

Date: Monday, November 28, 2011
Time: N/A
Place: N/A

PRESENT:

2699 KINGSWAY - DE415099 - ZONE CD-1

Minutes
Motion

1241 HARWOOD STREET - DE415100 - ZONE RM-5A

Minutes
Motion

Board

V. Potter Director of Development Services (Chair)
B. Toderian Director of Planning
S. Johnston Deputy City Manager
P. Judd General Manager of Engineering Services

Advisory Panel

S. Romses Representative of the Design Professions (Urban Design Panel) [Alberni Street]
F. Rafii Representative of the Design Professions
J. Stovell Representative of the Development Industry
M. Biazi Representative of the General Public
S. Bozorgzadeh Representative of the General Public
J. Miletic-Prelovac Representative of the General Public
P. Sanderson Representative of the General Public

Regrets

K. Maust Representative of the Design Professions
C. Chung Representative of the General Public
M. Pez Representative of the Development Industry

ALSO PRESENT:

City Staff:

G. Greer Assistant Director of Processing Centre - Development
R. Thé Engineering Services - Projects Branch
P. Cheng Development Planner
S. Black Development Planner
D. Autiero Project Facilitator
S. Barker Project Facilitator
M. D'Agostini Heritage Planner (1241 Harwood Street)

2699 KINGSWAY - DE415099 - ZONE CD-1

W. Leung W.T. Leung Architects
H. Knoetzele W.T. Leung Architects
D. Thind Thind Holdings

1241 HARWOOD STREET - DE415100 - ZONE RM-5A

D. Du Bing Thom Architects
M. Heeney Bing Thom Architects
C. Phillips Phillips Farevaag Smalenberg
N. Hudson Arbotech

CLERK TO THE BOARD: L. Harvey

1. Minutes

It was moved by Mr. Toderian, seconded by Mr. Johnston, and was the decision of the Board to approve the minutes of the meeting on November 28, 2011 with the following amendments:

Amend Condition 1.12 by add the following at the end: (Note: this amendment was moved by Mr. Johnston and seconded by Mr. Toderian).

The correction of some minor typographical errors.

2. BUSINESS ARISING FROM THE MINUTES

None.

3. 2699 KINGSWAY - DE415099 - ZONE CD-1
(COMPLETE APPLICATION)

Applicant: W.T. Leung Architects

Request: To construct a mixed used development comprised of two buildings separated by a public plaza/pedestrian walkway and a sewer right of way (SRW). Building A is a 12 storey mixed-use building with one level of Retail (first floor) and 11 levels of Residential (2nd to 12th floors) containing 106 dwelling units all over five (5) levels of underground parking having vehicular access from the lane and Building B is a four (4) storey mixed-use building with one level of Retail (first floor) and three (3) levels of Residential (2nd to 4th floors) containing 24 dwelling units all over three (3) levels of underground parking having vehicular access from the lane subject to Council's enactment of the CD-1 By-Law and approval of the form of development.

Development Planner's Opening Comments

Paul Cheng, Development Planner, introduced the application and gave a brief history of the Norquay Neighbourhood Centre Plan. It was adopted by Council just over a year ago. There are three main goals for the plan including improving walkability, encouraging a local shopping area on Kingsway and also increasing the variety of dwelling type within the neighbourhood. One of the main goals was to introduce new pedestrian walkways through the long blocks. The plan has a rezoning policy for all the properties on Kingsway. The goal of increasing the building types will range from small house duplex zone to the traditional rowhouse as well as stacked townhouses and 4-storey apartment buildings. On some special sites where an enhanced public realm is sought up to 12-14 storeys will be entertained.

This application represents the first rezoning under the Norquay Neighbourhood Plan. It is an important site and is located across from Norquay Park. One of the reasons it is important is the new ravine-way pedestrian street that will increase connectivity to the 29th Street SkyTrain Station. This will require some acquisition of properties by the City to achieve this however this site will represent the gateway to that ravine.

Mr. Cheng reviewed the recommendations contained in the Staff Committee Report dated November 16, 2011. The recommendation was for support of the proposal, subject to the conditions contained in the Staff Committee Report.

Questions/Discussion

In response to questions raised by the Board and Panel, the following clarifications were provided by Mr. Cheng:

- Access for the daycare will use the pedestrian walkway.
- There will be a new crosswalk with a pedestrian activated signal.
- There is a policy requirement for LEED™ Gold. Staff have some concerns that the applicant may not be able to achieve the equivalency and is therefore seeking further elaboration in Condition 1.1.
- The pedestrian crossing on the lane is currently under discussion with Engineering Services.
- The lane may include traffic calming measures such as a raised crosswalk, speed humps, or other suitable calming measures.
- It is anticipated that there will be patio life in the form of chairs and tables in the plaza.
- The applicant has relocated the amenity space to face the plaza for more eyes on the plaza. There is a design condition asking for operable doors into the space.
- Engineering Services plans to improve the Duchess Street bike path.
- The applicant will provide bike storage as per the Bylaw with 176 spaces proposed.

Applicant's Comments

Wing Leung, Architect, said they are confident that they will meet all the conditions in the Staff Committee Report but would like the Board to delete Condition A.1.13 and A.2.5. He said that the intention for lowering the planters on the lane was to reduce the height of the wall and he believes this is a friendly transition to the plaza from residents across the lane. With Condition A.2.5, Mr. Leung said that their experience with shared loading between commercial and residential with direct access to the residential lobby might be a security problem during loading. He said they would prefer that "direct access" be deleted. Mr. Leung acknowledged that Planning staff have concerns with their ability to meet LEED™ Gold. He said they are comfortable making 63 points and they have been working with a LEED™ consultant. Mr. Leung said that they had read Appendix C and didn't have any issues with the conditions.

Questions/Discussion

In response to questions raised by the Board and Panel, the following clarification was provided by the applicant team:

- The applicant was concerned that adding a door into the residential lobby from the shared commercial loading space might become a security risk.
- The applicant plans on making six energy points as well as points for stormwater and water conservation for their sustainability strategy.
- There is a LEED™ consultant assigned to the project.
- They are looking at the wall to glass ratio in the smaller building and are in conversation with the window manufacturer and are seriously looking a tripled glazing.
- They are also looked at geothermal but it was an issue for air conditioning.
- Building B will have a green roof except for the roof of the elevator core. They will meet the requirements for green roof and water retention.

- They haven't had any discussions regarding a community garden space for the residents.
- The planters are too low to access right now when using the outdoor deck and would require a ladder for servicing.
- The project needs to meet 6 energy points plus 1 for stormwater and 1 for water conservation.
- The applicant needs to plan for a screen on the roof of the building to hide the addition of cell phone towers.
- The owner is not planning for LEED™ certification.
- The zoning mitigates against shadowing through the transition to lower buildings. Shadows only happen during the darkest times of the year.
- The greenhouse on the 5th level was an added requirement from Social Planning.

Comments from other Speakers

Chris Morrissey is a member of the Senior Advisory Committee and had concerns regarding issues of accessibility. She stated that the committee would like to see issues relating to aging in place incorporated into a building's design and that the projects meet the safer home standards. She noted that these issues are not addressed in the Building Code and recommends that this be strongly encouraged in new buildings.

Jeanette Jones said she had some concerns regarding the plaza but was happy with the project as stands as the plaza will be an entrance to the park.

Questions/Discussion

In response to questions raised by the Board and Panel, the following clarification was provided by the applicant team, staff or speakers:

- There are nineteen basic standards that have been identified for safer homes. These include:
 1. all exterior thresholds are flush;
 2. all interior thresholds meet minimal code constraints;
 3. all controls are offset from centre, roughly halfway between the centre and the outside edge of the shower or bathtub enclosure;
 4. control valves are installed on all shower faucets;
 5. reinforced with 2"x12" solid lumber in all washroom bathtub, shower and toilet locations;
 6. all pipes are brought in no higher than 14" to the centre of the pipe from floor level'
 7. cabinets underneath each sink are easily removed;
 8. all doors and pinch points are a minimum of 34" but ideally 36" wide.
 9. all hallways are a minimum of 40: but ideally 42" wide.
 10. all switches positioned at 42" to the centre of the electrical box from the finished floor;
 11. all outlets positioned at 18" to the centre of the electrical box from the finished floor;
 12. placement location of electrical outlets (locations listed on website);
 13. all light switches and A/C outlets use Smart electrical boxes;
 14. place four-plex outlets in master bedroom, home office, garage and recreation room.
 15. telephone pre-wiring: CAT 5E (4 pair) homeruns to all areas and return to one central area (Node Zero);
 16. RG-6 coaxial cable runs: all homeruns return to one central area;

17. all other low-voltage homeruns (e.g. door bells, security systems, etc) return to one central area;
 18. at the top of all stairways, wall are reinforced with 2"x12" solid lumber at 36" to centre; and
 19. either an allowance for an elevator option in stacked closets, or build all staircase(s) with a minimum width of 41". All the full information is available on Safe Homes' website at <http://saferhomesociety.com/index.php/saferhome-standards/19-point-standards>
- The units are not fully handicap accessible but could be easily converted. Handicapped parking stalls are being provided.

Panel Opinion

Mr. Romses said the Urban Design Panel was supportive of the development. He added that staff and the applicant should be commended for setting a new tone for Kingsway. The Urban Design Panel has seen a lot of applications for Kingsway with 95% of them being the C-2 topology which is becoming predictable. He noted that this application was more about urban design. The Panel supported the massing and thought the pocket plaza was an interesting and supportable condition. They had concerns regarding the sustainable strategy and Mr. Romses said he was glad to see the applicant was on board with improving the performance for the project. He added that the Panel had some concerns with the energy performance and that the building didn't seem to address that in its orientation. Mr. Romses said he was happy to see the conditions in the report talking about the plaza and the brick detail and hoped the applicant and staff could bring the next level of delight to the project.

Mr. Foad said the project was successful and a good example for improvement along Kingsway. He said he was pleased to see the applicant can meet the conditions brought forward. He added that he would like to see Condition A.2.5 become a consideration item.

Mr. Stovell said it was a nice project and was great to see a more urban scale along Kingsway. He said he wasn't fully clear regarding Condition 1.1 with regards to sustainability but though the strategy should be clear and precise on how it is analyzed.

Mr. Biazi thought staff and the applicant had done a good job and the project was setting a precedent for more of the same along Kingsway. He added that the one condition he would like to see provided was for the addition of the greenhouse on the roof.

Mr. Sanderson thought it was an interesting project and was setting a good precedent for Kingsway. He said he liked the plaza and the pedestrian access from the street through the property. He did have some minor concerns regarding the building form and thought shadowing would have more impact than what was anticipated. He also had some concerns regarding handicap accessibility. He noted that in other municipalities there is a certain percentage for handicap units provided in new properties and he would like to see the City entertain that policy.

Ms. Miletic-Prelovac said she liked the architectural expression but had some concerns regarding the height of Building A. She also liked the pedestrian access being provided for the sewer right-of-way. She thought the plaza had been enlivened with the use of retail units but would like to see more design elements introduced into the plaza so people will stay longer when the retail spaces are closed.

Ms. Bozorgzadeh said she was in support of the project and thought the applicant had done an honest and clean job.

Board Discussion

Mr. Judd moved the motion and made amendments to the conditions in the Staff Committee Report. Regarding the shared loading, Mr. Judd explained why he wasn't recommending that the condition be deleted. He said the purpose of the proximity of the loading is to make it convenient for people who are moving or having things delivered to have access to their units. He said that what they have found when residents don't have access is that they don't use the loading and in fact park on the street or the lane. He noted that if they were to park in the lane on this site, visibility would be blocked for pedestrians making the crossing. He added that he hoped that any security issues could be addressed with security features. Regarding the Safer Homes, Mr. Judd thanked the speaker. He added that it is a good point moving forward to add it as a condition in rezonings.

Mr. Johnston seconded Mr. Judd's motion and made a friendly amendment to Condition 1.2. He added that he would like to thank the speaker's comments regarding Safer Homes. He noted that he has spoken to Will Johnston, Chief Building Official, regarding this issue. He said that he understands that the City has one of the more progressive building codes in BC on this issue but the low barrier entries remain an issue. He added that he looked forward to receiving an update from Mr. Johnston.

Mr. Toderian said he was glad to support the motion. However, he suggested that the amendment to condition regarding the screening for cell phone antennas be added to the Planning Conditions rather than the Engineering Conditions. Mr. Toderian thanked the applicant and property owner noting that as a result of the Norquay Neighbourhood Centre they took the risk and cost of a rezoning when they already had a development permit for the site under the C-2 zoning. Mr. Toderian said it was a much better project than if it would have been under C-2 and thought they should be commended for going through the extra effort. He thought it was a handsome building and noted that it was also a LEED™ Gold building which it wouldn't have been under C-2. It has a gateway plaza and entrance for the future ravine way and is one of the first projects to be done under the neighbourhood centre plan, taking an early step for the ravine way. He added that there are now wider sidewalks which he thought was critical for the neighbourhood and there will also be the pedestrian activated crosswalk as a result of this rezoning application. Mr. Toderian thought that Kingsway could be different with traffic calming, pedestrian signalization and a gradual transformation as a result of projects such as this one. He added that he agreed with Mr. Judd and Mr. Johnston's comments regarding Safer Homes. He said he noted the commentary from the Advisory Panel regarding the greenhouse on the roof. It is a voluntary offering from the applicant but he said he did expect to see it on the roof. Mr. Toderian thanked Ms. Jones for her work on the neighbourhood centre plan and appreciated that she took the time to come to the meeting to compliment the project.

Motion

It was moved by Mr. Judd and seconded by Mr. Johnston, and was the decision of the Board:

THAT the Board APPROVE Development Application No. DE415099 in accordance with the Staff Committee Report dated November 16, 2010, with the following amendments:

Amend Condition 1.2 to read as follows: Design development to provide an extensive green roof for Building B *and consider making the roof area accessible for use of building occupants for growing food.*

Delete Condition A.1.13

Re-number Condition A.1.12 to A.1.13

Add a new Condition A.1.12 to read as follows: *Consideration of screening around the penthouse of Building A to screen future cell antennas to the satisfaction of the Director of Planning.*

4. **1241 HARWOOD STREET - DE415100 - ZONE RM-5A
(COMPLETE APPLICATION)**

Applicant: Bing Thom Architects

Request: To develop this site with a 17 storey Multiple Dwelling (containing 36 dwelling units) over one level of underground parking having vehicular access from Harwood Street and two detached parking garages having access from the rear lane. This proposal includes the retention of the existing tulip tree and removal of the existing heritage house on the site.

Development Planner's Opening Comments

Sailen Black, Development Planner, introduced the application for a site mid-block between Jervis and Bute Streets on Harwood Avenue. The site contains a "B" listed heritage house recently evaluated by the Vancouver Heritage Commission as an "A", and a large tulip tree of heritage value. Mr. Black described the context for the area. The tree is about 118 feet tall and in excellent condition. The Guidelines for the area are intended to preserve existing streetscapes including significant trees, and specifically note that "mature trees and prominent landscape elements should be retained when possible."

Enquiries into the potential redevelopment of this site from the current applicant date back to 2005. Given that the site contains a significant heritage resource, staff advised the applicant to explore development options that included retention of the existing heritage house ("The Legg Residence") that could include incentives pursuant to the Heritage Policies and Guidelines. This building is on the Heritage Register as a "B" listed building, and was recently evaluated as an "A" building. The applicant was also advised that since the site contains existing rental accommodation, the Rate of Change policies would apply, and therefore the

existing number of rental units would require retention or replacement in any redevelopment scheme.

Towards the end of 2006, the applicant hosted two separate public open houses in order to present their heritage retention scheme along with a number of alternate heritage proposals, and several development options available through the existing zoning. Both of these open houses were very well attended by members of the public, and there was a range of public opposition to all of the options presented in preference of maintaining the status quo.

In April 2008, Bing Thom Architects submitted Development Application DE412106 which proposed to retain, relocate and municipally designate the existing heritage house and tulip tree, and to construct a new 18-storey residential tower. The additional bonus density requested was 45,000 square feet (generated from retention and municipal designation of the heritage house and tulip tree), and would have required City Council consideration of a Heritage Revitalization Agreement (HRA). Early in the development application review process this scheme was not supported by the City's Urban Design Panel, and was then considered to be on hold.

In 2010, City staff sought advice from Council on a policy direction regarding whether bonus incentives should be supported for landscape resources that are not wholly contained on the subject site (as is the case for the tulip tree on this site). On June 10, 2010, Council resolved:

THAT historic landscape resources in the City are important and worthy of retention and protection however, Council affirms that bonus incentives are not supported for landscape resources that cannot be wholly protected through legal designation.

In October 2010, Bing Thom Architects withdrew application DE412106 and submitted a new application (DE414280) which proposed to retain the heritage house, remove the tulip tree, and construct a new 18 storey residential tower which included 26,000 square feet of bonus density resulting from the heritage retention. The new building was proposed to be located seven feet from the property line of the west neighbours. The proposed density was 18-storys tall, with a density of 3.7 FSR. This application was referred to City Council as part of an HRA application to vary the density and designate the house. (See Appendix F for the Policy Report describing DE414280). On May 31, 2011 City Council resolved:

THAT staff be directed to consider further options for the Heritage Designation and Heritage Revitalization Agreement at 1245 Harwood Street which might include the retention of the large tree shared with the neighbour, given the expressed willingness of the adjacent owner to cooperate in its retention.

On September 1, 2011, Bing Thom Architects submitted the current application, and placing DE414280 on hold. The current application is proposed under the existing regulations of the RM-5A zoning (does not require Council approval), and includes the removal of the heritage house, and the retention of the tulip tree without legal protection or bonus density. A separate development and building permit is required for removal of the Legg Residence.

The current application is a complete development permit application and seeks the Board's approval for the conditional density and height which may be allowed under the RM-5A zoning for the property.

The new building will provide eight rental units, to replace the eight rental units in place on the site.

The proposed building is a 17-storey tower with smaller floor plates of about 2,400 square feet and a distinctive floor plan with offset rounded ends, and exterior open balconies shrouded by perforated steel screens mounted on curved tracks

The tower is located approximately in the middle of the site and is separated by nearby buildings by 79 feet. Separation of this building from nearby buildings has been a significant issue. The proposed siting would provide a side yard of 42 feet from the west neighbours.

Retention of the Tulip tree and majority of root ball of the tree are a major feature of the current proposal. The tree sits mostly on the subject property but a portion of the root ball also sits on the adjacent property to the east. With the current proposal, the tower is intended to be located so that there is little or no impact on the root ball of the tree. The proposal is also to landscape the western 2/3 portion of the site to establish a courtyard which will permit vehicle access to the underground parking at the rear of the site and there is also parking off the lane in the form of a 1-storey building. There will be a reflecting pond at street level from which the tower rises.

Mr. Black described the policy for the site. He noted that a view cone passes over the site and restricts the height of the tower. Regarding density, Mr. Black noted that in reviewing an application, the Development Permit Board considers the intent of Schedule and the applicable policies and guidelines; the submission of any advisory group or property owner or tenant; and the height, bulk, location and overall design of the development and its effects on nearby sites, streets and public open spaces. The outright height for the zoning is 18.3m (60'), and a 120 degree envelope starting at 11.0m (36 ft.) above the property lines. The Board can allow a higher building upon consideration of all applicable policies and guidelines, the submission of nearby owners and residents, and the effect on views, light, privacy and open space. Mr. Black noted that there are no significant public views affected by the proposal. The proposal has a measurable impact on existing private views, especially looking from higher floors toward the southwest and English Bay.

The shadowing effect by the proposed building on adjacent neighbours is similar to what could be expected were a new tower built in the centre of the lot under existing zoning. The lozenge shape of the floor plate helps to some degree by removing building corners that would otherwise extend the width of the shadow. More significantly, the floor plate is small, at approximately 2,378 square feet of net floor area on a typical level. The detailed shadow study is included in Appendix D, with an enlarged copy of the noon shadow at the end.

When considering the standard dates of the spring and fall equinox, the shadow of the proposed building does not reach any public green space. The proposed building will shadow the residential courtyard to the west during the morning. By 12:00 noon the shadow has cleared the open space. However, a tower with a more typical building width at the same density would create worse effects, as illustrated in Figure 1 on page 9 of the report.

New towers over 110 feet should be separated by 400 feet from any other towers of the same height in the same block face. The intent of this advice is to create a skyline with an evident pattern, to maintain or create view corridors between existing buildings, and to avoid a

continuous wall of towers. New buildings between 60 feet and 110 feet should be separated from other buildings in the same height range by at least 79 feet in all directions.

Mr. Black explained that staff previously estimated 1219 Harwood to be about 110 feet tall. Survey data received as a part of this application in 2011 indicates that 1219 Harwood Street is 108 feet in height, within the limit for considering another tower on the same block face.

In addition, there are no other towers near to 110 feet tall on the same block face; retention of the tulip tree provides a significant break in the block face; the siting of the new building preserves view slots on either side through the block; and the proposed building itself is fairly narrow at 47 feet. Staff are satisfied that these factors in combination meet the intent of the guidelines on this block face.

Mr. Black said that staff are of the opinion that the applicants have met the requirement of the heritage policy that buildings proposed for removal must be preceded by a report which explores its retention, but recommend as a condition of approval that the applicants should also provide a plan to relocate or re-use the Legg Residence.

Mr. Barker reported on the notification which can be found on page 15 of the Staff Committee Report. They received 23 comment sheets from the open house and 63 written responses. An additional 71 emails were received and provided to the Board and Advisory Panel and distributed with their package.

Mr. Black reviewed the recommendations contained in the Staff Committee Report dated November 16, 2011. The recommendation was for support of the proposal, subject to the conditions contained in the Staff Committee Report.

Questions/Discussion

In response to questions raised by the Board and Panel, the following clarifications were provided by Mr. Black:

- In practice it is up to staff to evaluate on how to meet the intent of the Guidelines.
- The Guidelines allow for relaxations when there is heritage consideration and preserving the tree has heritage value.
- Provincial legislation requires the City to compensate an owner for any heritage designation. The HRA system has been set up to provide that compensation through density.
- Through the HRA process there is a proforma review so the heritage retention could be explored and as a result generates some additional density which was contemplated in the HRA application which would have provided that compensation for the retention of the heritage building. The density that was needed meant that the tower would be shorter and wider and would have been right up against the property line on the west.
- The tower height is now 17-storeys with a smaller floor plate and the previous application was for 18-storeys. Also the density has been reduced and there is a larger sideyard on the west which was increased from 7 feet to 42 feet.
- Public views are a consideration when considering additional density. A shorter, wider tower would have more impacts on private views.
- The additional parking in the lane meant that less parking would be located underground and less impact on the root ball of the tulip tree. The FSR doesn't include the parking garages or the underground parking.

- There is a Heritage Density Bank available but there is a Council Policy in place because the balance is at an historic high so the heritage density tool can't be used until the balance is reduced. The heritage density needs to be used on the site and can't be added to the bank.
- A view analysis was done for the previous proposal and showed that it would be more problematic for private views because it was a wider floor plate even though it would have resulted in the retention of the house.
- Page 9 in the Staff Committee Report shows the foot print of the tree, heritage house and the proposed tower.

Applicant's Comments

Michael Heeney, Architect, said they have been working on the application for six years. Their intention at the beginning was to save the house and the tree. With regards to the conditions in the Staff Committee Report Mr. Heeney said they felt confident that they can address all of them. He added that they will do everything they can to salvage what they can from the house. Mr. Heeney said that they had read Appendix C and didn't have any issues with the conditions.

Questions/Discussion

In response to questions raised by the Board and Panel, the following clarification was provided by the applicant team:

- Staff and the applicant tried to find a way to retain both the heritage house and the tree but in order to do that there were additional costs. Density would have been over 4 FSR with the tree and the house. The Urban Design Panel thought that was too much density on the site.
- There is a limited amount of space on the site to place the tower and with retention of the house and the tree which it have meant there was only seven feet from the west property line to the building. Council did not support that and neither did the community.
- The biggest challenge with saving the tree is the underground parking. Since all the parking can't be accommodated underground, parking garages are proposed off the lane.
- The intention is to protect the tree so the building will be built in such a way that it won't intrude into the root ball.
- The City does not have any mechanisms to designate the tree.
- There are no openings on the west side of the tower onto the property.
- A 110 foot tower is within the guidelines.
- The owner doesn't intend to certify under LEED™ but they will be targeting LEED™ Gold.
- The applicant is putting together a plan to salvaging material from the heritage house.
- The tree is over 100 years old and could last another 100 years.
- There are moveable screens on the south and west that residents can customize.

Comments from other Speakers

Sally Pankratz spoke in favour of keeping the heritage building. The craftsmanship of the 1899 house can't be replaced and retaining it makes Vancouver a more interesting city. She added that one more tower won't add to the character of the city. If she had a choice she would choose the house over the tree.

Denis Berryman lives across the street and will lose some of his view and light in winter. He has lived there for 24 years. The house and the garden have been kept in good condition. Not many houses of this type are left in the west end. He asked that the house and tree be retained.

Paulette Caille urged the board to decline demolition of the house as it is only one of two remaining houses of this type left in the west end. She said she didn't want the choice between the heritage house and the tree and that there must be another solution to save both.

Georgia Pomaki lives west of the site. She stated that the tower will impact their privacy and light and was afraid her garden wouldn't be viable anymore. She asked the Board to consider only outright development and to reject the proposal.

Chris Morrissey is a member of the Senior's Advisory Committee and stated that the west end is limited in terms of affordable housing for older people. She recommended that the safer subsidy be looked at in relation to the expensive housing that exists in Vancouver. She noted that allowing for only the eight units to be replaced in the project didn't add any new affordable rental units to the west end.

Darrell Trieber has lived in the west end for 25 years and lives across the lane from this site. He said he enjoys the heritage house and thought it added to the character of the neighbourhood. He wanted to see a low rise building on the site as it would be less invasive to the neighbourhood.

Stephen Bohus gave a power point presentation. He was concerned that the tree would actually be saved and noted that there wasn't a penalty on the developer if the tree was lost during construction.

Arne Mooers lives in the west end and wanted the Board to reject the application. He said that Council had rejected the previous application and asked the applicant to go back and preserve the heritage which the present application doesn't do. Also he thought the application would set a precedent for having two high-rise buildings per block.

Harry Leonard sent a letter to the Board which was read by Cleve Foster. He lives in the west end and felt that his views would be impacted by the tower.

Marie-Louise Miginiac overlooks the property and didn't support the proposal. She thought it wasn't compatible with the neighbourhood. The heritage house was added to the heritage registry only two years ago and the survival of the tree can't be guaranteed. She added that they will lose sunlight access and their property value will be decreased.

George Challies read a letter that was circulated to the Board and Advisory Panel. He asked to preserve the heritage for future generations.

Cleve Foster didn't support the development. He thought there should only be one tower on each block. He noted that the demolition of the Legg House would be first since 1989. He thought the loss of the heritage house would be a mistake and that a low rise building was more desirable for the site.

Christian Demarie lives in the west end and thought that Vancouver was improved because of its heritage buildings.

Joel Oger thought the applicant and owner needed to listen to what the neighbours were saying. There are a lot of negative comments made previous to the Board meeting and that the Board should reject the proposal and find another solution.

Denis Bouvier lives in the west end and was surprised by the size of the building. He thought it was not the right site for a tower and that the house and the tree should be saved.

Diana Matrick asked the Board to not approve the proposal. She wanted to save the house and that more senior housing and a new library were more important.

Leron Farely lives in the area and hoped the Board understood how ridiculous this tower would be on this site.

Questions/Discussion

In response to questions raised by the Board and Panel, the following clarification was provided by members of the public, staff and the applicant team:

- Provincial legislation states that the City can't designate a heritage feature without compensating the owner. To save the house more density would need be added to the site or the City would have to write the property owner a cheque for market value. Council heard a lot of concern from the community regarding an increase in density.
- The applicant talked to owners being impacted by the tower.
- Heritage Vancouver supported the HRA and the additional density for preserving the house.
- Arbortech has looked at the tree and believes the tree can be saved. The tree needs about 5 metres around the root ball to protect its health. Most of the root ball is on the downward side of the property towards Harwood Street. They will be monitoring the tree during construction and the owner is prepared to follow the advice of the arborist.
- At the time of the HRA it was estimated that the tower on the block was higher than what turned out to be the case in the actual survey. The proposal meets the intent of the guidelines.
- In order to protect the tree there would need to be an agreement between the both property owners.
- An outright development would be for 1.0 FSR and a height of 60 feet which would be 5-6 storeys and would not require approval from the DPB or the Director of Planning.
- Under an outright development the owner could demolish the existing house after getting a demolition permit.
- A property owner is allowed to take down one tree a year on their property.
- The tree is a wonderful public amenity in the community adding passive solar shading in the summer.
- The elevator and service space is on the east side of the building with the balconies in the canopy of the tree.
- The applicant would consider a strata bylaw that would support the tree.
- Keeping the house would add 2.2 to 3.7 FSR.

- Costs would be incurred to save the house as it would need to be lifted up in order to build under the house.
- The Heritage Density Bank has grown to three times what was intended. As a result Council has put a moratorium on the bank because it looked like it would collapse. The City has 1.2 million square feet of unlanded density in the city.
- In the current application the floor plate is 2,038 square feet and was 3,500 square feet in the previous application.
- The owner has worked hard to find a solution to save the house and the tree.
- The owner is Acadia Development who purchased the property from the estate of Mrs. Fuchs.

Panel Opinion

Mr. Romses said he appreciated the comments from the public. He stated that the Urban Design Panel is an advisory body and they try to avoid issues of policy which are much bigger than the architectural issues for this application. The Panel did support the proposal but they regretted the loss of the heritage house. The Panel also saw the two proposals. They thought the HRA one was problematic for the heritage house and the neighbours to the west. They felt this scheme was much better compared to the first one in terms of relationship to the neighbours, views and shadowing. Mr. Romses added that he thought this was one of the best designed high-rise residential buildings along with the siting and landscape design.

Mr. Foad thought the design was better than a 6-storey building that would fill the whole site. He understood that living next door meant losing light but he added that the alternative would affect the sun penetration too. He said that he thought this was one of the better residential buildings that he had seen in years and would not be a distraction to the city. Mr. Foad recommended approval of the application but thought that Council should have the final approval.

Mr. Stovell thought the application should be approved. He noted that the applicant and owner had made a huge effort to meet the zoning and keep the tree and they even tried to keep the tree and the house. He said he thought it was unfortunate to lose the heritage house noting that he had been involved in a lot of heritage projects in the city. He added that responsible architects want to keep heritage buildings. Mr. Stovell thought there were still ways to improve the project and thought that Council should take another look at the HRA but that the community would have to accept the density on the site.

Mr. Biazi thanked the public for their comments. As well he thanked the applicant for their work over the past six years. He said he was torn about the application having lived in the west at one time. He said he understood the character and the diversity of the west end that makes it unique. Mr. Biazi thought it was a beautifully designed building and does consider the site and the neighbours with its narrow floor plate which reduces impacts on the neighbours. He thought there could be something that refers to the heritage in the architecture. Also, Mr. Biazi wondered if there was another solution that could still be considered that would keep the heritage house and also the tower in this shape. He agreed that the application could go back to Council for another review.

Mr. Sanderson thought it was a very complicated project with a long history. He said he supported the notion allowing fairly dense development on the site but he also thought it was important to keep the heritage house and the tree. Mr. Sanderson said he would like to see if there was a way to compromise with the City and the applicant towards developing the site that would include the preservation of the heritage house and still make the project viable. He

added that he thought the building design was a reasonable solution for the site and had a lot of merit.

Ms. Miletic-Prelovac sympathised with those who will be affected by the building and the loss of their views. She said she lives in Yaletown and went through a similar process. She thought that the neighbours were not willing to change regardless of what is proposed for the site. Ms. Miletic-Prelovac thought it was a beautiful building, even an iconic building. She added that she comes from a part of the world where heritage is appreciated and joins other to seek a solution that would save the house and the tree.

Ms. Bozorgzadeh thought there was something wrong with how the site was developed and thought the applicant and owner should come back with something that would preserve the heritage house and the tree. She said she wasn't in support of the application and thought the Board was obligated to do what was right to save the heritage house.

Board Discussion

Mr. Toderian thought that it had been a long process and had heard a lot of comments from the public which he appreciated. He said he looked forward to hearing more from the community as staff are starting a community plan for this community and hopefully this will help to provide clarity regarding projects like this one.

He noted that it was the obligation of the Development Permit Board to consider the context of the policy structure. He added that the provincial law regarding heritage compensation provides little leeway for the City on demanding preservation without compensation. Mr. Toderian explained that the City does not have the legal ability to demand preservation of the heritage building. He added that the density tool of compensation that would allow preservation of the heritage building was not supported by the community because they didn't want to see additional density. He thought it was a disappointing result for the heritage building. He added that staff had made the point to Council that an outright or discretionary development was possible under the existing zoning if the HRA wasn't approved. However Council did not support the density that would preserve the heritage house. The upside of all the discussion is that a taller building will help to save the heritage tree. Mr. Toderian commended the applicant for saving the tree adding that it was his conclusion that the intent of the Guidelines had been met.

The west end is a mixed scale community and Mr. Toderian said he didn't agree that it was a low-rise community. He added that many people living in high rise buildings are opposed to the high-rise application.

Mr. Toderian acknowledged that there was a pending HRA and the applicant can still consider going back to it. He wanted the community to know that the tree would not be preserved if the applicant goes back to the HRA application, but the heritage building would be preserved, and that it comes with additional density. Some of the Advisory Panel members thought that the applicant should go back to Council but that the Board needed to consider the development application that was before them. Mr. Toderian suggested that the applicant could still consider the HRA which is still pending.

Mr. Toderian said he was not satisfied that a simple letter from the owner would save the tree given that the title will revert to the strata at some point. He said the publicness of the tree and land should be more public, but he didn't think it needed to be made fully public.

Mr. Toderian stated that the community and applicant will have a choice regarding the site. Either additional density in the tower, through the HRA, or the tower as it stands now in the development permit application. He added that he thought it was a beautiful piece of architecture, one of the best he has seen.

Mr. Judd said he appreciated the additional motion regarding preserving the house. He thought it was tragic that the house could be lost. There is an option to preserve the house and Council found that they couldn't support that. He added that what is proposed in this application is a reasonable compromise.

Mr. Johnston thanked the residents in the neighbourhood for their feedback. He noted that it has been a long journey with a lot of frustration for everyone. He thanked them for fighting for their community and for what they believe is best for them. He also noted that the applicant hadn't had it easy either. Despite the challenges it is a great piece of architecture and will add a lot to the city. Mr. Johnston noted that it is a difficult situation and the City has limited power. He also thanked the Advisory Panel for their compassion for architectural design noting that it was not an easy decision. Mr. Johnston made a friendly amendment to Mr. Toderian's motion to Condition 1.3. He noted that he would like to prevent materials going to the land fill and suggested that if the building is to be removed that he preferred deconstruction over demolishing.

Mr. Toderian and Mr. Judd supported Mr. Johnston's friendly amendment.

Motion

It was moved by Mr. Toderian and seconded by Mr. Judd and was the decision of the Board:

THAT the Board APPROVE Development Application No. DE415100, in accordance with the Staff Committee Report dated November 16, 2010, with the following amendments:

Amend Condition 1.2 with the following at the end of the Note to Applicant:
Consideration of additional approaches that would improve the "publicness" of the green space around the tree should be undertaken.

Amend Condition 1.3 to read as follows: provision of a plan to relocate, salvage, ***deconstruct*** or re-use the Legg Residence in part or in whole, to reduce building waste and support broader heritage conservation activities in the city;

Note to Applicant: The applicant should provide a plan to the satisfaction of the Director of Planning for the following options in order of preference: re-use of materials on the site, the offer of the Residence for re-location, ***or the deconstruction of the remaining components of the house***, the offer of salvage to interested parties. For the last option, the applicant is encouraged to contact the Vancouver Heritage Foundation, a registered charity dedicated to supporting the conservation of the city's heritage buildings through education, public awareness and granting activities.

Add a new Condition 1.4 to read as follows: *Additional arrangements be made to preserve and protect the tulip tree to the satisfaction of the Director of Planning and the Director of Legal Services;*

Add a new Condition 1.5 to read as follows: *That further review be given to the affects of the amenity space on the floor plate size.*

Should the applicant still wish to consider the HRA which is still pending, it is the Board's recommendation to Council that the HRA application and preservation of the Legg residence "a heritage A structure" is strongly preferred to the proposal the Board has approved.

5. OTHER BUSINESS

None.

6. ADJOURNMENT

There being no further business, the meeting adjourned at 8:53PM