

Date: Monday, September 17, 2001
 Time: 3:00 p.m.
 Place: No. 1 Committee Room, City Hall

PRESENT:**Board**

J. Forbes-Roberts General Manager of Community Services (Chair)
 A. McAfee Co-Director of Planning
 B. MacGregor Deputy City Manager
 T. Timm Deputy City Engineer

Advisory Panel

T. Bunting Chair, Urban Design Panel
 J. Hancock Representative of the Design Professions (Items 1, 2 and 4 - presenting Item 3)
 P. Kavanagh Representative of the Development Industry
 J. Leduc Representative of the General Public
 J. Ross Representative of the Development Industry
 B. Scott Representative of the General Public

ABSENT:

D. Chung Representative of the General Public
 M. Mortensen Representative of the General Public

ALSO PRESENT:

E. Fiss ~~Senior~~ Development Planner SEE DP BOARD MINUTES OCTOBER 15, 2001
 V. Potter Project Facilitator FOR AMENDMENT
 M. Thomson Engineering Services
 R. Whitlock Senior Housing Officer

Item 3 - 1010 Richards Street - DE405778 - Zone DD

Andre Chilcott Polygon Homes
 Jim Hancock Hancock Brückner Eng & Wright Architects
 Rene Rose Polygon Homes

Recording Secretary:

R. Ratslef Raincoast Ventures

CALL TO ORDER

A quorum being present, Chair Forbes-Roberts called the meeting to order at 3:02 p.m.

1. Minutes

As was noted on the Agenda, Chair Forbes-Roberts advised that the Minutes of the Board's previous meeting held September 4, 2001 were not available for review.

2. Business Arising From the Minutes

None.

**3. 1010 RICHARDS STREET - DE405778 - ZONE DD
(PRELIMINARY APPLICATION)**

Applicant: Hancock Brückner Eng & Wright Architects

Request: To construct a 23-storey multiple dwelling building containing 185 market rental units (3 townhouses and 182 apartment units) and three levels of underground parking for 192 vehicles, accessible from the rear lane.

Development Planner's Opening Comments

Eric Fiss, Senior Development Planner, referencing the Development Permit Staff Committee Report dated August 22 and September 5, 2001, and posted drawings, introduced the preliminary application for 1010 Richards Street. He discussed the application in the context of the surrounding neighbourhood. Correction to the report was noted such that the application is for a 23 (rather than 22) storey multiple dwelling building.

Mr. Fiss commented that the applicant's request was for a 10% heritage density transfer for a total FSR of 5.5 and a somewhat larger floorplate. He noted Condition 1.1 which required a 10-year rental agreement. It was noted that the site allows for a 300 ft. tower and is not in within a view cone. Also, members were reminded that, as a preliminary application, elements under review pertain to the appropriateness of the proposed use, its density and form of development.

Four principle issues identified by staff were addressed in the proposed conditions and relate to:

- endorsing the tower floor plate size subject to the execution of a housing agreement with the City;
- amount of semi-private outdoor open space that falls short of the guidelines;
- need to enhance the pedestrian streetscape along Nelson Street; and
- need for special efforts to address livability and concerns relating to the proximity of some units to a neighbouring nightclub.

Mr. Fiss advised that the application was twice viewed by the Urban Design Panel and received unanimous support at its second review. Staff suggest that the density is acceptable considering the public benefits in terms of the heritage density transfer and provision of rental housing. Also, the form of development in relation to neighbouring properties is seen as acceptable. Staff recommend approval in principle subject to conditions outlined in the report.

Rob Whitlock, Senior Housing Officer, provided further comments concerning suggested Condition 1.1 noting that there is no related Council policy but that the rental aspect was a factor for staff's support of the increased floor plate.

Questions

In response to questions raised regarding suggested Condition 1.1, Mr. Fiss commented that the project can accept the density transfer but that the floor plate requires a further relaxation to accommodate the transfer without adding floors to the building. It was noted that the proposed Condition was drawn from provincial policy. Members were informed that there is no precedent for a housing agreement of this nature for consideration of relaxations.

Information was also provided on the floor plate sizes of various other buildings in the area and clarification was offered that floor plate size relates directly to site size, with larger sites allowing for larger floor plates.

Mr. Fiss also commented regarding Condition 1.4 and Prior to A.1.9 that prescribe solutions to various concerns. With respect to the project's inclusion of a business centre off its lobby, Mr. Fiss advised that discussions with the Applicant have assured staff that the area is for amenity rather than office use.

Applicant's Comments

Jim Hancock, Hancock Brückner Eng & Wright Architects, advised of his support for the report recommendation and conditions noted with the exception of Condition 1.1

Rene Rose, Polygon Homes, indicated that Polygon had concerns with Prior-to A.1.9 and noted the Applicant's lack of support for permanent seating; and, with respect to Condition 1.2, commented that the proposal to remove balconies from 10% of the suites (that face North and are on Nelson Street) is to allow the remaining 90% of the units to enjoy larger balconies.

Regarding Condition 1.1, Ms. Rose advised that the Applicant did not support the requirement for a rental housing agreement. Polygon supports the concept of a rental building but is uncertain at this time whether it is economically viable. Given this, the Applicant wishes to retain the option to provide rental or market housing with the preference being for rental. Members were informed that the Applicant did not request any special considerations for its rental program throughout the application process and that the housing agreement referenced in Condition 1.1 had not been raised by staff until very recently.

Ms. Rose also provided information on the changes made to the building design following the Urban Design Panel's (UDP) initial review and the UDP's unanimous support of the subsequent submission. Additionally, with respect to the floor plate size, Ms. Rose suggested that it is appropriate for the urban context and that it favourably accommodates the heritage density transfer.

In response to questions Ms. Rose offered additional information regarding the Applicant's efforts to address the noise implications of the project's location near to a night club. These included a physical separation, design of the townhouses to face into the project rather than the street, and intent to follow the advice of an acoustical specialist for the project.

Board and Panel members reviewed the model and posted materials.

Comments from Other Speakers

Len Stovold, City resident, queried the implications for rental tenants upon expiration of the proposed 10 year housing agreement. In response, Mr. Whitlock commented on regulations in the *Residential*

Tenancy Act that would only allow the owner to evict on the basis of ~~tenancy~~ *occupancy*. Also, renters would be notified that they were only able to rent for a potential maximum of 10 years.

Panel Opinion

Mr. Bunting commented regarding the Urban Design Panel's two reviews of the project, noting that initially the project wasn't supported based on its massing and tower size. However, at its second review it received the unanimous support of the Panel. The Panel appreciated the improved streetscape, reshaping of the tower and extra floors with most comments relating to suggestions for stronger articulation and approach to the tower. The Panel agreed that the density had been adequately absorbed in the design, irrespective of its market. Mr. Bunting expressed his support for the Prior to's in the report with the exception of the level of detail in A.1.9.

Mr. Ross commented on problems relating to the ten year housing agreement covenant given that it came up outside of a course of discussions and as a surprise to the Applicant. Further he agreed that the flexibility of the development would be reduced by having the selling option removed. Question was raised regarding the precedent that the floor plate relaxation would set and suggestion was made that the project needed to be considered from that perspective.

Mr. Kavanagh recommended approval of the application with the deletion of Condition 1.1. He suggested that the project accommodated the density well and that it does not set an unfavourable precedent. Regarding Condition 1.2, Mr. Kavanagh suggested that the Applicant's response was ingenious and imaginative.

Mr. Scott advised that he was not in full agreement with Condition 1.1. He suggested that marketing conditions would prevail and set the conditions regarding whether project should be market or rental. Also, Mr. Scott expressed concern regarding the proximity of the project to the neighbouring nightclub and suggested that some consideration needed to be given to the property owner of the nightclub. He also expressed disappointment that there wasn't more discussion around development of the lane, i.e. underground power to service the property. Mr. Scott recommended approval.

Ms. Leduc commented that the project appeared well designed, fitted to the site and was overall a really interesting and great project. She advised, given that discussion of the rental agreement had come in at the last minute, that Condition 1.1. wasn't supportable even though more rentals would be beneficial. Ms. Leduc further suggested that the impact and value of the heritage density bonus would be reduced if conditions were attached to it and support was expressed for removing reference to benches in A.1.9.

Board Discussion

Mr. Timm commented that the City's guidelines are clear regarding earning additional floor plate, that the absorption of heritage density allows for a larger floor plate, and that this ought to be the consideration for accepting a larger floor plate. With respect to this project, Mr. Timm noted that its design was favourably evaluated without consideration for it being intended as rental accommodation. Also, he agreed that it would be precedent setting to attach conditions to a heritage density transfer and noted that this is a market driven rental proposal that is supporting Council's housing policy.

Mr. MacGregor commented that the guidelines are *clear regarding increased floor plate to allow for heritage density transfer; however, in this case the total extra floor plate area exceeds the heritage density transferred. He therefore did not support the floor plate proposed. Mr. MacGregor advised he would not be in support of Condition 1.1 without it being founded in solid*

~~*Council policy.*—unclear regarding increasing floor plate to allow for heritage density transfers and advised that he would not be in support of Condition 1.1 without it being founded in solid Council policy.~~

Ms. McAfee recognized the concerns raised regarding setting precedents and expressed concerns about squeezing the tower and making units smaller. Also, she suggested that increased height would place additional shadow on the amenity space of adjacent residential. Ms. McAfee advised of her lack of support for a housing agreement because of a continued desire to see the market come forward with rental housing. It was suggested that more impediments to rental housing would prevent others from coming forward. Further Ms. McAfee expressed support for the deletion of Condition 1.2.

Motion

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

THAT the Board APPROVE IN PRINCIPLE the concept of developing this site with a 23-storey multiple dwelling building containing 185 market rental units (3 townhouses and 182 apartment units in the tower) and three levels of underground parking for 192 vehicles, accessible from the rear lane, as submitted under Development Application No. 405778, subject to the conditions outlined in the Development Permit Staff Committee Report dated August 22 and September 5, 2001, with the following amendments:

- Condition 1.1, delete;
- Condition 1.4, Note to Applicant, insert “and possibly including” prior to “the display”; and
- Prior to A.1.9, Note to Applicant, insert “consider” prior to “permanent seating”.

- CARRIED

4. **Other Business**
None.

5. **Adjournment**
There being no further business, the meeting adjourned at 4:38 p.m.

Rae T. Ratslef
Recording Secretary

J. Forbes-Roberts
Acting Chair

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