

Date: Monday, April 24, 2006
Time: 3.00 p.m.
Place: Committee Room No. 1, City Hall

PRESENT:**Board**

F. Scobie Co-Director of Development Services (Chair)
L. Beasley Co-Director of Planning
J. Forbes-Roberts General Manager of Community Services
T. Timm General Manager of Engineering Services

Advisory Panel

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

Regrets

R. Acton Representative of the Design Professions
R. Keate Representative of the Vancouver Heritage Commission

ALSO PRESENT:**City Staff:**

M.B. Rondeau Development Planner
D. Autiero Project Facilitator
M. Thomson City Surveyor
D. Jantzen Senior Health Inspector, Vancouver Coastal Health Authority

2995 Wall Street

G. Borowski Merrick Architecture
K. Atwall Aragon
L. Moy Aragon
J. Farkeson Bunt & Associates
J. Losee Landscape Architect

Recording Secretary: D. Kempton

1. MINUTES

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of March 13, 2006 be approved.

2. BUSINESS ARISING FROM THE MINUTES

None.

**3. 2995 WALL STREET - DE409890 - ZONE C-2
(COMPLETE APPLICATION)**

Applicant: Merrick Architecture

Request: To develop this site with two, four-storey Multiple Dwelling buildings containing a total of 52 units, all over two levels of underground parking, containing 93 parking spaces, with vehicular access from Wall Street. The buildings are proposed to range in height from approximately 32.0 ft. to 38.1 ft. along the Wall Street frontage. The proposal includes a landscaped "sound attenuation" berm along the north property line, adjacent to the CPR rail tracks.

Development Planner's Opening Comments

Mary Beth Rondeau, Development Planner, introduced this application for two, four-storey Multiple Dwelling buildings in the C-2 zone at the northeast corner of Wall Street and North Renfrew Street. Ms. Rondeau briefly described the surrounding site context noting that the CPR rail tracks run to the north along the entire frontage of the site. Ms. Rondeau advised that all-residential use is conditional in this C-2 zone and although staff had considered a 2.5 FSR, 2-2 ½ storey form of office building in this area, residential uses are more desirable.

With respect to views, Ms. Rondeau said that staff and the development team were aware of significant neighbourhood issues related primarily to views and an extensive view study was conducted from specific houses surrounding the site. The outright height permitted in the C-2 zone is 45 ft. and the height proposed in this application is 38 ft. to the roof top features. Ms. Rondeau said that staff felt mountain views would be the most important feature to keep; however the area residents have indicated that water views are important and that is why the buildings have been pushed apart to allow for a view through to the water.

Ms. Rondeau reviewed the conditions of the report and noted that one of the primary issues is the surrounding industrial railway uses and the acoustical and vibration impacts that they will have on this development. In discussions with neighbours Ms. Rondeau said it was determined that this will be more of a momentary type of acoustical requirement and condition 1.9 addresses additional criteria beyond the acoustical requirements embedded in the zoning. Ms. Rondeau described some of the acoustical mitigation details proposed in the application and said that staff are satisfied that the impacts of the industrial environment can be acceptably mitigated.

In summary, Ms. Rondeau said this is a site with many challenges; nevertheless the Development Permit Staff Committee recommends approval subject to the conditions as outlined in the report.

Questions/Discussion

Mr. Beasley asked if the Community Visioning process addressed this site. Ms. Rondeau responded that the Community Vision for this area did not speak specifically about this site but rather it outlined the need for appropriate noise buffering, landscaping and character. Ms. Rondeau noted that this site has been zoned C-2 for more than 30 years.

Mr. Beasley asked what the process was in dealing with the neighbours adjacent to this site. Ms. Rondeau said that the neighbours were very involved from the pre-application stage. Staff indicated the applicant team contacted a number of community groups in the area, held public meetings and knocked on doors of specific houses to assess the views. In response to the neighbours' comments, Ms. Rondeau said that the height of the development was lowered and more openness was created between the buildings. In addition, the developer held an open house to get responses on the specific scheme being proposed.

Mr. Shearing asked what staffs' rationale was for recommending the 9 ft. setback be increased to a 12 ft. setback. Ms. Rondeau advised that a smaller setback is a more urban scale.

Ms. Forbes-Roberts sought clarification as to the reasons that staff were supporting residential use on this site, beyond the urban design impacts. Ms. Rondeau responded that residential use would fit into the neighbourhood better and office use would tend to have more traffic impacts.

In response to a question from Ms. Forbes-Roberts about how the amount of FSR on the site was determined, Ms. Rondeau said the proposed 1.38 FSR was the result of what the site could bear given the constraints of height and form.

Ms. Rondeau indicated that single-family dwellings were not a use that can be considered under the current C-2 zoning.

Mr. Scobie noted an amendment to condition A.1.12 to read: "a more visually open common space".

In response to a question from Mr. Scobie about the acoustical requirements being met, David Jantzen, Senior Health Inspector, advised that both the 24 hour noise source at 26 DBA level and momentary noise source at 40 DBA averaged over one hour were being met. Mr. Jantzen said that low, medium and high frequency noise was measured in relation to the wall assemblies proposed.

Mr. Timm asked what the development potential would be for the balance of the former Westroc plant site and whether there would be a warning to prospective owners in this development that the land across the tracks will have industrial uses. Ms. Rondeau advised that the former Westroc manufacturing site is zoned CD-1 and the Port staff consider those lands to be suitable for future industrial port uses. Ms. Rondeau said there is wording in condition 1.8 that identifies this development site as being adjacent to the Vancouver Port Authority and rail tracks. Mr. Scobie clarified that the reference does not speak to private (non-Port) lands also intended for industrial port activity, noting that industrial port activity is not exclusive to the Port lands.

In response to a question from Mr. Timm about the amount of traffic associated with this development versus an outright commercial development, Mike Thomson, City Surveyor, advised that an outright commercial development would generate more traffic than this proposal because of the daily "in and out" activity versus the intermittent "in and out" activity of a residential development.

Mr. Beasley said he was struggling with the discretionary decision to allow residential use at this location due to the potential issues with industrial noise. He asked if it would be easier to mitigate the noise if this was an office building. Mr. Jantzen responded that there isn't a regulated acoustic standard for office buildings, only residential uses have to meet the noise mitigation requirements.

Further, in response to a question from Mr. Beasley about the amount of residential proposed, Mr. Jantzen advised that a form of development whose configuration is similar to a series of one- or two-family homes would house less people than this proposal and therefore fewer people would be subjected to the noise.

Applicant's Comments

Mr. Atwall, Developer, said that extensive public consultation within the neighbourhood and community was conducted with meetings in March, June and November of 2005. In addition there was a meeting with an acoustical sub-group which was attended by six residents. Mr. Atwall said that the development team met with a number of residents individually to try and recognize the impacts of this project and their concerns. Further to that, the applicant team met with a representative from the Burrardview Community Association in June 2005 and also met with industrial stakeholders who included Vancouver Port, CP Rail and Cascadia.

Greg Borowski, Architect, said it is the developer's intent to turn this presently abandoned site into a high quality development that includes community green amenities. Mr. Borowski detailed the neighbourhood and industrial stakeholder consultation processes. Mr. Borowski said the proposed height has been reduced as a result of the community consultation and the design has evolved to respond to concerns from immediate neighbours for their views over the water.

Mr. Borowski said the massing is sympathetic to the neighbourhood and an independent acoustical review has concluded that the design meets acoustical criteria. With respect to the recommended conditions in the report, Mr. Borowski said he agreed with most of the conditions with the exception of 1.1 and 1.2. He felt it was necessary to maintain the height for optimal livability and to help in meeting acoustical mitigation and mechanical ventilation needs. He asked to Board to delete 1.1. Mr. Borowski also sought the deletion of 1.2, noting that the Wall Street frontage received unanimous support from the Urban Design Panel.

Questions/Discussion

In response to a question from Mr. Timm, Mr. Atwall confirmed that this development will be strata titled and it is not intended to be a rental building.

Mr. Timm sought clarification as to the excess amount of parking provided beyond the requirement. Mr. Borowski explained that because of the size of the units there may be families living in the development with more than one car. He said their studies indicate this is what the market wants in terms of parking.

In response to a question from Mr. Braun about the strata corporation maintaining the public Renfrew Street end, Mr. Thomson advised that the street end improvement is part of the

earning of conditionality and it is an open space that the Engineering Department would like to see improved; however the Engineering budget does not allow for maintenance of the street end. Mr. Beasley added that the strata is likely to maintain the street end because it will enhance their own property.

Mr. Chung asked whether there was a policy that street ends would be maintained by the Park Board. Mr. Thomson responded that there are some street ends maintained by the Park Board but those are in locations where the Park Board has identified a deficiency in park areas. Mr. Thomson said some of those street ends are actually dedicated parks which have been turned over to the care and custody of the Park Board. He added that there are approximately 250 other similar spaces within the city. Mr. Scobie added further clarification that it is not Council policy to develop street ends for public park purposes.

In response to question from Mr. Scobie regarding Appendix C and the Processing Centre-Building By-law and Fire comments, Mr. Borowski said the applicant team has a Code Consultant who has met with the Processing Centre-Building staff and they are not anticipating any problems that would necessitate a significant revision.

Comments from other Speakers

The Board briefly discussed whether to impose a time limit for public delegations given the long list of names of those registered to speak to this application. It was decided that delegations should be encouraged to keep their comments brief and that the Chair would notify delegates when they reach five minutes of speaking time with a request two minutes after that, that they "sum up".

The following delegations spoke in opposition to the application:

Lorenzo DeFrancesco
Kirsten Utheim
Dan Barbour, President, Burrardview Community Association
Maryquinn Rafferty
Harry Mah
David Bornman
Randy Raine-Reusch
Murray Thorn
Eva Zogaris
Mr. Barbour read a statement on behalf of Paul Nelson
Gretchen Harlow
John Dilday
Amy Valago
Dominika Picard
Robert Pearson
Giovanni Coletta
May Hung
Elaine Barbour read a statement on behalf of Francis Morcroft

Comments in opposition included:

- Concerns about loss of views to the water and to the east;
- Would prefer to see a lower building with less units and heights similar to neighbouring houses;
- Concerns about shadows that this development will create;

- Concerns that this C-2 site was “missed” in the 1980s rezoning of M-2 lands to the current CD-1;
- The development should characteristically reflect the neighbourhood style;
- Concerns that the building may become mostly rental units with a transient tenancy;
- Concerns that safety, quality of life and property values will be diminished;
- Concerns that future residents of the building will be negatively affected by the rail lines’ noise and vibrations from railcars shunting;
- Concerns that future residents will not be able to open their windows or use their balconies due to noise and fumes from the rail lines and dust from Cascadia;
- After the developer’s information meetings some neighbours were left to feel that this type of high intensity residential development was the only alternative to a warehouse or large commercial building;
- There was not enough meaningful “community consultation”;
- Would support single-family housing on this site to limit the amount of people exposed to noise and fumes and also to be more in keeping with the character of the neighbourhood;
- Would prefer to see full frontage yards because there will be too much noise for residents to use the rear yard or balconies;
- Some public benefit should be offered to the neighbourhood such as: an enhancement to the community park play area, improved access to New Brighton Park or some public landscaping benefits;
- C-2 zoning is no longer appropriate for this site and residential at grade is an inappropriate use of this site;
- Misinformation was given about residential use on this site at Aragon’s neighbourhood meetings;
- Truck and rail line traffic is only going to increase and cause more noise;
- Concerns about what will happen if these units are not livable due to the noise;
- Concerns that existing drug and prostitution problems will increase in the area if the units suffer a high turnover of tenants;
- Hastings Elementary and Community Centre are already overburdened and will not be able to handle the additional residents that this development will bring;
- Concerns that the future strata will not properly maintain the Renfrew Street end because of limited funds and concerns about how complaints about the Renfrew Street end maintenance would be handled;
- If this site cannot have single-family houses then it should be designated as a park;
- Concerns that traffic on Wall Street, Trinity Street and in the neighbourhood will increase because of the proposed location of the entrance to the parking garage;
- Traffic and parking are already problematic in the neighbourhood and this development will make it worse;
- The shape of the building and courtyard creates a resonant chamber that will act as an amplifier to the existing noise;
- The low frequency noise that will occur within this development has not been studied or addressed enough;
- The Vancouver Port Authority will be inundated with complaints from residents of this building;
- Concerns that there is an eagle nest in one of the trees on this site and it will be destroyed to enable this development to occur.

In response to some of the concerns raised by the delegations, the following clarification was provided:

- It is not possible to provide access to New Brighton Park across the rail line;
- The C-2 portion of this site was not inadvertently left out of the CD-1 rezoning process;
- There are 15 single family properties in the 2800 Block of Wall Street which face many of the same noise issues, 4 of the 15 dwellings are rented;
- The underground parking entrance is located off of Wall Street to use the low point of the site.

Panel Opinion

Mr. Francl said he was not on the Urban Design Panel when this application was reviewed so he would be responding to the issues based on the minutes from that meeting. Mr. Francl said that the general consensus is that this is a residential-not commercial-site and he noted that the residents who spoke did not support commercial use here. Mr. Francl advised that a single-family form of development would not likely be constructed on this site because of the costs involved in meeting the acoustical and ventilation requirements for this site that is so close to the rail tracks. Therefore, by default, a multi-family development is the only plausible residential scenario.

Mr. Francl supported all of the conditions as recommended in the report with the exception of condition 1.1. Although he understood the recommendation for a reduction in height, Mr. Francl said that he would want the ground floor of residential to be 1.5-2.0 ft. above the street given the setbacks. Mr. Francl said he would like that to happen within the height of a conventional residential building but if the height has to go up to 31-32 ft. that would be a preferable scenario in terms of livability of the ground floor units. Mr. Francl said that he did not find the FSR or dwelling unit density proposed to be excessive and felt that this would be a well constructed and beneficial development for the neighbourhood.

Mr. Shearing said this is a difficult site and he acknowledged the community's passion for maintaining their neighbourhood values. Mr. Shearing said his own single-family neighbourhood has had a multi-family development constructed and it has been a fabulous addition to the community. He said that many of the people who had concerns about the development and spoke out against it have now embraced it and he hoped the same thing would occur here.

Mr. Shearing said the developer has gone out of his way to consider private views and any development on this site, other than a park, will create an interruption in the existing views. With respect to condition 1.1, Mr. Shearing did not support the recommended height reduction because he felt the additional floor-to-ceiling height would make the units more livable. He supported the remaining conditions and noted that conditions 1.2 - 1.4 and 1.9 are key issues in terms of livability. Mr. Shearing said that air conditioning should be a requirement within this development because the acoustical isolation of the units will require air conditioning.

In terms of the Renfrew Street end, Mr. Shearing said that once it has been improved by the developer the City should take over the ongoing maintenance and liability of it as a public space. Mr. Shearing supported the proposed density and felt that the development would not produce a great number of cars. He supported the application.

Mr. Scott was very sympathetic to the delegations and although a lot of work has been done by staff and the developer, Mr. Scott said the community is unhappy which makes him think that there are still issues to resolve. Mr. Scott said the building itself could have more residential

appeal in terms of setbacks, height and density. He acknowledged that the developer is offering a high quality building for this site and that the construction of a multi-family building can deal better with the noise issues than would single-family homes. Mr. Scott supported the proposed FSR of 1.38 for this site.

In terms of specific conditions, Mr. Scott did not support 1.1 because he felt the additional height was necessary in order to accommodate air conditioning and acoustical issues. He said condition 1.8 should be incorporated into the disclosure statement and offered some additional wording for condition 1.9 to add "generally in accordance with the acoustic reports in Appendix F". Mr. Scott supported the application.

Mr. Scobie clarified that the applicant is not proposing air conditioning per say; the proposal is for a mechanical ventilation system. Mr. Scott said that the provision of air conditioning would be very important, not just to cool the air but to deal with the dirt and dust in the air.

Mr. Braun recommended approval of the application. He said that a residential building would be better than a commercial building in this location. Mr. Braun acknowledged the concerns from neighbours about the proposed multi-family development and said that single-family and multi-family developments can co-exist.

Mr. Braun recommended deletion of condition 1.1 based on the applicant's testimony that the additional height is necessary to accommodate the mechanical ventilation system. He supported condition 1.2 despite the applicant's request to delete it because he heard from neighbours that the setback is important to them. Mr. Braun said he would leave it up to the voting members of the Board whether condition 1.9 should reference the acoustical report in Appendix F as per Mr. Scott's recommendation. Mr. Braun said this will be one of the better structures that could be built in this C-2 zone.

Ms. Hung said this is a challenging site, however conditional residential use is more desirable than commercial use for this site. Ms. Hung said that an application such as this, which has been considered by the Urban Design Panel and Development Permit Board, results in better design control and architecture than single-family homes would be subject to. Ms. Hung said the rhythm on Wall Street mimics the single-family homes across the street and the proposed materials reflect the industrial flavour of the area.

In terms of acoustics and the livability of units, Ms. Hung said potential buyers will have to make that decision for themselves. She felt this development would be noisy despite the mitigation measures proposed. Ms. Hung supported the conditions of the report noting that conditions 1.1 and 1.2 will result in a better response to the single-family homes across the street. Ms. Hung supported the application overall and encouraged the City to clean up the Renfrew Street end until such time as a strata is formed to maintain it. She also said if there are eagles nesting in a tree on the site then a Raptor Study should be conducted.

Mr. Chung expressed his disappointment that neither the City nor the Parks Department has taken the initiative to take on another street end open space. He was concerned that the future strata would not be able to afford to properly maintain the Renfrew Street end.

Mr. Chung commended the applicant on his thoughtful design and attempt to offset the concerns of the community. He did not consider the proposed density to be high and added that his time on the Hastings-Sunrise Vision Committee lead him to believe that the community was not opposed to different housing forms. Mr. Chung said this type of development will provide an opportunity for the younger generations of this neighbourhood to stay in the

community. He recommended approval of the application and supported the applicant's request for deletion of conditions 1.1 and 1.2. Mr. Chung also suggested that condition 1.8 should take further steps to include a paragraph in the disclosure statement that describes the industrial uses and related issues.

Ms. Nystedt said that multi-family developments are not a negative change for a community. She said there seemed to be a disconnect between the community, the developer and City staff to engage within the community. Ms. Nystedt said she was impressed with the design consideration undertaken by the architect and developer and noted that they did not apply for the maximum FSR or height on this site which will allow neighbours in the immediate area to continue to enjoy their views that may not have been preserved if large, single-family homes were constructed.

Ms. Nystedt said this development will not attract the unsavory elements that neighbours expressed concerns about because it is waterfront property that will be valued. Ms. Nystedt supported the application and noted the tremendous amount of work that has gone into it. She supported the deletion of condition 1.1 and said that the remaining conditions were fine as written. Ms. Nystedt said she hoped the community would engage in a meaningful way if there is any further design work that occurs.

Board Discussion

Mr. Beasley said he appreciated the comments from community members and advised them to express their desire for this site to become park land to Council at the meeting where Council considers selling a portion of Wall Street to the developer. Mr. Beasley said this Board has to consider whether residential use is appropriate on this site and, if so, then how much. He said the applicant and staff have done a good job and the proposal is well thought out; however he still had some concerns about whether or not this is a good site for more housing. Mr. Beasley said this development is proposing the highest density housing in the whole neighbourhood in the worst location for people to live in the neighbourhood. He expressed concerns about the effect that noise, vibration, pollution and diesel fumes will have on the future residents.

Mr. Beasley suggested a commercial development, with neighbourhood serving uses, may be appropriate for this site, so that local residents could walk to convenient local commercial services rather than having to drive to more distant locations.

In response to concerns from area residents about the density of this development, Mr. Beasley said that multi-family developments can have community-oriented residents and create a positive social mix for neighbourhoods. He added that rental units may provide an opportunity for people who grew up in the neighbourhood to remain in the area.

With respect to the architecture, Mr. Beasley said it was not consistent in form, pattern, or texture, with anything else in the neighbourhood. He said the proposal should be multi-family but with less units, more similar to a row housing form. Mr. Beasley supported the height and said that the street end is a valuable park-like space. He did not support location of the underground parking entrance near this space. Mr. Beasley said he was not prepared to move or support a motion for approval of this form of development.

Mr. Timm acknowledged the comments made by the public delegations. With respect to the loss of views he advised that an outright development on this site, which could be as high as 45 ft. and continuous across the width of the site, could cause significant view impacts. Mr. Timm said this development would have some view impact for the existing homes; however those existing views cannot be expected to be maintained because of development rights for parcels

that are not presently fully built out. He said that this proposal has provided view corridors that are better than what single-family home development could provide.

In terms of traffic impacts, Mr. Timm said the impact will be far less than that of a commercial development. He said there will be an increase in traffic as a result of this development but it will not be a significant issue. Mr. Timm advised that this development will provide a benefit to the neighbours because it will likely block some of the industrial noise.

Mr. Timm did not support commercial development on the ground floor at this location and said that the noise impacts are important considerations that need to be taken into account for a residential development. With respect to the issue of the appropriateness of residential use at ground level on this site, Mr. Timm said that although the noise issues and impacts from the rail tracks are extremely challenging, all of the advice from the Urban Design Panel, Advisory Panel and Environmental Health staff indicates that those impacts can be mitigated.

Mr. Timm moved approval of the application subject to the conditions outlined in the report with amendments to delete 1.1, add wording to 1.8 and 1.9 and amend A.1.12 as noted by Mr. Scobie.

Ms. Forbes-Roberts said this is a difficult application and noted that the residents of this community have been through a number of issues regarding other proposals, which may have heightened their anxiety around this application and contributed, in part, to the way that participation happened.

Ms. Forbes-Roberts said a lot of work has gone into this development application and she felt that this site could proceed with a residential development, with conditions. She said that single-family development would not be appropriate on this site because of the extent of acoustical measures that need to be addressed. Ms. Forbes-Roberts also noted that single-family development would have greater view impacts than this proposal. She did not share the concerns of the public delegations that this multi-family development would become a rental property and a detriment to the neighbourhood.

In terms of the design, Ms. Forbes-Roberts said the proposal doesn't speak to the character of the neighbourhood and it requires further design development. She seconded Mr. Timm's motion of approval with a further amendment to include 1.1, rather than delete it as Mr. Timm suggested, and to amend it to read: "design development to reduce the overall height of the building along the Wall Street frontage by approximately 2-3 ft. and, in consultation with the community, develop a design more characteristic of the neighbourhood including a review of the roof form and the resultant view potential". Ms. Forbes-Roberts explained that her hope would be for the development to achieve a roof form that is more characteristic of a single-family development.

Mr. Timm said he recommended deletion of 1.1 based on the advice of the Advisory Panel members; however he would agree to include 1.1 if Mr. Beasley would support Ms. Forbes-Roberts amendment to the condition. Mr. Timm expressed some concern that the developer may be frustrated in developing a design "in consultation with" the community for a proposed use that is opposed by the community.

Mr. Beasley said he was still uncomfortable with the proposal to have approximately 50 residential units in a condition where they may or may not be able to open their windows due to the industrial noise and fumes. Further, Mr. Beasley said he did not support Ms. Forbes-

Roberts amendment to condition 1.1 because it would not be genuine or appropriate for the developer to try and engage the community since they are very against the proposal.

In response to a request for clarification from Mr. Scobie, Mr. Beasley indicated it was the number of dwelling units proposed, not the density in terms of FSR, that he had difficulty supporting.

Mr. Beasley said he would prefer to try and craft a motion that would lead to the reformulation of this project at a lower density, meaning fewer units and not affecting the total FSR, at a lower scale and form of development that is more compatible with the pattern and nature of the neighbourhood. He said he would prefer that the number of households living in front of the industrial port be reduced and he agreed with Ms. Forbes-Roberts that the project needs to be reshaped to better reflect the community.

Mr. Timm suggested to Ms. Forbes-Roberts a revision to her suggested amendment for condition 1.1 to read: "design development to reduce the overall height of the building along the Wall Street frontage by approximately 2-3 ft. and further design development of the Wall Street frontage to be more in keeping with the character of the surrounding neighbourhood". Mr. Timm did not want to specify community involvement in the redesign process.

Ms. Forbes-Roberts said she had difficulty with Mr. Timm's proposed amendment because the community's concerns were the motivation for her original amendment to 1.1. She did not support Mr. Timm's proposed amendment.

Mr. Barbour expressed his belief that the neighbourhood would engage in discussion about project redesign if Council has first heard from the community and decided that the City will neither acquire the site for park nor, as a second community preference, rezone the site to RS-1.

Mr. Timm responded with additional wording to add, at the end of his proposed amendment to 1.1, as follows: "including an opportunity for community input". Mr. Timm said he suggested the use of the word "input" rather than "consultation" to make it easier for staff to assess whether the intent of the condition had been met. Ms. Forbes-Roberts said she would consider Mr. Timm's wording but would still like to hear Mr. Beasley's consideration item.

Mr. Beasley's wording outlined, for consideration, what he would present as a motion if consensus was not reached amongst the Board members on the present motion. Mr. Beasley explained that the intent behind the wording of his consideration item is to achieve a form of development that is more like a row house development, pulled away from the cliff and with several clusters that are more in pattern with the single-family area and hopefully provides less number of units, which does not mean lesser floor area, responding to the port and rail tracks condition. Mr. Beasley said that the applicant needs to do more work on the form and the residents of this community should know that the Board will not turn down a proposal for multiple dwelling residential use on this site and it is in their interest to participate with the applicant team toward a new scheme. He said this is not a refusal but rather a referral back to the applicant team for further design development. Mr. Beasley said the changes required are too dramatic to downgrade this application to preliminary status and give approval.

Mr. Scobie advised that the Board could consider refusal of the application or to defer decision on the application. Mr. Beasley offered to amend his consideration item to indicate that the decision on this development application be deferred and the proposal sent back for further review.

Ms. Forbes-Roberts said, given the intent of her original amendment to condition 1.1, she could not support Mr. Timm's amended motion for approval. Mr. Timm said that it is important to have the same Board membership present when this application returns for a decision.

Mr. Scobie expressed concern about where this process will lead the applicant team with the known opposition to a multi-family development on this site and the possibility of decisions still resting with the Director of Planning to be appealed to the Board of Variance.

Mr. Timm's motion for approval failed because neither Mr. Beasley nor Ms. Forbes-Roberts seconded the motion.

Mr. Beasley moved that this development application decision be deferred and that this project be sent back for further review, in consultation with the community, to achieve a lower-scale, multiple family scheme with less units overlooking the tracks and industry, a form more consistent with the surrounding community patterns and a noise attenuation strategy that minimizes impacts on the residents who will face the industry and tracks.

Ms. Forbes-Roberts seconded the motion and said she was doing so with the expectation and understanding that the community would engage. She also said that this process of further design and community consultation should not hold up the application over a long period of time. Mr. Beasley offered to insert the words "in a timely fashion" to his motion. Ms. Forbes-Roberts accepted that amendment.

Mr. Timm said he did not support the motion or direction that the other two members of the Board chose to take. He maintained support for his original motion for approval with a design development condition to address the Wall Street frontage.

Lenny Moy, the developer, addressed the Board with respect to their decision. He said that he has tried to work with the neighbourhood and staff and has taken direction from staff and advice from the Urban Design Panel, and from the acoustic consultant. Mr. Moy said he hired one of the best architects in the city to come up with a good design and he is very disappointed, as a developer, with the way the Development Permit Board has treated his application given the time and effort taken and the nature of his goal.

Motion

It was moved by Mr. Beasley and seconded by Ms. Forbes-Roberts, and was the decision of the Board:

THAT the decision on the Development Application No. 409890 be deferred and that this project be sent back for further review, in consultation with the community, in a timely fashion, to achieve a lower-scale, multiple family scheme with less units overlooking the tracks and industry, a form more consistent with the surrounding community patterns and a noise attenuation strategy that minimizes impacts on the residents who will face the industry and tracks.

CARRIED
(Mr. Timm opposed)

4. OTHER BUSINESS

There being no further business, the meeting adjourned at 9:40 p.m.

D. Kempton
Assistant to the Board

F. Scobie
Chair

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