

Date: Monday, July 12, 2010
Time: 3:00 p.m.
Place: Council Chamber, City Hall

PRESENT:

Board

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

Advisory Panel

B. Haden Representative of the Design Professions (Urban Design Panel)
S. Chandler Representative of the Development Industry
F. Rafii Representative of the Development Industry
S. Bozorgzadeh Representative of the General Public
C. Chung Representative of the General Public
K. Maust Representative of the Vancouver Heritage Commission

Regrets

M. Woodruff Representative of the Design Professions
H. Hui Representative of the General Public
A. Yan Representative of the General Public

ALSO PRESENT:

City Staff:

B. Boons Assistant Director of Processing Centre - Development
P. Storer Engineering Services - Projects Branch
A. Molaro Senior Architect/Development Planner
D. Autiero Project Facilitator

1777 WEST 7TH AVENUE - DE413828 - ZONE C3-A

D. Ramsay Ramsay Worden Architects
B. Ramsay Ramsay Worden Architects
R. White Intergulf Development
J. Werner Intergulf Development
A. Good DMG Landscape Architects
D. Roberts Kane Consulting

Recording Secretary: L. Harvey

1. **1777 WEST 7th AVENUE - DE413828 - ZONE C3-A
(COMPLETE APPLICATION)**

Applicant: Intergulf Development Group

Request: To develop this site with a 10 storey mixed-use building (commercial and residential uses) over three levels of underground parking having vehicular access from West 6th Avenue. This application seeks additional density (10%) by way of a transfer of heritage density from a donor site at 51 East Pender Street.

Development Planner's Opening Comments

Anita Molaro, Development Planner, introduced the application noting that it is a triple fronting site and currently with a 2-storey building and an open parking lot on it. The site has a cross slope of between thirteen to fifteen feet. She described the context for the surrounding area noting the secured right-of-way connecting West 6th Avenue to West 7th Avenue. Ms. Molaro stated that the primary issues identified with the proposal are its neighbourliness and view impacts. The site is located in the C3-A zone and is also guided by the Burrard Slope Guidelines. The C3-A zone allows for a discretionary increase of FSR from one to three and the district schedule also permits a heritage density transfer for a further increase of 10% resulting in overall FSR of 3.3. The Board in its consideration of height needs to consider the intent of the Schedule and the applicable Policies and Guidelines, the overall massing of the building, its bulk and location, and its affect on the surrounding streets and buildings and existing views, the amount of open space including plazas, the affect of the development on traffic in the area, the provision for pedestrian needs and the design and liveability of any dwelling uses. Further, the C3-A Guidelines also direct the Development Permit Board in its consideration of height beyond thirty feet to consider the height, bulk and location of the building, the amount of open space provided, the provision of pedestrian needs, the preservation of character and general amenities, desire for the area and the submission of any advisory group, property owner or tenant.

The intent of the Burrard Slope Guidelines is to recognize the area's sloping topography and view potential by continuing to allow towers while maintaining the visual dominance of buildings along the Broadway ridge, to create a more coherent integrated neighbourhood character while recognizing the diversity of sites and uses, to recognize a special role of Burrard Street, to preserve the scenic public views from major routes and bridges, to create a prominently residential neighbourhood, provide for a high quality streetscape, to ensure livability of the neighbourhood and individual developments through compatible land uses and massing guidelines on building facing and heights to ensure sun access, light and privacy and specific guidelines with noise, safety and open space and to take advantage of opportunities for open space and linkages in the area. The C3-A Zoning does not speak directly to a height limit but rather the guidelines for the area talk about a maximum height of 100 feet.

The massing for the proposal is based on a U shaped, low rise building mass along the Burrard Street frontage and ten-storey highrise with an overall height of 104 feet. It is massed around a courtyard. The stepped massing provided along Burrard Street will allow for high volume retail space and for some opportunities for mezzanine levels. On the other two street frontages a small amount of retail wrapping at the corners is proposed with the balance as ground oriented residential uses. The proposal will contain 267 residential units and the pedestrian entry will be on West 7th Avenue with parking and loading access on West 6th

Avenue. The proposal also provides for a pocket park located mid block at the top of the pedestrian right-of-way that is located on the adjacent site. The project massing has responded to the C3-A zoning and Burrard Slopes Guidelines. In order to preserve the public views to the mountains there is to be a setback from Burrard Street as well as a view cone from Burrard slicing across the site. There is further limitation in the Guidelines to have any mass above 50 feet setback from Burrard Street by 100 feet. As a result of these Guidelines shaping criteria the site essentially becomes the control site for delivering this public view down Burrard Street to the mountains. With respect to the east west massing, the Guidelines call for massing that would minimize tower widths in the east-west dimension with mid rise massing limited to 60% of the site width with a continuous low-rise width to support a strong street wall condition.

The Guideline massing also calls for tower widths in this dimension to be a maximum of 72 feet as well as to achieve a minimum tower separation between towers of 82 feet. Staff are satisfied that the proposed tower width of 84 is stepped back slightly from the front of the site and also that the tower separation that is achieved between the proposed tower and the nearest tower (Meridian Cove) is more than 150 feet. In assessing the mid-rise massing and the low-rise massing where there is no limitation on its length in combination with the Burrard Street massing the proposed mid-rise massing exceeds the 60% from the width but the low-rise component provides an almost 55 foot setback from the shared property line. Staff concluded that this variation in the Guidelines, where the additional mid-rise massing is offset by the reduction in the extent of the low-rise street massing, provides over all for a more neighbourly response with the adjacent Meridian Cove. Furthermore given the comparable scale and height of the office building to the south across West 7th Avenue, this massing approach is considered supportable. The Guidelines recommend a north south tower dimension of 88 feet combined with the narrow east west dimension of 72 feet.

While the Guidelines provide parameters to guide tower widths and lengths these are based on typical sites of 120 feet found throughout the area as seen on the Virtue, Camera and Musee. On other large sites within the immediate context such as the Meridian Cove and the Fairview, these have both exceeded dimensional criteria described within the Guidelines. This proposal has a leading tower edge as it relates to Meridian Cove, a leading tower dimension of a little over 92 feet to as much as 120 feet at the upper two levels and at level eight as much as 136 feet. While these dimensions are similar or less than other nearby buildings on the large sites, Staff is recommending some reductions in these proposed lengths.

With respect to the heights, views and shadowing, the proposed tower exceeds the recommended height for the area of 100 feet by four feet at the north end of the tower. This is in part due to the slope across the site but it is also consistent with some of the other buildings within the area. In terms of private views, the proposal does have a measurable impact on existing views from units in the adjacent buildings. For Virtue, Camera and Musee the tower portions of the proposal generates approximately 12% views loss across the north west. Given that, the extent of their existing views will remain intact because of the considerable distance between the proposal and the neighbouring buildings. Staff believe and consider this degree of impact within acceptable ranges.

The closest neighbouring building, Meridian Cove, however for those units above 72 feet private views will be the most affected. The 180 degree view that they currently have, given the low intensity development that exists on that site today, would be affected. But the most advantage views, those views to the immediate north and northwest would remain generally intact as the higher portions of the proposal have been located as close as possible to West 7th Avenue. With respect to shadow impacts, Staff are satisfied that there is no significant shadow

impacts to the community garden across West 6th Avenue noting that the building at the north end of the site is fairly narrow. There are some shadow impacts on the semi open space next door starting around 1:30 PM measured on the Equinox. In summary, Staff believe that the proposed massing has addressed the massing objectives set out in the Guidelines and where variations have been considered they have demonstrated an acceptable response. Nevertheless Staff believe that a shift of the north south massing component including the tower to the west would provide some improvement to the apparent scale of the building while providing some modest view and shadow improvements as it relates to its neighbour. This shift would allow for some reallocation of some building mass to further strengthen and frame the Burrard Street end view.

Ms. Molaro reviewed the recommendations contained in the Staff Committee Report dated June 30, 2010. 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 clarification was provided by Ms. Molaro:

- The view cone slices across the site and limits the height on the Burrard Street massing.
- The Meridian was built in 1991 and the developer did not have the option of landing heritage density on the site.
- There will be a separate walkway on the other side of the wood fence that results in a setback with the units oriented onto that walkway. From a planning and urban design perspective it is desirable to have the walkways appear seamless. It is difficult to have them as one sidewalk due to maintenance and ownership. However, if the property owners agreed there isn't any reason why they couldn't be merged together.

Applicant's Comments

Doug Ramsay, Architect, thought the Staff Committee Report was comprehensive in talking about the relationship of the building to the Guidelines. He added that he believes the developer can conform to all of the recommendations in the report. However he said he had some concerns with two conditions: Condition 1.1 asks to move the building over about ten feet but Mr. Ramsay thought this would create a pinching down of the courtyard which has already been designed with the minimum amount of space. He added that they might be able to take five feet off the courtyard and look at returning some of that to the massing. He noted that they had met with staff and have come to a resolution in terms of insuring the livability of the units as well as stepping the building back another ten feet.

With respect to the livability and the outdoor space, Mr. Ramsay noted that because of the location of the building next to public transportation, one of the ideas was to design small affordable units within the project. One of the issues of C3-A zoning is that there is a maximum 8% allowable balcony area of which 50% could be enclosed. This would make the balconies about four by six feet on the larger units however on the smaller units the balcony would be half that size. As a solution they have designed some rather generous outdoor community spaces. There is a large roof deck with a barbeque, children's play area and gardening potential on the eighth floor. As well there will be an exercise room also with a terrace. In all there are three large outdoor spaces being provided for the residents.

Regarding Condition 1.6, Mr. Ramsay said they would work with staff regarding the livability of the studio units but asked that the Condition be rephrased. Mr. Ramsay added that they are

already talking to a car coop company and will be adding a space for a coop car with the idea that if they need more than one stall the developer would be willing to provide another space.

Questions/Discussion

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

- The units have a north to south aspect across the building.
- There is no intention in the design on the part of the applicant to allow for the removal of the walls to make the enclosed balcony part of the living space.
- There are three levels of underground parking and the exhaust vent will be located in the patio with landscaping around three sides. It will create some noise but will be located as far from the units as possible.
- The design for the project was chosen because there is a view cone across Burrard Street so they took the massing and wrapped it around a courtyard. The idea was to step the massing to a high point on the site that would have a minimum impact on the people further up Burrard Slopes. The design was also driven by the Guidelines and a fifteen foot slope across the site.
- The applicant and staff are exploring more uses for the green roofs. A modest children's play area is planned as well as garden plots and some extensive green roofs.
- There is currently no retail clients under contract however there have been some discussions with a car dealership.
- A marketing company is in place in preparation of selling the units.
- The massing of the building needed to be placed away from the view corridors and at least one hundred feet back from Burrard Street.

Comments from other Speakers

James Patrick is a neighbour and read a letter to the Board and Advisory Panel. He noted that the Director of Planning seemed to have too much power in making a decision regarding FSR increases. He thought it would destroy views and security of the homes in the Meridian Cove and Sante Fe projects. He said he believed that City Staff should have met with owners in the neighbouring buildings to discuss the plans for the site. Mr. Patrick added that the project was not an acceptable addition to the neighbourhood and should be built to the intent of the Guidelines.

Mr. Toderian moved to have Mr. Patrick wrap up his presentation after twenty minutes which was seconded by Mr. Judd.

Richard Hunter described the impact the project would have on his eight floor condo in the adjacent building. He currently has views through to the water and will lose his prime view up to the Sunshine Coast. He purchased his suite at a premium price because of the view. He asked the Board not to support the height of the project because of the negative impact it would have for the surrounding residents. He added that the project will impact nine buildings and not four as stated in the report. Mr. Hunter thought the project was not being built within acceptable limits and asked the Board to reject the application or have the applicant stick to the intent of the C3-A Guidelines of a five or six storey building.

Samuel Hyman had issues with the loss of his northwest views and livability and noted that the Meridian Cove and Sante Fe were not included in the presentation.

Robert Gauf lives in the Sante Fe building on the sixth floor and thought the project would impact his views significantly. He noted that the building will be two storeys higher than the rest of the buildings in the area because the site is on higher ground. He also noted that there is only a thirty foot separation between balconies.

Jose Cuesta who lives in Meridian Cove said he will have his views of English Bay and the fireworks impacted. He added that there were going to be many people impacted by the size of the building.

Ian Adam stated that he had not received any notification that the application was coming to the Development Permit Board. He is a resident of the building on West 7th Avenue adjacent to the project. He said he knew the site would be developed at some point however he thought the urban form impacts the neighbours negatively. Mr. Adam suggested that the density should be put in the centre of the site, sloping down towards the edges and that the building would also shadow the community garden space.

Janet Armstrong described the loss of their view noting that the building will be only thirty-eight feet away from the edge of their building. She added that parking is already at a premium in the area and West 7th Avenue is bicycle route. She noted that privacy will be compromised and she was disappointed that there wasn't any request for public input regarding the application.

Questions/Discussion

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

- The new project will be 3 FSR.
- The applicant had an open house in February and notification went out to the neighbours in May. Also, the Board report was added to the Development Permit Board's website and was available the Thursday before the Board meeting which is the normal procedure for reports going to the Board.
- The guidelines came out in 1993.
- Thirty people attended the public hearing in February.

Panel Opinion

Mr. Haden noted that the Urban Design Panel reviewed the project and it received unanimous support. There were some key aspects that the Panel asked the applicant to consider including revisiting some of the unit sizes, adding urban agriculture and paying more attention to the common courtyard. Regarding the public's comments, Mr. Haden thought it seemed reasonable that the density could be built to the same as the adjacent building however the question was whether or not the additional density was appropriate for the site. Mr. Haden thought the site was challenging and that it was up to the owners of the adjacent building to do their due diligence to find out what would be built next to them. Regarding the architectural integrity of the building, Mr. Haden thought the enclosed balcony exclusion was ridiculous and was a kind of artificial density. He said he thought the City should accept that if they wrote bad bylaw there would be bad consequences. He said he supported the Conditions and the Note to Applicants in the Staff Committee Report but was uncomfortable with specific dimensions and suggested that in Condition 1.1 the 9.3 feet be changed to a minimum of five feet which would increase the setback on the east property line. Mr. Haden suggested deleting Condition 1.6 noting there was a lack of small, affordable units in new developments.

Mr. Chandler thought it was a complicated project. He noted there was a high quality of treatment to the entire development. He thought that the neighbours should have had the expectation that the site might be developed and might have a similar density in the new building. Mr. Chandler suggested modifying the corner on the southeast to increase the pinch point. He would also like to see the common walkway developed between the two owners so that it was seamless as it would be a benefit to the neighbourhood. He said he was concerned with the narrow suites and suggested they be modified as well as providing more than a French balcony on the units.

Mr. Rafii acknowledged the opposition from the public regarding the loss of their views. He noted that losing some of their view didn't mean that the property value was also lost. He thought the neighbours should have expected that when all the other buildings in the area have a density of 3 FSR this project would also have that amount of density. Mr. Rafii said from his calculation the distance from the neighbouring building was about seventy-four feet from the living space. He thought it was a well put together building and had good architecture. Mr. Rafii said he supported all the Conditions except Condition 1.6 because adding the balcony would make the building closer to the neighbouring building. Mr. Rafii also agreed that the enclosed balcony exclusion needed to be changed because of the confusion and problems it presented.

Ms. Maust thanked the speakers for taking the time to share their stories. Ms. Maust said the project appeared to be within the spirit of the Guidelines and that the design conditions satisfied her concerns. However, she did agree that Condition 1.6 should be removed. She noted that the heritage density transfer amount is in keeping with other projects in the neighbourhood and provides for a very important overall public benefit and reducing the project by the heritage density amount would not alleviate the impact on the views. Ms. Maust recommended support including the heritage density transfer.

Mr. Chung said he knew how hard the applicant had worked to get to this final stage. He thought there was still room for improvement within the building regarding the allocation of the massing, which could be achieved in a more sensible way reflecting some of the comments heard at the meeting. He supported the heritage density transfer. He added that the tower component could be shifted over and the component to the east side of the actual building could be mitigated to reduce shadowing on the pedestrian walkway. Mr. Chung was concerned with the livability in the nine foot wide units.

Ms. Bozorgzadeh said she was sorry to hear the neighbours are going to lose their views. She said that after taking everything into consideration it was a beautifully designed piece of architecture that would be well integrated into the neighbourhood. Ms. Bozorgzadeh added that the design had earned her support.

Board Discussion

Mr. Toderian noted that they had heard a lot of information at the meeting and he thanked the members of the public for their patience and hoped everyone felt they had a chance to be heard. Mr. Toderian said he felt that they had gotten a very good idea of the concerns both broad and detailed that the public addressed and was glad they had a chance to clarify some of the detailed issues. Regarding our process, Mr. Toderian noted that not everything was included in the Staff Committee Report but thought it was appropriate for staff to provide the Board with as much information as was reasonable. Mr. Toderian said he took exception to some of the commentary regarding lack of professionalism on the part of Staff. He added that they do take seriously the commentary about the specific impact. He said they take into consideration all aspects of a development including neighbourliness. The separation

Guidelines don't call for as great a separation in low and mid rises buildings as they do for towers. He noted that the most significant comments heard were regarding private views. There has been long standing practice and policy, in that the City does not as a design exercise guarantee preservation of private views. He noted that almost every project impacts private views to some extent and that the Meridian Cove was designed to assume view loss potential for the property immediately to the east and was tapered down similar to the application before the Board. He noted that they try to mitigate as much as possible the impact on private views but residents are not guaranteed an uninterrupted view. This is the truth of change in the city. However, there is a great deal of consideration given to public views so when it is a trade off, Council Policy directs staff to give more weight to public view protection than private view impacts.

Mr. Toderian moved approval of the application subject to the conditions of the Development Permit Staff Committee Report dated June 30, 2010 with amendments to the conditions.

Mr. Judd seconded the motion and thanked the speakers for their comments. He thought it was important for sustainability in the city to achieve more density noting that there are going to be issues around preserving views. He thought that a street like Burrard, which is close to Broadway with an intensive transit use, was predictable that the site would be more than 1 FSR and that a car dealership was not the highest and best use of the site. Mr. Judd added that he thought the design conditions would address some of the neighbour's concerns.

Mr. Johnston said he was in favour of the application and supported the amendments in the Staff Committee Report.

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. DE413828, in accordance with the Staff Committee Report dated June 30, 2010, with the following amendments:

To amend Condition 1.1 to read:

design development to improve neighbourliness, views and shadow impacts with the adjacent development (2201 Pine Street), while also maximizing the size of the 'pocket plaza' by shifting the north/south building, including the tower component, westward by 9.3 ft. ***or appropriate alternative;***

Note to Applicant: Design development should reallocate floor area to further frame the Burrard Street end view cone. A minimum rear yard setback of 25 ft. is required for residential uses, noting that balconies can project a maximum of 4 ft. into this rear yard. However, in an effort to minimize the impact to the easterly neighbour, a setback in this case, of 30 ft. is required. ***Further consideration of the proposed building massing proximate to the low rise Santa Fe mass should be given.***

To amend Condition 1.6 to read:

consideration of design development to improve the livability of the studio (Type A) dwelling units to provide usable private outdoor space (balcony);

Add in a new Condition 1.7 to read:

design development to ensure that enclosed balconies meet the intent of the guidelines to reflect a clearly exterior expression;

To renumber conditions 1.8 to 1.9, 1.9 to 1.10 and 1.10 to 1.11.

To amend Condition 1.8 (new 1.9) to read:

identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving ***the required*** LEED® Silver equivalency;

Add in a new Condition 1.10 to read:

consider design development to colour palettes and details to ensure a lively and interesting expression particularly along Burrard Street;

Amend the Note to Applicant in Condition A.2.2 to read:

Note to Applicant: Access cannot occur solely from the public right of way (SRW GC75112, as shown on Explanatory Plan 19653) over the adjacent site (Strata Plan VAS2808). The recommended solution is to provide an independent means of access on the development site that does not depend on the adjacent site. This access corridor would require that arrangements be made to the satisfaction of the Director of Planning and the Director of Legal Services for a statutory right of way to allow for public access (similar to the SRW on the adjacent site). With the two contiguous rights of way opened up, direct access to the aforementioned patios and the steps/ramp to the building exit and bicycle room of the subject site would be acceptable. ***Strong efforts should be made between the two property owners to negotiate an arrangement to create one single walkway with no intervening fence.***

4. OTHER BUSINESS

None.

5. ADJOURNMENT

There being no further business, the meeting adjourned at 7:10PM

L. Harvey
Assistant to the Board

C. Warren
Chair

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