

Date: Monday, September 26, 2005
Time: 3.00 p.m.
Place: Committee Room No. 1, City Hall

PRESENT:**Board**

J. Forbes-Roberts General Manager of Community Services (Chair)
T. French Assistant Director of Current Planning
B. MacGregor Deputy City Manager
T. Timm General Manager of Engineering Services

Advisory Panel

A. Endall Representative of the Design Professions (Urban Design Panel)
R. Acton Representative of the Design Professions
J. McLean Representative of the Development Industry
J. Scott Representative of the Development Industry
K. Hung Representative of the General Public
C. Henschel Representative of the General Public

Regrets

G. Chung Representative of the General Public

ALSO PRESENT:**City Staff:**

R. Segal Development Planner
D. Robinson Project Facilitator
M. Thomson City Surveyor

1133 Homer Street

M. Bruckner Hancock Bruckner
Jennifer Stamp Durante Kruek, Landscape Architect
Wei Wang Hancock Bruckner

Recording Secretary: D. Kempton

1. MINUTES

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of August 29, 2005 be approved.

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of September 12, 2006 be deferred to the next meeting with amendments as requested by Ms. Hung.

2. BUSINESS ARISING FROM THE MINUTES

None.

**3. 1133 HOMER STREET - DE409193 - ZONE DD
(PRELIMINARY APPLICATION)**

Applicant: Hancock Bruckner

Request: To construct a 16-storey residential tower incorporating an 8-storey podium, with 193 dwelling units and three levels of underground parking accessed from the lane, including a heritage density transfer of approximately 10,025 sq. ft. from 46 Water Street.

Development Planner's Opening Comments

Ralph Segal, Development Planner, presented this preliminary application to construct a 16-storey tower with an 8-storey podium in the Downtown South District. This preliminary application is seeking 5.33 FSR. The zoned density allows for 5 FSR; however the Downtown District Guidelines allows for a heritage density transfer of up to 10%. This proposal seeks approximately 6.7% in heritage density transfer which totals approximately 10,000 sq. ft. of additional density.

Referring to the model, Mr. Segal reviewed the site context noting the Robinson building (488 Helmcken Street) across the lane and the City Crest tower (1140 Homer Street) at the corner of Homer and Davie Streets. Mr. Segal explained that this site sits within the Heather Bay to Lions Bay view cone and the proposal will affect a number of developments outside of the view cone, including the Robinson building at 488 Helmcken Street. The residents in neighbouring buildings have expressed concern with respect to the proposed podium height of 74 ft. to the top of the parapet. Mr. Segal stated that there was a significant response to the notification and a 40 signature petition was received from residents of the Robinson building as well as letters from residents of the City Crest tower who feel they will be adversely affected by the proposal.

The most significant issue for the Board to consider is the proposed podium which would extend south to interface with the City Crest podium and have an overall height of 74 ft. to the top of the parapet which exceeds the 70 ft. maximum by 4 ft. Mr. Segal described the changes to the podium from the original submission that did not receive support from the Urban Design Panel, noting that the height of the podium has been lowered 2 storeys. Significant view analysis and

shadow analysis of this condition has been conducted. The main issues for the Board to consider are shadows and scale impact for units of the Robinson tower that faces the lane elevation of this proposal.

Mr. Segal described the potential shadow impacts noting that the tower generates expected impact; however the podium shadow also infringes onto the rear common deck of the Robinson building. There is no doubt that shadow impact on the rear deck would be substantial. Staff response to the shadow circumstance is that where we have assessed sites in view cones we have tried to organize massing with wider floor plates and a more substantive podium. This podium is slightly over the maximum height of 70 ft. at the proposed 74 ft. Given that there are shafts of sunlight that reach back to the open space of the Robinson tower Staff recommend that this proposal be accepted. Mr. Segal referred to condition 1.4 that deals with the manipulation of the upper most parapet of the 8th floor level to gain more sun access to the Robinson tower deck and also to soften the scale as seen on the lane side.

The other issue Mr. Segal identified for the Boards' consideration is the proposed entrance to the townhouses on the Helmcken Street side which are below grade and staff do not feel that is acceptable. The Guideline calls for entrances to be 3 ft. above grade with an average of about 1.5 ft. above grade being achieved on Homer and Helmcken Streets.

With respect to the requested heritage density transfer, staff believe that the additional 10,000 sq. ft. has been sensitively handled and therefore has been earned. Mr. Segal noted conditions 1.1 and 1.2 that call for reduction of height at the south party wall and design development to below grade unit entries in townhouses off of Helmcken Street which would cause a slight reduction in FSR to handle those adjustments.

In summary, staff believe that this application could be dealt with by the Director of Planning at the complete stage and recommend approval in principle with the conditions of the Development Permit Staff Committee report dated August 31, 2005.

Questions/Discussion

In response to a question from Mr. Scott about how much FSR would be given up in solving the below grade entrance issue, Mr. Segal responded that it may be possible as much as 1,000 - 1,200 sq. ft. could be given up to solve that circumstance; perhaps less if the applicant is creative. That amount of FSR would come out of the amount of heritage density transfer that is being sought.

Mr. Timm asked for clarification on the amount of shadowing that would be caused by the podium mass, particularly the top 2 floors. Mr. Segal responded that in overall consideration of the tower location, staff believe that this is the correct location for the tower in terms of the whole block. The staggered tower location is a pattern that we have developed in the Downtown South District and this is why staff are supportive of the podium height, also taking into account the terracing back from the lane side in the podium design. By lowering the podium further it will not have significant benefits for the rear deck of the Robinson building.

In response to a question from Mr. Acton regarding the amenity space of the rear deck of the Robinson building, Mr. Segal responded that the majority of deck is rooftop. There is a hot tub, private patios on the back portion and a leading landscape edge towards the lane. The shadow on the deck, and particularly on the amenity features and private patios that face the back portion of the deck, will be a result of the proposed tower itself.

Mr. MacGregor questioned the reference to floor plate maximums as 5,000 sq. ft. on page 4 of the Development Permit Staff Committee Report dated August 31, 2005. Mr. Segal explained that the maximum can be 5,000 sq. ft. in certain conditions with an absolute maximum of 6,500 sq. ft. in this Downtown South District.

Mr. Endall asked whether the lowest level of the Robinson building fronting the lane had any habitable spaces. Mr. Segal confirmed that the spaces are all utilitarian uses such as storage, parking and loading.

Applicant's Comments

Martin Bruckner, Hancock Bruckner Eng & Wright Architects, stated that quite a bit of analysis of sun access into particularly 488 Helmcken, the Robinson building, has been conducted. Mr. Bruckner stated that photos of the roof deck and shadows have been illustrated in the plan not just between 10a.m. and 2p.m. but also later in day. Mr. Bruckner believes that the objectionable shadows are emanating from the tower and whether the podium is lower is not going to improve sun access to the Robinson building.

Mr. Bruckner stated that the proposed tower is in the only place on the site that it could be. The applicant team met with residents of the Robinson building and City Crest tower between the first and second Urban Design Panel meetings. Mr. Bruckner said that the separation between the buildings is quite substantial for an urban setting. He stated that they are open to working on the City Crest interface and with respect to the below grade townhouse entries, it is not their intent to have below grade access. The intent was to have a stepping down internally. Mr. Bruckner described the landscaped courtyard as prime living space at grade for the townhouses and acknowledged that they might have to give up some floor area in order to get the grade separation that staff have recommended. Mr. Bruckner believes that this proposal will improve the look of the lane and stated that they have made a conscious effort to develop the lane.

Jennifer Stamp, Durante Kruek landscape architect, noted that the streetscape will be developed as per the Downtown South District Guidelines. There are various levels of private and amenity decks in this proposal. A landscape island will provide a buffer to the drop off ramp into the building. The private patios also have access to an amenity space for the building with a garden, walkway and seating area. Planting is proposed on level 4 and 6 to buffer the party wall with the City Crest project. Level 6 also has a landscaped deck with additional planting on levels 7 and 8. Level 7 has a proposed common deck which will be a large, unprogrammed space with a seating area and lots of planting. All of the common decks are wheelchair accessible and create a loop as you move through the space.

Questions/Discussion

In response to a question from Mr. Endall regarding condition 1.1, Mr. Bruckner stated that they have reviewed the condition with their client and are prepared to make the necessary adjustments to fulfill the requirements of the condition.

Comments from other Speakers

The following delegations spoke in opposition of this application:

Wendy Donaldson, 488 Helmcken

John McCabe, 488 Helmcken

Wendy Donaldson, 488 Helmcken, stated that the residents of the Robinson building are not anti-development. The residents knew they were in a developing area and also knew that being in 4th or 5th level suites would not provide a protected view. The main concern for

residents of the Robinson building is more than just shadow on their suites and common area; it is the lack of light and sky if this proposal is approved.

Over half of the suites in the Robinson building face the lane. The front principle rooms of these suites face the lane to overlook the garden area. Ms. Donaldson explained that the roof deck is cement pavers and there is a 5th floor common deck space as well. Of 125 residential suites only 26 suites have balconies and 99 suites were intended to have common areas on the 2nd and 5th floor common decks. These decks are used for barbeques, parties and children's play areas.

Ms. Donaldson stated that the proposed podium is too high and does not compare to others in the area as suggested in the Development Permit Staff Committee report dated August 31, 2005. Ms. Donaldson notes that the Robinson tower was the second tower constructed on the block and now the residents are being asked to have their livability greatly compromised. Although Ms. Donaldson supports the idea of heritage density transfer she questioned how it was earned by the developer in this case.

John McCabe, 488 Helmcken, said that the massing of the proposed podium is over the top. The common areas of the Robinson building are used by three quarters of the residents and everyone using those decks will be overlooked by this new building. Mr. McCabe stated that the project looks superb; however the Robinson residents would like to see 2 storeys taken off the top of the podium. Mr. McCabe is concerned that the livability for those at the back of the Robinson building will be greatly affected by this proposal. In conclusion, the residents are asking for a reduction of height of the proposed podium.

Questions/Discussion

Mr. Timm asked for clarification on the benefit of reducing the podium by 2 storeys. He stated that since the building is stepped back at the top there would seem to be very little impact of shadowing from the top 2 floors. Mr. McCabe responded that up to the 8th floor of the Robinson tower will have views out to the water affected. Residents are also concerned about the intrusion of being overlooked by 4-5 floors.

Ms. Forbes-Roberts made note of the additional correspondence that was circulated at the meeting today.

Panel Opinion

Mr. Endall said that this application came before the Urban Design Panel on two occasions. The original application received non-support and then came back to the Panel with significant positive revisions to the original submission including a 2 storey reduction to the height of the podium. The second time this application was before the Urban Design Panel it received unanimous support and there was consensus that the architectural resolution was sufficient to need not be reviewed by the Panel again at the complete stage.

With respect to condition 1.1, Mr. Endall stated that there was a mixed opinion amongst the Panel as to the recommendation for a reduction of 1 storey to the south face of the building. Mr. Endall does not agree that the south face needs to be reduced and suggested revising condition 1.1 to delete the words, "reduce height by one storey and".

Mr. Endall stated that a minor reduction to the podium height will not result in a substantial benefit of shadowing to the Robinson building. Mr. Endall feels that this project can accommodate the heritage density being requested and he would support that request.

Mr. Acton agrees with Mr. Endall's proposed amendment to condition 1.1. He concurs that a reduction in height is not necessary. Regarding condition 1.2 and 1.3 it sounds as though the applicant is in agreement that the intent is to have unit access above street level.

In terms of overall height and massing, Mr. Acton stated that this is a challenging design and the architects have met the challenge well. Mr. Acton appreciates the compelling discussion from both sides with regard to the podium height and would recommend support for this proposal as presented.

Mr. McLean endorsed both Mr. Endall and Mr. Acton's comments. He feels that a stepped back podium at 74 ft. is better than a straight podium at 70 ft. Mr. McLean believes that the shadowing will be caused more by the tower and if not for the view cone the tower could have been 300 ft. high. Mr. McLean asked staff to provide clarification regarding the difference between heritage density and bonus density since there seemed to be a misunderstanding. Mr. McLean also questioned whether, given the controversy of this proposal, the complete application should be considered by the Development Permit Board rather than the Director of Planning as suggest in condition 3.0.

Mr. Scott said that this proposal is for a high quality concrete brick building which he feels will be a good addition to the neighbourhood as well as providing a good streetscape. Mr. Scott said that the tower is in the best location that it could be to minimize shadow lines and the tower seems to be the cause of most of the shadowing, not the podium. With the terracing offsets at the top of the podium, Mr. Scott said that he would support the 74 ft. height.

Mr. Henschel said that he will be offering some contradictory comments to the previous advisory panel members. On these final sites, Mr. Henschel stated that the buildings need to be carefully massed so that they don't interfere with existing buildings. Mr. Henschel said that the design is fantastic; however he encouraged the applicant to look at and listen to comments from residents of the Robinson building whose primary rooms are facing the lane to the south.

Mr. Henschel is concerned that the Robinson building suites will not receive direct sunshine into their living rooms except for the high time of summer. Due to the potential loss of winter day lighting (September to March) to the Robinson suites, as a result of this proposal, Mr. Henschel recommended a 1 or 2 storey reduction to the podium height and further suggested perhaps raising up the bottom to achieve higher ceiling heights.

Ms. Hung commented that overall this project is attractive and she appreciates the efforts made in the lane elevations; however she is not convinced that this site can handle the extra density being requested. Ms. Hung said that the 8 storey podium is beautiful and the tower is quite nice but when they are together side by side on one site it appears quite massive, bulky and squat. Ms. Hung would prefer to see the podium reduced to 6 storeys with further terracing to 4 storeys.

Ms. Hung noted the discussion regarding reduction of the podium height with respect to shadowing and said that reducing the podium would improve views to the sky which would have a significant impact, shadowing aside. Ms. Hung would like to see a reduction in height to the podium at a minimum and stated that this would likely improve the project from the neighbour's perspective as well. With respect to conditions 1.2 and 1.3, Ms. Hung agrees that the townhouse should be raised above grade.

Ms. Forbes-Roberts asked Mr. Segal to provide a brief overview of shadow impact in the event that the Board decides to reduce the podium height and also to review the requirements for heritage density transfer.

Mr. Segal spoke first to the issue of heritage density transfer, noting that it is different from bonus density which requires the provision of a public amenity such as a daycare or film centre. In this respect, heritage density can be brought to the site up to 10% without providing a public amenity since the public value is seen as the restoration of a heritage building elsewhere. The criteria with respect to the 10% heritage density are that the urban design has to be of high quality and the extra density cannot create new impacts.

With regard to the shadow impacts, Mr. Segal stated that there appears to be questions around the additional 1-2 storeys of podium height. Mr. Segal explained that from 9:00 a.m. to 10:00 a.m. at the equinox there would be some pulling back of the shadow in the corner of the amenity space if the podium height was reduced by 2 storeys. The hot tub area would probably receive additional sun as well if the podium were reduced by 2 storeys; however after 10:00a.m. the shadow of the tower will take over and trace across the deck area.

In terms of the shadow effect from the podium on the rear facing suites of the Robinson building from 9:00 a.m. to 10:00 a.m. on September 21st the shadow is not reaching the rear facing units. Further in the day as mentioned, the tower starts to take over and come across the face of the rear facing units as would have been expected. Mr. Segal concluded that this is why staff have determined that with the proposed stepping back of the upper 2 storeys there would not be a significant benefit on the shadow performance for a podium height reduction. It is true however, that outlook to the sky would improve if the podium height were to come down.

Board Discussion

Ms. French said that this has been a very complex site to address for staff, the applicant and the neighbours. Ms. French explained that when the Downtown South planning was originally thought through staff did anticipate four towers per block and where view cones were introduced it was also anticipated that there would be taller podiums than in the more "normal" Downtown South applications.

With regard to the question of shadowing and the reduction of the podium height Ms. French feels that there isn't a significant gain on the shadowing effect by reducing the proposed height of the podium. In terms of sky exposure or day lighting, Ms. French stated that the pulling back of the top two floors of the podium acts to achieve more of a sightline out than if the podium were 74 ft. straight up. At a height of 55 ft. before the stepping back occurs, Ms. French said that she finds this acceptable when combined with the conditions outlined by staff. She also noted that it is not unreasonable to expect impact of view on straight out towers as well as overlook in the Downtown South District.

Ms. French moved approval with all of the conditions that staff put forward and with amendments to conditions. Ms. French referred to condition 3.0 and requested that the complete application be dealt with by the Development Permit Board rather than the Director of Planning due to the need to deal with the heritage donor site.

Mr. MacGregor echoed the comments made by Ms. French and said that he was impressed that a canyon effect was not created in the lane by this development. Mr. MacGregor said that the quality of design has convinced him that the heritage density can be handled by this site and that the stepping back of the podium helps a lot in terms of the shadowing.

Mr. MacGregor seconded the motion with a correction to page 4 of the Development Permit Staff Committee report dated August 31, 2005. The permitted maximum floor plate reads as 5,000 sq. ft. and should be corrected to read 6,500 sq. ft.

Mr. Timm acknowledged the discussion around shadowing and said that ultimately he feels satisfied that the deletion of the top two floors of the podium would not have a significant impact on shadowing. Mr. Timm was interested in hearing from the delegations that other issues were privacy and straight out views; however this proposal meets the intent of the Guidelines and the Board needs to be directed by the guidelines, policy and zoning that is in place. Mr. Timm stated that he does not agree with Mr. Henschel that the last building to be constructed on the block has to respond to the existing neighbours. In summary, Mr. Timm said that he supports the proposal.

Ms. Forbes-Roberts recognized the comments made by the public and the panel and said that there is no question the process will get more difficult as blocks get denser. In light of that, it is all the more reason for the Board to stay within the guidelines.

Motion

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

THAT the Board APPROVE IN PRINCIPLE Development Application No. 409193, in accordance with the Development Permit Staff Committee Report dated August 31, 2005, with the following amendments:

Amend condition 1.1 to delete:

to reduce its height by a minimum of one storey and

Amend condition 3.0 to read:

That the complete application be dealt with by the Development Permit Board.

4. OTHER BUSINESS

Ms. Forbes-Roberts advised that a memo from Vicki Potter, Project Facilitator, was distributed to the Board regarding 1500 Homer Mews, Development Application No. 408703. The memo requests that the Board rescind condition A.2.6 as approved at the November 22, 2004 meeting since this condition is already a part of the conditions for the Concord area which were covered during the rezoning.

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

THAT the Board rescind condition A.2.6 as per the staff recommendation in the memo dated September 22, 2005 and distributed to the Board on September 26, 2005.

There being no further business, the meeting adjourned 4:50 p.m.

D. Kempton
Assistant to the Board

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J. Forbes-Roberts
Chair