

Date: Tuesday, August 7, 2001
Time: 3.00 p.m.
Place: Committee Room No. 1, City Hall

PRESENT:**Board**

F. Scobie Director of Development Services (Chair)
A. McAfee Director of City Plans
B. MacGregor Deputy City Manager
D. Rudberg General Manager of Engineering Services

Advisory Panel

T. Bunting Representative of the Design Professions (Urban Design Panel)
P. Kavanagh Representative of Development Industry
J. Leduc Representative of General Public
R. Bruce Scott Representative of General Public

Absent

J. Hancock Representative of the Design Professions
J. Ross Representative of Development Industry
D. Chung Representative of General Public
M. Mortenson Representative of General Public

ALSO PRESENT:

R. Segal Sr. Development Planner
A. Molaro Development Planner
L. Schmidt Project Facilitator
R. Hargraves Asst. City Surveyor
S. Harvey Social & Cultural Planner
T. Driessen Park Planner, Park Board
B. Maitland Director, Real Estate Services

Item 3 - 1133 Seymour Street - DE405395 Zone DD

D. Hewitt Hewitt & Kwasnicky Architects Inc.
D. Decotiis Amacon Group

Clerk to the Board: C. Hubbard

The Chair noted Ann McAfee's attendance at the meeting, in place of Larry Beasley. Mr. Beasley has declared a conflict of interest because he is on the Board of the Vancouver International Film Festival, the organization for which the Vancouver Film Centre is to be built. Mr. Beasley had no involvement in the processing of the Development Application for 1133 Seymour Street.

1. MINUTES

It was moved by Mr. Rudberg, seconded by Ms. McAfee, and was the decision of the Board:

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of July 23, 2001 be approved.

2. BUSINESS ARISING FROM THE MINUTES

None.

3. 1133 SEYMOUR STREET- DE405395 - ZONE DD
(COMPLETE APPLICATION)

Applicant: Hewitt & Kwasnicky Architects Inc.

Request: To construct two residential towers (32 storeys [Tower A] and 24 storeys [Tower B]) integrated with a three-storey podium containing retail at street level facing Davie Street, three townhouses facing Seymour Street, a 13,700 sq. ft. cultural amenity facility and four levels of underground parking.

To increase the building density from 5.00 to 8.08 FSR (120,000 square feet) for residential use in exchange for donating the Vancouver International Film Centre facility to the City as a civic amenity, in accordance with Section 6.11 of the DODP By-law.

Development Planner's Opening Comments

The Development Planner, Ralph Segal, presented this preliminary application, referring to a model of the proposed development and a larger model illustrating the immediate context. It was noted that the lower tower is modelled at two storeys less than is now proposed. This revision is reflected in the posted drawings and in the Staff Committee Report. The inclusion of 120,000 sq.ft. bonus density, in addition to the 5.0 FSR allowed in the zoning, is significant but staff believe it is commensurate with the size and composition of the proposed amenity facility. In reviewing the impact of this bonus against the Downtown South Guidelines, Planning staff have concluded that this site is able to absorb the 120,000 sq.ft. of additional density, noting it amounts approximately to the massing in the second, lower tower of the proposal. A more typical project for a 325 ft. site such as this would be a podium and a single 300 ft. tower. Two towers per block face are likely and envisioned under the zoning. However, only 150 ft. of frontage remains on this block to the north of this site, which would not qualify for a tower development or 5.0 FSR; rather, it would qualify for 3.0 FSR and 70 ft. height. The exception would be if it were proposed for social housing, in which case 5.0 FSR and up to 120 ft. could be achieved. Staff therefore conclude that the northerly site will likely be developed with a lower massing. Mr. Segal briefly reviewed the developments in the immediate context of the site. In summary, staff are satisfied that an additional tower on this site, resulting in two significant towers on this block face, is within the intent of the Downtown South Guidelines.

Mr. Segal referred to a memorandum to members of the Development Permit Board and Advisory Panel from the Park Board, dated August 2, 2001 (on file). This memorandum asks the Board to refuse the application because of the additional shadowing that will be imposed on the proposed new Downtown South park directly opposite this site on Seymour Street. The Park Board's position is that the application would be in violation of the Downtown South Guidelines with respect to overshadowing. Mr. Segal reviewed Section 2.6.1 of the Guidelines which deals with General Shadow Criteria, and noted it calls for shadow impact analysis to be taken at the equinox, between 10.00 a.m and 4.00 p.m. The standard normally used throughout the remainder of the Downtown and elsewhere in the city on large developments, is 10.00 a.m. to 2.00 p.m. but this has been extended to 4.00 p.m. in Downtown South. Mr. Segal reviewed the posted shadow diagrams which indicate that at 4.00 p.m. at the equinox, shadow from this development begins to impinge on the northwest corner of the park site while 95 percent of the park remains in sun. The shadow reaches the property line at about 3.30 p.m. Diagrams of shadowing at the solstice, while not a criterion in the guidelines, were also reviewed. These indicate that at 4.00 p.m. there is virtually no shadow impact on the park. In summary, Mr. Segal advised Planning staff believe that, based on the 4.00 p.m. criteria both at the equinox and solstice, the intent of the Guideline is met and there is negligible impact on the park. Mr. Segal briefly reviewed other massing alternatives within the parameters of this scheme, noting any improvement would be marginal and not sufficient to justify an adjustment. A single tower scheme was also considered, without the amenity bonus, and this option showed some improvement, particularly at later hours in the solstice, by virtue of the tower being relocated to the centre of the site. However, staff believe these shadow criteria would be outside the parameters of the Downtown South Guidelines.

In summary, staff support the proposed two-tower scheme, although are seeking some slimming of the towers, as called for in condition 1.1, which should marginally improve the shadowing impact. The width of the towers exceeds the Guideline recommended maximum width of 90 ft. While this 325 ft. site would qualify for a single tower scheme under the Guidelines, staff support the two tower proposal to accommodate the bonus density and believe a relaxation of the guideline is appropriate in this respect. Mr. Segal briefly reviewed the other issues that have been raised and which are addressed in the prior-to conditions. Several letters in opposition to the application have been received. The recommendation is for approval in principle, subject to the conditions outlined in the Staff Committee Report dated July 11, 2001, and subject to Council approval of the amenity bonus.

Comments from the Office of Cultural Affairs

Sue Harvey, Social & Cultural Planner, explained that the amenity bonussing provision of the Official Development Plan, in use since 1975, seeks amenities for cultural, social and recreational purposes in the downtown. The facilities are open and available to the public and are sub-leased through the City to a not-for-profit society. The bonussing provision is considered where there is a demonstrated need and an opportunity. The most recently approved amenity bonus was the Contemporary Art Gallery at 555 Nelson Street. The opportunity is now available on this site for the Vancouver International Film Centre which would be managed by the Greater Vancouver International Film Festival Society, providing a year-round presence for the film festival. The Film Centre Society also works with film-makers throughout the year. The amenity bonus is calculated by Real Estate Services, based on the size of the amenity space and the specific costs including the finish and fit-up of a facility. This proposal includes a 170-seat cinema, production facilities, some administrative support space and ancillary front-of-house space such as box office. The bonus also calculates a pre-paid operating endowment for twenty years which the City secures. The City then requires the not-for-profit recipient of the bonus to raise sufficient funds so that after twenty years the interest from the endowment can continue to cover the operating costs. This is to ensure that the amenity is financially viable without City contribution for the life of the building, as is the additional density. Ms. Harvey noted it is a challenge to find a site that is large enough to accommodate this size and kind of facility but, working with

Planning, they believe this site is appropriate. In terms of the bonus density to amenity ratio, this proposal is identical to the previously approved bonus for the Contemporary Art Gallery (approx. 8.7:1.00).

In response to a question from the Board regarding the approval process, Ms. Harvey explained that amenity bonuses are subject to approval by Council Committee. If the bonus is approved by Council, the complete application is then subject to the final approval of the Board. Ms. Harvey also reviewed various earlier amenity bonuses in terms of amenity sizes and corresponding bonuses approved.

Comments from the Film Society

Alan Franey, Director, Vancouver International Film Festival, explained the Film Centre will function during the period of the annual film festival and will also present programs from time to time throughout the year. As well, there would be an ongoing program for other arts groups (eg., Moving Pictures, The Travelling Canadian Film Festival, the Reel to Reel event). Rental space would also be available for the short term use of local film makers. The goal is to also use this amenity as a demonstration centre for emerging technology, noting the rapid change from celluloid to video-digital formats. There will also be a modest archival function. It is hoped to make the facilities open and welcoming to the public on a day to day basis. In response to a question from the Board about the endowment fund, Mr. Franey advised they have begun a capital campaign and he confirmed they can guarantee their contributions to the fund without putting the Society at risk.

Comments from the Park Board

Tilo Driessen, Park Planner, referred to an illustration of the conceptual design of the proposed new park, noting it covers the entire block with the exception of two non-market housing projects on Helmcken Street. Downtown South currently has no park and this is the first of two that is hoped will be ultimately achieved for the neighbourhood. The City has been acquiring properties for this park since 1992 and currently owns 27 of the 31 individual lots of the total assembly. Council has recently approved funding to construct the first phase which is the Richards Street frontage, up to but not including the lane. The park will have many amenities to serve this densely populated area and is intended to have high quality materials. The Park Board's concern with the subject development proposal is that it may diminish the quality of the park by causing shadow impact. The shadow impacts will occur after 4.00 p.m. and largely in summer, which is when they expect the park to be most heavily used. Mr. Driessen agreed the Park Board has always been aware there would be high-rise development around the park, with some impact. However, they did not realise there would be impacts created by bonus density. They therefore do not consider this site to be an appropriate receiver site for bonus density because it creates negative impacts on public property. Mr. Driessen noted the City is investing approximately \$20 million in the park. It will be a very valuable civic and community asset. The bonus density will cause shadow impacts on the park and the Downtown South Guidelines clearly state that this should not happen.

Discussion

In response to questions from the Board, Mr. Segal provided a further review of the shadow diagrams. With respect to the remaining 150 ft. frontage on this block, Mr. Segal confirmed the height and density of this site could be increased by an amenity bonus as well as for social housing. However, it would be unlikely because of the livability issues it would create.

It was noted the context map on p.7 of the Staff Committee Report is incorrect in its illustration of the new park. It was also noted that Section 4.1.3 of the Downtown South Guidelines, referred to in condition 1.1, relates to tower widths rather than shadowing impacts. As well, on p.15 of the report, under **Staff Response**

to Notification, the reference to "at least" two towers should be deleted. The reference to condition 1.7 in A.2.5 should be 1.8, and the standard note B.1.1 needs to be updated to reflect current convention.

Applicant's Comments

David Hewitt, Architect, confirmed the additional density bonus is accommodated in the second, lower tower. Referring to p.8 of Appendix D in the Staff Committee Report, Mr. Hewitt noted it illustrates that at 5.00 p.m. at solstice, it is not the second tower which causes shadow impact on the park, rather it is the position of the taller tower. He added, even if the position of the two towers were reversed, it would make no appreciable difference to the shadowing impact in the evening hours. Mr. Hewitt advised they have met the guidelines regarding shadowing up to 4.00 p.m. and going beyond this time in the summer is not a good trade-off for the proposed facility. He added, the park is still usable in shadow. Mr. Hewitt advised the Film Society has been considering projecting from the film centre across the street or having activities in the park related to the Film Festival.

With respect to the siting of the two towers, Mr. Hewitt said they did a development analysis of the adjoining site to the north which indicates its development potential will not be impeded in any way by this site. The proposed cultural facility is very large at 13,700 sq.ft., and Real Estate Services' analysis indicated a density bonus of 151,000 sq.ft. However, there is over 30,000 sq.ft. of bonus which is not being taken advantage of because the Planning Department believed only about 120,000 sq.ft. could be accommodated on the site. Mr. Hewitt added, it will be a fully fitted state-of-the-art film festival facility. They believe it will be an important amenity and will add a lot to the park.

With respect to the condition 1.1 in the Staff Committee Report, Mr. Hewitt said they are agreeable to exploring the tower forms to mitigate overshadowing in the park. Mr. Hewitt confirmed they are in agreement with all the conditions.

Board and Panel members reviewed the model and posted materials.

Comments from Other Speakers

Judy Armage, property owner of 1130 Granville Street, explained her living room faces the lane and she will be impacted by this proposal. She sought assurance that the electrical generator at the lane will be underground, and asked how much separation there is between her building and the proposed lower tower. Ms. Armage was also concerned about overshadowing and potential noise impacts. Mr. Hewitt confirmed the emergency generator will be located underground and noise levels will be regularly monitored. Separation between the lower tower and 1130 Granville Street will be over 60 ft. Visual impact will be minimal because the people functions of the cultural facility will be towards Seymour Street. The roof top lap pool will be screened on the lane side. Mr. Rudberg explained that this is a preliminary application. Following a number of revisions the application will be returned to the Development Permit Board for further review and final approval, at which time more detailed information will be available to respond to Ms. Armage's concerns.

Michael Francis, Chairman, BC Film, and Chairman of the Advisory Committee of New Media BC, noted that film and television production is a large and important industry in Vancouver. The proposed film centre will give film, television and new media producers some of the infrastructure that is currently lacking and badly needed.

It will provide producers with the opportunity of showing their work on state of the art equipment. None of the activities will impact on the surrounding neighbourhood.

Wendy Donaldson, local resident, urged the Board to keep in mind what residents have put up with in this emerging neighbourhood, noting the cultural amenities being proposed are not specifically for the local

community. She stressed they are not opposed to such amenities but the new park will be a very important addition, principally serving neighbourhood residents and the less it is compromised the happier they will be.

Panel Opinion

Mr. Bunting said the Urban Design Panel was very supportive of this application and believed the proposed amenity to be very appropriate in this part of the downtown. Mr. Bunting noted these kinds of facilities were always anticipated for Downtown South. Most of the Panel's architectural concerns related to detailed issues around the initial resolution of the tower forms and the clarity of the podium. The Panel was also concerned about the lane and the addressing of the film society's building on the plaza which will need to be addressed at the next stage of development. The Panel did discuss shadowing but it was not considered to be an issue. Mr. Bunting noted that reducing shadowing on the park has been an important consideration in a number of recent development applications in this neighbourhood, but the subject site has less impact on the park. Mr. Bunting said he completely concurred with the Planning Department's analysis that the site has absorbed the additional density while impacting as little as possible on the park. Referring to the conceptual design of the park, Mr. Bunting noted it takes into account its dense urban setting by keeping the open area to the centre, so the minor shadowing which occurs on the edge of the park has minimal impact. With respect to the siting of the towers and the form of the project in combination with the additional density, Mr. Bunting said the proposal has done a fairly good job of artfully placing the towers to get the best performance. However, he agreed some further slimming of the towers, as called for in condition 1.1, could help reduce the shadowing further. He strongly urged the Board to support the preliminary application.

Mr. Kavanagh said he was pleased to recommend approval of the preliminary application and agreed with Mr. Bunting's comments about the shadowing on the park. He said he was satisfied by the analysis that there will be no significant increase in shadowing on the park. He recommended an amendment to condition 1.1, and supported condition 1.2. With respect to 1.5, Mr. Kavanagh said he would normally support inclusion of a double row of trees, however, he was interested in the possibility of there being some larger interaction between the film centre and the park. Given the double row of trees is a requirement in the Downtown South, however, there must be a compelling reason to make an exception for this application, which should be brought forward at the complete stage.

Mr. Scott also supported the application, noting that at the next stage of development he would like to see more emphasis on the development of the lane. He said it is unfortunate the BC Hydro equipment could not also be placed underground, as is proposed for the project's electrical transformer. He would also like to see more information on the parking provided for the public using the proposed amenity. Mr. Scott also thought the development should be tied to the park in some way and hoped to see this explored further at the complete application stage.

Ms. Leduc supported the proposal and thought the proposed amenity will be a great addition to the neighbourhood. She agreed with Mr. Kavanagh's suggested amendment to 1.1. With respect to the relationship between the film centre and the park, Ms. Leduc said she would be reluctant to be too prescriptive but encouraged the architect to explore the matter further.

Closing Comments from the Development Planner

Mr. Segal said the double row of street trees is an important amenity which is there 24 hours a day, whereas any film projection would be for limited periods. The trees contribute to buffering street noise and enhancing the pedestrian experience on the sidewalk and staff would not support their deletion. As an alternative, Mr. Segal suggested the choice of tree species might be reviewed in terms of projecting over them.

Board Discussion

Mr. MacGregor noted it is a significant amount of density bonus that Council will be asked to approve. However, it seems that many of the guidelines are met in this proposal and the Board's position should be made clear in the report to Council in terms of the interpretation of the guidelines on this and previous applications in the area. He moved approval in principle with amendments to the conditions. With respect to 1.1, he said he agreed with the Advisory Panel that shadowing on the park is not an issue, especially in light of other recent approved developments in the area. With regard to the street trees, Mr. MacGregor said it would be good if the park programming could take advantage of some of the work of the Vancouver International Film Society, if possible, but at this point it would not be appropriate to deviate from the policy of requiring a double row of trees. In addition to the amendments to the conditions, Mr. MacGregor advised the reference to "at least" two towers should be amended under **Staff Response to Notification** on p.15 of the report.

Mr. Rudberg agreed the amount of density bonus on this site is very large and it will be a difficult trade-off for Council to make. It is, however, a decision that is more appropriately made by Council than by the Development Permit Board. Mr. Rudberg added, in his opinion, this is one of the few sites where this amount of bonus density does work in terms of the tower configuration in relation to the corner lot. It also works well in terms of the separation between the two towers and from adjoining properties in that it meets the basic livability criteria. It also works to a great degree in relation to the park across the street in terms of shadowing impacts. Nevertheless, anything that can be done to reduce the shadowing further should be done to make it a better neighbour to the park. Mr. Rudberg added, the advice of the Urban Design Panel and the Board's Advisory Panel is that the proposal meets the basic criteria in the Downtown South Guidelines. At the complete application stage, Mr. Rudberg said he would like to see a better interaction between the park and this amenity, if approved by Council. If this means eliminating some of the street trees to allow this to occur, he agreed it should be explored, noting it might result in a better and more interesting urban space for this neighbourhood. However, he agreed the condition to maintain the double row of trees should not be deleted at this preliminary stage, although some adjustment might be made at the complete stage.

Ms. McAfee commented that the decision on the density bonus will be a trade-off between an amenity that is going to be enjoyed by the city as a whole and one that is more geared to the local community. With that trade-off in mind, Ms. McAfee said she would like to see at the complete stage as much emphasis on adjustments that work for the community, such as slimming of the towers. With respect to the issue of the street trees, Ms. McAfee noted the Park Board will be consulting further with the community with respect to the design and programming for the park, which might be a good opportunity to seek the community's input on having some kind of link across the street. The increased street animation called for in condition 1.7 is also an important area to be reviewed at the complete stage, as is any light impact on neighbours from the rooftop lap pool area. Ms. McAfee supported approval in principle.

Mr. Scobie agreed the decision on an amenity bonus of this magnitude more properly rests with Council. As well as deciding on whether the proposed amenity is a worthy trade-off for the additional density, Council will also likely have to consider the Park Board's concerns about the shadowing impact on the park created by the added density. He added, he appreciated the Park Board's strong position in defending the City/Park Board objectives with respect to this very significant public investment in a badly needed community park. However, the literal interpretation of the guidelines by the Park Board goes beyond the intent of the guidelines by discussing shadowing well beyond the normal shadowing criteria.

Motion

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

THAT the Board APPROVE IN PRINCIPLE Development Application No. 405395, in accordance with the Development Permit Staff Committee Report dated July 11, 2001, with the following amendments:

Amend 1.1:

design development to reduce tower width ~~specifically related to~~ *meet the Downtown South Design Guidelines and reduce* late afternoon shadow impact on the future park and refine both towers' form;

Amend A.2.5 to change the reference to Condition 1.7 to 1.8;

Amend B.1.1:

The applicant is advised to note the comments of the ~~Permits and Licenses Department,~~ *Processing Centre-Building*, Health Board and Fire and Rescue Services contained in the Staff Committee Report dated July 11, 2001. *Further, confirmation that these comments have been acknowledged and understood, is required to be submitted in writing as part of the "prior-to" response.*

4. OTHER BUSINESS

None.

There being no further business, the meeting adjourned at 5.20 pm.

C. Hubbard
Clerk to the Board

F. Scobie
Chair

/ch

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