

Date: Monday, February 18, 2002  
Time: 3.00 p.m.  
Place: Committee Room No. 1, City Hall

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**PRESENT:****Board**

F. Scobie	Director of Development Services (Chair)
A. McAfee	Director of City Plans
J. Forbes-Roberts	General Manager of Community Services
I. Adam	Assistant City Engineer

**Advisory Panel**

W. Francl	Representative of the Design Professions (Urban Design Panel)
J. Ross	Representative of Development Industry
D. Chung	Representative of General Public
J. Leduc	Representative of General Public
M. Mortensen	Representative of General Public
R. Bruce Scott	Representative of General Public

**Regrets**

J. Hancock	Representative of the Design Professions
P. Kavanagh	Representative of Development Industry

**ALSO PRESENT:**

J. Barrett	Development Planner
F. Hill	Project Facilitator
M. Thomson	City Surveyor

**Item 3 - 901 Beatty Street - Zone DD**

C. Brook	Brook Development Planning Inc.
F. Rafii	Rafii Architects Inc.
D. Bosa	Bosa Ventures
M. Pez	Concert Properties

Clerk to the Board: C. Hubbard

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**1. MINUTES**

It was moved by Ms. McAfee, seconded by Ms. Forbes-Roberts, and was the decision of the Board:

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of February 4, 2002 be approved.

**2. BUSINESS ARISING FROM THE MINUTES**

None.

**3. 901 BEATTY STREET - DE406240 - ZONE DD  
(COMPLETE APPLICATION)**

Applicant: Rafii Architects Inc.

Request: To develop this site with a 28-storey market residential tower (Tower A, southerly development) including a 3-storey podium with retail at the corner of Nelson and Beatty Streets, with 3 levels of underground parking; and a 20-storey market rental residential tower (Tower B, northerly development) including a 2-storey residential townhouse podium with two levels of underground parking. In total, there are 354 dwelling units.

**Development Planner's Opening Comments**

The Development Planner, Jonathan Barrett, introduced this application. Board and Advisory Panel members convened around the project models for Mr. Barrett's presentation which made reference to the Staff Committee Report dated January 23, 2002. Reference was also made to a memorandum dated February 12, 2002 which outlines the applicant's response to the ten main prior-to conditions recommended in the report. An amendment to 1.1 was noted, to provide clarification with respect to the height of Tower A. Referring to the context model, Mr. Barrett briefly described the context of the subject site which is located on Beatty Street between Smithe and Nelson Streets in Downtown South (New Yaletown).

In 1994, a development application was approved for two towers on this site. While still active, this development permit has not been pursued. The major difference between the 1994 approved application and the current application is that while the aggregate number of storeys in the towers is the same, the location of the towers is reversed. The taller tower (Tower A) is now located at the corner of Beatty and Nelson and the lower tower (Tower B) is located mid-block on the Beatty Street frontage. In other respects the two schemes are very similar, having a 2 - 3-storey townhouse base and open space behind.

Mr. Barrett briefly described the current application in greater detail, noting that a major focus of the review of this application has been on the location of the towers and the impact on views and shadowing. With respect to shadows, it was concluded that the difference in the tower heights and its influence on shadows is neutral because the shadows are cast well beyond the adjacent site. There is, however, an impact on private views from the towers at 930 and 950 Cambie Street. Referring to view diagrams, Mr. Barrett described the impact and the differences between this application and the 1994 approved scheme. Overall, the view analysis indicates a 15 percent improvement in the current scheme. However, there is a concern that there are residents in 930 and 950 Beatty Street who reviewed the approved application prior to purchasing their property and were anticipating the 1994 proposal for this site. Staff are therefore recommending a two-storey reduction in height for Tower A, as called for in condition 1.1. Mr. Barrett briefly reviewed the other major conditions and the applicant's response.

In summary, the Staff Committee recommendation is to approve the application, subject to the conditions contained in the report, with 1.1 amended as indicated in the February 12, 2002 memorandum. Staff believe there are overall improvements to the view impact on the neighbours, particularly with the recommendation to

reduce the height of Tower A by two storeys (condition 1.1) and for the floor plate size to meet the guideline recommended 6,500 sq.ft. (condition 1.2). Elimination of the "mews" was also a key factor. Staff believe the overall architecture and quality of materials is superior to the 1994 proposal.

### Questions

The following points were clarified by the staff:

- garbage pick-up will take place at the lower level of the parking garage which is accessed off Beatty Street;
- Staff Committee believes the guideline requirement for ~~minimum~~ *maximum* floor plate of 6,500 sq.ft. should be met;
- condition 1.3 is met with the applicant's proposal to increase the rear yard setback to 18.26 ft.;
- the walkway which is replacing the previously proposed "mews" is private and will be gated at both ends;
- subdivision is not a requirement prior to issuance of the development permit (Condition A.1.4 to be amended);
- clearance regarding soils is a requirement prior to issuance of the building permit (Condition B.1.2 to be amended);
- Note B.1.5 can be deleted because it also appears as a Condition of Development Permit (B.2.3);
- deletion of the mews and setback adjustment will likely recover the shortfall in semi-private open space (a final calculation has not been made).

### Applicant's Comments

Chuck Brook, Brook Development Planning Inc., noted the Staff Committee Report reflects the considerable discussions that have taken place between the applicant team and City staff to address the issues that have arisen over the course of processing the application. It also reflects input from two comprehensive meetings with the neighbouring property owners at 930/950 Cambie Street. Mr. Brook confined his comments to the conditions requiring further comment, noting they believe this response is superior in a number of ways to the 1994 approved development application, particularly in the way it performs with the reduction of two floors from Tower A. He noted the scale model of the project does reflect this height reduction.

With respect to floor plate size, Mr. Brook requested an amendment to condition 1.2 to indicate reducing the tower floor plates to within one percent of the guideline requirement of 6,500 sq.ft. This will allow for cavity wall construction and create a superior envelope.

Mr. Brook agreed that condition 1.7 can remain, but noting their intent is to delete the commercial space which eliminates the requirement for on-site loading.

In summary, Mr. Brook said they feel confident they can meet the other conditions contained in the Staff Committee Report.

### Questions

The applicant provided the following clarification:

- the amount of semi private open space will be very close to the 50 sq.ft. per unit requirement;
- overall improvement to views by reducing Tower A by two storeys will result in approximately 18 percent improvement over the 1994 scheme;
- design development to the corner plaza will make it more urban and public in appearance;
- loading for the residential will occur from the street through the lobby.

### Comments from Other Speakers

Mr. Marco DeClavares explained he purchased his property at 950 Cambie Street (Suite 2802) , about 13 months ago, prior to which he did some research at City Hall to find out what could be built in front of his building. He was advised of the 1994 application and told the tower locations could not be changed. The subject application, with a tower 80 ft. away, will result in loss of property value. Mr. DeClavares said he believes the height of Tower A should be reduced by more than the two storeys recommended by staff and noted it is not only 930 and 950 Cambie Street that are affected by the reversal of the tower locations.

Ms. Les Wick sought clarification regarding the separation between Tower A and 950 Cambie Street. Mr. Rafii

advised it is mostly greater than 80 ft. and just 80 ft. at one point (from corner to corner).

### Panel Opinion

Mr. Franci advised the Urban Design Panel unanimously supported this application. It was considered to be superior to the 1994 approved application with the minor exception of the colour palette for the lower tower which was thought to be somewhat dark. With regard to the massing of the two towers, the Panel thought switching the tower locations benefited more people overall than the original scheme. The corner plaza was considered to be a desirable element by the majority of the Panel but it was thought it looked more private than public. Given the location, the Panel thought the plaza should have a more urban appearance. The increase in floor plate size of the lower tower was considered an imperceptible increase when viewed from the towers behind. The earlier "mews" was recalled as being a visual extension of a corridor that exists to the north and a desirable urban design feature. However, subsequent concerns about traffic, the inappropriate proximity of the mews to the lower tower, as well as the desire to provide more open space - particularly children's play space - led the Panel to conclude that eliminating the mews would be preferable. However, the extension of the visual space as a urban continuation is still very much a desirable element.

Mr. Ross recommended approval. Regarding the floor plate size, Mr. Ross felt the guideline ~~minimum~~ *maximum* of 6,500 sq.ft. should be met. Overall, the project is a big improvement over the 1994 scheme. Clearly, staff and the applicant have worked together and considered the impact on the neighbours in a positive way and it is a well designed building. Mr. Ross said he supported the deletion of the retail space, given the evidence that retail is not successful in the immediate neighbourhood.

Ms. Leduc also recommended approval. With respect to the location of the towers, she expressed some concern about the reliability of information being provided by City staff to prospective purchasers. With respect to the floor plate, she said she had no problem with it being a little larger than 6,500 sq.ft. With the elimination of the mews, Ms. Leduc said she would look to see the amount of private open space increased to what is expected in this area. She urged that the design of the landscape be such that vagrants are discouraged from taking up residence.

Mr. Mortensen recommended approval. It is clear the applicant has negotiated with staff to compromise and achieve a more neighbourly project. Commenting on the situation of people buying into an area in development, Mr. Mortensen said some level of uncertainty is not uncommon and must be recognized by purchasers. He encouraged the applicant to work towards achieving the 6,500 sq.ft. floor plate size.

Mr. Scott said he saw a significant improvement over the 1994 approved proposal. He saw no problem with increasing the floor plate size to 6,550 sq.ft. Mr. Scott said he had some concern about the elimination of the loading bay, given the number of residents in this development. He recommended approval of the application.

Mr. Chung also recommended approval. He said he hoped the applicant could achieve the 6,500 sq.ft. floor plate size. He was also disappointed that purchasers may have been given misleading information and he urged that this situation be corrected to ensure the public can have faith in advice provided by City staff. Mr. Chung added this proposal is very appropriate for this area and noted this architect has already created a number of significant landmarks in the city.

### Questions

In response to a question from Ms. Forbes-Roberts regarding the treatment of the roof of the lower tower, Mr. Barrett advised there are no special requirements.

### Board Discussion

Ms. Forbes-Roberts moved approval of the application. She said she recognized a good job by staff and the applicant to try to reconcile an existing development permit and improve it in terms of impacts on the neighbours. While a number of people are still being impacted, on balance this is a better scheme not only with respect fewer people being affected but that it responds better to the street and the surrounding area.

Commenting on the concerns expressed about information provided by the City to prospective purchasers, Ms. Forbes-Roberts said it is important to remember that a development permit is not a building and another permit always can be applied for. It is unfortunate that some people "got caught" in that regard but this application has been an attempt to reconcile those circumstances as much as possible.

Ms. McAfee had some concern that condition 1.5 might be too vague and urged that staff and the applicant carefully consider the results of the changes that will occur with the mews to ensure that maximum usable open space is achieved. With respect to view blockage, Ms. McAfee noted that while there has been some attempt to reduce the impact by eliminating two storeys from Tower A, an overall improvement of 15 percent is cold comfort to the people who have greater view blockage than they anticipated. She agreed with Ms. Forbes-Roberts, however, that until a building is actually constructed, development permits should not be considered a guarantee of what will be built, and staff should be clear in providing this information to members of the public.

Mr. Adam also supported the application. He said it is obvious the applicant has done a good job and it is a very attractive scheme. He strongly supported the retention of the loading bay, as called for in condition 1.7.

Mr. Scobie made reference to the high quality work of this architect as well as the reputable developers involved in the project. He said he also had some concern that members of the public may be relying on less than satisfactory advice from City staff. This issue will be pursued with Development Services and staff will be reminded that issuance of a development permit is *permission* to develop, not a *requirement* to develop. While in most instances a development permit is a precursor to building permit and construction, it may be abandoned in favour of a new application. In this instance, the development permit continued to be renewed since its issuance in 1994. Applicants may also seek a rezoning. There is no certainty until completion of construction.

#### Motion

It was moved by Ms. Forbes-Roberts and seconded by Ms. McAfee, and was the decision of the Board:

THAT the Board APPROVE Development Application No. 406240, in accordance with the Development Permit Staff Committee Report dated January 23, 2002, with the following amendments:

Amend 1.1:  
design development to lower the height of the southerly tower (Tower A) by two storeys ~~(to a maximum height of 360 ft.)~~ to improve views from the westerly neighbours (*height of 360 ft. to the top of the mechanical penthouse from ground floor datum of 115 ft.*);

Amend the Note to Applicant in A.1.4 to delete "prior to issuance of the development permit";

Amend B.1.2 to change "approval", to *issuance of the building permit*;

Delete B.1.5.

CARRIED

Some discussion followed regarding the on-site loading bay called for in condition 1.7. Mr. Brook said his understanding is that loading is required for commercial uses in this part of the DD zone and loading bays are not required for residential uses. He noted their response to the request for provide the loading bay was to eliminate the commercial use which removed the problem of how to address loading on a site where loading is not available from either Smithe or Nelson Streets. Loading from Beatty Street is also a problem because on-site loading creates other impacts on the neighbours as well as the livability of this project. Elimination of the commercial space with its higher floor-to-floor height also allowed them to reduce the height of the tower. Mr. Brook sought clarification as to whether an on-site loading bay will still be required with the deletion of the commercial use.

Mike Thomson, City Surveyor, advised that while there is no by-law requirement for it, Engineering Services always seek a loading bay on conditional use applications with residential towers having more than 100 units, noting this development contains 354 dwelling units.

Maurice Pez, Concert Properties, noted that loading has been an ongoing issue in negotiations with City staff and they have from the outset tried to accommodate it. They were advised the mews access was not acceptable. Mr. Pez expressed concern about conflicting advice from staff, e.g., the need for streetwall, context, minimum number of curb cuts. Providing a loading bay requires some concessions, otherwise it is very difficult for it to be accommodated without significant impacts on the neighbours or their building. He urged the Board to reconsider this condition.

Mr. Barrett agreed there is no simple solution to providing the loading bay and it has implications on the cost of construction because it would push the parking deeper. He noted the 1994 development proposal had access in the same location and a loading autocourt but this had impacts on the open space. Mr. Barrett advised the mews proposal was initially supported by Engineering and Planning staff but subsequently not supported by Engineering because there could be no access from Smithe or Nelson Streets. At one point, Engineering supported a loading bay on the street but later indicated it should be on-site. These circumstances led to the applicant proposing to eliminate the commercial use, which is what triggered the need for the loading bay, and staff agreed with this.

Ms. Forbes-Roberts said her interpretation of 1.7 is that staff believe it is still important to provide loading for the residential use, given the number of units involved. If on-site loading can be achieved, it is a reasonable requirement. Mr. Thomson noted that when the project was reviewed by the Staff Committee the commercial portion of the development was part of the application, therefore requiring the loading bay. It is not known what the Staff Committee would have recommended with the elimination of the commercial component but Engineering Services clearly would have sought loading with 354 dwelling units. Responding to a question from Ms. McAfee about the possibility of reconsidering loading on the street, Mr. Thomson said staff concluded the use and impacts would be too excessive. He added, they would not seek a typical Class B loading space and are willing to work with the applicant to accommodate smaller moving vehicles.

Mr. Pez pointed out that one loading space will be convenient for one of the buildings but will not be used by the other which will load from the street. He added, the problem with putting it underground is not just cost related but functionality. He said if they could accommodate it reasonably they would do it.

Mr. Scobie noted the Board has struggled with this issue in the past and has taken the position of requiring on-site loading even though it was recognized to be challenging to provide it in an acceptable configuration. It is considered important to try and ensure that developments accommodate this very real need associated with residential buildings in high density areas. Mr. Thomson added that in areas where there has been a rezoning, a specific requirement for loading on residential projects has been written into the CD-1 by-laws. He acknowledged the Parking By-law needs to be amended but noted that where there has been more than 100 residential units the Board has consistently sought the provision of off-street loading.

Ms. Forbes-Roberts noted the application will ultimately be reviewed by the Director of Planning and the impacts of the loading bay need to be taken into account, but an attempt must be made to try to accommodate it. Mr. Scobie recommended it be left to the Director of Planning to work with the applicant and if the provision of an on-site loading bay proves to be too problematic or disruptive in terms of the use of the site, that it be brought back to the Board for further deliberation. At this point, it is clearly the intent of the Board to require it as a condition of approval. He recommended that staff consider including a loading bay that may serve only one building and the possibility of on-street loading for the other building.

Mr. Pez said they recognize the requirement and expressed the hope that staff can work with them so that they don't get caught between divergent requirements of the City.

#### 4. OTHER BUSINESS

None.

There being no further business, the meeting adjourned at 5.00 pm.

C. Hubbard  
Clerk to the Board

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F. Scobie  
Chair

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