
1575 HOMER MEWS (COMPLETE APPLICATION)
DE410905 - ZONE CD-1

RRS/TC/SB/LH

DEVELOPMENT PERMIT STAFF COMMITTEE MEMBERS

Present:

B. Boons (Chair), Development Services
M. Thomson, Engineering Services
T. Driessen, Vancouver Park Board
V. Morris, Social Planning

Also Present:

R. Segal, Urban Design & Development Planning
T. Chen, Development Services
S. Barker, Development Services
M. Schwark, Engineering Services
C. Tapp, Social Planning

APPLICANT:

Walter Franci Architects
1684 West 2nd Avenue
Vancouver, BC
V6J 1H4

PROPERTY OWNER:

Concord Pacific Group Inc.
900 - 1095 West Pender Street
Vancouver, BC
V6E 2M6

EXECUTIVE SUMMARY

- **Proposal:** To develop a floating marina with docks and facilities for 22 boats; a 75 m² marina accessory building on a new float; a bridge and landing connecting the marina to the seawall; glass gate enclosures to maintain security; and off-street parking and loading located off-site.

See Appendix A Standard Conditions

Appendix B Standard Notes and Conditions of Development Permit

Appendix C Processing Centre - Building comments

Appendix D Plans and Elevations

Appendix E Applicant's Design Rationale

Appendix F View Analysis

Appendix G Form of Development approved-in-principle at Oct. 22, 2002 Public Hearing

Appendix H Public Hearing Minutes and Appendix A from Public Hearing Report

Appendix I False Creek North Official Development Plan (Figure 8)

Appendix J Minutes from Development Permit Board meeting of March 27 & 28, 2006 (previous DE409930)

Appendix K Letter outlining Development Permit Board conditions of approval for previous DE409903

- **Issues:** Neighbourhood issues around public and private views, neighbourhood character, parking and loading, environmental impacts and other concerns.

- **Urban Design Panel: Not Reviewed**

DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATION: APPROVE

THAT the Board APPROVE Development Application No. DE410905 as submitted, subject to Council approval of the final form of development, the plans and information forming a part thereof, thereby permitting the development of a floating marina with docks and facilities for 22 berths, a 75 m² marina accessory building on a new float, a bridge and landing connecting the marina to the seawall, glass gate enclosures to maintain security, and off-street parking and loading located off-site, subject to the following conditions:

- 1.0 Prior to the issuance of the development permit, revised drawings and information shall be submitted to the satisfaction of the Director of Planning, clearly indicating:**
 - 1.1 that a name and contact information for complaints to the marina management be identified and posted on an on-going basis for community information.
- 2.0 That the conditions set out in Appendix A be met prior to the issuance of the Development Permit.**
- 3.0 That the Notes to Applicant and Conditions of the Development Permit set out in Appendix B be approved by the Board.**

• **Technical Analysis: CD-1 (366) By-law**

	PERMITTED (MAXIMUM)	REQUIRED	PROPOSED
Site Size ¹	-	-	irregular
Site Area ¹	-	-	10 093 m ²
Floor Area ²	Moorage area: 4 410 m ² Marina Building: 75 m ²	-	Moorage area: 4 410 m ² Marina Building: 75 m ²
Height ³	5 m (16.4 ft.)	-	4.267 m (14.0 ft.)
Parking ⁴	-	11	On-site: 0 Off-site (secured): 11
Loading ⁵	-	Class B: 1	On-site: 0 Off-site: - Class A (secured): 2 - Class B: 1
Bicycles	-	Class A: 1 Class B: 6	Class A: 1 Class B: 6

¹ **Note on Site Size and Site Area:** This site is Lot 249 in False Creek and comprises three separate parcels, tied together as a “hooked site”. The western-most parcel is where the marina is proposed. The site size shown in the table is the area of all three parcels. Standard Condition A.1.2 seeks clarification of the hooked sites with respect to any possible subdivisions by the applicant.

² **Note on Floor Area:** The Form of Development approved-in-principle by Council on October 22, 2002 imposed technical limitations for the marina and approved a maximum marina moorage area of 4 410 m² and a maximum marina building at 75 m² for Sub-Area 5, Site G.

³ **Note on Height:** Although the CD-1 (366) By-law makes no reference to the maximum height of the marina building and only specifies a height of buildings to 110 m, the Form of Development approved-in-principle by Council on October 22, 2002 imposed technical limitations for a marina building height to a maximum of 5 m for Sub-Area 5, Site G. Notwithstanding that the proposed height is less than 5 m, the Development Permit Board previously approved a condition to lower the height of the marina building to a maximum of 14 ft.

⁴ **Note on Parking:** No parking spaces are provided on this site; however, eleven (11) parking spaces for the exclusive use of the marina are to be located on the P1 underground level of the development at 1500 Homer Mews (Tower 1K, Lot 250). See Standard Engineering Conditions A.1.1 and A.1.5. Engineering Services staff support a relaxation of the location of these off-site parking spaces (at a distance exceeding 45 m from the site they are intended to serve). See Engineering Services commentary on Page 9.

⁵ **Note on Loading:** Off-street loading has not been provided on this site. As a requirement of the rezoning in 2002, the applicant is to provide two (2) off-site Class A loading spaces (to be secured by agreement) at 1500 Homer Mews. See Standard Conditions A.1.1 and A.1.5. In addition, the applicant has proposed one (1) surface Class B loading space on Homer Mews to serve the marina. See Standard Engineering Conditions A.1.6 and A.1.7. Engineering Services staff support the relaxation of on-site loading to zero spaces. See Engineering Services commentary on page 9.

• **Legal Description**

Lot: 249 Rem
Block: False Creek, Group 1
Plan: LMP30177
District Lot: 185

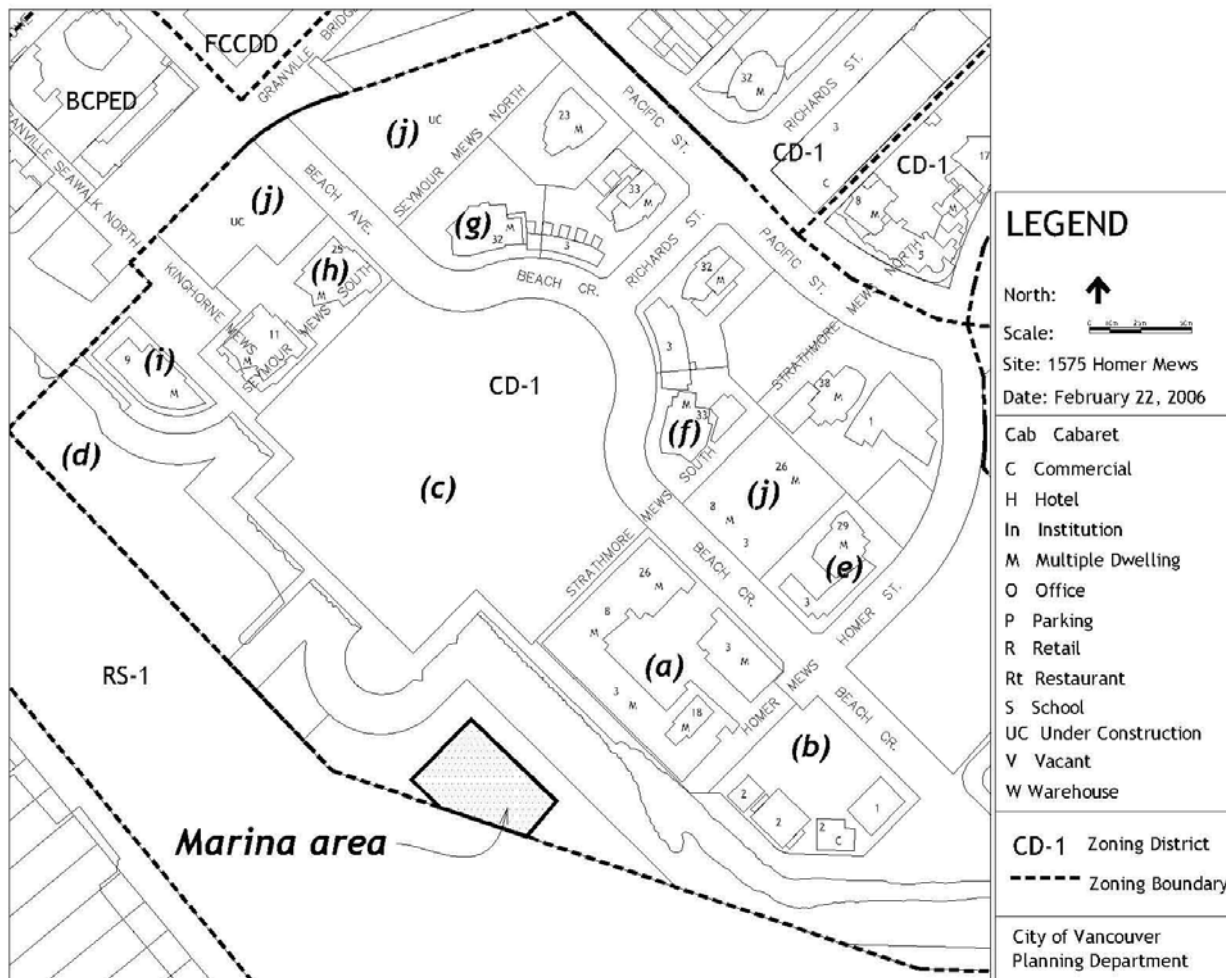
• **History of Application:**

06 Nov 24 Complete DE submitted
07 Feb 28 Development Permit Staff Committee

• **Site:** The site is located within CD-1 (366) in the Beach Neighbourhood, on the water lot at the foot of Homer Mews.

• **Context:** Significant adjacent development includes:

- (a) 400 Beach Crescent (King's Landing), 24 and 18 storey residential towers, occupied
- (b) 1500 Homer Mews (The Erickson) 17 storey residential tower, under construction
- (c) George Wainborn Park, completed
- (d) False Creek Yacht Club
- (e) 1499 Homer Street (The Waterford), 28 storey residential tower, occupied
- (f) 455 Beach Avenue, 31 storey residential tower, occupied
- (g) 583 Beach, 31 storey residential tower, occupied
- (h) 600 Beach, 24 and 11 storey residential towers, occupied
- (i) 628 Kinghorne Mews, 9 storey mixed use, occupied
- (j) Non-market housing sites



• **Background:** Rezoning of the lands comprising Beach Neighbourhood was approved in 1996. Most of the residential towers are now occupied, with the exception of the non-market developments, and the waterfront project currently under construction on the site farthest east (1500 Homer Mews). Following a Public Hearing in October 2002, Council approved a text amendment to include Marina Use as a conditional use in the CD-1 By-law, and approved in principle a form of development (Appendix G). Council also established the parameters for the marina with respect to number and size of berths, footprint and square footage of the marina moorage area and parameters for the marina building with respect to floor area and height (Appendix H).

The Development Permit Board previously approved a similar application (DE409903) for a 22-berth marina on this site on March 28, 2006 subject to a number of conditions (Appendices J and K). This approval was subsequently overturned in accordance with Board of Variance decision #Z32147 on June 28, 2006 (third party appeal of the decision of the Development Permit Board). Subsequently, a new development application (the subject application) was submitted with the marina design responding to the conditions of the previously overturned Development Permit Board approval.

• **Applicable By-laws and Guidelines:**

1. False Creek North Official Development Plan:

Section 3.2.9 provides for marinas as illustrated on Figure 8 (Appendix I of this report), having regard to the following principles:

- Some uses ancillary to marinas, such as repair facilities and parking, should be accommodated at unobtrusive locations;
- Some space within marinas should be reserved for visitors;
- Marinas should be of a size, number and location to: maintain street-end views and key long views across the water; not overcrowd the water, especially the central basin; and, minimize on-shore disruption;
- Marinas should not disrupt pedestrian continuity;
- Services, such as parking and loading, should be located to be functional and convenient to marina users; and
- Opportunities for public boat launching should be achieved.

2. Beach Neighbourhood CD-1 By-law (366), No. 7675:

Marina Use is a permitted use in the By-law. The current By-law does not specify any technical parameters for such use, but staff have assessed the project based on the technical parameters established at the Public Hearing of October 22, 2002, as slightly modified at the November 7, 2002 Enactment of the CD-1 By-law (#4 below).

3. Beach Neighbourhood (500 and 600 Pacific Street) CD-1 Guidelines:

At the October 22, 2002 Public Hearing, Council instructed staff to amend the CD-1 Guidelines to reflect the addition of a marina at this location. This housekeeping amendment will be undertaken once higher priority work has been completed.

4. Council Resolution, Public Hearing October 22, 2002, modified at Enactment, November 7, 2002:

"THAT the application by Pacific Place Developments Corp. to amend CD-1 By-law No. 7675 (#366) for Beach Neighbourhood (Area 1B) at 500 Pacific street to add a marina sub-area, generally as presented in Appendix A of the Policy Report entitled "CD-1 Text Amendment: Beach Neighbourhood (Area 1B) - 500 Pacific Street Marina" dated September 17, 2002, be approved subject to any changes necessary to accurately reflect a proposed form of development, generally as prepared by Peter Busby and Associates Architects Inc., and stamped "Received, City Planning Department, July 31, 2002", further amended as of September 05, 2002, and further amended at the Public Hearing of October 22, 2002, as illustrated in the October 22, 2002, schematic prepared by Busby & Associates Architects, and titled

"Concord Area 1 Rezoning Granville Marina", (herein collectively called the "Form of Development Schematic")." [The October 22, 2002 schematic is attached to this report as Appendix G].

5. Design Development conditions of rezoning enactment:

a) design development to the marina configuration and lay-out to maximize public views from the adjoining seawall public walkway and nearby George Wainborn Park; aspects to review include, and are not limited to:

- maintaining the east-west orientation of the float spines;
- locating the larger moorage berths at the eastern end of the spine which is adjacent to the shore;
- limiting the berths for the spine adjacent to the Harbour Headline to smaller berths;
- limiting the number of ancillary floating service buildings to one, limiting its width, length and height and providing transparency where building function permits it; and
- not locating any berths or floating building in the Homer Street-end view corridor.

• Response to Applicable By-laws, Guidelines, Approved Form of Development and Design Conditions:

1. False Creek North Official Development Plan (FCNODP)
2. Beach Neighbourhood CD-1 By-law

Use, Density, Height: The proposed marina use, including one ancillary floating marina building, its floor area (75 m²), height (4.267 m), and marina footprint (4 410 m²) all conform with the FCNODP and CD-1 By-law.

3. Beach Neighbourhood CD-1 Guidelines
4. Council Rezoning Resolutions and Approved-In-Principle Form of Development
5. Rezoning Design Development Conditions

Form of Development: The proposed marina layout is consistent with the Form of Development that was presented at Public Hearing on October 22, 2002 (refer to Appendix G). The number and size of boats and marina position, layout and area are all consistent with the Form of Development drawing approved-in-principle at Public Hearing. Further, all items in the Rezoning Design Development Conditions (see above and Appendix H, page 4 of 12) have been addressed, including measures to open up the view to the water within the marina by relocation of the north-south linking float from its previous westerly location to the middle of the marina, and in addition, reserving the berths at the southwest portion for sailboats only (See Development Permit Board Condition B.2.6)

• Response to Development Permit Board Conditions of March 27, 2006 and March 28, 2006:

- 1.1 *design development to the floating marina ancillary building to be no greater in width (east-west) than that presented in the approved-in-principle Form of Development (Oct.22, 2002) AND lowering its height from 4.875 m (16 ft.) to 4.25 m (14 ft.) AND cutting back the size of the roof by one-third where it covers the terrace;*

Note to Applicant: The proposed width of 36 ft. should be reduced to 31 ft., with the east face of the building no farther east than in the approved-in-principle Form of Development.

Applicant Response: "The Marina Accessory Building has been redesigned to conform to the prior-to requirements: Maximum width of 31'-0" and maximum height above the float is 14'-0". The eastern face of the proposed building is approximately 0.9 m west of the eastern wall of the approved-in-principle Form of Development. The roof overhang on the south side of the building has been reduced from 26'-0" to 15'-7"; a reduction of 40%".

Staff Assessment: The marina accessory building has been reduced in width and height and its position adjusted to comply with the Development Permit Board's condition. The proposed accessory building is lower and slightly west of what was approved-in-principle at the Public Hearing in 2002.

- 1.2 *design development to consider the technical feasibility and, if found to be technically feasible to orient the access ramp perpendicular to the seawall, as shown in the approved-in-principle Form of Development, to the satisfaction of the Director of Planning and General Manager of Engineering Services AND in any event to minimize the scale of the ramp and landings;*

Applicant Response: "Having examined all technical factors, it was determined that the ramp could be oriented 30 degrees from perpendicular to the seawall. Two alternatives were investigated; a 45 degree angle ramp and a ramp perpendicular to the sea-wall. Both ramp options tie into the sea-wall at the closest point to the end of Homer Mews due to Fire Department access constraints. The 45 degree ramp was preferred by the owner from an operational standpoint. The straight (perpendicular) ramp, by virtue of the water depth at this location, must be longer than the angled ramp (78 ft. versus 65 ft.), resulting in a larger structure with greater visual opacity when seen from the sea-wall and increased structural loading of the sea-wall. Shallow water to the south of the marina accessory building float prevents the installation of a landing float at this location, therefore, the straight ramp must be extended to reach the marina building float. The straight ramp was considered to be less desirable because it exposes the back of the marina accessory building to public access and possible security/safety concerns. The deeper structure demanded by the longer straight ramp would prevent non-motorized boat users from paddling under the ramp at mid-to high-tide conditions, thus forcing them to paddle their small boats in the commercial shipping lane more frequently than the shorter angled ramp would require them to do. The 30 degree angled ramp, proposed, satisfies all the concerns noted above while adhering as closely as possible to the original approved form of development. The area of the top landing has been reduced by 48%. The area of the ramp float has been reduced by 76%".

Staff Assessment: After review of relevant aspects, staff agree that technical and functional factors prevent a perpendicular orientation of the ramp. The reorientation of the ramp from the previous 45 degree to a 30 degree alignment is supported as are the proposed reductions in landing and ramp float which meet the intent of this condition.

- 1.3 *design development to the marina services float area to make it as small as practical with most functions moved to a location on the deck south of the marina ancillary building; and to screen wherever it is located all equipment, garbage, recycling bins storage to minimize the appearance of clutter from the seawall;*
- A.1.2 *design development to locate, integrate and fully screen any emergency generator, exhaust or intake ventilation, electrical substation and gas meters in a manner that minimizes their visual and acoustic impact on open space and the Public Realm;*

Applicant Response: "The Marina Services Float area has been reduced by 25%. Mechanical and electrical services have been moved to the marina accessory building where feasible. Mechanical services will be accommodated on site and connected to municipal services via Building '1J' located at 1515 Homer Mews. These services will be located in mechanical and electrical closets in the marina accessory building or on the marina floats within screened enclosures. Garbage and pump-out services, electrical transformers and marina equipment located on a marina services float will be screened from view by an obscured glass wall approximately 5 ft. high.

Staff Assessment: Staff are satisfied that the various measures taken address all concerns raised in the above conditions.

1.4 *confirmation that all necessary approvals from all regulatory authorities, as represented at the Burrard Inlet Environmental Review Committee (BIERC), and others as required, will be obtained prior to any development on the site;*

Applicant Response: "All required approvals and permits, including those from the City of Vancouver, will be obtained prior to the development of the marina. This will most likely include approvals and permits from BIERC (Burrard Inlet Environmental Review Committee), Department of Fisheries and Oceans, Environment Canada, Ministry of Environment, Transport Canada, and the Vancouver Port Authority"

Staff Assessment: The commitments stated in correspondence received from Concord Pacific Group satisfy this condition. See also Condition B.2.2.

1.5 *that the "lounge" be re-identified specifically as "marina accessory building" on all drawings and documents;*

Applicant Response: "The marina accessory building has been appropriately identified on all drawings."

Staff Assessment: The condition has been satisfied.

1.6 *that noise mitigation measures be implemented for pumps and related machinery in the marina;*

Applicant Response: "The pump will be fully enclosed in an acoustically insulated casing to mitigate any negative sound impact it may have on the neighbourhood." The applicant has included a letter from Inner Harbour Technologies Inc. which states "The Enviro Pump L Unit has very little environmental impact when in operation. The pump dB measures below 70dB. The motor dB level is below 50 dB. The Enviro Pump L System when under full load will only reach a dB level of a maximum 80dB. We will custom fit the lid assembly to be rubber seated, further reducing the vibration that may cause noise."

Staff Assessment: The condition has been satisfied.

1.7 *that a name and contact information for complaints to the marina management be identified and posted on an on-going basis for community information;*

Applicant Response: "Concord Pacific will permanently post contact information for complaints at the top of the ramp leading to the proposed marina at 1575 Homer Mews. This will allow local residents and the general public to properly voice their complaints".

Staff Assessment: The commitments stated in correspondence received from Concord Pacific Group address the intent of this condition. However, as the detailed information necessary to satisfy this condition has not yet been provided, this requirement has been carried forward as Recommended Condition 1.1.

B.2.6 a minimum of four (4) marina berths shall be designated for sailboats at the southwest corner of the marina;

Applicant Response: "In order to protect the view corridor south across False Creek from Promontory Point, the four (4) western most 35 ft. berths will be reserved for sailboats only."

Staff Assessment: The applicant has indicated the above information on the appropriate application drawings. B.2.6 will continue to form a condition of the Development Permit.

● **Conclusion:** Conditions of the rezoning and the previous Development Permit Board approval have been satisfied in this new development application. A number of technical and legal agreement items remain to be finalized. Staff recommend approval subject to the conditions in this report.

URBAN DESIGN PANEL

The project was not reviewed by the Panel.

ENGINEERING SERVICES

At the rezoning stage, Engineering Services staff calculated the marina's need for parking based on the standard Parking By-law requirement, and concluded that 11 spaces for a 22-berth marina would be adequate at this location, since it is expected that at least some of the boat owners will be drawn from the residents of the adjoining Beach Crescent community and, thus not require separate parking. These 11 parking spaces have been secured off site (at 1500 Homer Mews) as a condition of the rezoning. (Standard Engineering Condition A.1.1) While the marina site and the parking host site are within 45 metres, the actual walking distance between the marina and the parking area exceeds 45 metres and, as such, requires relaxation approval. Staff support this relaxation since the site at 1500 Homer Mews is the only practical site available to host the spaces and, as important, the distance to the parking is comparable with, or closer than, that found at most other marinas. Providing the parking at a closer location as open surface parking would be less acceptable to the public; thus, the solution proposed is the best achievable.

The applicant has proposed one Class B loading space located off-site on Homer Mews. This loading space has been proposed in addition to the two Class A loading spaces previously secured off-site by covenant at 1500 Homer Mews as a condition of the rezoning (Standard Engineering Condition A.1.1) There is no authority provided in the Parking By-law to relax the requirement that loading spaces be provided on-site, and therefore, this application technically seeks a relaxation of the required off-street loading spaces to nil. Engineering Services staff support this relaxation as the Class B Loading space proposed on Homer Mews is at the location closest to the marina without posing operational or safety concerns, nor undue impacts to pedestrians and cyclists. Nevertheless, staff do not support release of the requirement for two (2) Class A loading spaces prescribed from the rezoning, such that these spaces must also be provided in order to address peak demand periods. However, given this higher level of loading provision, staff encourage the shared usage of the surface Class B loading space with the residents of 1500 Homer Mews (Standard Engineering Condition A.1.6)

There is a No Development Covenant registered on title that originated from the zoning by-law enactment of the Concord Area 1A (Lot 267) and Area 1B (Lot 249) Marinas. This covenant is to secure, among other things, the provision of five (5) permanent visitor berths, public amenities comprised of a visiting boater information/referral centre, pump-out station, laundromat/toilet facilities for visiting

transient boaters, alteration to the proposed ferry dock facility at David Lam Park to provide wheelchair accessibility and a Statutory Right of Way and pedestrian walkway through the adjacent provincially owned property. Registration of a Statutory Right of Way over Lot 161 and 167 is the only outstanding legal agreement required to satisfy the No Development Covenant (See Standard Engineering Condition A.1.4). An encroachment agreement was registered to allow the Area 1B Marina to occupy portions of City roads along the Shoreline Protection Works and to connect to the seawall, and will allow the City to access Marina 1B for inspection, maintenance and replacement of Shoreline Protection Works.

The recommendations of Engineering Services are contained in the prior-to conditions, noted in Appendix A, attached to this report.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

There are no issues.

PARK BOARD

Park Board staff acknowledge that the impact of the proposed marina on public views from the adjacent park and seawall has been reduced in this application by lowering the height of the marina building, reducing visual clutter on the floats, and creating a westerly boat entry into the marina.

ENVIRONMENTAL PROTECTION BRANCH

The applicant must comply with the three conditions outlined in the letter dated June 24, 1999, by Ron Driedger, Deputy Director of Waste Management, Ministry of Environment, Lands and Parks (now known as Ministry of Environment). Occupancy will be held until an issuance of a Confirmation of Compliance from the Province of BC for the subject site (Condition B.2.1). Further, this development will also require the approval of the Burrard Inlet Environmental Review Committee (BIERC) (Condition B.2.2)

PROCESSING CENTRE - BUILDING

Staff from Processing Centre-Building and Fire and Rescue Services have previously visited this site to assess the feasibility of meeting the code requirements as outlined in Appendix C. A preliminary assessment and discussions with the applicant concluded that the Homer Mews extension has been built to accommodate the requirements for the City's largest fire vehicle. (See #4, Appendix C). Verification of this will be required by the applicant's structural professional. Fire and Rescue Services are satisfied that the surface loading space provided on Homer Mews will not compromise Fire Department access to the site provided that a minimum 6 metre wide access lane is maintained. The applicant is urged to review with their code consultant the other items listed in Appendix C, and to seek early feedback on how these items can be addressed.

The applicant is responsible for ensuring that the design of the building meets the Building By-law requirements. The options available to assure Building By-law compliance at an early stage of development should be considered by the applicant in consultation with Processing Centre-Building staff.

To ensure that the project does not conflict in any substantial manner with the Building By-law, the designer should know and take into account, at the Development Application stage, the Building By-law requirements which may affect the building design and internal layout. These would generally include: spatial separation, fire separation, exiting, access for physically disabled persons, type of construction materials used, fire fighting access and energy utilization requirements.

Further comments regarding Building By-law requirements are contained in Appendix C attached to this report.

VANCOUVER COASTAL HEALTH AUTHORITY

The VCHA advises the applicant to take note of the following:

Detailed drawings of the marina and associated amenity spaces are to be submitted for review by the Environmental Health Division for compliance with Section 7 of the Health By-Law #6580 (Marinas) prior to the building permit stage.

The garbage storage area is to be designed to minimize nuisances.

NOTIFICATION

One site sign was placed facing the seawall at this site on January 18, 2007. On January 23, 2007, 1,247 letters were sent to neighbouring property owners advising them of this application. In addition, 83 letters (57 letters by mail and 26 letters by e-mail) were sent to members of the public which had expressed a written opinion on the previous application at this location (DE409903). Concord Pacific has indicated that they have provided the City's notification letter to a total of 59 pre-purchasers within the defined notification area who would not yet be on the City's mailing list. Concord Pacific has also indicated that all of these pre-purchasers are for units within the "Erickson" building located at 1500 Homer Mews.

45 households submitted written responses regarding this application (44 in opposition and 1 in support). A letter was also received from the managing agents for Strata Corporation BCS1589 (158 units of "King's Landing") representing the strata's position with respect to the application. A summary of these comments is as follows:

Form and scale of development and associated impacts:

- The marina accessory building and boats (especially larger vessels over 60 ft. in length) would negatively impact existing views and reduce the aesthetics and liveability of Beach Neighbourhood. Particular views affected include:
 - public views of the open water from the seawall;
 - public views from George Wainborn Park, particularly from the promontory looking eastward down False Creek (the current view is uncluttered);
 - private views, particularly from the King's Landing townhouse units and those units on the lower levels;
- The accessory building is not a visually appealing design, and is still too large;
- False Creek currently contains an excessive number of marinas;
- This marina will create additional vehicular and pedestrian traffic in an already congested neighbourhood, and to the existing traffic circle which already provides vehicular access to the developments at 400 Beach Crescent and the future development at 1500 Homer Mews;
- A marina at this location would create additional congestion and navigational hazards in False Creek, especially with large boats that would be competing for space with smaller non-motorized boats in the narrow channel;
- The quality of the neighbourhood, as experienced by a very large number of residents and visitors, would be negatively affected so that a very small number of marina users will benefit;
- The posting of contact information for resolution of neighbourhood problems is not an effective strategy;
- Since this marina location is not protected from the prevailing wind, boats will create a hazard in windy conditions; and

- Noise will be created from vessels, mechanical equipment in the accessory building, and users of the boats. Boaters will increase litter in the area, and motorized boats will create exhaust fumes.

Environmental Impacts

A number of respondents expressed a concern over direct and indirect environmental impacts of a marina at this or any location. These concerns include:

- Air pollution resulting from motorized vessels having a negative effect on people and birds in the area;
- Engine oil leakage from motorized vessels and general debris from marina use having a negative effect on marine life in False Creek; and
- A new marina for motorized vessels would contribute to global warming.

Parking and Loading

Many respondents expressed a concern with how the parking and loading requirements have been addressed by the applicant. Specific concerns included:

- The required and provided number of parking spaces (11) are insufficient to meet the demand of a marina of this scale;
- The off-site parking provided underground at 1500 Homer Mews, and off-site surface loading space on Homer Mews are both located too far from the marina berths;
- The location of the surface loading space on Homer Mews will add to the congestion of the existing traffic circle at Homer Mews, thus creating a more dangerous and crowded area for users, and impacting Fire Department access to the site; and
- A single surface loading space will be insufficient to handle the peak periods for marine boats to load and unload (during the early morning and evening), and will increase congestion in the circle when marina users require loading space simultaneously.

Process Issues

Some respondents expressed a concern about the process by which the site was rezoned in 2002, and more recently, how this application does not respect Board of Variance decision #Z32147 of June 28, 2006. Specific concerns included:

- The public benefits package approved by Council in 2002, in exchange for allowing a marina at this site, was too heavily slanted in the developer's favour;
- Neighbourhood residents did not have the opportunity to provide input to City Council at the Public Hearing for the rezoning;
- The applicant had misrepresented details during the rezoning and previous development permit process;
- City staff did not provide written notification letters to a broad enough area of owners that may be affected by this proposal;
- City staff rely on the developer to notify their pre-purchasers of this application, and as a result, some affected future residents may not have been fully informed of this proposal; and
- The Board of Variance quashed the previous development application due to a relaxation required to the Parking By-law, and the parking/loading provisions have not changed in this application.

Suggested Revisions

A number of respondents offered suggested revisions should the development application be approved. These include:

- Allow only smaller boats for the marina (only boats under 50 ft. to 60 ft. in length);
- Increase the minimum required number of sailboats, and locate sailboats where sightlines are most valuable;
- Limit the marina berths to a single row of smaller boats;
- Permit only wind powered boats to the marina;

- Relocate the surface loading space from Homer Mews to within the building at 1500 Homer Mews;
- Require that the actual distance of the off-site parking spaces be located within 45 m of the marina berths;
- That the city instead approve an expansion of the FCYC (as previously approved by City Council in 1999); and
- Reduce the height of the visual buffer for the service float in order to reduce visual impact and allow more views of the water.

Staff Response: While staff appreciate the range of concerns expressed, it is clear that Council, after careful consideration, approved-in-principle a specific Form of Development at Public Hearing on October 22, 2002. The proposal contained in this new development application is consistent with that Form of Development. The previous Development Permit Board decision of a similar application (DE409903) contained a number of design development conditions which the subject application has addressed. These include a reduction to the marina accessory building volume, alteration to the ramp and landing area, and various improvements to equipment and service components in order to minimize or eliminate noise and visual clutter.

Staff consider these improvements to have addressed all substantive issues and concerns resulting in a marina that will be as neighbourly as possible.

DEVELOPMENT PERMIT STAFF COMMITTEE COMMENTS:

The Staff Committee has considered the approval sought by this application and concluded that with respect to the Zoning and Development By-law it requires decisions by the Development Permit Board.

With respect to the decision by the Development Permit Board, the application requires the Development Permit Board to exercise discretionary authority as delegated to the Board by Council.

With respect to the Parking By-law, the By-law gives the Director of Planning authority to consider relaxations of the Parking By-law with regard to the provision of off-street parking and loading spaces. This By-law also gives authority to the Development Permit Board to act on behalf of the Director of Planning.

This application seeks the following relaxations to the Parking By-law provisions:

1. Required off-street loading spaces: There is no authority provided in the Parking By-law to relax the requirement that loading spaces be provided on-site, in order to allow off-site loading spaces. Therefore, the application technically seeks a relaxation of the off-street loading spaces to nil [per Section 3.2.1(c) of the Parking By-law]. In considering a relaxation of the required on-site, off-street loading spaces to nil, the Board is reminded that arrangements were previously made, under Council instruction, to legally secure the provision of two (2) Class A off-street loading spaces located off-site, as a condition of rezoning approval. These two (2) Class A loading spaces have been previously secured by covenant off-site at 1500 Homer Mews, and the subject application indicates the provision of an additional one (1) Class B off-street loading space on Homer Mews.

Section 3.2.1(c) of the Parking By-law states:

3.2.1 - "The Director of Planning, in the exercise of his jurisdiction, may relax the provisions of this By-law, except for the number of disability parking spaces required under section 4.8.4 for cultural and recreational uses, churches, chapels, places of worship, or similar places of assembly, in any case where literal enforcement would result in unnecessary hardship relating to any of the following:

(c) the number of off-street parking spaces, loading spaces, passenger spaces, or disability parking spaces required or permitted";

2. The location of off-street parking spaces: The number of parking spaces proposed (11) complies with the requirements of the Parking By-law. The By-law does provide for discretion in allowing off-street parking spaces to be located off-site [Section 3.2.1(d)], provided the distance is not more than 45 metres from the development the spaces serve [Section 4.6.3, referencing Section 4.6.1]. In the application before the Board, the parking spaces are located more than 45 metres from the marina. In considering a relaxation of the location for off-site, off-street parking spaces, the Board is reminded that arrangements were made, under Council instruction, to legally secure all required parking spaces for the marina to be located off-site, as a condition of rezoning approval. The application indicates that provision will be made for eleven (11) off-street parking spaces, in the location legally secured per the Council rezoning decision, being more than 45 metres in distance from the marina they are to serve.

Sections 4.6.3 and 4.6.1 of the Parking By-law state:

4.6.3 - CD-1 Districts:

"Unless otherwise provided in any specific CD-1 By-law, the number of parking spaces

required or provided in CD-1 Districts shall be located in accordance with Section 4.6.1 or, if the site is within the heavy black outline on Map 4.3.1, in accordance with Section 4.6.2."

4.6.1 - R, C, M, I, FSD and DEOD Districts:

"All off-street parking spaces required or provided in R, C, M, I, FSD and DEOD Districts, shall be located on the same site as the development or building they are intended to serve, except that spaces accessory to uses other than dwelling uses may be located on another site within 45 metres from the development or building they are intended to serve, subject to the approval of the Director of Planning and provided they are secured by means satisfactory to the Director of Planning"

Section 3.2.1(d) of the Parking By-law states:

3.2.1 - "The Director of Planning, in the exercise of his jurisdiction, may relax the provisions of this By-law, except for the number of disability parking spaces required under section 4.8.4 for cultural and recreational uses, churches, chapels, places of worship, or similar places of assembly, in any case where literal enforcement would result in unnecessary hardship relating to any of the following:

(d) the location of off-street parking spaces relative to the site they are intended to serve";

Staff Committee support the relaxations to the Parking By-law noted above, and agree that the form of development shown in this new application is generally consistent with that approved in principle by Council in October 2002.

B. Boons
Chair, Development Permit Staff Committee

R. Segal, MAIBC
Senior Development Planner

T. Chen
Project Coordinator

Project Facilitator: S. Barker

DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATIONS

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

A.1 Standard Engineering Conditions

A.1.1 confirmation to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services that Covenants BA71431 and BA71432 and Statutory Right-of-Way BA71433 secure 11 parking spaces and two (2) Class A loading spaces for the proposed marina;

Note to Applicant: The charge summary provided (item xxviii) is not clear in this regard, and if confirmation is not possible, then arrangements for the securing of 11 parking spaces and two (2) Class A loading spaces shall be required.

A.1.2 clarification required if subdivision of this portion of the "hooked" Lot 249 is intended;

A.1.3 arrangements shall be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services to confirm, post construction, that all encroachments (marina ramp and all attachments including bicycle racks) as permitted under Easement and Indemnity Agreement BA71425 are built in accordance with the document or modification of the document if required;

A.1.4 removal of the No Development Covenant registered on Lot 249, LMP 30177, District Lot 185, by satisfying the following outstanding item:

- Registration of a Statutory Right of Way for the pedestrian walkway over Lots 161 and Lot 167 to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services;

A.1.5 provision of a copy of the approved plan from DE408703 (1500 Homer Mews) indicating the location of the off-site parking and loading spaces designated for marina use and clarification of how these spaces are to be accessed by marina patrons;

A.1.6 provision of a Loading Management Plan for the Class B Loading space at Homer Mews;

Note to Applicant: Staff would support the shared use of this loading space with the residential building at 1500 Homer Mews.

A.1.7 arrangements shall be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services to add the City to Easement BX68667 and BX68668 so as to prevent its release;

Note to Applicant: Easements BX68667 and BX68668 secure access for Lot 249 to the Class B loading space at 1500 Homer Mews, but this access must be ensured through a Section 219 Covenant in favour of the City.

A.1.8 provision of further clarification of the solid waste management practices for this site to the satisfaction of the General Manager of Engineering Services, including details for the pick-up of garbage, and assurances the marina staff are informed to remove all bins from Homer Mews immediately following pick-ups;

A.1.9 arrangements shall be made to the satisfaction of the General Manager of Engineering Services, the Director of Legal Services and the General Manager of Fire and Rescue Services for appropriate Rights-of-Way to secure pedestrian access and access for emergency services personnel including vehicles and equipment over the portions of Homer Mews required to provide such access to the proposed marina.

B.1 Standard Notes to Applicant

- B.1.1 The applicant is advised to note the comments of the Processing Centre-Building, Vancouver Coastal Health Authority and Fire and Rescue Services Departments contained in the Staff Committee Report dated February 28, 2007. Further, confirmation that these comments have been acknowledged and understood is required to be submitted in writing as part of the "prior-to" response.
- B.1.2 It should be noted that if Conditions 1.0 and 2.0 have not been complied with on or before **October 10, 2007**, this Development Application shall be deemed to be refused, unless the date for compliance is first extended by the Director of Planning.
- B.1.3 This approval is subject to any change in the Official Development Plan and the Zoning and Development Bylaw or other regulations affecting the development that occurs before the permit is issuable. No permit that contravenes the by-law or regulations can be issued.
- B.1.4 Revised drawings will not be accepted unless they fulfill all conditions noted above. Further, written explanation, describing point-by-point how conditions have been met, must accompany revised drawings. An appointment should be made with the Project Facilitator when the revised drawings are ready for submission.
- B.1.5 A new development application will be required for any significant changes other than those required by the above-noted conditions.

B.2 Conditions of Development Permit:

- B.2.1 No occupancy for the site shall be granted until issuance of a Confirmation of Compliance from the Province of BC, for the subject site, is received.
 - B.2.2 The applicant is to note that approval of other jurisdictions, such as the Burrard Inlet Environmental Review Committee, the Ministry of Environment, Lands and Air Protection will be required, even if all City permit approvals have been obtained.
 - B.2.3 All approved vehicle parking, loading and unloading spaces and bicycle parking spaces located offsite shall be provided in accordance with the relevant requirements of the Parking By-law within 60 days of the date of issuance of any required occupancy permit or any use or occupancy of the proposed development not requiring an occupancy permit and, thereafter, permanently maintained in good condition.
 - B.2.4 Any phasing of the development, other than that specifically approved, that results in an interruption of continuous construction to completion of the development, will require application to amend the development to determine the interim treatment of the incomplete portions of the site to ensure that the phased development functions are as set out in the approved plans, all to the satisfaction of the Director of Planning.
 - B.2.5 Use of the marina accessory building shall not include overnight occupancies or scheduled events and/or gatherings.
 - B.2.6 A minimum of four (4) marina berths shall be designated for sailboats at the southwest corner of the marina.
-

Processing Centre - Building comments

The following comments have been provided by Processing Centre-Building and are based on the architectural drawings prepared by Walter Francl Architect, received on November 24, 2006, for this Development Application. This is a preliminary review intended to identify areas in which the proposal may conflict with requirements of the Vancouver Building By-law (VBBL) #8057, including provisions for Fire Fighting Subsection 3.2.5.

- 1.* Barrier-free access from the street to the marina building principal entrance and all common areas is required;
2. A fire alarm system is required in accordance with Sentence 3.2.4.1.(1).
- 3.* A fire hydrant is required within 45m of the Siamese connection.
- 4.* A street or access route designed to accommodate fire trucks is required to be extended, from the intersection of Homer Street and Beach Crescent, to within 3 and 15 metres of the marina building principal entrance.
5. Fire protection for the marina shall conform with NFPA 303 per Article 2.16.1.1 of the Vancouver Fire By-law, which includes the requirement for a Class II standpipe system.

*Items marked with an asterisk have been identified as serious non-conforming Building By-law issues.

Written confirmation that the Applicant has read and has understood the implications of the above-noted comments is required and shall be submitted as part of the "prior-to" response.

The applicant may wish to retain the services of a qualified Building Code consultant in case of difficulty in comprehending the comments and their potential impact on the proposal. Failure to address these issues may jeopardize the ability to obtain a Building Permit, or delay the issuance of a Building Permit for the proposal. Building Permit applications received after May 1, 2007 shall conform to Vancouver Building By-law #9419.
