthen the entry. Mr. Scott noted that there seemed to already be agreement with item A.1.14. Regarding A.2.6, he agreed with the applicant regarding the connection between the residential lobby and the loading spaces.

Ms. Nystedt stated that she knew the corner well and felt that the design was fabulous in making a great end to the park. She noted that it is a busy intersection with a pedestrian culture on West 1<sup>st</sup> Avenue. The frontage on West 1<sup>st</sup> Avenue in this project is consistent with the brownstones already there with respect to the design development on the entry. Ms.

Nystedt saw this as a good example to follow in dealing with any concerns on Burrard Street as it gets re-developed up the hill. She recommended the development to the Board and saw it as a tremendous addition to the neighbourhood.

Ms. Hung agreed that overall this was a very fine project. In Condition 1.1 with regards to the retail floor slab, she preferred to allow some flexibility and hoped to see community commercial instead of larger retail stores. In Condition 1.3 she supported earlier comments from other Advisory Panel members in allowing the applicant to find alternative solutions that enhanced the residential entry. With Condition 1.4 Ms. Hung didn't support having the balconies open into the bedrooms or having the open and closed balconies stacked behind one another. As to the garden plots, she appreciated the applicant's comments that this space would be limited to the residents of the building. Ms. Hung suggested combining A.1.12 and A.1.13 so that it read that the applicant could provide children's play and/or garden plots.

Mr. Braun agreed that this was an impressive C3-A development and stated that the applicant had really raised the bar. He particularly liked all the decking and planters to be provided on every outdoor area as well as the green roofs. He felt this was more attractive and should be the standard for future development. In regards to Condition 1.1 he felt it better to raise the building one foot so that height not be taken away from the residential units. In regards to Condition 1.3 and the residential entry, in this case he didn't recommend deleting having a canopy over the entry because of the wet weather in Vancouver. He was confident that the applicant could integrate an attractive canopy into the design according to City guidelines. He stated that he felt it important to have access to the loading bay from the elevator. As to the amenity deck, Mr. Braun felt that Staff were seeking to achieve too much in a small area and recommended deleting Condition A.1.13 and A.1.14. He would like to have seen Staff ask the applicant to add a playground in Seaforth Park or upgrade the park in some way rather than trying to fit the children's play area and garden plots into 600 square feet.

Mr. Scobie asked for the Mr. Morgan/Mr. Segal to comment on the applicant's proposed revisions to the Staff recommendations in Condition 1.1.

Mr. Segal stated that in respect to Condition 1.1, staff felt that the sixty-five foot height was right for this development and would prefer not to add any more in order to address the issue of the restrictive ceiling heights as a consequence of stepping the Burrard Street retail, although adding another foot be would acceptable.

Mr. Segal noted that in discussion with Mr. Baldwin it was agreed to give the applicant full flexibility with regards to the slab being stepped at its lowest point and then, when the retail tenancies are determined, the slab elevation could be stepped up or not. Mr. Segal also stated that he believed Mr. Baldwin was in concurrence with staff's wording in the second bullet in Condition 1.1. Mr. Segal asked to add, at the end of the proposed recommended condition regarding incremental stepping, the phrase "*as needed, to suit future tenancies*" and in addition in the Note to Applicant at the very end after the words "indicated on the drawings", add "*which may be adjusted in future, as needed, when retail tenancies are determined*".

Mr. Segal, stated that in Condition 1.3, Staff would not insist on the canopy and would be happy to make it either a consideration item or, if it's a design development item, amend the Note to Applicant to read "Provision of a canopy at the entry and/or other visual signifiers...", as suggested by Mr. Baldwin.

In A.2.6 Mr. Segal agreed to adding "*subject to the agreement of the CPTED Planner*" in the Condition and would like to keep it as a Condition to ensure that the loading is shared given the constraints of using the street.

#### Board Discussion

Mr. MacGregor moved approval of the application subject to the Staff Committee recommendations as outlined in the report, with amendments.

#### Motion

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

THAT the Board APPROVE Development Application No. DE410458, in accordance with the Development Permit Staff Committee Report dated August 30, 2006, with the following amendments:

Amend 1.1 to read:

- Increasing the height *of the retail frontage by increasing the floor to floor height by one foot with a consequent increase in building height of one foot and increasing the scale* of the retail frontage along Burrard Street, and
- *Ensuring that the top of the structural slab below the retail level is set low enough to allow* incremental stepping of the retail floor slab with the sloping grade of the sidewalks along Burrard Street and West 1<sup>st</sup> Avenue *while allowing flexibility in tenant partitioning.*

**Note to Applicant:** Greater prominence for the retail frontage along Burrard Street is sought. *In addition to increased floor to floor height* this may be achieved through window and column detailing, and canopy height and signage bands. Retail doorway thresholds should be level with sidewalk grades, to avoid stairs or ramps. *Potential* retail demising walls, *structural* floor slab, *potential entry* and adjacent sidewalk grade elevations should be indicated on the drawings *which may be adjusted in future, as needed, when retail tenancies are determined.* (See Engineering standard condition A.2.3)

Delete 1.3;

Re-number 1.4 to 1.3;

Delete A.1.13;

Re-number A.1.14 to A.1.13 and A.1.15 to A.1.14;

Amend A.2.6 to read: provision of a service connection between the residential lobby and the loading spaces to facilitate residential moves *subject to the agreement of the CPTED Planner*;

Amend A.3.2 to read: or a minimum **6 inch** solid concrete slab

Mr. Scobie stated that he had forgotten to ask the applicant if he had any concerns regarding Appendix C and Mr. Baldwin replied that he did not as it was not going to change the shape of the building.

4. 11 W. 10<sup>TH</sup> AVENUE - DE409943 - ZONE RM-4  
(COMPLETE)

Applicant: IBI/HB Architects

Request: To permit a Social Service Use to be at this site, to allow for a twice weekly meal program, once weekly shelter program.

As there were a number of speakers wishing to provide their comments on this item the Chair asked the members of the Board if they wished to put a time limit on the speakers. Mr. MacGregor suggested that it should be five minutes and it was the consensus of the Board to confine speaker's comments to five minutes.

**Development Planner's Opening Comments**

Bob Adair, Development Planner, introduced this application to permit a Social Service Use in conjunction with the existing Church use at the Tenth Avenue Alliance Church located on the northwest corner of West 10<sup>th</sup> Avenue and Ontario Street. The site is zoned RM-4 with a mixture of residential rental, condo and co-operatives in the area. A block to the north is West Broadway where both sides of the street are zoned C-3A. This application has been made to permit the operation of food and shelter programs for persons of need, including Monday dinner and Tuesday lunch, and overnight accommodation for up to 25 persons one night a week during the cold months. The programs have been in operation for several years.

Development Services Staff became aware of the programs last year during a development application process for a new Church Hall. Given the types and sizes of programs being offered a separate development permit for Social Service Use was required. The Church then made the application as requested.

The services are currently being run from the space in the existing Church facilities and will move to the lower lane level in the new Church Hall when that building is completed next April.

Social Service Centre is a conditional approval use in the RM-4 district. At the time of application the City had no record of any neighbourhood concerns about the Church activities or programs. After the application was submitted Staff began to receive calls and emails expressing concerns about crime and homelessness as well as concerns about the Church's role in providing meals and shelter services. As a result of this response the normal notification process was expanded to include two public meetings as well as an address drop-off notification letter. This was to make sure that both tenants and property owners in the neighbourhood were informed. Due to the amount of controversy a decision was also made to refer the application to the Development Permit Board.

Commentary from the City's Social Planning staff is in the report and supports the needs for these types of privately run programs given the current levels of homelessness and poverty throughout Vancouver and the lack of other program alternatives. The main issue is neighbourhood concerns. While most residents acknowledge the need for services provided for those in need, significant numbers have expressed opposition to this application. Some residents believe that the Church's activities are bringing person from outside the area and are bringing additional crime and homelessness to the neighbourhood. Some expressed that the Church is not running the programs in a successful manner.

In summarizing the Staff response to the application regarding the issue of bringing persons in need into Mt. Pleasant from other neighbourhoods, Staff noted that Mt. Pleasant does contain significant numbers of people living near the poverty line and these are groups of people who typically use the social services such as the ones being provided.

Regarding concerns that the program is bringing additional crime to the neighbourhood, Police stats indicate the crime level in the immediate area of the Church are similar to other parts of Mt. Pleasant neighbourhoods and have not increased over the last several years. Police believe that establishing a Block Watch Program may help in the situation as it has in other neighbourhoods.

With respect to homelessness, Housing Centre Staff report that homelessness has become a city-wide phenomenon increasing since 2002. Homelessness has become focused in neighbourhoods adjacent to major arterials such as this neighbourhood. Staff believe the increase in homelessness in this neighbourhood is similar to patterns in other neighbourhoods in Vancouver and has little to do with the Church's activities. To help to address homelessness throughout the city the Housing Centre has developed a program called the Homeless Outreach Pilot Project. This program addresses the homeless issue one person at a time and has been successful in other neighbourhoods by finding accommodation. Housing Staff will be beginning the program in this neighbourhood in the next few months and have asked the Church to assist City Staff in this program by identifying persons who need assistance.

With respect to concerns about the Church's delivery of its programs, City and Church Staff have identified areas where these procedures could be improved. These form the basis of the Draft Management Plan produced by the Church. Staff recommended that this Draft Management Plan be further improved in consultation with the City and interested residents in the surrounding neighbourhood. Staff recognize the neighbourhood's concerns but believe that those related to the Church's activities can be addressed successfully and Staff are recommending approval of the application with conditions.

#### Questions/Discussion

Ms. Nystedt inquired as to what files had been checked around crime in the neighbourhood. Mr. Adair replied that they had checked the Police crime reports and as well checked the Property Use Files in Community Services and there were no complaints regarding activities taking place on the Church property over the last year. Sgt. Calendar stated that they had done a statistical check on a five block radius over the last three years with nothing standing out.

Ms. Hung asked if the RM-4 District Schedule currently listed Social Service Centre as a permitted use. Mr. Adair replied that it does list a number of conditional uses and social services is approvable. Ms. Hung asked if it is specifically listed as an outright use in the zoning district. Mr. Adair stated that the use the Church is applying for is to add a social service use in addition to the Church and would define this as an accessory use to the Church. Mr. Scobie added that the Staff Committee report says that a determination of this needed to be dealt with by the Board. The application before the Board was for "social service centre" and the decision to proceed on this basis was made by Mr. Michaels on behalf of the Director of Planning. Mr. Scobie suggested the issue was whether or not the activity should be considered an accessory use to the Church or whether it is in fact another principle use of the property.

Mr. Scobie stated that the Zoning and Development By-law is set up to list permitted outright approval uses and also says in addition can have an accessory use. The Church is conditional approval use and the zoning and development bylaw allows a variety of activities permitted as

being accessory to the church use. Mr. Michaels on behalf of the Director of Planning made the decision that it needed to be considered as a second principle use on the site being a social service centre.

Mr. Hung asked how the Church's management plan, or the development permit if approved, could be changed if they decided to change the program night. Mr. Adair stated that if the application was approved it would be for a year and during that time the Church would be collecting data so that at the end of the year they would apply to extend the application and could propose any changes at that time.

Mr. Scobie asked if there was no opportunity for change during the first year and whether it would only be during a future application for an extension they could propose changes. Mr. Adair stated that the days of the week aren't identified in the specific wording of the approval recommended but Staff would consider a change something that they would want the neighbourhood to know about and in terms of other changes the Church couldn't implement any changes until a formal application was submitted to the City.

Mr. Scott asked how long the church had been at this location and for how long the program had been operating without City approval. Mr. Adair replied that the evening and overnight programs had been operating for two years with the lunch program starting in 1999 and the church had been there for 30 or 40 years. The Mr. Crosby stated that the church was founded in 1935 and had been the Alliance Church since 1938.

Mr. MacGregor sought clarification as to whether the Church's participation in the Cold Weather Program did not require a permit. Mr. Adair said that in extreme weather where the temperature is below zero they would not require a permit as it is considered emergency shelter. Mr. Scobie asked why it doesn't require approval and Mr. Adair said that it is a Provincial issue. Ms. Graves added that it is considered a life safety issue akin to an earthquake when temperatures are four degrees below zero or more and it becomes life safety and participating facilities are immediately opened.

#### **Applicant's Comments**

Wayman Crosby made the presentation on behalf of the Church. He is a business owner and helped the Church develop their management plan. The church was established in 1939. He stated that the Church is committed to responding to the concerns of their neighbours. In the 1960s they distributed canned goods and Christmas hampers in the neighbourhood. Eleven hundred people attend weekly services. Their mission is caring for the poor. The Church is adding social service use to its current use with no alterations to the building. The "Oasis Drop-In" was started in 1999. The Church is pleased that Staff is recommending the permit be approved.

Mr. Crosby stated that the Church wished to participate in a Block Watch Program as they want to improve the safety and security of the neighbourhood. They will work with the City to reduce homelessness and are pleased to comply with the recommendations and conditions. Mr. Crosby suggested that Condition 1.1 a. be changed from "each week" to "each month" as they are already letting Victoria know each month. Also, in Condition 1.1 c. they would like to add to their previously suggested monitoring the area from Ontario Street to Manitoba Street and from the lane to Broadway, rather than 10<sup>th</sup> Avenue. Mr. Crosby then introduced the panel from the Church: Linda Gotts, Pastoral Staff Person; Steve Dreger, Board of Elders; Mardi Dolfo-Smith, Senior Associate Pastor; Julie Linden, Coordinator for "Out of the Cold" and "Oasis Drop-In" Programs.

**Questions/Discussion**

Mr. MacGregor asked the Church to respond to the concerns with the operation of the program as expressed by the neighbourhood. Ms. Gotts said that they had received very few complaints since the Oasis Program started seven years ago and Out of the Cold started two years ago. Mr. MacGregor asked if there had been a change in the operation and Ms. Gotts replied that in June they made a change because of the construction where the entry for program participants was changed from the lane to West 10<sup>th</sup> Avenue. They also initiated a public meeting to let the neighbours know about their programs.

Sgt. Calendar stated that there isn't a correlation with the Church program and crime in the neighbourhood. The Police review included the days of the month when the program was running to see if that made a difference and found no correlation.

Mr. Judd asked what was meant in Condition 1.1 c. Mr. Adair replied that this is the area Staff is recommending the Church monitor at the end of the program events. At 9:00 PM on the night of the program, Church volunteers have been doing a walk around the neighbourhood to ensure the program participants have left the area. They also check the park to see if people are gathering there. Mr. Judd asked if the Church still had an objection to the monitoring and Ms. Gotts said she didn't have an objection to monitoring and would like to see it done as part of the Block Watch Program and that way both the Church and the neighbours would be aware of what is happening in the park. Mr. Judd asked if they would still do the monitoring if there wasn't a Block Watch Program and Ms. Gotts stated that they were prepared to continue doing a walk around the area.

Ms. Nystedt asked about Crime Prevention through Environmental Design (CPTED) and if the proposed use would trigger additional requirements. She also enquired about graffiti in the neighbourhood. Mr. Adair stated that Social Planning and the Police did a walk about and found some graffiti in the lane but not as much in the church block as there is in adjacent blocks, including some of the commercial parking garages that weren't secured. Mr. Scobie stated that this application isn't triggering any further CPTED requirements regarding the church property.

Mr. Scott asked to get a summary of the conditional approval and where it relates to this application. Mr. Adair stated that there are outright uses that are permitted and require a permit and then there are conditional uses under the discretion of the Director of Planning or Development Permit Board. By being listed as a conditional use in a zone, Council has said these uses may be approvable in that area, subject to conditions. In terms of social service uses, it is a conditional approval use in most residential zones in the city. Council has said that these uses are needed in all areas of the city and therefore they should be approvable. Mr. Scobie added that this is the same rationale for church, which is a conditional approval use in all residential areas. Rather than requiring residential land to be rezoned to allow listed conditional approval uses they can be approved subject to conditions. Furthermore, in addition to listed outright and conditional approval uses, zoning district schedules also list "Accessory buildings and accessory uses customarily ancillary to listed principal uses", as being approvable.

Mr. Scobie asked about Appendix B in the Staff Committee Report that outlines issues that will arise if this development application is successful. While there are no physical improvements proposed as part of this development application there will be physical improvements required to the church with respect to getting the building to comply with the Building Bylaw. Mr. Scobie asked the applicant if there were any of the three items that they considered

troublesome. Ms. Dolfo-Smith stated that they had talked to the Plan Checker under the recently approved permit and they only need to add smoke alarms.

Ms. Hung asked if the notification letter that was sent out on June 6<sup>th</sup>, 2006 was only advising the neighbours that there was a change in the entrance to the Church for the guests. Ms. Dolfo-Smith said that they had sent out a couple of communications. They sent out one in May 2005 advising the whole neighbourhood about the programs that the Church was providing. The June 6<sup>th</sup> letter was sent mostly to the neighbours on 10<sup>th</sup> Avenue, due to the guests entering the Church from 10<sup>th</sup> Avenue, and they were invited to a meeting to voice any concerns they might have with regards to the programs. Ms. Hung asked if the May 2005 letter was advising the neighbourhood of the development application and new construction as well as the programs the Church was offering. Ms. Hung also asked if there were any concerns expressed from the neighbours. Ms. Dolfo-Smith said they sent out a description of the programs and didn't receive any concerns from the May 2005 letter. Ms. Gotts added that after a meeting, a couple of the neighbours on the Broadway side expressed concerns about cigarette butts and some noise issues and so they put out some containers and no other complaints were received.

Mr. Scobie noted that twenty years ago the Church was giving out food and offering services to those in need but not on the scale that it is today. Since the church had been providing outreach for two decades, Mr. Scobie asked the Church when the nature of that activity progressed to the point where it was no longer an accessory use to the Church and became a principal use of the property or whether the Church believed it was still integral to and accessory to the Church. Ms. Gotts said that these programs are a fundamental part of the mission of the Church; caring for those in need in the community is a key part of their mission.

Mr. Scobie asked Ms. Potter, Project Facilitator, if she was present in discussion with Mr. Michaels over the issue of whether this should be considered a "social service centre" application or could be considered an "accessory use" and wanted to know what Mr. Michaels thought was the threshold that had been reached where this was no longer considered an accessory use to the Church. He suggested a number of churches in the city offer services to those who are in need. Although not the same services as this Church offers. Mr. Scobie asked how many of those would be considered a "social service centre" and were they required to obtain City approval or would they be considered "accessory use"? Are there other churches that will have to come forward for this approval? Mr. Scobie noted that the restaurant at Kits Beach was determined to be an "accessory use" to the park so he questioned what determined this to not be an "accessory use" to the Church but a separate use, a "social service centre" use.

Mr. Adair replied that there isn't a clear line. Social service centre is defined in the By-law. The premises are used by non-profit societies to provide aid. The activity the Church is providing does fall within the definition. In this particular case they looked at the fact the Church is providing three separate programs which cater to participants beyond the immediate congregation of the Church. It was determined that because of the scale of activity in terms of the number of people, there was a decision to call it a separate principal use and saw it as a way to create a management plan so if issues did come up with the neighbourhood there would be a permit and a management plan which would be better for the neighbourhood.

Mr. Scobie asked how many other churches, mosques or temples might be offering the same types of services without approval as a "social service centre" and whether the City was needlessly starting to invoke the social service centre use in considering this application. Mr. Scobie asked if the City needed to do this procedurally. Mr. Adair stated that this might be

something that is discussed at other levels in terms of clarification of the By-law. Mr. Adair stated that in this particular situation, with the amount of response from the neighbourhood, it was felt that what was needed was for the Church to go through this process. Mr. Scobie asked how many churches, mosques, and temples in the city might be offering these types of services? Ms. Kloppenborg, Acting Director, Social Planning replied that there are twenty churches throughout the city offering meal programs once a week but it wasn't known if they were also offering shelter. Ms. Graves added that there are three or four churches or temples in the city that are providing overnight shelter and they consider themselves to be a traditional use where they are providing sanctuary from the street.

Ms. Dolfo-Smith added that the Church's position is that this use is not a separate social service use but is part of the Church use in caring for the poor and they consider the guests as part of the congregation.

Mr. Acton asked if the City has the right to define this or whether the Church might nonetheless continue to provide these services considering it's the right thing to do and possibly legally sanctioned under the freedom of religion protectiveness of our national Charter of Rights and Freedoms. Mr. Scobie pointed out that this was a hypothetical question and wasn't pertinent to the application before the Board.

Ms. Hung asked about the scope of the program in relationship to the other programs the Church offers. She wanted to know how many services were offered during the week and if they had a daycare. Ms. Gotts replied that the Church has eleven hundred people who attend the two services on Sunday morning. The average number for dinner on Monday evening is around 100 to 120 people, and the Oasis lunch has around 70 people. There are gatherings at the church for special events which will have up to a couple hundred people and concerts may have 500 people. The Oasis program and Out of the Cold program are by no means the largest gathering of people. The Church also has a daycare program for thirty-five children. The Church has programs running most nights including the Alpha program which is a Christian education program with 20 to 70 people attending and programs for ages 18 to 24 year olds, as well as a Seniors Program during the day. The Church is actively used during the week.

Mr. Scobie asked if the We Care Daycare was approved under separate development permit. The reason he asked was that originally day care started informally in churches but that use soon attracted regulation. He felt that may be where we are going with this application. Mr. Scobie stated that he was not convinced that we need or should go there and wanted to make sure everyone understands that this appears to be the first time a church has come forward where it has been determined that what they offer requires approval for a separate principal use as a social service centre.

#### Comments from other Speakers

The following delegations spoke in support of the application:

Shalene Wray  
Steven Ng  
Keven Stevens  
Ron Laviolette  
Kay MacIntosh  
Margaret Bryner  
Don Cowie  
Robert Wheelhouse  
Lutz Scheler

Dominic Gauthier  
Syd Benjamin  
Marilyn Hogan  
Don Prentie  
Harry Henderson  
Melody Munro  
Valerie Eldemen  
Natalie Porter  
Vania Levans

Comments in support included:

- Programs offered have zero tolerance for drugs;
- lot of need for these programs in the area;
- who else is going to care for the people;
- programs don't have the negative impact on the neighbourhood suggested by some;
- the programs are effective and well run;
- doesn't cost anything to be nice to people;
- a place like the Alliance Church is a "taste of paradise";
- programs offered extend a helping hand and provides comfort;
- church is providing a safe place for people who don't have enough;
- church is patrolling the area;
- even if the program wasn't there the crime would still be there because it's a commercial corridor;
- Block Watch Program is good idea;
- grateful that her neighbourhood is facing up to the problem of homeless;
- feels safer from having such caring people in the neighbourhood; and
- hasn't been hassled in the neighbourhood or by the people who attend the program.

The following delegations spoke in opposition to the application:

Andrew Lynch  
Marjorie MacLean  
Barbara Buchanan  
Bill Campbell  
Richard Harrison  
Mary Beth Knechtel  
Greg Sundstrom  
Andre Pekovich  
Jie Chen  
Peter Silin  
Susan Raposo  
Patrick Golier  
Robert McNutt  
Lori Young  
Brendan McLaughlin  
Tony Tam  
Marilyn Bell

Comments in opposition included:

- isn't a proper balance between the wishes of the Church and the needs of the neighbourhood;
- this program is the wrong program in the wrong area;

- the program is impacting the neighbourhood negatively;
- doesn't resolve the matter of homelessness;
- sense of safety and security in the neighbourhood has diminished;
- the City seems to be off-loading programs to the Church and wants all the problems to be gone by 2010;
- the Church is not capable of providing professional help to those served by its programs;
- need to take some steps with risk management;
- the draft management plan does not provide any plan to ensure the safety of the neighbours;
- feels like the neighbours are being discounted;
- doesn't address the homelessness and poor;
- places an unfair burden on this neighbourhood;
- in the last two or three years more people seem to be hanging around;
- draws a large cross section of people into the neighbourhood; and
- without a patrol long after the program is over every evening is setting the neighbourhood up to fail.

The Board took a 20 minute recess during the hearing of public delegations from 7:25 PM to 7:45 PM.

#### Panel Opinion

Mr. Francl thanked everyone who came out to the meeting and stated that it has been a very moving experience as he hadn't been to a Development Permit Board meeting like this one. Mr. Francl added that he had never been homeless. He has had his home and car broken into and he lives in Point Grey. Mr. Francl stated that he had tried to find the right balance between the value of the services provided to the needy by the Church and what others had said regarding the fear and unhappiness brought by the Church to the neighbourhood. He recommended support for providing social services on the Church's site and asked that the Church take measures to mitigate adverse affects to the neighbourhood. He recommended a broader patrol or monitoring regarding the activity after the meals or when guests leave the church. He felt that Condition 1.1 c. should be enlarged to increase the area monitored by staff after dinner. Mr. Francl congratulated the Church on the work being done as a worthwhile endeavour and noted that there isn't adequate funding for these services through our governments.

Mr. Acton commended all the speakers on both sides and mentioned that historically homeowners have expected to be able to enjoy a good quality of life in their own community. Mr. Acton stated that while charity should be allowed to run its course it should also be appropriate to the size and scope for the neighbourhood and it may be warranted to have people who are trained to provide these services. He felt that the poor and homeless should be offered shelter and the majority of people who attend these programs are there for a dinner and a bed. Clearly there is a lack of support from government which has forced this type of program onto a Church. He would direct Staff to come up with policy to define where the line is and what is the appropriate level of charity offered by a Church before it becomes a social service program. Mr. Acton pointed out that churches are always going to offer this type of support. Mr. Acton noted that the monitoring plan doesn't seem to be sufficient nor does it satisfactorily address the concerns of the neighbours. He would like to see Staff, the Church and neighbours reach a consensus to see what the neighbourhood can handle. Mr. Acton stated that he can't recommend support of this application until the policy is drafted.

Mr. Scott found the evening gut wrenching and not the usual building issues he deals with on a day-to-day basis. He stated that he asked himself the question about what he would do if he lived across the street from the Church. He indicated he owns two businesses in the neighbourhood and is aware of the homeless and crime issues in the area. Mr. Scott stated that one can't separate the church from the social services they provide and thinks they do good things with many positive elements. Certainly the development process has raised awareness in this neighbourhood. Mr. Scott felt the management plan needs to be put into place and its development is important as it could change with a dialogue with the community. He would like to see neighbours sitting on the Board at the Church as it is in everyone's best interest. He realizes that although the Church is addressing issues it has also caused some problems. Mr. Scott stated that he supports the application and encouraged staff to get the neighbours involved as this is a good program for the neighbourhood.

Ms. Nystedt stated that she didn't know why this application was before the Development Permit Board. She also stated that she would approve the application as churches have always helped the needy. Ms. Nystedt added that if the restaurant on Kits Beach is an accessory use customarily ancillary to the park then certainly the services provided by this Church are accessory to and customarily ancillary to the approved church use. She acknowledged the neighbours who have embraced the Church's programs and are volunteering to help. Ms. Nystedt lives in Kitsilano and has had her car stolen and has also had her house broken into countless times including finding a man in her daughter's bedroom. She said there are poor and disadvantaged people all over the city and if the government is disorganized we should not refuse the efforts of those who provide these kinds of services. She noted that people who really care about this kind of work get in the trenches to help. She sees a serious disconnect in the neighbourhood and encouraged the neighbours to put out their hands to help the Church.

Ms. Hung acknowledged that there is a great problem with drugs and homelessness and felt it was not fair to attribute the crime and problems in the neighbourhood to the activities of the church. She noted that the Church has been providing these programs since the 1960s. Ms. Hung stated that she is in support of the application and does not regard this as a principal use but as an accessory use. She noted that twenty-five fewer people will be sleeping in the parkades and parks on the nights that the Church offers their overnight program. Ms. Hung stated that a principal use is a stand alone program so she regards this application as an accessory use; without the Church the program would not function. Ms. Hung encouraged the Church to work with Social Planning and to also work with the community.

### Board Discussion

Mr. MacGregor thanked the residents for coming to the meeting and acknowledged that more discussion needs to happen. He stated that it is impossible to set up a program that everyone would agree with. Mr. MacGregor noted that we are all part of the city and groups need to find a middle ground to resolve any issues. A correlation between the church activities and the problems in the neighbourhoods has not been proven. He pointed out that the Church doesn't appear to be working together with the community. As homelessness and drug problems are not going to go away, refusal of this application is not an option. Mr. MacGregor encouraged the Staff to provide assistance to come up with a management plan that will work for the Church and the neighbours. Mr. MacGregor stated that he would move approval, with a number of amendments.

Mr. Jenkins stated that he had heard the concerns and comments from all the speakers and believes that permit approval is warranted in this case. He questioned whether these were the right programs, suggesting that they probably were not but they serve a need. He also has

concerns about crime in the neighbourhood and would like to see an effective management plan as the current draft plan still needs a lot of work. Mr. Jenkins encouraged the Church and the community to work in partnership. Mr. Jenkins supported the application with the amendments put by Mr. MacGregor and noted that the implementation must be effective or the permit will not be renewed.

Mr. Judd supported the motion with the amendments and noted that this is not the perfect program but noted that for the time being it is the program we have. He encouraged the Church to work with the community as he felt they have a responsibility to the neighbourhood. He would like to see the community and the Church doing joint patrols and encouraged the Church to organize the program.

#### Motion

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

THAT the Board APPROVE Development Application No. DE409943, in accordance with the Development Permit Staff Committee Report dated September 13, 2006, with the following amendments:

Amend recommended motion to read: on a *two* year temporary basis;

Amend 1.1 a to read: confirm numbers served each *month*;

Amend 1.1 b to read: effectiveness in *addressing* impacts;

Amend 1.1 c to read: specify that the areas to be monitored by staff and volunteers will include the block from Ontario Street to Manitoba Street, and from the lane to Tenth Avenue, and the small park on Manitoba Street, south of West 10<sup>th</sup> Avenue, *as a minimum, with expansion if required as part of the Management Plan*;

Amend 1.1 by adding f to read: *review of the Management Plan operation with the Church after each 6 months from permit issuance with adjustments to meet any deficiencies to the satisfaction of the Director of Planning, Director of Social Planning, and the Director of the Housing Centre, in consultation with the community.*

Amend A.2.1 to read: for the period of *two years* from date of issuance.

#### 5. OTHER BUSINESS

There being no further business, the meeting adjourned at 10:10 PM.

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L. Harvey  
Assistant to the Board Chair

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F. Scobie