



CITY OF VANCOUVER

P1

POLICY REPORT DEVELOPMENT AND BUILDING

Report Date: September 3, 2008
Author: Karen Hoese
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RTS No.: 07452
VanRIMS No.: 08-2000-20
Meeting Date: September 16, 2008

TO: Vancouver City Council
FROM: Director of Planning
SUBJECT: CD-1 Text Amendment at 322 Davie Street (Opus Hotel)

RECOMMENDATION

- A. THAT the application by Endall Elliot Associates, on behalf of Trilogy Yaletown Development Corp., to amend CD-1 By-law No. 7948 (reference No. 384) for 322 Davie Street (Lot 21, Block 76, DL 541, Plan 3469) to increase the maximum density and height to accommodate a rooftop restaurant be referred to a Public Hearing, together with:
- (i) draft CD-1 By-law amendments, generally as presented in Appendix A;
 - (ii) plans prepared by Endall Elliot Associates received January 16, 2008, represented in Appendix D; and
 - (iii) the recommendation of the Director of Planning to approve the application, subject to approval of conditions contained in Appendix B.
- B. THAT should the application be referred to a Public Hearing, the registered property owner shall submit confirmation, in the form of "Letter A", that an agreement has been reached with the registered owner of a suitable donor site for the purchase of heritage bonus density as described in this report.
- C. THAT Recommendations A and B be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;

- (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
- (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the foregoing.

COUNCIL POLICY

Relevant Council policies for this site include:

- CD-1 By-law No. 7948 (#384) for 1200 Hamilton Street (322 Davie Street), enacted November 17, 1998, amended up to and including By-law No. 8169, dated March 14, 2000.
- Yaletown policies are embodied in the HA-3 District Schedule (Yaletown Historic Area).
- Transfer of Density Policy and Procedure.
- Financing Growth (Community Amenity Contributions).

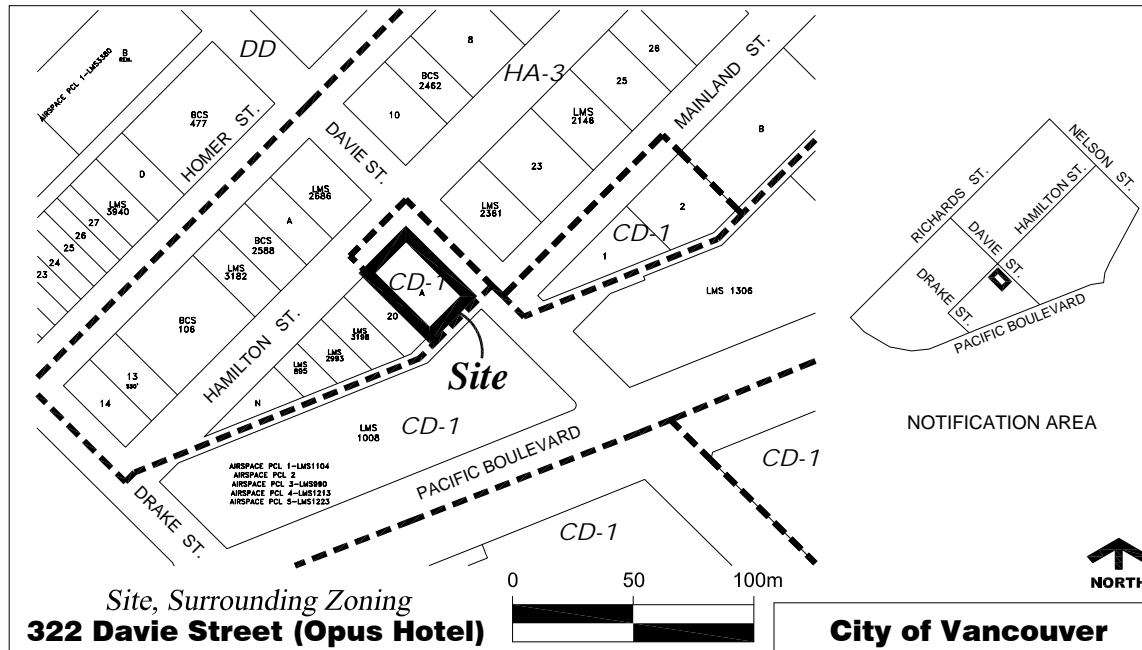
PURPOSE & SUMMARY

This report presents the staff assessment of an application to amend the CD-1 zoning for 322 Davie Street. The applicant proposes to add a seasonal 250-seat open-air restaurant on the rooftop of the existing hotel, including a food and beverage service area, seating areas and washrooms. Building code regulations regarding accessibility also require extension of the public and service elevators and a second stairwell to the rooftop. To accommodate the noted structures, an increase of approximately 700 sq. ft. of floor area and 12 ft. in height is proposed.

Staff recommend that, subject to conditions listed in Appendix B, the proposed amendment application be referred to a Public Hearing for approval.

BACKGROUND

Previous Rezoning: The rezoning of the site at 1200 Hamilton Street (322 Davie Street) from HA-3 (Yaletown Historic Area) to Comprehensive Development District (CD-1) was approved by City Council after the public hearing of June 25, 1998, permitting hotel development with a maximum FSR of 5.5. The HA-3 zoning limits a new building which includes only a hotel with commercial uses to 3.0 FSR; therefore, the additional density beyond this required rezoning which was achieved through a transfer of heritage density.



Site and Context: The 836 m² (9,000 sq. ft.) subject site is located on the southwest corner of Davie and Hamilton Streets in historic Yaletown. It is developed with the seven-storey Opus Hotel which includes 98 guest rooms, the 86-seat Elixir Bar and Restaurant and the 54-seat Opus Bar.

The site adjoins a three-storey building to the south-west that contains the Bar None Cabaret. Across Hamilton Street to the north-west is a seven-storey, mixed use commercial/residential building (the Murchie's Building). Across Davie Street to the north-east is a five-storey mixed-use commercial/residential building. Other buildings in the historic Yaletown area range from three to seven storeys. Across the lane to the south is a 23-storey residential tower with commercial at grade, built under CD-1 zoning. To the east of the site is Bill Curtis Square which will be the location of the new Yaletown-Roundhouse Canada Line station.

DISCUSSION

Density and Height: The maximum density permitted under the current CD-1 zoning is 5.5 FSR. The proposal to increase the maximum density by 683 sq. ft., thereby increasing the total floor area in the building from 49,500 sq. ft. permitted to 50,185 sq. ft. or from 5.5 to 5.58 FSR. As the proposed restaurant uses largely temporary structures, the additional floor area is for the provision of washrooms, and for the extension of the elevators and second stairwell to the rooftop.

The existing CD-1 limits the height on this site to 70.2 ft. or seven storeys, which is consistent with the Yaletown HA-3 zoning regulations regarding height. An increase of 12 feet to a maximum height of 82.2 ft. and 7.5 storeys is proposed to accommodate the structures noted above.

Urban design assessment has concluded that the proposed increases to the existing floor area and height do not result in significant view or shadowing impacts, nor do they result in the appearance of an eighth storey. Staff thus support the proposed increases in density and height.

Form of Development: The open-air restaurant sits on a raised platform above the roof deck to allow existing ductwork to be redirected to a mechanical enclosure located at the rear. A 5 foot high glass screen is proposed around the building perimeter and is set back from the parapet to reduce visibility from the street. The rooftop is divided into three functional areas: the area on the Hamilton Street side with approximately 135 seats including a bar area; the area on the south-facing side with approximately 86 seats; and the area on the Davie Street side with approximately 29 seats. It is intended that most of the fitments including the tables, chairs and removable umbrella-like structures will be dismantled and stored during the winter. Permanent structures include washrooms, a new exit stair and elevator access to the roof level.

The Urban Design Panel unanimously supported the application (see minutes Appendix C). The Panel also advised further design development to increase the height of the glass guard to reduce overlook from adjacent properties and to consider adding more greenery to the roof to improve screening of overlook. It was generally felt that issues regarding noise and overlook could be mitigated through good design.

Staff recommend that the proposed form of development be approved subject to conditions which seek additional design development at the development application stage (see design development conditions in Appendix B). The design conditions include the provision of screening and landscape elements to mitigate impacts of noise, privacy and overlook, as well as a lighting plan. Further, at the development permit stage, the applicant would be required to submit an acoustic study to demonstrate that the proposed rooftop restaurant does not exceed City standards for ambient noise levels, and to assess noise impacts on adjacent properties and recommend further noise mitigating measures.

Land Use: The proposed restaurant use is permitted under the existing CD-1 zoning as an accessory use ancillary to the hotel. However, due to the open nature of the restaurant concerns have been expressed about potential liveability impacts on adjacent residential uses, particularly with regard to noise. As such, restrictions similar to those that apply to sidewalk patios are proposed including the establishment of earlier mandatory closing times and restrictions on the use of acoustic or amplified music or entertainment, a time-limited development approval to allow for on-going monitoring by the City, and the signing of a Good Neighbour Agreement (see licensing conditions in Appendix B).

Further, a reduction in the number of restaurant seats is recommended. As part of this rezoning application, the applicant has proposed a seating capacity of 250 seats (based on a maximum occupancy load of 280). The applicant's rationale for this is provided in Appendix C. Based on factors outlined below, staff recommend as a condition of approval that the number of seats be limited to no more than 200.

- The Vancouver Police Department has provided comments that they do not support this application, and suggest that if the application is approved that it be for a more intimate smaller-scale restaurant (approximately 100 seats).

- Police and Licensing staff experience has shown a change in dynamic in establishments with a capacity of more than 200 seats, with increases in noise and disruption complaints. Licensing staff prefer that the seating capacity for Food Primary establishments that serve liquor not exceed 150 (this is the equivalent to Class 1 and Class II Liquor Establishments, beyond which additional impact reduction measures and other requirements apply).
- Significant concerns have been voiced by residents living immediately adjacent to the Opus Hotel rooftop regarding the noise that would be generated by this number of people in an open air setting. Comments received have suggested that a much smaller version of the proposed development with a maximum of 50 or 75 seats might be acceptable.

While staff considered a greater reduction of seats based on the concerns noted above, it is anticipated that together with the other proposed noise mitigations and the physical layout of the rooftop, that a maximum of 200 seats can be considered. If this number of seats proves problematic in the future, the maximum seating capacity could be further reduced through the time-limited development permit process.

Parking: At present, the 32 parking spaces are required and provided by the hotel operator for the existing uses. Parking is provided through a valet service. To address additional parking needs resulting from the addition of the rooftop restaurant, the applicant will be asked to provide a minimum of five additional valet parking spaces as well as other improvements to the valet parking operation of the hotel.

PUBLIC INPUT

A rezoning information sign was installed on the site on April 25, 2008, and a notification letter and invitation to a public open house, dated April 29, 2008, was mailed to 2291 surrounding property owners. The public open house was held on May 12, 2008 at the Opus Hotel. The applicant also held meetings with several of the strata groups from adjacent buildings.

There has been significant response from adjacent property owners in response to the application with comments from those in opposition focusing primarily on liveability impacts such as increased noise, traffic and privacy issues. Comments have also been received that support the concept of a rooftop restaurant in this area.

A more detailed summary of comments is provided in Appendix C.

COMMUNITY AMENITY CONTRIBUTION (CAC)

Financing Growth Policy anticipates the offer of a community amenity contribution from proponents for downtown rezonings, to mitigate the impacts of rezoning. As in the original rezoning for this site, a heritage density transfer is proposed as part of this rezoning which would increase the maximum floor area by approximately 65 m² (700 sq. ft.). The property owner and developer offer a CAC with a value of \$122,500 in the form of 175.1 m² (1,885 sq. ft.) of heritage bonus density to be transferred from a donor site.

With advice from the Director of Real Estate Services, staff support this offer and recommend that it be accepted through Council approval at Public Hearing of the condition set out in Appendix B.

FINANCIAL IMPLICATIONS

Approval of the report recommendations will have no financial implications with respect to the City's operating expenditures, fees, or staffing.

CONCLUSION

The proposed amendment to CD-1 By-law No. 7948 for 322 Davie Street will permit a relatively small increase height and density to accommodate a seasonal roof-top restaurant. The purchase and transfer 175.1 m² (1,885 sq. ft.) of heritage density meets a City objective to preserve heritage buildings. Neighbourhood concerns regarding noise, privacy and overlook have been considered and addressed through form of development conditions of approval. Planning staff recommend that the application be referred to a public hearing and that it be approved, subject to the conditions of approval set out in Appendix B.

* * * * *

322 Davie Street
DRAFT CD-1 BY-LAW PROVISIONS

Note: A draft by-law amendment will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

CD-1 By-law No. 7948 for 322 Davie (Opus Hotel) is amended as follows:

- Amendment to Section 3.1 Floor Area, to require that the floor space ratio must not exceed 5.58.
- Amendment to Section 4 Height, to require that the maximum building height must not exceed 24.4 m (80.2 ft.) or 7.5 storeys.

322 Davie Street (Opus Hotel)
PROPOSED CONDITIONS OF APPROVAL

Note: These are draft conditions which are subject to change and refinement prior to finalization of the agenda for the public hearing, to the satisfaction of the Director of Legal Services.

1. PROPOSED FORM OF DEVELOPMENT CONDITIONS OF APPROVAL

- (a) THAT the proposed form of development be approved by Council in principle, generally as prepared by Endall Elliot Associates in plans and stamped "Received Planning Department, January 16, 2008", provided that the Director of Planning or the Development Permit Board, as the case may be, may allow alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) THAT, prior to final approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning or Development Permit Board, who shall consider the following conditions:

Design Development

- (i) design development to reduce overlook from adjacent properties;

Note to Applicant: Consider view exposures from all adjacent properties, screening as appropriate to reduce visibility. Materiality, colour, texture and height of screening should be carefully considered to present an attractive, yet unobtrusive visual buffering from adjacent sight lines. The screening should be setback sufficiently from the existing parapet so as not to be visible from the street or detract from the existing roofline.

- (ii) design development to include a landscape treatment, adding substantially more greenery to the rooftop;

Note to Applicant: Landscaping will help to provide visual and acoustical buffering between neighbours and improve overlook. Landscaping should consider seasonal changes and be well maintained throughout the year.

- (iii) design development to provide a detailed lighting plan;

Note to Applicant: Ambient light levels should consider glare and minimizing impact on neighbours.

- (iv) design development to address sustainability, with sustainability features clearly identified on the drawings and in any supporting documentation;

Note to Applicant: Note in particular those features which relate to building energy consumption and solar gain, roofing materials, and rainwater systems.

- (v) design development to reduce the number of restaurant seats to 200;

Note to Applicant: Eliminating or reducing the group seating and providing more intimate seating will help to further reduce impacts.

- (vi) submission of an acoustic study to demonstrate that the proposed rooftop restaurant does not exceed City standards for ambient noise levels, and which assesses noise impacts on adjacent properties and recommends noise mitigating measures;

Licensing - Restaurant Use

- (vii) provision of a signed Good Neighbour Agreement prior to business license issuance;

Note to Applicant: The proposal will be subject to a time-limited Development Permit to allow for review of compliance and mitigation of noise, parking and other zoning issues. The development permit will include (but may not be limited to) the following conditions:

- the rooftop restaurant will cease all food and liquor services and vacate by 11 p.m.; and
- no amplified or acoustic music or entertainment will be permitted.

2. PROPOSED CONDITIONS OF REZONING APPROVAL

- (a) THAT, prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City, complete the following on terms and conditions satisfactory to the Director of Legal Services:

Charge Summary

- (i) the applicant shall provide to the City, at his own expense, a charge summary in form and content satisfactory to the Director of Legal Services;

Heritage Density Transfer

- (ii) secure the purchase and transfer of 175.1 m² (1,885 sq. ft.) of heritage bonus density from a donor site.

Note to applicant: "Letter B" in the City's standard format is to be completed by both the owner of the subject site, also referred to as the "receiver" site, and the owner of the "donor" site, and submitted to the City together with receipt(s) of heritage density purchase, including the amount, sale price, and total cost of the heritage density.

ADDITIONAL INFORMATION

1. Urban Design Panel:

The Urban Design Panel reviewed this proposal on June 4, 2008, and supported (8-0) the use, density and form of development.

EVALUATION: SUPPORT (8-0)

Introduction: Karen Hoese, Rezoning Planner, introduced the proposal to amend the CD-1 zoning for 322 Davie Street. The purpose is to increase the height and density to provide for an open air seasonal restaurant on the roof the Opus Hotel. An extension for the stairs, guest and service elevators is proposed along with the addition of permanent structures for washrooms. Seating is proposed for approximately 280 patrons. In the original approval for the site, there was a roof top amenity area on the Hamilton Street side proposed. The applicant plans to mitigate privacy and noise for the surrounding neighbours through screening devices and landscape elements.

Dale Morgan, Development Planner using the context model, described the surrounding developments noting there are a number of roof top uses which are primarily private roof top gardens. Mr. Morgan described the architectural plans for the roof noting that the parapet edge will be stepped back to preserve the existing cornice line as perceived from the street. There is to be minimal landscape treatment surrounding the wood deck which will improve the overlook from surrounding buildings.

Advice from the Panel on this application is sought on the following:

- Use: Is this an appropriate use for this particular rooftop, given the context and proximity to residential use? Is the proposed size a limiting factor?
- Comments are requested on the benefits and attributes of the proposed rooftop treatment as a visual and (potentially landscape) amenity to the surrounding neighbourhood.

Ms. Hoese and Mr. Morgan took questions from the Panel.

Applicant's Introductory Comments: Alan Endall, Architect, further described the proposal. He noted that they are trying to create a platform that allows for flexible arrangement of furniture that will be taken down for eight months of the year. It's meant to operate as an outdoor terrace that is an adjunct to the ground floor restaurant. Handicap access is being provided, including washrooms and storage facilities. Mr. Endall added that a good neighbour agreement has been in place since the hotel opened that will limit the hours of operation.

Mr. Endall took questions from the Panel.

Panel's Consensus on Key Aspects Needing Improvement:

- Design development to increase the height of the glass guard to reduce overlook from adjacent properties.
- Consider adding more greenery to the roof to improve screening of overlook.

Related Commentary: The Panel had no concerns with the proposed use and strongly supported the application for rezoning.

The Panel had some minor concerns regarding noise and overlook but thought those problems could be mitigated through good design. They thought the height for the glass rail was extremely important to help buffer some of the noise. The Panel members encouraged the applicant to consider making the roof useable throughout the year. One Panel member noted that the Sandbar restaurant on Granville Island and Earls on West Broadway have window wall systems that open up in the warm weather and thought something similar could be used to make the roof more useable.

One Panel member noted that the design shouldn't pander to the heritage character of the neighbourhood but should be more contemporary.

The Panel members suggested adding more green elements to the roof and one Panel member suggested collecting rain water for irrigation. One Panel member was concerned that lighting could be an issue for the neighbours.

One Panel member noted that Yaletown is a vibrant and noisy place with lots of restaurants and clubs already in the area. A couple of Panel members thought limiting the hours of use and having a good neighbour agreement would help to resolve any issues.

Applicant's Response: Mr. Endall thanked the Panel for their comments noting they were on the same wave length. He agreed that it was all in the details.

2. Comments - General Manager of Engineering Services

Engineering Services has reviewed the application and provides the following for inclusion in your report.

Engineering Services has no objection to the proposed rezoning provided the following issues can be addressed prior to by-law enactment.

Arrangements to the satisfaction of the General Manager of Engineering Services for improvements to the valet parking operation for the hotel to address impacts of the valet operations on the adjacent streets. Improvements to include the following:

- Expansion of the valet parking provision. (Provision of at least five additional valet parking stalls to address parking needs associated with the addition of the rooftop restaurant).
- Provision of a valet parking plan, which must show all vehicle manoeuvres and ensure that adequate circulation of vehicles is being provided.
- Incentives from the hotel to encourage patrons' use of nearby parkade parking by providing rebates of parking fees to customers.
- Provision of valet management plan and an Owner/operator commitment to meet the provisions of the plan.

Note: Payment-in-lieu is available for this area.

3. Comments - Vancouver Police Department

The Liquor Coordinator, Vancouver Police Department, provided the following comments on August 25, 2008:

The Police do not support the application for a 250 seat restaurant on the roof of the Opus Hotel at 322 Davie.

This area already has a high concentration of restaurants and bars which at times conflict with the number of residential homes built near them. At least with the present zoning all the patios are at ground level and must be closed by 11 p.m., this helps to mitigate the noise problems somewhat.

This applicant wants an outside restaurant on a roof top with residential buildings beside it. This can only lead to more noise/disturbance type complaints from residents in the area. The noise from 250 people being right beside you can be very disruptive. What type of noise mitigation factors could be installed that could quiet 250 people in an open air roof top setting? Present restaurants of that size are generally fairly noisy.

The Police may reconsider its opinion of the application if a more intimate smaller scale type restaurant with more restrictive operating hours was considered and applied for.

4. Comments - Building Code Specialist

The Building Processing Centre provided the following comments on August 19, 2008:

Regarding the above rezoning application, the following are comments with respect to the Building By-law based on a cursory review:

- The roof will need to be designed and fire rated for the intended occupancy.
- Two 1 100 mm wide exit stairs typically provide a maximum capacity of 274. The applicant should review their exit capacity. They can not have an occupant load greater than their exit capacity.
- The project is a vertical addition of another storey. This may require the building to incorporate high-rise measures.
- The Fire Fighter's elevator is required to go to the restaurant level.

5. Comments - Fire & Rescue Services

Fire and Rescue Services provided the following comments on April 15, 2008:

The applicant would have to apply to this office for an occupant load certificate and update the Fire Safety Plan. The area in question would require two means of egress from the roof. The applicant should meet with this office to discuss any other fire safety related issues.

6. Comments - Vancouver Coastal Health

In response to the preliminary rezoning enquiry, Environmental Health provided the following comments regarding noise mitigation (dated March 28, 2007);

- Because they are not of a solid composition, screening and landscape elements will not mitigate noise originating from an outdoor seating area. Distance, barriers and enclosures can be used to mitigate the impact from noise. The design of a roof top terrace should take these principles into account. Seating should be limited to the Hamilton Street face of the building away from residential buildings to the South. Design space to restrict line of sight opportunities using barriers (mechanical penthouse, washrooms, food/drink service area) between seating area and residential buildings. Blocking the line of sight will reduce transmission of noise.
- No amplified music, non-amplified music, or entertainment.
- No group seating
- Mandatory closing time of 11 p.m. - all customers gone, clean up complete and area locked down. No use by staff after this time.
- An acoustic study should be made available that demonstrates that this premises will not increase ambient noise level of the area with reference to the nearest residential property line/point of reception.

7. Public Notification & Input

A rezoning information sign was installed on the site on April 25, 2008, and a notification letter and invitation to a public open house, dated April 29, 2008, was mailed to 2,291 surrounding property owners. The notification area was bounded by Richards Street, Nelson Street and Pacific Boulevard.

The public open house was held on May 12, 2008 at the Opus Hotel with staff and the applicant team in attendance. A total of 45 people attended. In response to City's notification letter and the open house, 14 comment forms and 60 written responses were received, with 14 supporting and 59 opposing the application or with significant concerns about the proposal.

Between June and August, 2008, the applicant held meetings with several of the strata groups and residents from adjacent buildings (283 Davie Street, 212 Davie Street, 1216 Homer Street and 289 Drake Street) to hear resident's opinions and concerns with regard to the proposal. These meetings were attended by staff.

The applicant also posted a comment form on the Opus Hotel website, with all responses being directly forwarded to staff. In total, 219 responses were received, all in support of the application. Of those who responded, 40 lived within the City's notification area.

Summary of Neighbourhood Input:

Those opposing the application indicated the following concerns:

Increased noise: The most common comment was that the proposed restaurant use would result in significant noise impacts, including noise generated from the patrons and hotel staff, music and entertainment, and operational noise such as blenders and drink shakers. There were also concerns that the proposed 5 foot glass screen around the perimeter of the building would act to funnel noise upwards rather than containing it. It was noted that many of the adjacent buildings do not have air-conditioning and therefore rely on

open windows for ventilation, particularly in the summer, leaving them vulnerable to increased noise levels. Suggestions for mitigation included:

- restricting hours of operation to 10 p.m., rather than 11 p.m.;
- allowing no amplified music;
- providing effective noise screening;
- reducing the number of restaurant seats from the proposed 250;
- installing green landscape features to provide some sound absorption;
- eliminating the bar seating to downplay party space; and
- smaller seating clusters rather than the proposed larger lounge areas.

Privacy: The issue of privacy was also a very significant concern for residents living immediately adjacent to the hotel with. The proposed 5 foot glass guardrail was not felt to provide adequate screening. Many residents commented that the current proposal would allow unobstructed views into their homes, requiring them to keep their blinds permanently closed. Suggestions for privacy mitigations included the incorporation of greenery, particularly along the perimeter of the building, and/or a privacy wall designed in such a way to provide complete privacy to adjacent residents.

Increased traffic and parking impacts: There are concerns that a 250 seat restaurant would result in increased traffic and in more competition for the already limited parking in the area.

Increased light pollution: Several adjacent residents expressed concerns that the rooftop lighting may impact their units. It was recommended that any screening should be high enough to obscure lighting to ensure that lights do not shine into suites of adjacent residential units.

Other comments cited in opposition were:

- concern that the intent is to ultimately have a lounge or bar rather a restaurant;
- safety and security issues resulting from increased numbers of people on the streets, increased drunkenness and inappropriate behaviors;
- reduced property values;
- lack of City enforcement with regard to hours of operation and noise;
- concern that operations will be extended beyond the summer months;
- there are too many restaurants and patios already in the area;
- further changes to the zoning in this historic area should not be permitted; and
- concern about food preparation odors.

Comments from those in support of the application included the following:

- great amenity for tourists and Vancouverites, will enhance immediate area and Yaletown neighbourhood;
- type of venue Vancouver is lacking, not enough outdoor patio space for dining;
- fun and interesting addition to the entertainment/restaurants in the area;
- great use of currently underutilized space;
- proposal improves rooftop aesthetics;

- elegant architectural proposal;
- good fit with the neighbourhood;
- if we had wanted a “quiet” neighbourhood with total privacy we would have moved to the suburbs not Yaletown; and
- will result in new employment opportunities and new customer traffic to nearby businesses.

8. Applicant Comment

The applicant has seen a copy of this report and provides the following comments:

The applicant has reviewed the Director of planning’s report and is confident that, working with City staff, all but item 1(b)(v) of the Proposed Form of Development Conditions of Approval summarized in Appendix B can be addressed at the Development Application stage. The applicant has requested approval for a maximum patron seating capacity of 250, and a total maximum occupant load, including hotel and restaurant staff, of 280 people, as permitted by the Vancouver Building By-law.

Neighbourhood concerns of noise and loss of privacy associated with the proposed seating capacity are understood and appreciated, however, we believe that in addition to addressing the design conditions already suggested by staff, many of these concerns can be mitigated by the following factors;

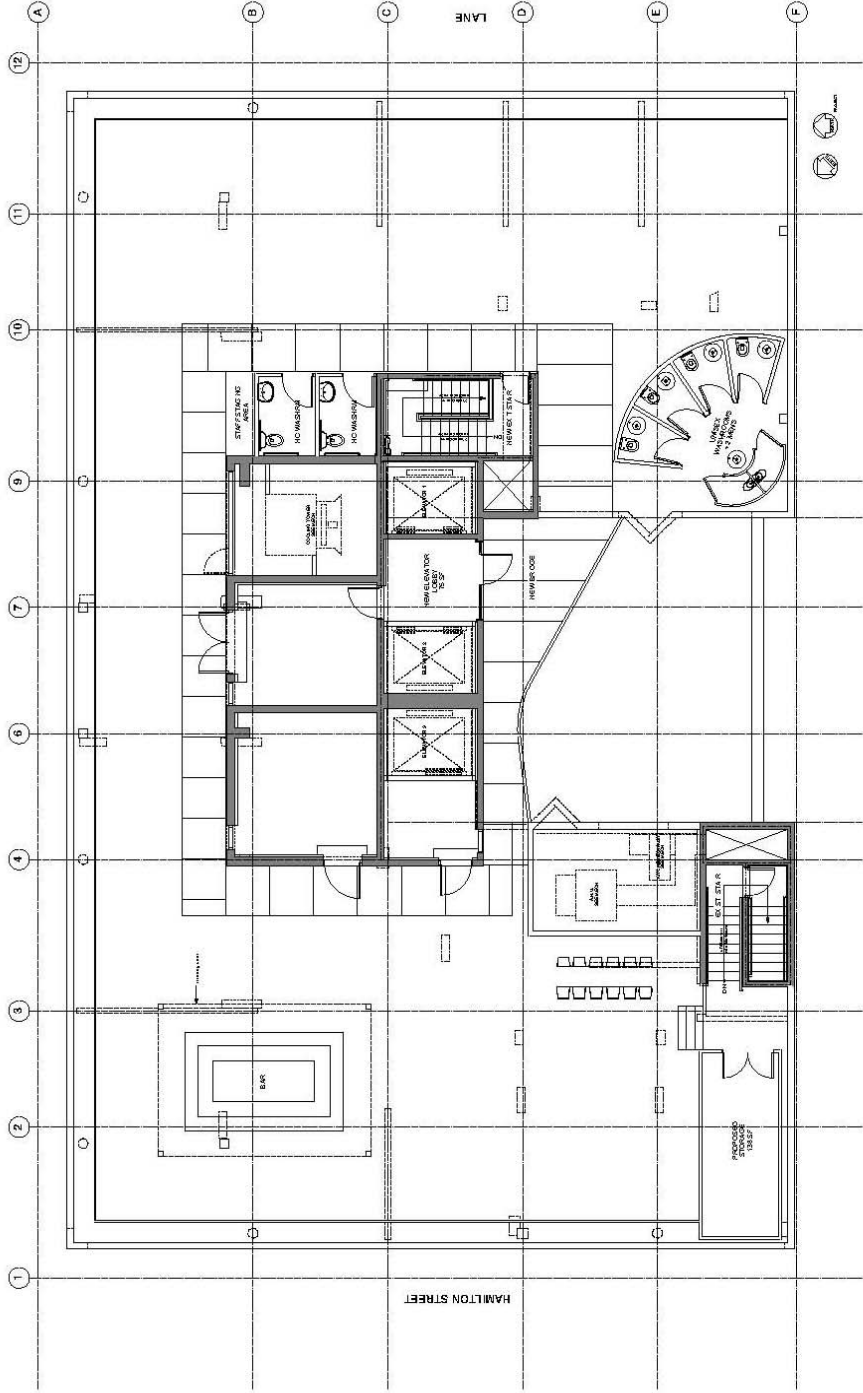
- With a total seating area of approximately 4,250 SF, the roof terrace is able to comfortably accommodate the seating capacity proposed. The terrace seating area is subdivided by the existing mechanical penthouse enclosure and light well into distinctly separate zones. Inherently, the restaurant patrons will be dispersed into smaller groups amongst the 3 primary seating zones when at maximum seating capacity. (the applicant is prepared to consider restrictions to the maximum seating capacity of individual zones, to a maximum total capacity of 250, to further alleviate concerns of noise associated with over crowding)
- Furthermore, it is anticipated that the restaurant terrace is very unlikely to function at full seating capacity on a consistent, day to day basis and smaller groupings of casual users, predominantly on the west portion of the terrace, are expected.

Given the seasonal aspect of the proposed development, and the costs associated with providing full elevator access, additional exit capacity, and other associated user facilities, the viability of the proposed roof top improvements is dependent on the operators’ capability to fully optimize patron use of the amenity.

In consideration of these factors, the applicant requests that item 1(b)(v) of the Proposed Form of Development Conditions of Approval summarized in Appendix B be deleted.

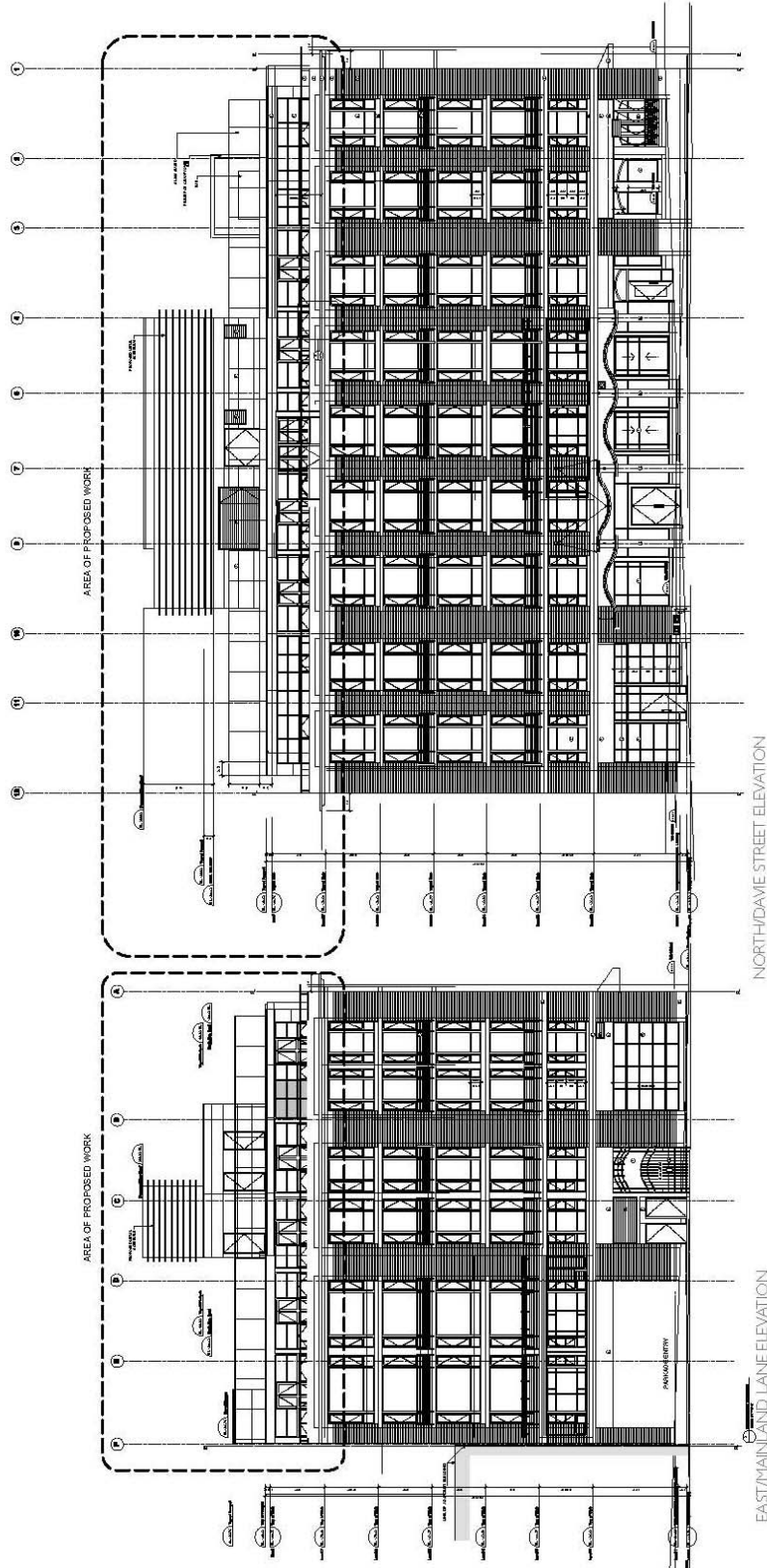
The applicant is committed to maintaining a good relationship with the neighbourhood and providing an elegant roof terrace environment and valuable neighbourhood amenity space through the operation of a sophisticated establishment in keeping with its current manner of hotel operations acknowledging that the principal business of OPUS Hotel Vancouver is the operation of a world-class hotel.

PROPOSED FORM OF DEVELOPMENT: ROOF PLAN | 4.5

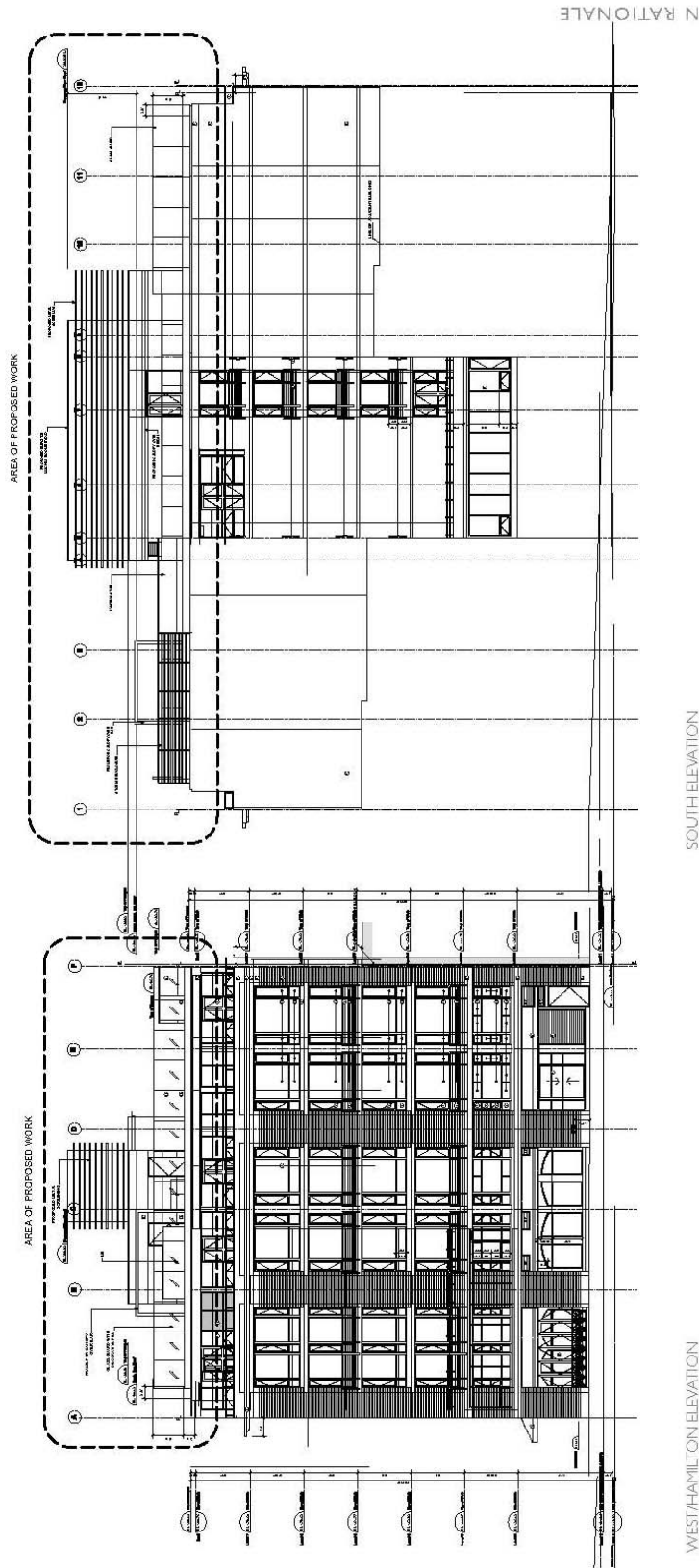


DESIGN RATIONALE

OPUS HOTEL ROOF DECK RE-ZONING APPLICATION



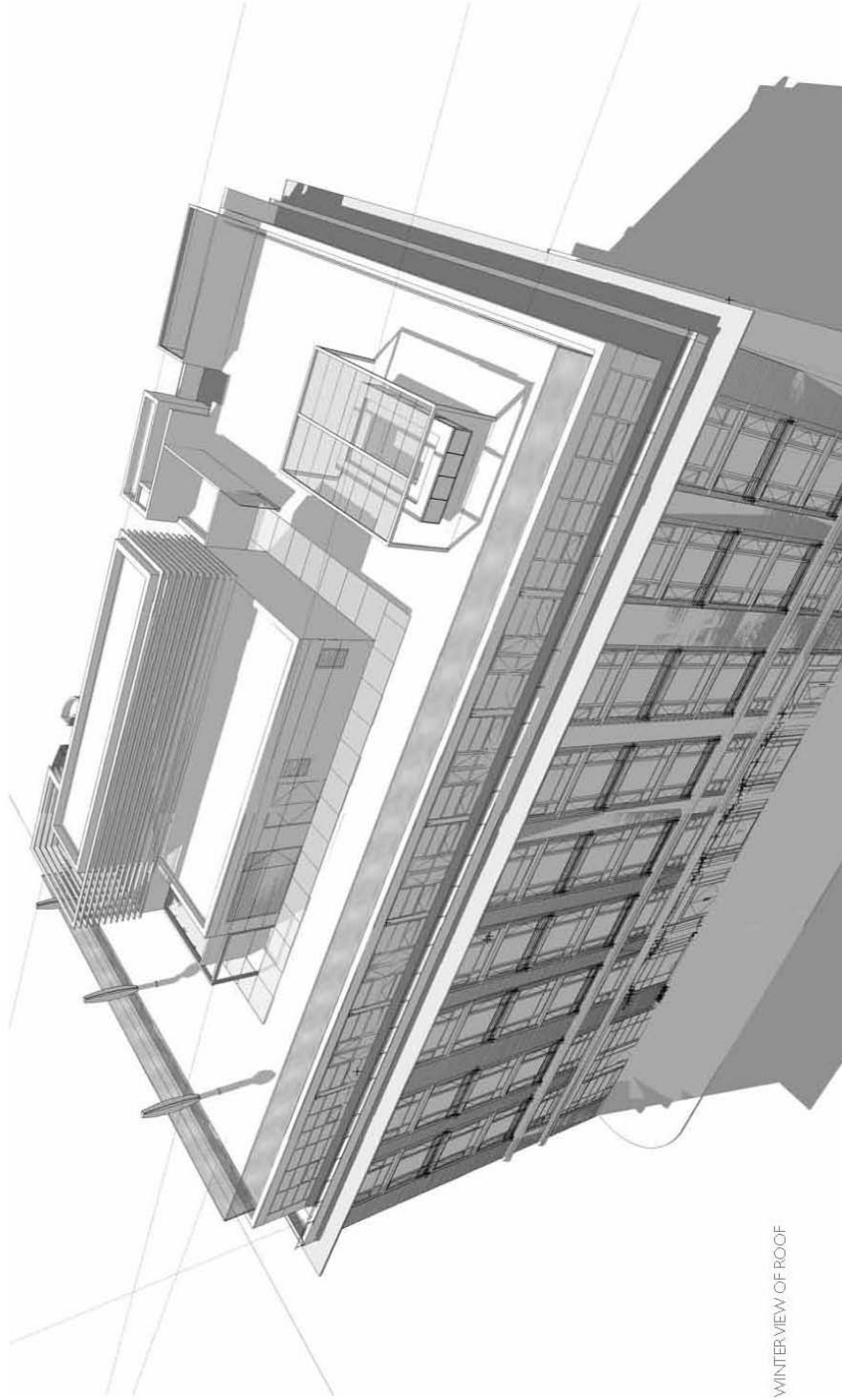
DESIGN RATIONALE



WEST/HAMILTON ELEVATION

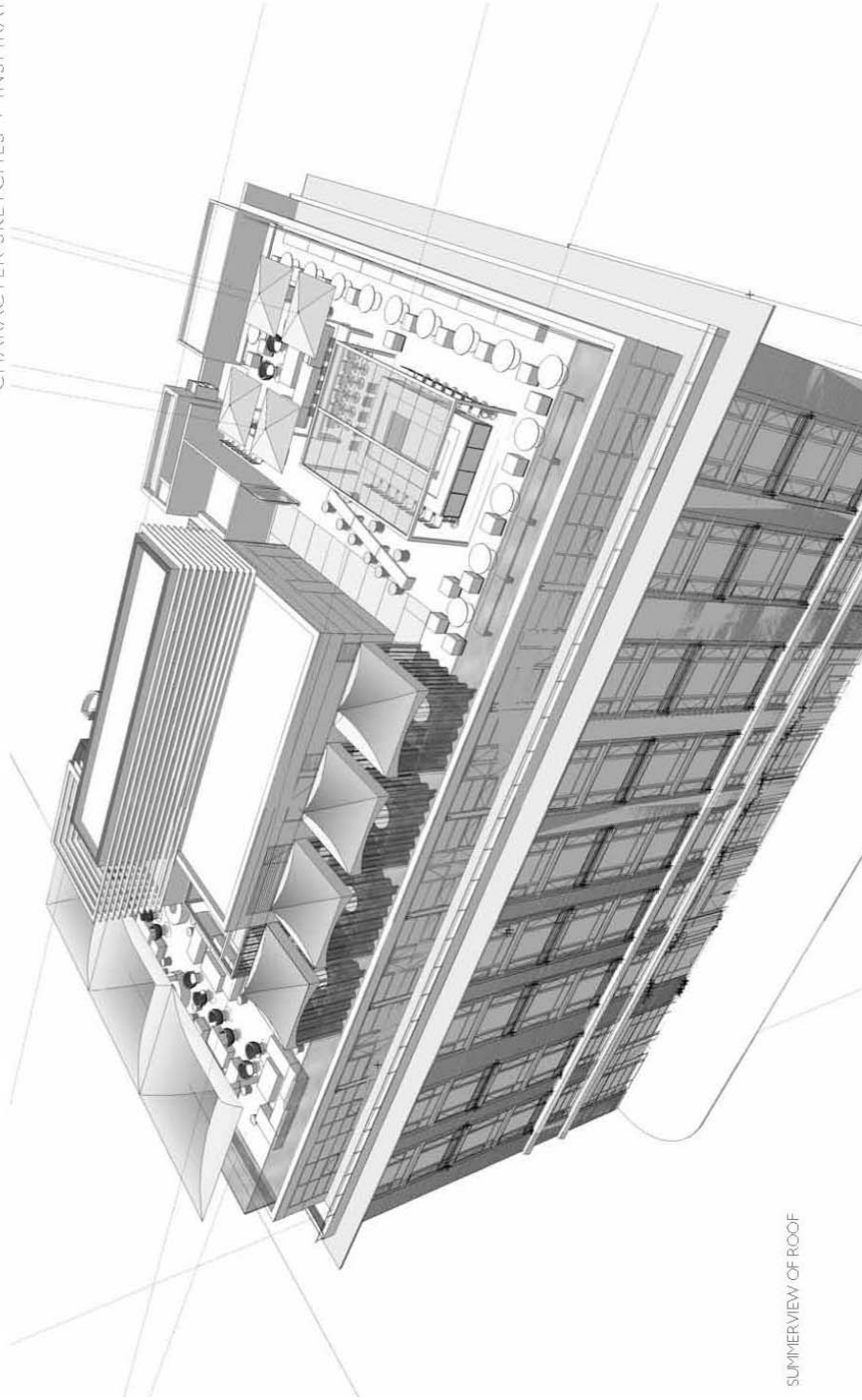
SOUTH ELEVATION

DESIGN RATIONALE



WINTER VIEW OF ROOF

CHARACTER SKETCHES + INSPIRATION | 4.6



DESIGN RATIONALE

SUMMERVIEW OF ROOF

28

OPUS HOTEL ROOF DECK RE-ZONING APPLICATION



APPLICANT, PROPERTY AND DEVELOPMENT PROPOSAL INFORMATION

APPLICANT AND PROPERTY INFORMATION

Street Address	322 Davie Street
Legal Description	Lot 21, Block 76, DL 541, Plan 3469
Applicant/ Architect	Endall Elliott Associates
Property Owner/Developer	Trilogy Yaletown Development Corporation

SITE STATISTICS

	Gross	Dedications	Net
Site Area	836.1 m ² (9,000 sq. ft.)	n/a	836.1 m ² (9,000 sq. ft.)

DEVELOPMENT STATISTICS

	DEVELOPMENT PERMITTED UNDER EXISTING ZONING	PROPOSED DEVELOPMENT	RECOMMENDED DEVELOPMENT (if different than proposed)
Zoning	CD-1	CD-1 (amended)	
Max. Floor Space Ratio	5.50	5.58	
Max. Floor Area	4 598.6 m ² (49,500 sq. ft.)	4 662.0 m ² (50,183 sq. ft.)	
Maximum Height	21.4 m (70.2 ft.) and no more than 7 storeys	24.5 m (80.2 ft.) and no more than 7.5 storeys	