

Home Investments Ltd.
s.22(1) Personal and Confidential

2015 May 22

Dear City of Vancouver Mayor and Council

RE: Public Hearing - CD-1 Text Amendment --- 775 Richards Street

We are writing to offer conditional support to the request for office use under on Richards Street as reported by staff to Vancouver City Council in report dated 2015 Apr 28. Our understanding is that a change of use is proposed on the ground floor from retail to permit a bank office and dentist office on Richards Street and the major retail tenancy and access remains focussed on Robson Street.

We were shocked to learn after the fact that a Board of Variance hearing was held in November 26, 2014 to consider relaxations to the Sign Bylaw including one illuminated projecting sign (R-PT 10) on Richards Street adjacent the Kingston Hotel which we own.

We were also shocked because the minutes (see Attachment 1) indicate there was no consideration by the Board of Variance of either a Council rezoning condition or of a decision by the Development Permit Board:

- In its October 28, 2011 rezoning approval of CD-1 for Telus Gardens, Council approved a condition (b(16) providing that 'all signage shall comply with the Sign Bylaw.'
(<http://former.vancouver.ca/ctyclerk/cclerk/20111018/documents/phea20111018min.pdf>).
- At the Development Permit Board of 2012 Feb 20 there was a specific note to the applicant in item A.1.14 that "The large vertical signs should be relocated in order to minimize its impact on the Kingston Hotel." This followed from the comment of Mr. McNaney that moving the sign back "was the neighbourly thing to do" (see DPB minutes at <http://former.vancouver.ca/commsvcs/planning/dpboard/2012/Minutes/Feb20.html>)(also see Attachment 2)

Westbank responded to the DP Board with a submission, a copy of which was provided to the Kingston Hotel owners, titled 'Telus Garden-Residential Tower --- Issued For Response to Engineering Conditions - -- June 19, 2012'. As can be seen on the cover sheet (Figure 1 attached), the projecting sign for 'Flagship' is very clearly evident at the corner of Robson and Richards, but there is no projecting sign on the façade adjacent to the Kingston Hotel. What else would the Kingston owners expect other than no further projecting sign near its hotel, the neighbourly thing to do?

As a result of appeal to the Board of Variance, the projecting sign is again proposed as originally contemplated by the developer but rejected by the Development Permit Board. Neither the applicant nor the Board minutes noted there was any hardship being considered in the appeal as is required in the Board of Variance By-law.

We were quite shocked initially that we had received no written notice of the November 24th Board of Variance meeting, and were unaware of any advertising of the meeting. Although the Board has discretion otherwise, in the case of the Telus Gardens appeal, there was no notice of any kind to the public of the Board of Variance November 2014 meeting: no notice by letter to adjacent owners, no notice in the newspaper and no notice even on the City website in the form of a published meeting agenda in advance of the meeting. Our neighbours across the street, L'Hermitage Hotel, have confirmed that they too received no notification (see Attachment 3).

In the context of no notice being provided of the meeting agenda to any member of the general public, the Board minutes on public comment are farcical when they record the Chair stating that there no letters in support and no letters in opposition. Later, "The Chair stated that if there were any interested parties in the audience who wished to speak to this appeal, they should raise their hand to be recognized and when recognized, state their full name and address and spell their surname for the record. There were no audience comments." If no one in the public is notified of the meeting or application, who could the Chair possibly expect to show up to raise their hand to speak?

The Board of Variance minutes indicate that the projecting signs 'are to be used to provide signage for the anchor tenants.' In our opinion, with the change from retail to office use, the vertical projecting sign on Richards Street adjacent our hotel now appears to be unnecessary, as the anchor retail tenant will be accessing the site from Robson Street, while Richards Street will be limited to bank offices and residential lobby for apartments above, with the bank facility having a continuous band of fascia signage.

As there is no appeal of a Board of Variance decision, our only recourse is to Council, as afforded by this hearing. We respectfully request of City Council the following as a condition of the approving the requested text amendment:

- **that Council require the removal of the vertical projecting sign on the north end of the Richard Street façade adjacent the Kingston Hotel**, consistent with the approval condition of the Development Permit Board and the subsequent submission materials of Westbank to the City and to the Kingston owners. This would benefit both the Kingston Hotel and the social housing, hotel and market condominiums in the L'Hermitage project directly across the street from the proposed sign. The General Manager of that hotel shares our concerns (see Attachment 3).
- **alternatively, that Council request the developer to honour the decision of the Development Permit Board to relocate the large vertical sign so as to minimize its impact on the Kingston Hotel** (see attached Figure 2 and 3). This would avoid a situation of the lighting from the sign shining from only 6 m away on the windows of the existing hotel and also our future hotel (see Figure 4). It would place the projecting sign at a point consistent with the ground entry to the office tenancy, and be more in line with signage recently proposed for the Nordstrom block (see Figure 5).

We have provided the developer a copy of our request for the removal or relocation of the sign and their representative told us yesterday verbally "there is nothing we can do about that [sign] now".

As a separate matter, we ask that Council might clarify when notice is provided to neighbours of meetings of the Board of Variance and also that agendas and meeting minutes be made accessible as they are for other civic bodies such as Development Permit Board and Urban Design Panel.

Thank you for your consideration of our submission. We have been active in this community as a family-owned business since the 19th Century and look forward to continuing in that tradition. We thank Council for your support in the past, and look to your assistance in this signage condition today as part of your rezoning consideration.

Sincerely,

s.22(1) Personal and Confidential

Fred O'Hagan
Home Investments Ltd., owners of the Kingston Hotel

Copy: s.22(1) Personal and Confidential

Kevin McNaney, City of Vancouver, kevin.mcnaney@vancouver.ca

Attachments:

1. Minutes of the Board of Variance meeting of November 26, 2014 item Z34443.
2. Excerpt from Development Permit Board conditions 2012 Feb 20.
3. Letter dated May 21, 2015 from the General Manager of L'Hermitage Hotel

Figure 1: Telus Garden – Residential Tower – Issued for Response to Engineering Conditions – June 19, 2012, Architectural & Landscape.

Figure 2: Proposed relocation of Sign R.PT-10 to office tenancy edge of Telus Gardens Residential Tower, plan view from Plan A.105

Figure 3: Proposed Kingston Hotel renewal, with relocated Telus projecting sign R.PT-10

Figure 4: Nordstrom block projecting signage.

1. Z34443 – 510 West Georgia Street (777 Richard St., 555 Robson St. & 768 Seymour St.)

Appeal Section: 573(1)(b) Appeal of Regulation - Sign
Legal Description: Lot A, Block 54, Plan BCP50274 and District Lot 541.
Lot Size: Irregular Site (43,057.00 Sq. feet.)
Zone: CD-1
Related By-Law Clause: Sections 2.1, 10.6.2(b), 10.6.2(b)(iii), 10.6.2(d)(ii), 10.6.2(d)(vi), 10.6.2(f), 10.6.4(a), 10.6.4(b), 10.6.4(e), 10.6.2(g), 10.6.2(g)(i), 10.5.1, 10.7.1(a), 10.7.2(a), 10.7.2(e), 10.7.4(e), 10.11.1(a), 10.11.2(a)(i), 10.11.4(d), 10.7.1(a), 10.7.4(e), 11.1.1, and 11.1.2

Appeal Description:

Requesting a relaxation of the Sign By-law to install various illuminated signs to be located at the following sites (development known as Telus Garden): 510 West Georgia Street, 777 Richard Street, 555 Robson Street and 768 Seymour Street.

Note: Please refer to the written Sign comments and the Sign summary notes prepared by the Sign Department (attached to the Board's agenda).

SI410798

To install a total of sixteen (16x) signs on the Northwest Elevation (Seymour Street):

- one (1) illuminated fascia sign (T2 - Telus)
- Seven (7) illuminated canopy mounted fascia signs (R-9 to R-15)
- Five (5) illuminated projecting signs (R. PT-1 to R. PT-5)
- One (1) illuminated high-level fascia sign (T-5 - Telus)
- Two (2) illuminated fascia sign (R-30 & R-31) facing to lane.

SI410810

To install a total of twenty-eight (28x) signs at the following locations:

Northwest Elevation (Seymour Street)

- Two (2) illuminated fascia signs (R-7 & R-8)
- Two (2) illuminated projecting signs (R. PT-6 & R. PT-7)

Northeast Elevation (West Georgia Street)

- Eight (8) illuminated fascia signs (R-1A, 1B, 1C, R-2, R-3, 4, 5, R-6)
- Five (5) illuminated free-standing signs (D-1, O-3, O-2, T-1, O-1)

Southeast Elevation (Richards Street)

- Five (5) illuminated fascia signs (T-3, R-23 to R-26)
- One (1) illuminated free-standing sign (D-2)

Facing to Lane

- Five (5) illuminated fascia signs (R-32, R-27 & T-4, P-2, P-3)

SI410811

To install a total of fifteen (15x) signs at the following locations:

Southeast Elevation (Richards Street)

- Six (6) illuminated fascia signs (P-1, P-4, R-19 to R-22)
- Two (2) illuminated projecting signs (R. PT-9 & R. PT-10)

Southwest Elevation (Robson Street)

- Three (3) illuminated fascia signs (R-16 to R-18)
- One (1) illuminated free-standing signs (D-3)
- One (1) illuminated projecting sign (R. PT-8)

Facing to lane

- Two (2) illuminated fascia signs (R-28 & R-29)

Discussion:

Mr. Peter L. Wood (Appellant) was present to speak in support of the appeal.

At the request of the Chair, the appellant agreed to dispense with the reading of the submission, which had been in the Members' possession prior to the meeting.

The Board Chair stated that the Board's site office received no (0) Letters of Support and no (0) Letters in Opposition to this appeal.

The Director of Planning's Representative:

The Chair read Ms. Esworthy's written comments and stated that Telus Gardens is a significant office/commercial development that contains multiple buildings/towers on this site. This development is supported by the Director of Planning for its contribution to the economic viability of the downtown core. There are a number of signs that require approval by the Board of Variance but most of the variances are minor in nature. This development includes a "public lane" that acts more like a street for this development. Pedestrians are encouraged to access business via this public lane and a number of the variances are related to signage in this location. This development also has tenant space located below the street level and signage identifying these businesses requires a variance.

The number and location of freestanding signs is not unusual for this size of site, the freestanding signs proposed are modest and provide good tenant identification and way-finding. The most significant sign variance will be for the three large projecting signs on the Robson and Richards elevations. These signs are to be used to provide signage for the anchor tenants. The projecting signs are in keeping with the style and size of existing signage on adjacent sites.

This sign package has been thoroughly reviewed by Senior Planners and many modifications have been made by the developer in order to comply with the City's current Sign by-law but with a development of this size outright compliance with the Sign by-law do not always create the best product and therefore we support these requests for Sign by-law variances.

The Chair stated that if there were any interested parties in the audience who wished to speak to this appeal, they should raise their hand to be recognized and when recognized, state their full name and address and spell their surname for the record.

There were no audience comments.

Final Comments:

The Director of Planning Rep. had no final comments.

The appellant stated that both the Development Permit Board and the Urban Design Panel spoke mainly to the media façade that was proposed. That idea is not a part of this sign package and will instead go to Council as a separate issue. In fact the current project as it stands is being supported by the Planning Department. Mr. Wood was amendable to the idea of ensuring that all the lighting could be programed. This proposal is of benefit to the community, as it would actually animate the lane.

This appeal was heard by the Board of Variance **on November 26th, 2014 and was ALLOWED**, thereby granting a relaxation of the Sign By-law to install various illuminated signs to be located at the following sites (development known as Telus Garden): 510 West Georgia Street, 777 Richard Street, 555 Robson Street and 768 Seymour Street (under Sign Applications: SI410798, SI410810 and SI410811), subject to the following conditions:

- (1) that a main programmable control system unit must be installed to control the illumination and the intensity of light (a dimmer) in accordance with the Board's decision on November 26th, 2014; and
- (2) that the development shall otherwise comply with the requirements and regulations of the Sign By-law to the satisfaction of the Director of Planning.



February 22, 2012

Attention: Peter Wood

s.22(1) Personal and Confidential

Dear Mr. Wood:

RE: 775 RICHARDS STREET
Development Application Number DE415286

Your application was considered by the Development Permit Board at its meeting of February 20, 2012, and it was resolved THAT the Board APPROVE Development Application No. DE415285 submitted, the plans and information forming a part thereof, subject to Council approval of the Form of Development and enactment of the CD-1 By-law thereby permitting the development of a 46 storey mixed-use building (retail and residential) over eight levels of underground parking having vehicular access from Richards Street, 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 design development to the chamfered upper massing (within the view shadow) to better integrate with the adjoining building mass components, to achieve a less direct reference to the view cone geometry;
 - 1.2 design development to enhance the overall composition of the residential tower façade oriented to Seymour; including consideration to introduce color and/or warmer materials treatments;
 - 1.3 design development to improve and strengthen the prominence of the residential entry;
 - 1.4 design development under soffit lighting will have a non-impactful effect particularly for near by residences;

Note to Applicant: The qualitative objective is to achieve a soft lighting effect. Confirmation of hours of operation is required.
- 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.**

Appendix C - Processing Centre - Building Comments is also attached for your information.

IMPORTANT!!! HOW TO SUBMIT YOUR REVISIONS

We are making improvements to the way we process responses to “prior-to” conditions so that we can serve you better. Our objective is to increase efficiency and to reduce process time. As a first step, we have changed our method of receiving “prior-to” responses. We will now meet with you when you submit your response. The purpose of our meeting will be to complete a preliminary review of your submission and to schedule the review process. As in the past, your submission must include your revised drawings and a written explanation describing how you have addressed each of the conditions. To arrange a meeting, please contact David Autiero at 604-871-6265 from 9:00 a.m. to 4:00 p.m., Monday to Friday. Please do not mail, drop off or courier your response because this will delay the processing of your application. Thank you for your cooperation in helping us help you.

This letter is based on the minutes of the Development Permit Board meeting of July 12, 2010, which have not yet been adopted by the Board. If any amendments to this approval are made by the Board at its next meeting, you will be advised immediately.

Yours truly,

Tony Chen
Project Coordinator
Development Services
Community Services
tony.chen@vancouver.ca
Phone: 604.873.7783

TC\lmh

cc: Central Property File
City Building Inspector
Development Planner, A. Molaro
Project Facilitator, D. Autiero
Project Assistant, A. Kwan
Engineering Services, K. Cavell

**APPENDIX A
STANDARD CONDITIONS**

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 Conditions

- A.1.1 reduction of the height of the building to be no more than 136.2 m, in accordance with the requirements of the draft CD-1 By-law that governs this site;

Note to Applicant: Confirmation is required by means of additional documentation showing that the proposed height of the tower to be wholly within the view shadow (as defined in the CD-1 By-law that governs this site), of View cone 9.2.1.

- A.1.2 provision of a minimum 4 724 m² of commercial use in accordance with the CD-1 By-law that governs this site. It should be noted that shipping and receiving offices are not excluded from the computation of floor area;

Note to Applicant: The provision of additional commercial space may incur additional requirements in the Parking By-law. As well, the overall floor area for Sub-area A must also be adhered to when meeting the minimum commercial floor area requirements.

- A.1.3 provision of the minimum required number of Class A bicycle spaces in accordance with Section 6 of the Parking By-law;

Note to Applicant: The provision of Class A bicycle spaces within the ensuite residential storage rooms does not meet Section 6 of the Parking By-law. Consider extending the proposed bicycle parking area in the parkade further into the open to below area. Design development may be required to provide adequate headroom in the proposed bicycle room extension, while still maintaining a minimum 4 m of headroom clearance for the Class B loading area below.

- A.1.4 details of bicycle rooms, in accordance with Section 6 of the Parking By-law, that demonstrate the following:

- a minimum of 20 percent of the bicycle spaces to be secured via lockers;
- a maximum of 30 percent of the bicycle spaces to be vertical spaces;
- a provision of one electrical receptacle per two bicycle spaces for the charging of electric bicycles;
- clothing lockers for Class A bicycle parking for non-residential uses; and,

Note to Applicant: An insufficient amount of clothing lockers are proposed. Where Class A bicycle spaces are required for non-dwelling uses, shower and change facilities are also required in accordance with Table 3.7.2.11 of the Vancouver Building By-law. Although this is a Building By-law requirement, this space must also be shown in order to prevent further space challenges in the floor plans.

- a physical separation of the bike rooms to show not more than 40 bicycles per room for safety and security reasons;

Note to Applicant: The plans must show separations using proper architectural graphics. The proposed separations are unclear as to its intended purpose.

A.1.5 provision of a minimum of 15 disability spaces designated for residential use;

Note to Applicant: These spaces must be for the sole use of the residential users and not for other uses. Currently, 14 disability spaces are shown shared between the Telus and the residential use.

A.1.6 provision of a physical separation between the retail parking, the parking dedicated to Telus users, and the residential use by means of a security gate, or other means of separation;

Note to Applicant: All parking stalls must be demarcated and identified to their respective uses.

A.1.7 Denotation on the plans of two car share spaces and vehicles;

Note to Applicant: Currently all five car share spaces and vehicles as required in the conditions of the rezoning approval, are denoted in the residential tower. Staff is seeking two of the five spaces and vehicles to be located in this development. Additional requirements regarding the securing of these spaces and vehicles will be required pursuant to the conditions of rezoning.

A.1.8 design development to relocate the vista switch to a location fully within the building site;

Note to Applicant: Vista switch is not to be located within the expanded public realm of the street (see Standard Engineering Conditions A.2.5).

A.1.9 provision of details of the amenity room and outdoor space as shown on Level 3;

Note to Applicant: Information is required on the potential users of the amenity room and outdoor space, as they appear to be contiguous with the adjacent CRU/Yoga studio space. In order for the proposed amenity spaces to be excluded from the computation of floor area, the spaces must comply with the regulations for amenity room floor area exclusions.

A.1.10 confirmation that at least 20 percent of all off-street parking spaces will be available for charging of electric vehicles;

Note to Applicant: Although this is a Building By-law requirement under Part 13 of the Vancouver Building By-law, the Director of Planning is seeking acknowledgement that this condition can be met during the Building review of this development. For more information, refer to the website link: <http://vancouver.ca/sustainability/EVcharging.htm>

A.1.11 provision of a sealed and signed letter from a Building Envelope Professional, as defined in the Building By-law, recommending the proposed wall types, noting the requested floor space exclusion;

A.1.12 provision of an acoustical consultant's report is to be submitted that indicates the follow:

- noise impacts on the site and recommends noise mitigation measures to achieve noise criteria, to the satisfaction of the Medical Health Officer;

Note to Applicant: Assessment shall include venting systems and their impact on adjacent Kingston Hotel. Notation shall be indicated on plans confirming that: "The acoustical measures will be incorporated into the final design, based on the consultant's recommendations as concurred with, or amended by, the Medical Health Officer."

- the acoustical measures will be incorporated into the final design, based on the consultant's recommendations as concurred with or amended by the Medical Health Officer (Senior Environmental Health Officer);
- adequate and effective acoustic separation will be provided between the commercial and residential portions of the building; and,

- mechanical (ventilators, generators, compactors and exhaust systems) will be designed and located to minimize the noise impact on the neighbourhood and to comply with Noise By-law #6555.

A.1.13 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 the building's open space and the Public Realm;

A.1.14 deletion of reference to proposed signage;

Note to Applicant: The large vertical signs should be relocated in order to minimize its impact on the Kingston Hotel.

Standard Landscape Conditions

A.1.15 design development to expand resident opportunities for urban agriculture, by including edible plants with associated infrastructure in appropriate amenity areas and referencing them on the Plant List (see also conditions under Social Infrastructure);

A.1.16 design development to include opportunities for creative children's play in appropriate amenity areas (see also conditions under Social Infrastructure);

A.1.17 provision of spot elevations and grading information at all changes in grade, including entries, stairs, seat walls, planters and other landscape features;

A.1.18 provision of larger scale (1/2"=1') section/elevation details to illustrate proposed landscape elements including planters on structures, benches, fences, gates, arbours and trellises, and other features. Typical sections through the planted areas to be dimensioned and scaled, showing tree rootballs growing in adequate depth of soil;

A.1.19 provision of plan view and elevation of typical residential unit with vines growing on metal screen;

A.1.20 provision of a Landscape Lighting Plan;

Note to applicant: Lighting details can be added to the landscape drawings; all existing light poles should be shown.

A.1.21 provision of all landscape sheets in full-size submission package, including sheets provided in the Development Permit Report dated November 1, 2011;

Note to Applicant: All sheets should read clearly in black and white for future reproduction.

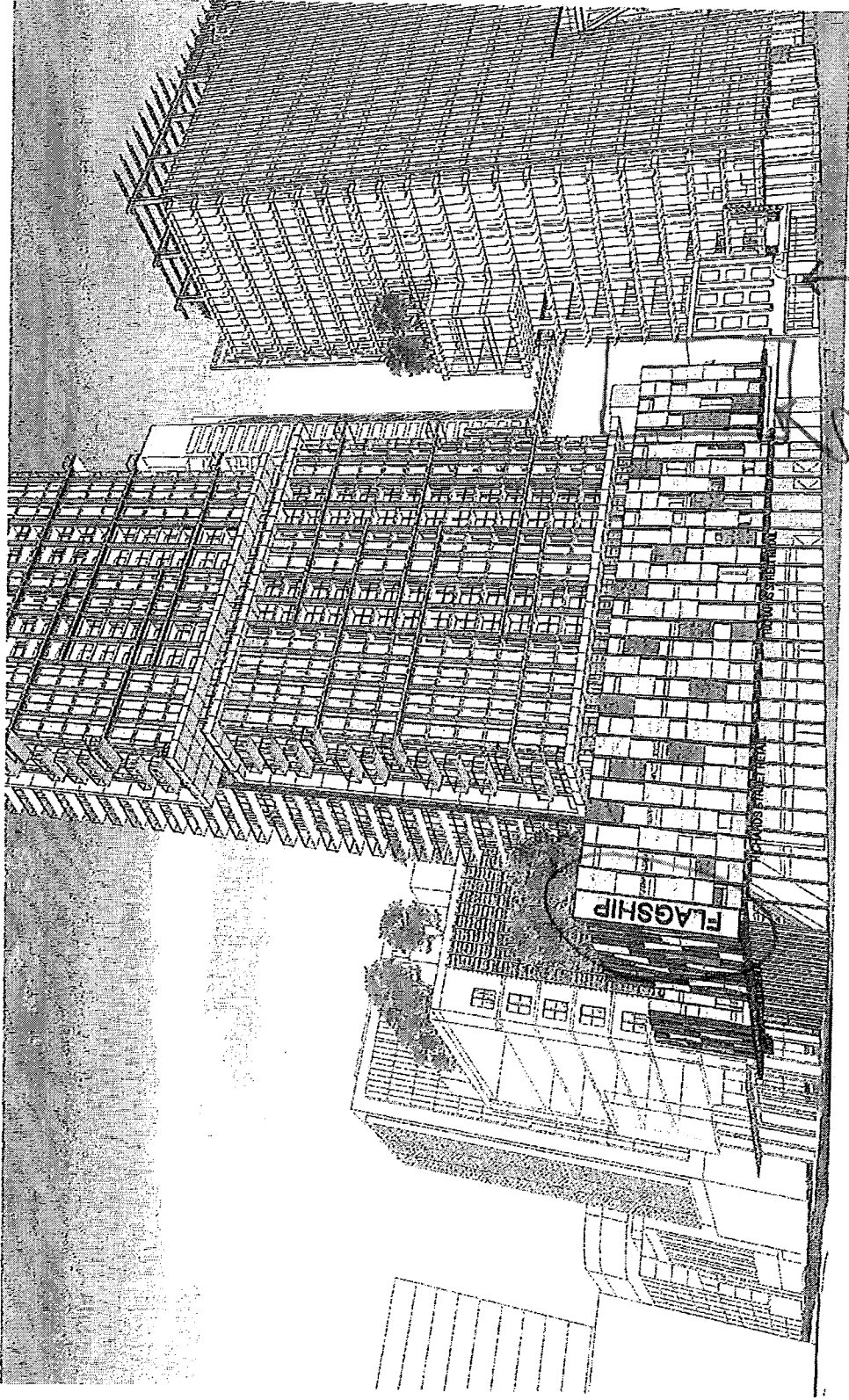
Social Infrastructure

A.1.22 design development to the residential amenity/gym to include a kitchenette, storage closet, and accessible washroom (equipped with a baby change table);

A.1.23 design development to provide a universally accessible, secure, outdoor children's play area, adjacent to the indoor amenity area;

Note to Applicant: Particular care should be given to avoid the use of toxic plants and landscaping materials in and around common outdoor amenity areas. Edible landscaping is encouraged. Play equipment is not required, and creative landscape/play features (such as balancing logs and boulders, a small/tangible water stream or feature, creative motor-skills developing features etc.) which provide a myriad of creative play opportunities for a range of ages is encouraged.

FIG.1



TELUS GARDEN - RESIDENTIAL TOWER

ISSUED FOR RESPONSE TO ENGINEERING CONDITIONS - JUNE 19, 2012

ARCHITECTURAL & LANDSCAPE

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ISSUED FOR RESPONSE TO
ENGINEERING CONDITIONS
JUNE 19, 2012

DESIGN RESPONSIBILITY	10/10/12
DESIGN APPROVAL	03/24/12
FIELD SUPERVISION	10/10/12
FIELD SUPERVISION	10/10/12
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HENRIQUEZ + PARTNERS
Architects
1000 Burrard Street
V6C 2E8

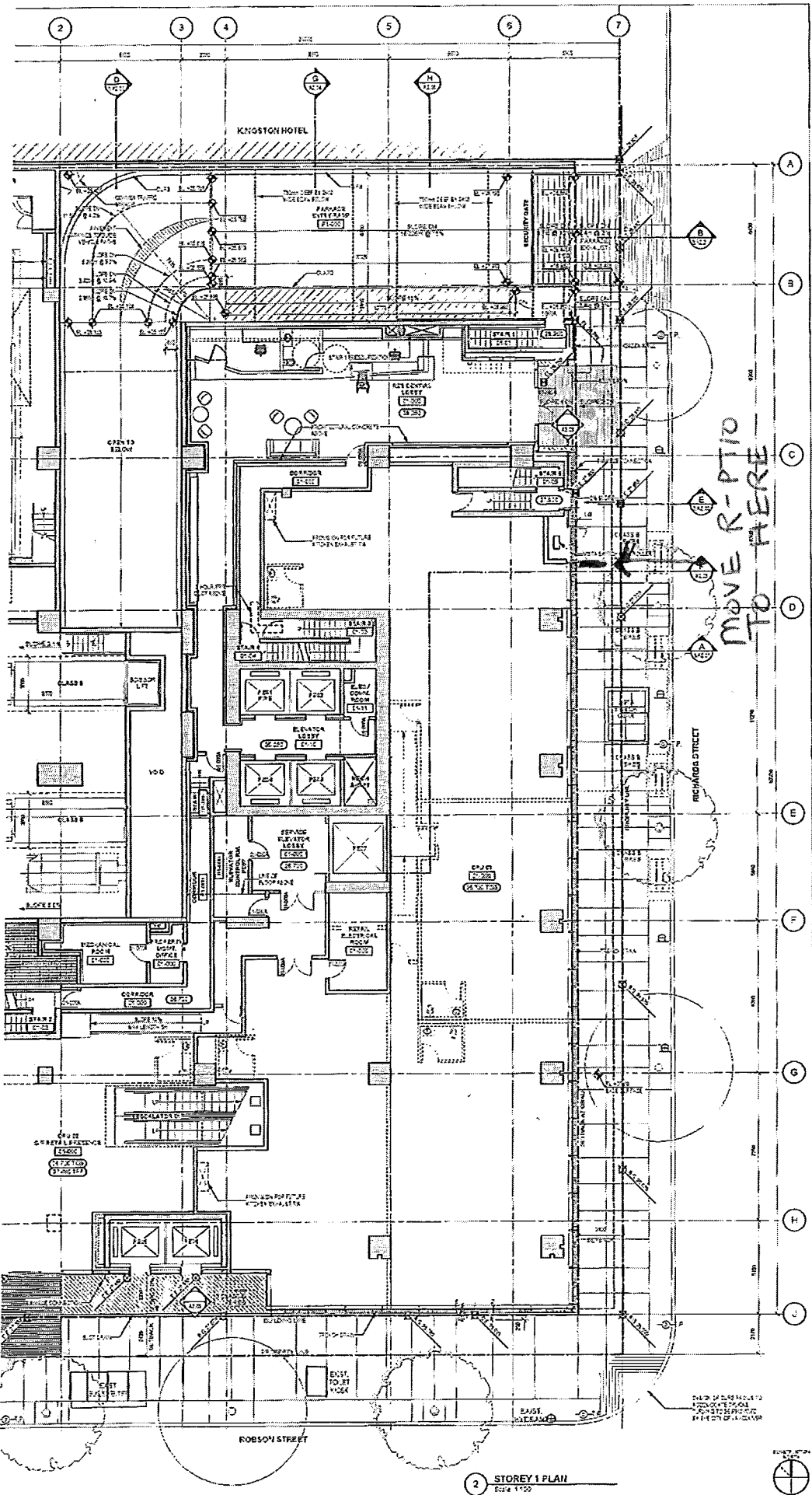
TELUS GARDEN RESIDENTIAL
777 RICHARDS STREET

STOREY P1 MEZZANINE & 1 PLANS

DATE	11/02/11	ISSUED FOR	PER
DATE	11/02	ISSUED FOR	GH/W
DATE	11/02	ISSUED FOR	GH/W

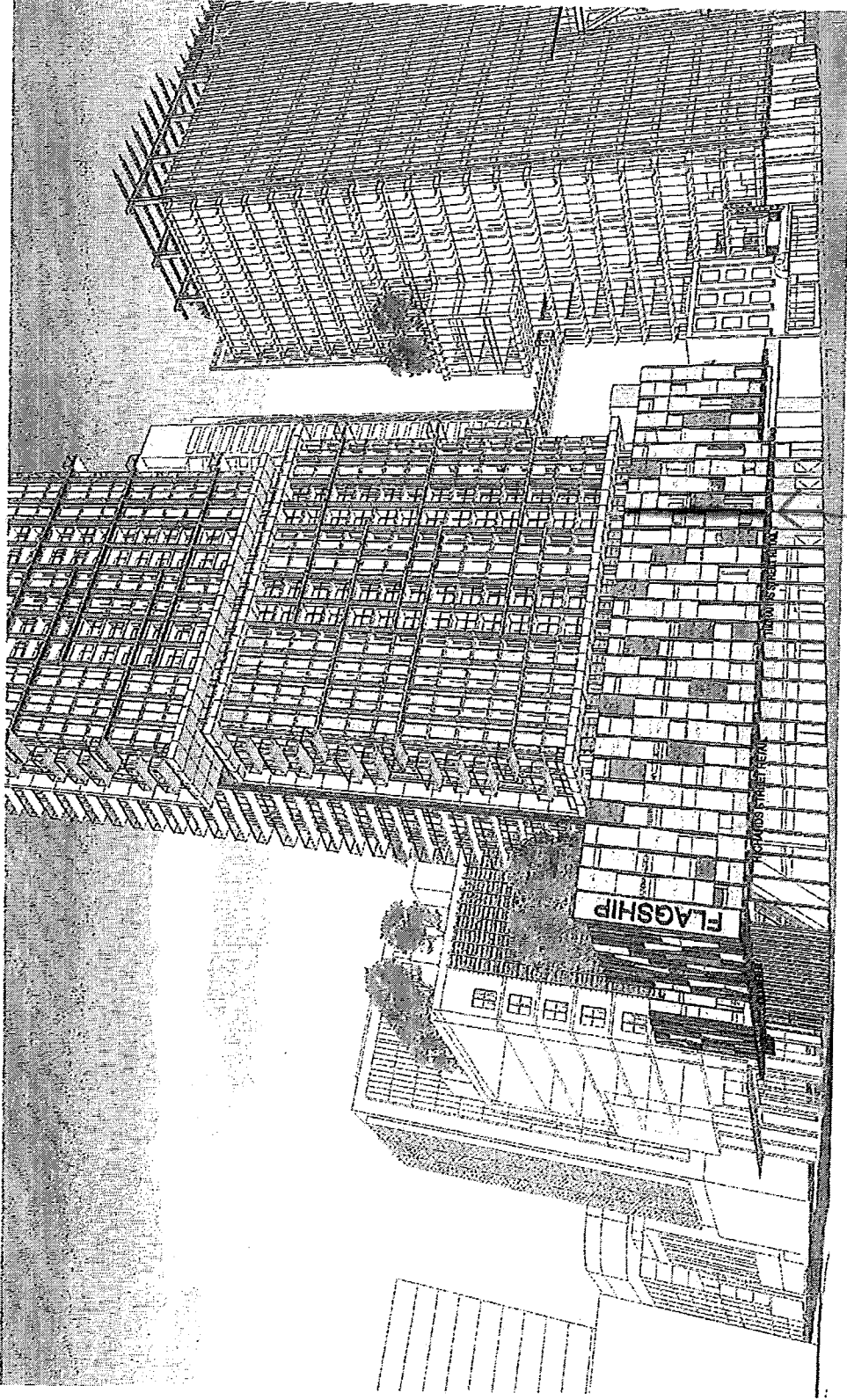
A1.05

FIG. 2



2 STOREY 1 PLAN
Scale 1:100

FIG. 3



TELUS GARDEN - RESIDENTIAL TOWER

ISSUED FOR RESPONSE TO ENGINEERING CONDITIONS - JUNE 19, 2012

ARCHITECTURAL & LANDSCAPE

FIG. 4

Kingston Hotel Proposal

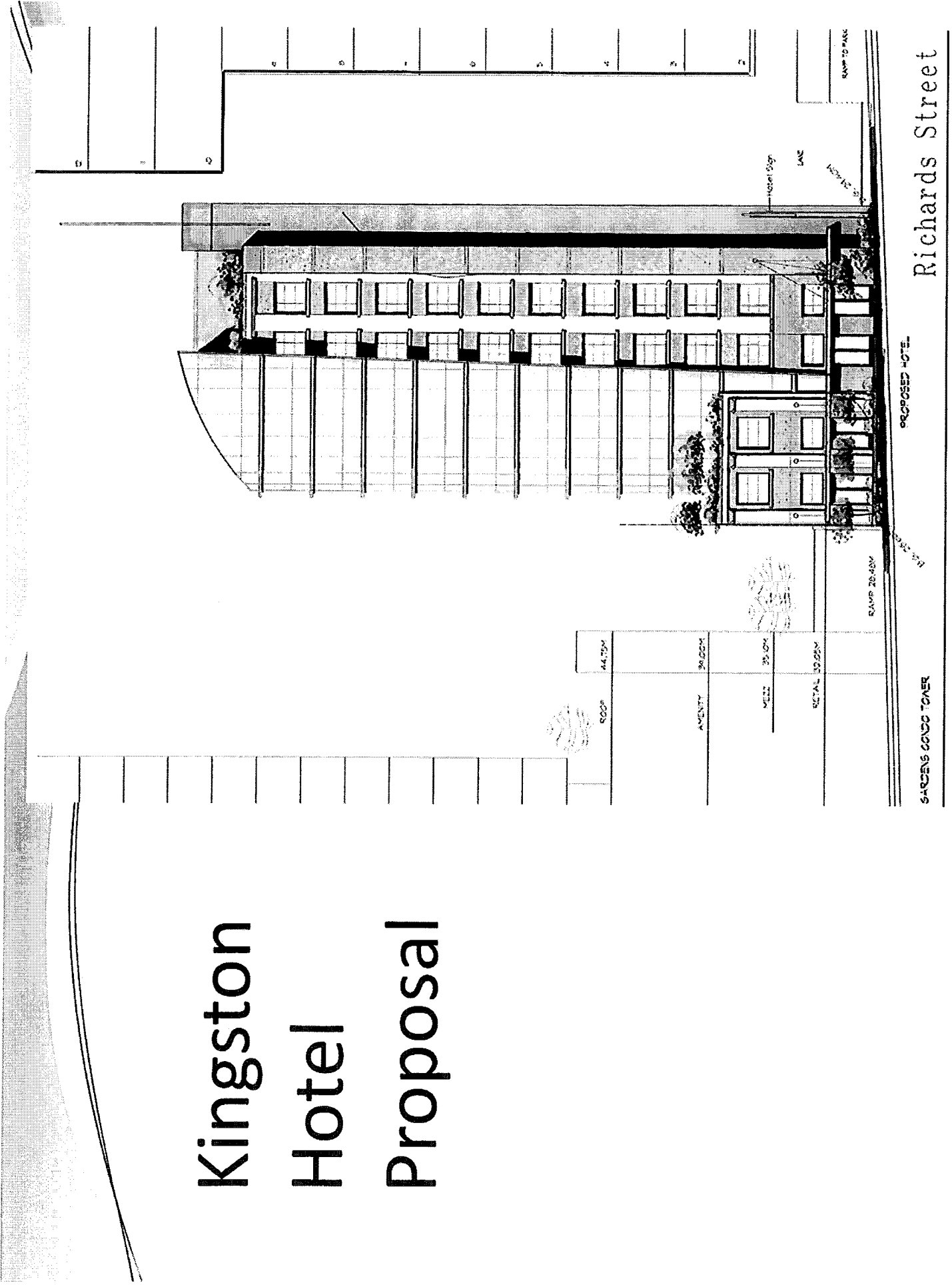
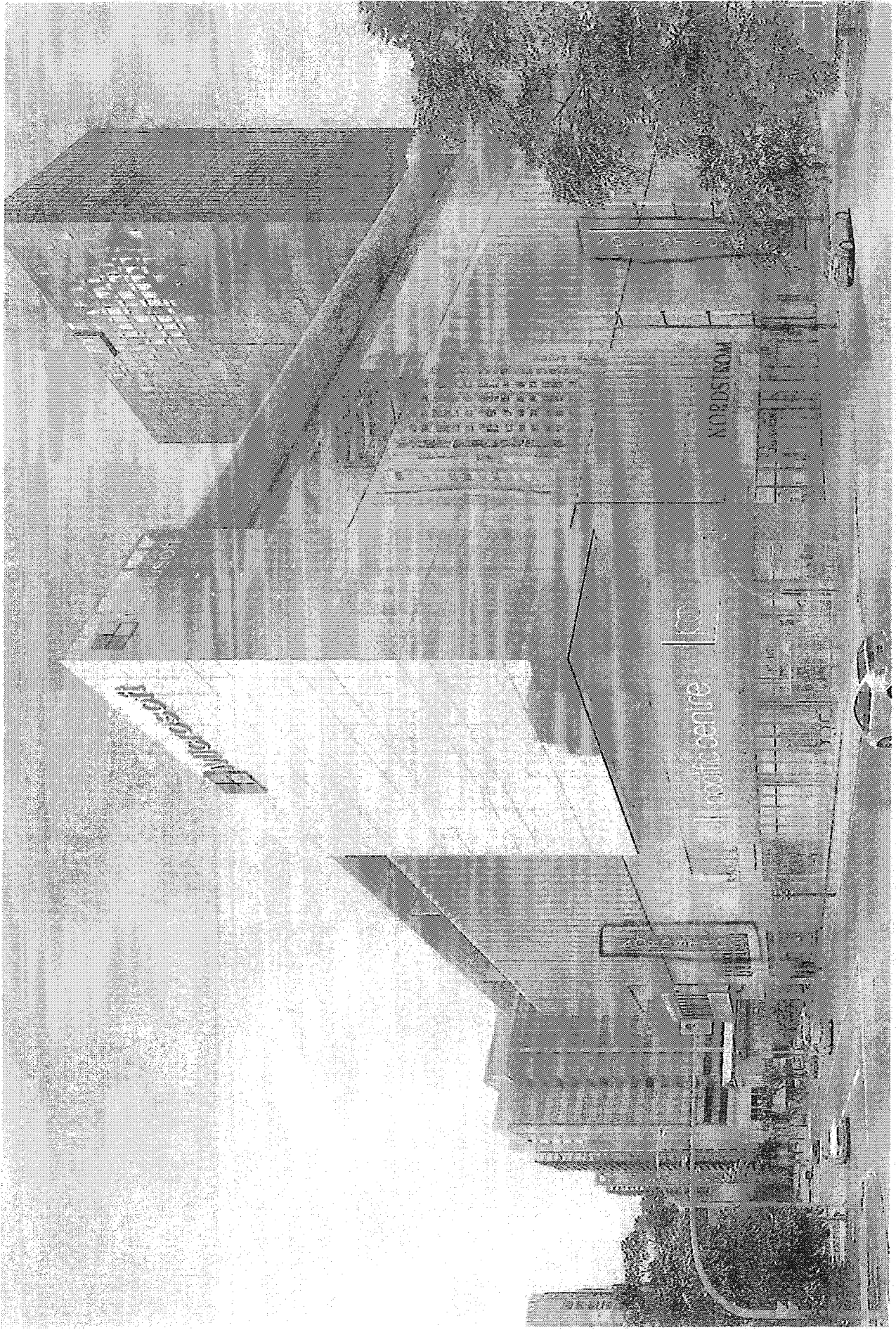


FIG. 45 RETAIL



Vancouver's top-ranked Pacific Centre mall, whose upcoming redevelopment is shown in a conceptual illustration, is expected to become even more productive with the addition of Nordstrom, says Retail Insider editor-in-chief Craig Patterson.

Attachment 3



L'HERMITAGE
HOTEL

May 21, 2015

Re: TELUS Garden Retail signs on Richards Street, Rezoning of 775 Richards Street to allow office use

Dear City of Vancouver Mayor and Council,

We would like to address a concern and clearly notify the council that we never received a notice, e-mail or any updates concerning the new TELUS signs to be installed on Richard Street.

As a condition of the rezoning on Richards Street, our preference is to have the projecting signs on Richards Street removed or at a minimum reduced in size to meet the requirements of the Sign Bylaw. We are also concerned if they are overly bright or lit after 11 pm onward and are uncertain whom, if anyone, is controlling that aspect of the signage in these locations.

This decision of installing new signs and not following the proper channels of communication is typical of how the TELUS Garden project has been conducted for months. It is fair to mention that the residential neighborhood will be affected by having overly bright lights shining into bedroom windows.

Our intent is to resolve this current issue, as well as have a positive relationship moving forward.

Sincerely,

s.22(1) Personal and Confidential

Jean-Michel Tanguy
General Manager

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