

Date: Wednesday, September 8, 2004
Time: 3.00 p.m.
Place: Council Chamber, City Hall

PRESENT:**Board**

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| T. Timm | Deputy City Engineer (Chair) |
| A. McAfee | Co-Director of Planning |
| B. MacGregor | Deputy City Manager |
| D. Rudberg | General Manager of Engineering Services |

Advisory Panel

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| B. Haden | Representative of the Design Professions (Urban Design Panel) |
| J. Hancock | Representative of the Design Professions |
| D. Chung | Representative of the General Public |
| K. McNaney | Representative of the General Public |
| C. Henschel | Representative of the General Public |

Regrets

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| G. Chung | Representative of the General Public |
| E. Mah | Representative of the Development Industry |
| J. McLean | Representative of the Development Industry |

ALSO PRESENT:**City Staff:**

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| J. Barrett | Development Planner |
| M. Mortensen | Project Facilitator |
| V. Potter | Project Facilitator |
| R. Segal | Senior Development Planner |
| M. Thomson | City Surveyor |

600 Abbott Street

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| M. Bruckner | Hancock Bruckner Eng & Wright |
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1455 Howe Street

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| C. Brook | Brook Development Planning Inc. |
| R. Brown | Resource Rethinking Building |
| J. Durante | Durante Kreuk |
| F. Rafii | Rafii Architects |

550 Pacific Boulevard

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| J. Christianson | Hancock Bruckner Eng & Wright |
| D. Negrin | Concord Pacific |

Recording Secretaries:

R.T. Ratslef & K. Miller Raincoast Ventures

1. MINUTES

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of August 16, 2004 be approved.

2. BUSINESS ARISING FROM THE MINUTES**2.1 600 Abbott Street DE408032**

Applicant: Hancock Bruckner Eng & Wright

Request: Transfer of Density from Sub-Area 1 to Sub Area 5 in CD-1 (265) "International Village".

Jim Hancock departed the meeting for consideration of this item.

Development Planner's Opening Comments

Referencing posted drawings and a distributed memorandum dated September 3, 2004, Ralph Segal, Senior Development Planner, discussed the February 16, 2004 DPB meeting at which the Board had approved the complete development application for this site. Conditions 1.4 and 1.5 pertaining to design of the podium and tower roofs to provide private open space for units were reviewed.

Mr. Segal advised that the applicant had submitted plans and information responding to the conditions in a manner that was strongly supported by staff. However, while the Director of Planning could deal with the minor height relaxation, Mr. Segal indicated that the resolution for the additional floor area required a Board decision to transfer density from one sub area to another.

Questions/Discussion

Dr. McAfee questioned whether the change would impact surrounding neighbours and whether there had been any notification. Mr. Segal responded that there had been no notification as staff had determined that the additional slight volume was either unperceivable or beneficial in terms of massing for the podium overall. Also, no measurable impact to the neighbouring views was anticipated.

In response to a further question, clarification was offered that there had been other instances where a memorandum had been brought forward to the Board seeking a further motion on a previously considered application.

Motion

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

THAT the Board APPROVE the transfer of up to 6,734 square feet of residential floor area from Sub Area 1 of International Village to Sub-Area 5 under the provisions of Section 7.6(b) of CD-1 (265) "International Village Bylaw No. 6747", as noted on page 1 of the memorandum dated September 3, 2004 to the Development Permit Board and Advisory Committee.

**3. 1455 HOWE STREET - DE408522 - ZONE CD-1
(COMPLETE APPLICATION)**

Applicant: Rafii Architects Inc.

Request: A 30-storey residential tower including 134 residential units and 4 live-work units for a total of 138 units. There is a 4-storey townhouse form facing May and Lorne Brown Park, 3-storey townhouse form facing Howe Street, and a 2-storey live-work townhouse base facing Pacific Street. Vehicular access to residential parking and drop-off is from the north-south lane; 202 below grade parking spaces are proposed.

Development Planner's Opening Comments

Chair Timm noted a correction to the section of the report titled "Executive Summary-Proposal", to replace "203 below grade parking spaces are proposed" with "202 below grade parking spaces are proposed", so that the figure would be consistent with the remainder of the report.

Jonathan Barrett, Development Planner, introduced the complete application in the context of the surrounding neighbourhood. He reviewed background information provided in the report noting the maximum height and floor space, and view cone references. It was added that the context model prepared for the rezoning and the DP model had very few differences, and that the application fully complied with the intent of the zoning.

Mr. Barrett reviewed the conditions outlined in the report seeking improvements to the building's visual character; lightwell of the south facing townhomes; semi-open space; streetscape along the lane; public plaza; roofscape; parking access; and enclosed balconies. It was added that submission of a preliminary LEED scorecard was also being sought.

Condition 1.7 relating to the parking access was noted as a primary concern given the access point's close proximity to a neighbouring building's parking access. Concern was that its location would increase the congestion in the area. A recommendation was to relocate the primary parking entrance southwards to separate it from the neighbour's access by approximately 30 metres. The applicant has suggested an alternative whereby the principle access would be relocated as suggested, and to also maintain the current access location, but to limit the amount of stalls to 10-12 for live/work and visitors, thereby splitting the parking access to two locations. Mr. Barrett advised that staff was in support of the applicant's proposal.

Mr. Barrett indicated that the application was in keeping with the design intent of the zoning conditions. He noted that there were some design refinements required, but that it was

anticipated that the project would successfully complete this high-density neighbourhood. Mr. Barrett advised of staff's understanding that the applicant had no issues with the proposed conditions.

Questions/Discussion

Dr. McAfee, and later Mr. Hancock, requested clarification regarding relocation of the play area. Mr. Barrett noted that the intent was to increase the surveillance to the area and to integrate it into the semi-private open space in order to make it part of the centre life of the development.

Concerning the enclosed balconies, Mr. Barrett noted that Condition 1.8 addressed the additional FSR caused by these. Confirmation was also provided that standard condition A.1.1 was to address issues omitted in the zoning pertaining particularly to the covered walkways amenity space.

Mr. Rudberg referenced Condition 1.9 pertaining to the LEED certification, and sought clarification regarding related Council policy. Mr. Barrett indicated that the rezoning had begun prior to Council's consideration of LEED standards, adding that this particular approach and condition had been used as a standard prior to on development permit applications pending formal Council policy. Mr. Barrett indicated that the intent was for the applicant to submit a LEED scorecard to be reviewed by staff and to make an application to the Canadian Green Building Council (CGBC).

Concerning Condition 1.7, Mr. Barrett confirmed that the note to applicant addressed the applicant's proposal to split the parking access.

Mr. MacGregor noted that the utilities were above grade and questioned whether under grounding them had been considered as part of the rezoning. Mr. Barrett responded that this had been an omission in the rezoning, particularly given that there were now two CD-1s that completed the block. He added that there had not been consideration of under grounding the utilities at the DE level, noting that typically that would not be part of the DE process. Mr. Mike Thomson, City Surveyor, offered that the Board had in the past, as a consideration item, asked applicants to explore the costs of under grounding, but that the Board had not made under grounding a condition of a DP application.

Regarding Condition 1.5 pertaining to the right of way across the corner plaza, Mr. Barrett offered that this was not part of the rezoning but should have been. The staff concern was that the Strata Council could make the plaza a private area if a right of way were not secured. Confirmation was offered that it was seen as enough of a public amenity to protect its public access.

Mr. Timm referenced Condition 1.9 proposing the applicant's submission of a LEED scorecard to staff. He questioned whether the condition indicated that the scorecard items would become a condition of the development permit. Mr. Barrett indicated that the intent was for it to serve as a "gentlemen's agreement" that the applicant would do the things stated on the scorecard.

Applicant's Comments

Chuck Brook, Brook Development Planning Inc.; Jane Durante, Durante Kreuk; Foad Rafii, Rafii Architects; and Robert Brown, Resource Rethinking Building, addressed the Board relative to this application.

Mr. Brook indicated that the applicant felt that virtually all conditions contained in the staff report could be addressed with the exception of Condition 1.9 pertaining to the LEED scorecard. He referred to Mr. Brown to address that concern.

Mr. Brown noted that page 10 of the staff report referenced "Formal registration and documentation with the CGBC and a goal of LEED Certified is supportable for any new private sector development", but that page 3 of the report, Condition 1.9, referenced "attainment of LEED silver". He clarified that "LEED Certified" and "LEED silver" was two very different levels, noting that the applicant had committed at the rezoning and at DP to register with the CGBC and to do all that could be done to obtain LEED Certified.

Mr. Brown confirmed that the building had been registered with the CGBC and would be going through the LEED certification process. It was noted that the level of LEED that it received would be a post-occupancy scoring, but confidence was expressed that the design and construction of the building would achieve LEED Certified.

Comments from other Speakers

Craig Sturrock, resident of 888 Beach Avenue, indicated that his basic concern was with respect to the height of the tower, noting his understanding that the site was to be rezoned to allow for 22-storeys.

Mr. Barrett clarified that the prior zoning had been for FCCD, which did not specify height. He added that the current CD-1 zoning allowed for up to 300 feet, and that the current form and density, including 30-storeys, had been previously approved at rezoning.

Mr. Sturrock reiterated his concern about the tower height, which looked right down over several rooftop patios. He expressed regret at not having been notified of the rezoning, noting that he may have been traveling at the time.

Mr. Sturrock questioned the intent of enclosed balconies. Mr. Barrett clarified that the zoning allowed for up to 8% of the FSR for balconies, half of which could be enclosed. He added that the proposal was not to increase the number of enclosed balconies but was to remove some enclosed balconies that did not meet the requirements of the zoning.

Mr. Sturrock further suggested that consideration be given to changing the project name, noting that he and his neighbours could not make sense of the proposed name.

Regarding Mr. Sturrock's earlier raised concern that he had not been notified of the rezoning application, Mr. Barrett indicated that there had been a very thorough neighbourhood consultation process.

Panel Opinion

Mr. Haden indicated that the application had received unanimous support of the Urban Design Panel. He recommended that Condition 1.5, note to applicant, reference a "flowing" rather than "vertical" water element to meet the understood intention to provide white noise rather than a vertical feature. He added that the concern raised from a delegation regarding enclosed balconies was indicative of the difficulty that the public had in understanding that issue. Also, with reference to the LEED scorecard matter, Mr. Haden discussed the importance of acknowledging the applicant for entering into the formal application process, and recommended the application's approval.

Mr. Hancock indicated that the project was very well handled and recommended its approval. He supported the intent of the condition for LEED certification but questioned the source of the City's authority for the condition.

Mr. Chung commented that the project was well designed. Referencing Condition 1.1, Mr. Chung suggested that a stronger colour would better match the surrounding area. He added that it was unfortunate that the utilities were not underground, noting that it would increase livability if they were. He recommended approval of the application.

Mr. McNaney stated that it was a good project, and that it was a nice addition to the skyline of the area. He agreed with the condition to relocate the play area and the condition to widen the lightwell of the south facing townhouses. Mr. McNaney observed that the earning of the heritage transfer had not been discussed, noting that although the corner plaza at Howe and Pacific could provide amenity, under grounding the utilities would be a further amenity. As well, he commended the applicant for entering into the LEED certification process, and recommended that consideration be given to creating a condition for future applications to be LEED registered at a minimum.

Mr. Henschel referenced Condition 1.1, noting that the townhouses seemed to not be clearly differentiated or easily identifiable as townhouses, and that they could be seen as being commercial as opposed to residential. Recommendation was offered that LEED silver be required.

Board Discussion

Mr. MacGregor offered that a major discussion item was to consider under grounding of utilities of the lane, especially in the context of concerns raised regarding the congestion relating to parking access. He recommended amendments to Condition 1.7 to reflect that concern.

Mr. Rudberg noted that the application had been through a rezoning process, that much of the form of development was established at rezoning, and that the application responded well to the rezoning conditions outlined in the report. With regard to the LEED scorecard, Mr. Rudberg offered that what was contained in the report was all that the City could require given that the LEED level of a project could only be determined long after its completion.

Concerning the under grounding of utilities, Mr. Rudberg expressed support for wording proposed by Mr. MacGregor given that it allowed for an analysis and exploration of the cost implications with the applicant.

Dr. McAfee noted that several livability issues needed to be addressed for the site and the neighbourhood, adding that under grounding utilities would be of benefit to both.

Motion

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

THAT the Board APPROVE Development Application No. 408522, in accordance with the Development Permit Staff Committee Report dated August 18, 2004, with the following amendments:

- Condition 1.5, note to applicant, replace "vertical" with "flowing";

- Condition 1.7, add to the end of the sentence: “including consideration of under grounding utilities in the lane to the satisfaction of the General Manager of Engineering Services”;
- Condition 1.7, Note to Applicant, second sentence replace “situated approximately at gridline D” with “and consideration of under grounding all utilities in the lane”; and
- Condition 1.9, replace “LEED Silver” with “LEED Certified”.

4. **550 PACIFIC BOULEVARD - DE408624 - ZONE CD-1
(COMPLETE APPLICATION)**

Applicant: Hancock Bruckner Eng & Wright

Request: To add one additional storey, for a total of 23-storeys, to this multiple dwelling previously approved under development permit number DE406577.

Jim Hancock departed the meeting for consideration of this item.

Development Planner’s Opening Comments

Referencing the display model, Jonathan Barrett, Planner, introduced the application in the context of the surrounding neighbourhood. He reviewed information provided in the background section of the distributed report, which detailed the application’s prior consideration. Mr. Barrett indicated that the intent of the application was to seek approval to add one-storey to the residential tower. He added that the application met the bylaw height and zoning guidelines and that there were no reasons for not approving the application.

Clarification was offered that the original CD-1 guidelines and bylaws allowed for a 23-storey development but that, at the time of building, the required density was not available. The applicant has since acquired the density and is now seeking what was originally intended for the site.

Questions/Discussion

Mr. Rudberg observed that the original application had been approved by the Director of Planning and commented that the Board was at a disadvantage having not reviewed the original application. Mr. Barrett indicated that, at the time, there were a great number of DPs going through the process and that a decision had been made at a staff level to refer the application to the Director of Planning given that there were no significant issues relating to the application.

Confirmation was provided that there had been full notification at the time of the application but that 505 Pacific Boulevard had not been developed and that most adjacent developments had not been occupied. With regard to the neighbours that would be impacted by the current application, Mr. Barrett noted that there had been a neighbourhood meeting at which concerns had been expressed regarding the intent of the application.

Mr. MacGregor questioned the square footage and height implications of the proposed addition. Mr. Barrett noted that a standard 10’6” floor would be inserted, bringing the total building height to 67.5 metres. It was offered that the height allowance for the neighbourhood was

91 metres with 110 metres allowed for a landmark building. Confirmation was provided that the application being considered was within the bylaw permitted height maximum.

Dr. McAfee referenced the Council resolution on page 5 of the distributed report, which addressed the possibility that buildings in this neighbourhood could seek extra height.

Mr. McNaney questioned what the permitted height for the building would have been at the time of purchase for neighbours. Mr. Barrett responded that the bylaws would have indicated approval for 23-storeys.

Mr. Timm noted that the Director of Planning had approved the DP subject to a reduction in the FSR but had not specified the need for a reduction in height in order to achieve that reduction. Clarification was offered that it had been the applicant's choice to eliminate one storey.

Applicant's Comments

David Negrin, Concord Pacific, and Jeff Christianson, Hancock Bruckner Eng & Wright, addressed the Board relative to this application.

Mr. Negrin noted that this building had always been depicted as 23-storeys, noting that the transfer of density to the site had been awaiting approval of Council. He added that the disclosure had always depicted the building as being 23-storeys.

In response to questions from Mr. Rudberg, Mr. Negrin indicated that the DP application issued in 2002 was approved for 22-storeys because there was not enough density for 23-storeys. The application stayed as written for 18 months awaiting the transfer of density to increase the tower to 23-storeys.

Comments from other Speakers

Bahar Hafizi, owner at 1495 Richards Street, commented that the applicant had received a DP for 22-storeys, noting that she had entered into the purchase and sale agreement for her neighbouring apartment after having done due diligence to confirm the DP was for 22-storeys only. Mrs. Hafizi noted that she was on the 23rd floor of a neighbouring building and that this application would squarely block her view.

Ms. Hafizi suggested that there were mitigating factors to deny the application, such as the concerns of neighbouring residents who had invested their money with the belief that they would remain entitled to a certain view.

In response to a question raised, Mr. Negrin confirmed that the developers had considered reducing the size of the penthouses to deal with the view obstruction but could not do so as the penthouses had already been sold.

Ms. Hafizi reiterated that she had bought her apartment with the belief that she would have a 22-storey versus a 23-storey building in front of her. She noted that the developers had exercised their choice to reduce the building height in order to get into the market, and suggested that they should have to abide by that choice. Ms. Hafizi offered that purchasers bought years ahead of time, before buildings were even built, believing that what was being sold would be what was received.

Mr. Haden questioned how Ms. Hafizi's view would be impacted. In response, Ms. Hafizi indicated the location of her unit on the display model. She emphasized that, at the time of

purchase she had been told that the neighbouring building would be 22-storeys noting that she had done due diligence to confirm that.

Mr. Chung noted that the applicant had said that the disclosure statement had indicated that it would be a 23-storey building. Ms. Hafizi responded that she had reviewed what the City had approved - an application for 22-storeys - offering that she had not read the fine print on the development and that to expect that of her was unreasonable.

Mr. Negrin indicated that the disclosure statement for Ms. Hafizi's building referenced that 550 Pacific Street could have an additional five-storeys added to it, and that the zoning model at the time reflected 23-storeys. He added that Ms. Hafizi's apartment on the 25th floor was actually on the 22nd level as there were no floors 4, 13, or 14 in 550 Pacific.

Dr. McAfee sought clarification that the disclosure statement for the delegate would have referenced what could happen in the neighbouring buildings. Mr. Negrin confirmed that this was correct.

Mr. Haden questioned whether there would be an opportunity to redesign the mechanical penthouse in order to increase the amount of sky that was visible for neighbouring residents. Mr. Negrin confirmed that this had been done through a height reduction of five feet as per a recommendation from the applicant's mechanical consultant.

Panel Opinion

Mr. Haden noted that the UDP had reviewed and supported the application at a 23-storey height. He indicated his sympathy to the concerns of the delegate, adding that there were often concerns with real estate agents' communications to potential purchasers to be clear on the risks associated with a purchase. Mr. Haden noted that another option to expand the floor plates could have increased the sense of mass and view blockage, and recommended acceptance of the application given the history of the project.

Mr. Chung agreed with Mr. Haden's comments and recommended approval of the application.

Mr. McNaney recommended approval of the application given the purchase and development history of the area.

Mr. Henschel indicated his opposition to the application. He noted that the delegate had reviewed the DP at the time of her purchase, and offered that the public should be able to have some trust in the City's DP process, which was supposed to tell them with some certainty what would be built.

Board Discussion

Mr. MacGregor recognized that Concord typically went a long way to notify area residents of its development activities. The need for the Board to consider the bylaw allowances given that the developer had met the requirements of the bylaw to increase the building height subject to the density being met, was noted. It was added that there was some confusion regarding the location of the delegate's apartment, which should be clarified.

Mr. Rudberg indicated that he could not support the application based on the information available at this time. He acknowledged that the delegate had done due diligence to review the approved DP for the site and had made a decision to purchase her apartment in the neighbouring building based on that DP. Mr. Rudberg indicated the need to consider the impacts of the application in terms of views, adding that, if there were more information to

indicate that the view impacts would not be great, the application's approval could be considered.

Dr. McAfee questioned the process in the event that the Board did not support the application, specifically regarding whether clarifying information could be obtained prior to the application's final consideration. As well, she agreed with comments made regarding the DP application process and the ability of the public to rely on that information.

Mr. Haden noted that the core issue was whether 550 Pacific was under construction at the time that the delegate had purchased her unit, noting prior to construction DPs could change to respond to changing economic conditions. Ms. Hafizi indicated that the building was not yet under construction at the time that she made her purchase. As such, Mr. Haden argued that DPs constantly changed, and that, provided that the disclosure statement reflected that the building could be higher, the detailed view analysis might not be necessary.

Mr. MacGregor clarified that further applicant or public delegations would not be heard at the time that the deferred application was considered, and that the purpose of the reconsideration would be to receive further staff information and advice.

Main Motion

It was moved by Mr. MacGregor:

THAT the Board APPROVE Development Application No. 408624, in accordance with the Development Permit Staff Committee Report dated August 18, 2004.

Motion to Defer

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

THAT the Board DEFER a decision on Development Application No. 408624 pending receipt of additional information, including:

- clarification of what height Bahara Hafizi's unit is at in relation to the application and what impact on her view, if any, there would be if the application were approved;
- review of disclosure information provided to purchases at the time of purchase of units at 1495 Richards Street.

5. OTHER BUSINESS

1075 Waterfront Road - DE408662

Mr. Timm noted that he would chair the Board's September 21, 2004 meeting. He advised that a request from members of the public to defer the meeting further to allow for the development of technical arguments to not proceed had been received. However, based on feedback from the Board and the applicant, it was noted that the request to defer consideration of the application (a second time) had been denied.

There being no further business, the meeting adjourned at 5:04 p.m.

R. Ratslef
Recording Secretary

T. Timm
Chair