

**Date:** Monday, June 7, 2004  
**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)  
L. Beasley Co-Director of Planning  
B. MacGregor Deputy City Manager  
T. Timm Deputy City Engineer

**Advisory Panel**

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

**Regrets**

D. Chung Representative of the General Public  
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:**

J. Barrett Urban Design and Development Planning Centre  
A. Higginson Development Services  
M. Mortensen Development Services  
P. Pinsker Engineering Services  
M.B. Rondeau Urban Design and Development Planning Centre  
M. Thomson City Surveyor  
R. Whitlock Senior Housing Officer

**1 Kingsway – DE408303 – Zone C-3A**

P. Busby Busby Architects  
M. Marchand Facility Design & Management

**1901 Alberni Street – DE408291 – Zone RM-6**

P. Merrick Paul Merrick Architects  
R. Bailey Paul Merrick Architects  
G. Borowski Paul Merrick Architects  
A. Tehrani Prima Properties Ltd.  
J. Durante Durante Kreuk Landscape Architects

**Recording Secretary:**

R. Ratslef Raincoast Ventures

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## 1. MINUTES

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of May 25, 2004 be approved with the following amendments:

- Page 4, paragraph 8, add the following sentence “Mr. Thomson advised that the Staff Committee was not concerned that the authority existed but was cognizant that there was a reasonable limit to what the applicant could be responsible for and had therefore found an adequate balance”;
- Page 5, second to last paragraph, replace “could assist” with “could arrive at such a conclusion”;
- Page 6, paragraph 8, insert “storm” prior to “water run-off”;
- Page 7, paragraph 6, replace “expedition” with “implementation”;
- Page 10, first paragraph:
  - end of first sentence, add “that would require rezoning”;
  - line three, replace “what could be achieved in the quid pro quo and the loss of waterfront industrial land” with “acceptable either in their support of industry or of transit”;
  - line six, add “in this industrial area” following “currently existed”; and
  - last line, replace “(25 feet wide)” with “(a minimum of 25 feet wide)”.

## 2. BUSINESS ARISING FROM THE MINUTES

None.

## 3. 1 KINGSWAY – DE408303 – ZONE C-3A (COMPLETE APPLICATION)

Applicant: Busby & Associates

Request: To construct a new civic centre including a branch library, community centre, and child care facility with 99 market rental residential suites and related parking and loading.

### Development Planner’s Opening Comments

Referencing posted drawings, Mary Beth Rondeau, Development Planner, introduced the application in the context of the surrounding neighbourhood. She noted that the program was complex and advised that a number of user groups and a fairly extensive public consultation process had been involved in its development to this point. The neighbourhood’s general support for the facility was noted.

Ms. Rondeau indicated that the actual floor area being requested was slightly above 3 FSR, and advised that staff and the Urban Design Panel (UDP) were supporting this variation to the Central

Broadway C3-A guidelines given that the application's stronger massing was seen to be much more representative of the historic neighbourhood. It was suggested that the application's requests for height and density should be weighed against appropriateness of form, impacts of the form, and how the total application earns increases. Members were informed that the primary impacts were views for the Lee and MetroVista buildings with the intrusion for the latter being of more significant concern. It was recognized that C3-A did not guarantee a panoramic view but did seek the minimization of impacts, which staff felt the application had met.

It was offered that the benefits of rental housing, the daycare, community centre and library, were seen as important amenities that provided important rationale for the application's earning discretionary density and height. As well, it was noted that the application provided an open space area on 8th Avenue, incorporated a wellness walkway, and used high quality building materials that were also seen as contributing to the earning. Ms. Rondeau reviewed proposed sustainable building features of the application, including landscape roofs and storm water retention that also contributed to the general amenity of the area.

Ms. Rondeau reported on the presentation of drawings to improve the residential component that had been unanimously supported by the UDP. She also spoke regarding portions of the lane that were privately held and the intent to move towards acquisition of those portions in Condition 1.7. It was added that requirement for a rear yard relaxation was supported by staff given that the zoning suggested that a zero setback on the lane was typical and that there would be no benefit to providing a ten-foot setback. As such, it is seen as a site-specific hardship.

Ms. Rondeau noted staff's recommendation to treat the wall on the rear of the property. As well, she discussed the reduction in parking for the site as compared with the C-3A parking requirements, particularly given the site's location on a transit corridor. She noted that opposing views had been expressed regarding the reduction in parking with the Mount Pleasant Business Improvement Association and some local neighbours expressing concerns regarding reduced parking, and other neighbours supporting further reductions.

It was noted that staff strongly supported the application and recommended approval with conditions noted.

#### **Questions/Discussion**

In response to questions from Mr. Beasley, Ms. Rondeau indicated that staff had not supported a UDP suggestion to change the building top design given that it would further intrude into MetroVista views. Also, confirmation was provided that, if a private developer rather than the City were doing the application, the same position would be taken with regard to restricting the entire residential component to be non-stratified. It was noted that a number of precedents existed in relation to securing rental tenure when this attribute was part of the project's earning discretionary approval. It was further clarified that any change to the application to allow strata titling in future would require Council approval, and was noted that the letter of commitment was to ensure that before the building was occupied there would not be a strata-title plan filed. Given these considerations, Ms. Rondeau indicated that the two related conditions were primarily housekeeping conditions to serve as reminders to staff.

Mr. MacGregor commented on the need to ensure that conditions went to the substance of issues. Given that the bulk of the application was a community amenity, he added that there seemed to be enough public benefit to earn the additional FSR and the height, without limiting future strata titling as would be within Council's purview.

Ms. Rondeau offered confirmation that, even if security of rental tenure were removed from the permit, the application would earn the permitted conditional density on the basis of its public facilities, wellness walkway and open space. She added that there had been no specific reason

for the Staff Committee having added the conditions relative to non-strata title other than in response to an offer from the applicant to provide ~~residential~~ rental retail units.

Mr. Timm questioned the rationale for not requiring an outdoor play area given that the application included a family oriented residential component. Ms. Rondeau responded that the Housing Centre had reviewed the application, and given the size of the residential units and their adjacency to the indoor community centre, had agreed that an outdoor play area was not required.

Concerning Condition A.2.10 referencing a reduction in the number of drop off spaces from 12 to seven, clarification was offered by Mr. Timm that the intension was to designate a maximum of seven spaces as drop off. Also, with regard to Condition 1.1(d), Ms. Rondeau clarified that the intent was to incorporate more glass to the top of the building expression without adding height, adding that the parapet height was six feet higher in elevation than the MetroVista parapet.

With regard to Condition 1.7, it was suggested that an acceptable alternative to a covenant on title would be a letter from the applicant committing to the possibility of ceramic glazing or interior water curtains and shutters in the event that remnants were developable if not acquired by the City.

#### **Comments from the Applicant**

Peter Busby and Melanie Marchand indicated that they had no issues with the conditions in the staff report and agreed that staff's presentation of the application was sufficient.

In response to questions, Ms. Marchand indicated that the business objective stated in the report to Council only considered the residential component as rental as the course the City found the most in keeping with the joint use application. Confirmation was also provided that an alternative parking access that was satisfactory to the Planning Department would be provided if necessary, likely through a reduction in the library program. Additionally, Ms. Marchand provided information on the public art consultation process, noting that a related report would be tabled in the summer 2004.

#### **Comments from Other Speakers**

Jon Petrie indicated his opposition to the application, particularly given the following:

- reduction in the public amenity over what was initially proposed;
- rental component's bad investment given estimated gross annual and net annual returns;
- proposed residential building's violation of height guidelines (if it were one floor lower it would be more acceptable and would make future expansion of the community centre possible);
- Park Board's view that expansion of the community centre could be achieved at a later date by building on the 8<sup>th</sup> Avenue green space;
- provision of excessive free and subsidized parking the costs of which would be hidden in the rental rates, and that did not take into account the site's location on a transit hub (as an alternative to parking suggested providing annual bus passes and taxi vouchers to renters);
- parking consultant's needs assessment was based on computer modeling with no consideration to car ownership and parking availability patterns, and the proximity of the site to a transit hub.

Mr. Petrie suggested postponing consideration of the application to allow for consultation to create a first class community centre without a housing component. In the event that the application was approved, Mr. Petrie recommended that no resident parking be included or, as a less favoured alternative, that parking subsidies be made very clear.

In response to questions from the Board, Ms. Marchand discussed expansion possibilities for the public uses proposed, noting that the fitness centre had already been counted in the FSR, and that there would be a possibility to purchase suites that were contiguous with the community centre for redevelopment into the centre. She noted that expansion plans on the 8th Avenue open space were not presently contemplated but acknowledged that this option could be considered in the long term subject to rezoning. It was clarified that the intention was to develop and expand within the zoning and to not use the 8th Avenue open space in the immediate future.

P. Pinsker, Engineering Department, responded to concerns raised regarding the application's parking. He noted that the Parking By-law had been amended to lower requirements for hotels and restaurants in the city, and added that the requirements for market residential housing were currently under review with a draft report presently in circulation amongst staff. Confirmation was provided that the application's proximity to transit had been considered in reducing its parking, as had survey results indicating that 9-10% of renters in units of the proposed size would not own vehicles. Mr. Pinsker confirmed that all superfluous parking had been edited out of the application, and noted staffs' support for the recommendation to reduce the 240 stalls required by the Parking By-law to a total of 191 stalls.

Agnes Andrzejczyk indicated her interest in improving air quality and lowering costs for rental apartments, and offered the following:

- the application has an opportunity to bring a new transit use versus car ownership trend to Vancouver that would be highly visible during the 2010 Olympics;
- omitting parking and considering co-op vehicles for tenants would make the project's development costs more affordable;
- the application could be advertised as a "go-green" building and could serve as an example for others ; and
- free bus passes offered by the City would be an incentive for renters to not own cars.

Mr. Pinsker indicated that the Staff Committee agreed that 191 stalls was the minimum number required for the project and that any further reduction in stalls would require the provision of space to house a co-op vehicle.

Nicole Chetwind indicated her opposition to the application and offered the following:

- the rental/community centre mix is experimental and would be better suited to a high density living area;
- rental units (due to their number and size) don't really target families;
- it would be more appropriate to have the building lower to be more visibly appealing and to protect the views of the MetroVista;
- the Lee building should be seen as the height benchmark with this application's height being reduced accordingly;
- view studies indicate that a lower squatter building would have less impact;
- the application won't add value to the neighbourhood properties given that the rental component could become subsidized housing;
- adding drop-off and pick-up facilities will add a lot of traffic;
- request for reconsideration of the building structure and more public input as to whether it should be the gateway building to the community.

In response to concerns raised regarding the impact of the application on the market value of the surrounding neighbourhood, Ms. Rondeau advised that past experience had demonstrated that the social aspect was a very good mix, and that she was unaware of a negative impact on property values. Mr. Beasley added that the application was intended as market rental, and indicated that the City had not previously seen a reduction in market value or social challenges as a result of similar mixes and had seen that this proved to be a positive and tranquil mix.

Mr. Whitlock, Housing Centre, indicated that there was a not a funding program for subsidized housing but that the Centre wished to reserve the possibility for subsidized housing in the application if a provincial or federal program allowed for it at some point in future. He noted that, before any such initiative was finalized, it would be reported to Council. Mr. Whitlock confirmed that neighbours would be informed in that instance, and added that previous reports on mixed use indicated that there was no affect on the market value of neighbouring buildings as a consequence of non-market housing.

Bob Tanner suggested that the parking (particularly for the residential component) be reduced by 50% with half the units having the option to rent a stall at cost and the others receiving free or subsidized transit passes from the City. Results could then be analyzed in terms of which units filled first under the program with consideration then being given to having future buildings follow the empirical evidence.

In response to the Chair's request for applicant response to public delegations' comments, particularly regarding off-street parking, Mr. Busby indicated that several suggestions were provocative, and reiterated that the application had less parking than what was required by the City's bylaws. He noted that a co-op vehicle had been considered but not pursued. Mr. Busby supported the idea suggested by Mr. Tanner but indicated that a related decision would have to be deferred to the client given that they would not have an ability to deal with parking shortages on the site at a later date.

Ms. Marchand indicated that the application had reduced its parking considering all modes of transportation and transit available. She added that the local Business Improvement Association supported more parking and had expressed concerns regarding the reduction in what is currently before the Board. Ms. Marchand suggested that view concerns for each of the buildings discussed had been pushed to a point of a little discomfort to arrive at what seemed to be a reasonable solution.

#### **Panel Opinion**

B. Haden, Urban Design Panel (UDP), noted that the application had received the UDP's unanimous support noting that one UDP member had commented that this was a missed opportunity for a visually prominent public facility. Use of the residential roof was seen as an opportunity but not essential, and it was agreed that exploring options for parking would be appropriate.

Mr. Haden suggested that the City should consider regulating maximum versus minimum parking requirements and should leave the applicants to determine their exact needs. The possibility to offer tenants an opportunity to enclose their parking stall for storage use was noted. Mr. Haden also spoke of the importance of building signage and the public art component to reconcile the scale of Mount Pleasant and the city, and recommended that the application be supported.

J. Hancock offered that the overall massing and the orientation of units were appropriate, and indicated his support for higher developments at civic nodes. He added that the proposed parking reduction concepts were innovative, and agreed that staff had pushed the envelope in this regard. Mr. Hancock supported Staff Committee's recommendations and approval of the application.

K. McNaney indicated his comfort with the application noting that it had a lot of strong, public components on a difficult site and with a difficult program. Mr. McNaney recommended support.

C. Henschel observed that the residential component included a lot of single bedroom units and recommended the addition of a condition to add more two bedroom, family-oriented units with an

outdoor accessible play area on top of the building or daycare roof, noting that this was requested in most residential developments.

Regarding the Brewery Creek path cairn, Mr. Henschel expressed hope that the applicant would make an honest referral to what had been done to the salmon bearing streams and environments in the neighbourhood with suggestions about what could be done in future. He supported Condition 1.1, proposing horizontal banding noting that the model and scheme were not as interesting. It was added that the architect should be allowed to proceed on their own stylistic initiative, and that rewording could occur to encourage but not impose artistic conditions.

#### **Comments from the Board**

Mr. Beasley acknowledged the application's public consultation process and noted that issues raised by the community had been seriously considered in identifying challenges for the architect to respond to. He agreed that design solutions should not be prescriptive but that resolution of design challenges was beneficial for everyone. Mr. Beasley offered that the general conditions were supportable recognizing that the architect had no related concerns. He felt that the building was appropriate in scale and should stand out as an icon in the community in an area that could handle higher density. He offered that the MetroVista provided a good queue and acknowledged that the proposed residential massing had been kept as narrow as possible.

Regarding future possibilities for open space, Mr. Beasley indicated that he saw the 8th Avenue open space as more important than the residential component in justifying the application's earning. Also, he noted that the Brewery Creek Historical Society had developed the related guidelines, and advised that he would not be supportive of an application at a later date to expand into the open space because it is an important public amenity.

Mr. Beasley supported the mixed use as modeling how public buildings could be maximized for better economics and better sustainability, and did not feel it was necessary to the earning of the density to secure rental housing in this case noting that Council should have the opportunity to deal with that question from time to time. He proposed removal of the recommended restriction on the development permit. He also indicated his relief in the assurance provided by staff that the City was being treated consistently with how C-3A development applications in general were handled.

Mr. Beasley commented that, although he had initially agreed with a more effective use of the building top, he supported the submission put forward as acceptable, without use of the building roof for gardens, given the impact that it would have on neighbouring views.

Mr. Beasley added that points expressed on parking had been excellent but that this was a policy question for Council. He advised that adjustments to parking were within the mandate of the Board, but that to forgo parking or to replace it with transit passes or co-op investments was a Council policy decision. Mr. Beasley encouraged Facilities Management to frame up those views and creative ideas for presentation to Council with Engineering Services' related response. He added that the delegations had made good presentations regarding parking policy that could be heard by Council at that time and noted that the Board's recommendation would not be to devalue those recommendations.

Mr. Timm indicated his support for the mixed use of the application noting that it represented a different approach to City building by bringing together a number of community facilities and rental housing. He agreed with the view that issues relating to the residential rental tenure were for Council to consider and should not be a condition of the development permit.

Regarding parking, Mr. Timm agreed with comments that new policy direction on parking was an issue that Council should address based on the Engineering Services' report on parking

standards that was forthcoming. He acknowledged a reduction of 49 stalls in the application based on the consultant's analysis, noted that the City had made past mistakes in providing inadequate parking at the outset of some other applications, and discussed the need to avoid application-by-application parking policy.

Mr. MacGregor indicated support for the relaxations offering that they seemed reasonable. He noted that the citizens of Vancouver were providing the money to build the proposed project and that the City was entrusted with that money to ensure that the project should be successful rather than experimental. Mr. MacGregor agreed with the application's sustainability objectives noting that some suggestions went further than what the Board could deal with.

Mr. Scobie added comments regarding the mixed use of the facility as a logical central location for the relocation of the community centre from a more remote location, and to combine focal, community uses with other similar facilities. He noted that this had not been the first time that the Board had considered applications departing from Council guidelines, and encouraged that the guidelines for the Mount Pleasant C-3A Area be reviewed and revised to create a more contemporary set of guidelines, particularly regarding building height, and a different foundation on which to consider future C-3A applications.

#### **Motion**

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

THAT the Board APPROVE Development Application No. DE408303 as submitted, the plans and information forming a part thereof, thereby permitting the construction of a new civic centre including a branch library, community centre, retail food establishment and child care facility with 99 rental residential suites and related parking, in accordance with the Development Permit Staff Committee Report dated May 26, 2004, with the following amendments:

- Condition 1.6, delete;
- Condition 1.7, replace "dedication" with "acquisition";
- Condition to Development Permit B.2.7, delete; and
- Standard Engineering Condition A.2.10, clarify that the designation is a maximum of seven of the provided parking spaces as drop off spaces.

**CARRIED UNANIMOUSLY.**

### **3. 1901 ALBERNI STREET – DE408291 – ZONE RM-6 (COMPLETE APPLICATION)**

Applicant: Paul Merrick Architects Ltd.

Request: To construct a 22-storey building containing 65 dwelling units; four, two and one-half storey townhouses ("villas"); and a six-storey multiple dwelling containing 76 units overall. An amenity unit is provided. There are two levels of underground parking with a total of 152 spaces and access from Alberni Street.



**Development Planner's Opening Comments**

Referencing posted drawings, Jonathan Barrett, Development Planner, introduced the complete application in the context of the surrounding neighbourhood, noting that the application challenged the guidelines for the area in relation to building location and floor plate dimensions.

It was clarified that the concern with regard to the building location was in relation to the view impacts on neighbourhood buildings. It was noted that there were two opposing opinions with regard to the building location, and added that there had been meetings with neighbours, and that two sets of view analyses (qualitative and quantitative) had been conducted. Findings of these were reviewed.

Concerning the floor plate dimension, Mr. Barrett noted the application challenged the east-west dimension by 8 ft, the north-south dimension by 3 ft. and the diagonal dimension by 17ft. Also, Mr. Barrett indicated that a privacy study had been undertaken and had found that the separation between the buildings was substantially larger than the separation of a minimum of 80 ft. commonly sought in other higher density contexts. As such, staff had no concerns with privacy.

Mr. Barrett reviewed proposed Conditions 1.1 and 1.2 seeking design development: to the building floor plate and siting to balance the view impacts on the adjacent neighbours; and to the overall building character that strengthens the architectural connectivity between the various built forms. It was noted that staff believed that recommendations to adjust the building location and floor dimensions would more equitably balance neighbour's concerns.

**Questions/Discussion**

In response to a question from Mr. Beasley concerning the open space element, Mr. Barrett indicated that the guidelines recommended a continuous form of development with gaps through for views, noting that the open space contemplated did not fully meet the guidelines. He added that the compensation was the lower scale amenity building intended to complete the site.

Mr. Timm questioned whether reducing the floor plates would reduce the floor space per floor that could be offset by the addition of townhouses. Mr. Barrett noted that the building floor plate areas were below the maximum and could accommodate more density, adding that they could maintain the same square footage by accommodating reduction in length and width and filling in the curved frontage.

Mr. Haden noted that the Urban Design Panel (UDP) had generally supported the overall design relationship amongst building elements, and sought clarification regarding how the UDP's comments had been interpreted. Mr. Barrett indicated that the condition had been created from the comments of the UDP with respect to the northeast corner and its relationship with the Ho building, as well as connectivity within the overall scheme.

Mr. Timm commented that the issue of views was a trade off, noting that some neighbouring buildings existed prior to the introduction of the site-specific, Council-approved guidelines and that others were subsequent. He questioned whether the application would impact negatively on those that were built subsequent to the guidelines. Mr. Barrett advised the Staff Committee recommended relocating the siting of the tower, in compliance with the guidelines, to better respect views from older buildings while still maintaining views, as contemplated by the guidelines, for newer buildings.

In response to an observation by Mr. Scobie, correction was noted to the staff report, page 9, paragraph 7, to replace "1920 Alberni" with "1932 Alberni". As well, Mr. Scobie questioned whether there had been an analysis to determine whether the floor plate dimensional reductions recommended would offset the view impacts of relocating the proposed tower, as the Staff

Committee was recommending. Mr. Barrett indicated that an analysis had not been undertaken but that it would be an improvement assuming that the building was moved over.

Mr. Barrett noted that, if all surrounding buildings were looked at on an equal footing, the present location might be more advantageous than a guideline location but that staff did not see a compelling case to change the location given the impact on buildings to the south that existed when the guidelines were established. Staff concluded that moving the building would dramatically improve the views of two of the surrounding buildings.

It was observed that Staff Committee's viewpoint that the building should be moved was contrary to the UDP viewpoint that the siting of the building as proposed was appropriate if not preferred as compared to the guideline scheme. Mr. Barrett responded that staff had taken neighbours' viewpoints as a priority on the range of criteria that needed to be assessed, noting that the UDP did not receive presentations from neighbours or view impact analysis in evaluating the proposal. He confirmed that the neighbours whose views were impacted had been heard from very clearly by staff.

### **Applicant's Comments**

Paul Merrick, Paul Merrick Architects Ltd., discussed the significance of the site noting that it was the most northwesterly piece of developable real estate in the city located at the top of the map of the city where the city metaphorically met the wilderness, and the point where visitors come into the city from the north-northwest.

Mr. Merrick offered that it was useful to reflect on the unanimous support of the UDP, and noted that this was the applicant's second submission on the site with the intention of not challenging anything that was not necessary – in particular guidelines. He advised that it had been made clear at the first application that the guidelines had consequence to the whole of the city's fabric, and was clarified that challenges to the guidelines were done out of a serious and meaningful endeavour to explore issues with those affected by the application.

Roger Bailey discussed the processes that the applicant had been through with a previous application that was widely supported by many neighbours but which the UDP and Board did not feel had met the urban design criteria to achieve excellence.

On the issue of the proposed floor plate, Mr. Bailey noted that, during the PDP process a design rationale that included a request for variance on the floor plate was requested with recognition that the applicant was designing a building with shaping to improve the urban character of the building on Georgia Street. He advised that staff had recently requested that the 'virtual dimensions' of the building be replaced with 'real dimensions', and suggested that applying the guidelines as they were written did not make sense in the instance of a building that was not orthogonal. As such, he suggested that the guidelines be amended to respond effectively to what was trying to be achieved on the site.

Mr. Bailey added that the applicant had met with all levels of the community on an ongoing basis and had received strong support, noting that the issue of the building's relationship with the building across the road had not arisen until very late in the process. It was noted that relocating the building would place it directly in front of the "Harbourview" building that was highly in support of the present submission.

Mr. Bailey also noted that, in going through the public process, the key things focused on were: the setback from Gilford Street to respond to the city's chequer-board aspirations; the reference to Georgia Street as a ceremonial drive; and balance of the building on the site with the 'Ho' building at the west end to give the opportunity for a smaller scale building on Georgia and effective distribution of views. He suggested that changes in views would be very minute if the

building were relocated, and offered that placing the building in the gap between the building to the south produced the most equitable distribution of views. Mr. Bailey requested the Board's approval of the application without staff's recommended conditions.

Referencing the displayed application model, Greg Borowski indicated that the application was an opportunity to minimize view impacts with respect to its four key neighbours, and suggested that the 27 ft setback was not suitable with respect to the other buildings or an appropriate welcoming into the city for Georgia Street motorists. He added that the 40 ft setback did not significantly change the view impacts and was detrimental to the Harbourview building to the south.

Mr. Borowski indicated that the applicant was pleased with the UDP's unanimous support of the application, and discussed view analysis findings for buildings fronting on the site. He noted that the proposed siting offered 200 degrees more view than the 1991 approved development permit plans for the site allowed, and reviewed retained degrees with a 40 ft setback or 27 ft setback from Gilford Street.

With respect to privacy, Mr. Borowski discussed the key issue of interface, or lack of interface, offering that direct interface was seen as being not as favourable as offsetting the building in terms of privacy considerations. He also displayed a board of second row views displaying the view impacts for the 27 ft and 40ft setbacks, and suggested that those view impacts should not drive the placement of the building on Georgia.

Ali Tehrani, Prima Properties Ltd. (PPL), indicated that PPL saw this as a special, "one of a kind" property that should not be wasted on a "boxy" building configuration. He advised that the applicant had considered applications from various architects and had decided on a group of architects that were aware of Vancouver's structure and had ideas to design the site in a complementary and superior manner.

Mr. Tehrani advised that the applicant had an open door policy to allow the application's neighbours to guide the application in order to arrive at an equitable solution to benefit the community as a whole rather than one specific building. He noted that the applicant felt responsible for bringing forward a design that the city deserved for one of its entry and exit points, and had put a lot of thought into the rationale for the position being presented.

Jane Durante discussed the challenge to the applicant to create a gateway landscape and to give the application a very strong identity of its own. She noted that the idea was to create a landscape court that had a distinct character relating strongly to the park and the notion that this was once a shoreline with rock outcroppings to take the eye through the space and along Georgia. Ms. Durante advised that the open space on the corner of Alberni and Gilford provided private space and visual amenity for surrounding buildings with the edge being similar in character to the private gardens along Alberni. She added that a simple water feature enhanced the slots between the townhouses in an attempt to give the building a unique and superior landscape.

#### **Questions from the Board and Panel**

Mr. Haden sought rationale for comments made regarding a 'gateway' condition. Mr. Borowski responded that the building location demonstrated a complementary relationship to other buildings in the area instead of grouping four buildings together on one corner. He added that the suggested conditions of approval would create a substantial shift in the design of the building, noting that relaxation of the dimensions was sought to shape the floor plate in a manner that would provide a distinctive character to the building. Clarification was also offered that the landscaping referenced would be accessible to all building units.

In response to a question, it was confirmed that the 1991 permit for the site was no longer valid but was used as a historical reference. Mr. MacGregor added that the two buildings directly behind the application were existing when the guidelines were devised and that the design of the building now at 1888 Alberni Street had been considered when the guidelines were conceived.

The applicant offered further clarification that the proposed building had been sited to improve the interface with the 'Crayon', 'Lord Stanley' and 'Harbourview' buildings, to make good use of a south facing garden and an overview from surrounding buildings, and to avoid four buildings on the corner. It was clarified that the proposed siting was not to ensure the views of second row buildings, noting that the largest, diagonally facing 'Crayon' building was satisfied with the current offset design.

Mr. Timm commented that the applicant claimed to strive for urban design excellence but that the rationale provided related to minimizing negative impacts on adjoining buildings rather than the excellence and how the location impacts on that. Mr. Bailey responded that the building location was related to the relationship of the four buildings to each other and the desire to maintain the city's "chequer-boarding" pattern of off-set towers, and to create the urban park that was strongly supported by the community.

Mr. Henschel requested further comments on how the gateway theme was addressed by the shaping of the building. Mr. Borowski responded that it was shaped in reference to the s-curve and geometry of Georgia, to soften the edge and receive people as they came into the city.

In response to a comment from Mr. Bailey that some concurred that the application offered a better solution than what the guidelines suggested, a Board member reiterated that Council (on the advice of staff) had approved the Georgia-Alberni guidelines, prepared by Hotson Bakker Architects, with recognition of the existing built form and what was contemplated. It was added that the guidelines serve to direct/guide staff in the exercise of discretion, advise applicants, and inform the community of what might be anticipated, the Staff Committee had struggled with not yet seeing a sufficient case to support a scheme that did not comply with the clearly articulated guidelines for this block.

The applicant responded that they had re-looked at the block and had concluded that the building should be shifted to the west to minimize impacts on views in conjunction with community input from 18 different buildings in the area. It was noted that views and privacy both were key motivators of the design, and was suggested that the Board could deal with the siting and the floor plate as independent issues..

The applicant noted that the City had accepted the building floor plate configuration up until just before the presentation to the Board, and had instructed the deletion of any reference to that issue. Mr. Barrett clarified that the background information on page 9 of the report reflected the advice from staff to reduce the diagonal, noting that the applicant's issue was that the dimension was 114 ft but that the guideline measurement formula calculated that it was 135 ft.

#### **Comments from Other Speakers**

Raymond Robinson expressed his support for the application and his opposition to the recommendation to reduce the setback from Gilford Street. He offered the following:

- the cost of views and privacy to 1888 Alberni would be substantial – affected suites look in only one direction and do not have the luxury of choosing which water and mountain view they prefer;
- benefit of views for 1905 Robson is out of proportion to the non-existent benefit for 1920 Robson;

- almost none of the neighbouring buildings were aware of the application or the effort to push the building east – most people were confident that City officials would protect their interests and that the present application would not adversely affect them;
- many buildings in the area contain suites whose views would be seriously compromised, including 1860 Robson, 1878 Robson, 1778 Gilford, and 1898 Harrow;
- the value of neighbouring buildings would diminish if the building is moved closer to Gilford;
- issue of most concern for people whose views were not impacted was the availability of green space yet no weight is given to green space proposed adjacent Gilford Street in the staff report which has recommendations that would cut the usable green space in half (a related petition supporting retention of the proposed green space was presented);
- a greater number of buildings are adversely affected by the easterly location proposed by staff;
- qualitative view analysis strongly favours the application but contradicts basic observations that the proposed building is off-set to protect view quality, is much further away from two buildings, and is less centred;
- the developer's application performs better in terms of privacy;
- the proposed 71 ft setback from Gilford is a livable scenario that would also maintain the cadence down Georgia;
- Gilford's northern outlook is very pleasing and would be maintained and enhanced by the 71 ft setback;
- addition of a fourth building at the corner is contrary to good planning;
- the 71 ft setback respects the tower off-set policy; and
- the UDP expressed unanimous support for the building design and the proposed floor plate, and strongly supported the setback to create an attractive public amenity along Alberni.

Mr. Haden received confirmation from staff that the Gilford green space was a private garden, and acknowledged the concerns raised regarding the garden. Mr. Robinson indicated that the circulated petition had not stated that the green space would be a private garden but did not anticipate that there would have been fewer signatures if it had. He also agreed with the concept of diminishing the diagonal dimensions to create a more slender building.

Philip Louis, The 'Lord Stanley' Strata Council Chair, 1889 Alberni Street, indicated his support for the application, and offered the following:

- it was understood and accepted that all or most of our views would be lost due to the development;
- most concerned with issues of privacy and livability;
- bedrooms and living rooms of the 46 suites in the Lord Stanley will stare at the new building and the 40 ft setback is the guideline maximum but it is not enough;
- the UDP unanimously supported the application and its building location to stand alone with more breathing space from the other buildings on the corner;
- appreciate that an equitable approach to view preservation has been taken;
- most members of the community are in support of the present location; and
- prefer greater distance between the buildings versus a slimmer building.

Ray Spaxman, representing 1905 Robson and 1920 Alberni (Hollyburn Group of Properties), offered the following:

- current building design is greedy and unneighbourly given that its entire façade is maximized to take advantage of the best views to the west; diagonal measurements were invented to ensure that diagonally configured buildings do not take the whole view;
- building would have a more wonderful presence if it were more humble in relation to the general characteristic of the buildings in the area instead of standing out and dominating;
- building should be reduced in size;

- people in the 'Ilikai' (1905 Robson) who have a 13 degree slot view through to Alberni will have their whole view taken away;
- 'Harbourview' residents prefer the view to the west rather than a view of the Bayshore and the Port therefore for these residents and those of the 'Ilikai', the proposed building should be sited more directly opposite the 'Harbourview';
- heard that the UDP was unanimous in its support of the application and was frustrated that no one in the audience could comment – there may have been a different recommendation if they could have seen and heard more points of view;
- staff recommendation has compromised the setback in view of the guideline;
- recommend moving the building closer to Gilford at least to the 40 ft, if not the 27ft setback to improve views dramatically.

Michael Lensen, Hollyburn Group of Properties, offered the following:

- emphasized that 1905 Robson residents had indicated that they lived there because of the views and that they would leave if the view disappeared;
- strongly support a 25 ft setback as being best for 1920 Robson because it exposes the western views;
- beyond a 40 ft setback impacts 1905 Robson.

In response to questions, attendees provided information on the numbers of units that would have their views affected by the proposed building location.

Wendy Hardy, 1888 Alberni, spoke in favour of the application, and offered the following:

- see it as the best suited solution for all parties involved;
- from her unit she presently enjoys a slight view of the causeway that a 40 ft setback would obliterate; the proposed 71 ft setback would leave some view;
- 1888 Alberni is an architecturally interesting building; setting a building squarely in front of it would take away from its character;
- it is good to have the developer working with the community;
- the application allows for a reasonable view corridor;
- do not support putting four tall buildings on one corner;
- decisions should be based on the least intrusive design for the neighbourhood;
- provision of green space is very important; staff's recommendation to cut the green space in half is unacceptable.

Mr. Beasley asked Ms. Hardy what her real estate agent had told her about the view issue when she purchased her apartment. Response offered was that the agent had informed her that it was developable space but that the agent had not shared the guidelines.

Terence Dawson, 1888 Alberni, questioned whether the redesign of the s-curve and the development of the green space had been anticipated in the guidelines noting that change was inevitable and crucial. He added the following in support of the application with a 71 ft setback:

- impact of the park will have a pleasant change;
- a greater setback prevents boxing in the buildings on the corner;
- a varied rhythm of buildings provides the same type of variety as in a musical composition;
- the green space is an effort to maintain the openness that Stanley Park represents;
- feelings of the area's residents and their focus on the need to create or preserve green space should be a greater consideration than 15-year-old guidelines and rental building revenues.

Mr. Beasley asked Mr. Dawson what his real estate agent had told him about the view issue when he purchased his apartment. Response offered was that the agent had informed him that it was developable space but that the agent had not shared the guidelines.

Jerome Yau, 1888 Alberni, indicated his support for the application and offered that the UDP's unanimous support speaks volumes on the merits of the application.

Raymond Robinson (on behalf of Clara Lui), 1888 Alberni, indicated support for the application and offered the following:

- none of the owners of 1888 Alberni had heard of the guidelines until the last development application and were told when they purchased that the City had a view corridor policy that would govern any future development;
- do not agree with Mr. Spaxman's presented rationale for supporting the 40 ft setback;
- people who bought their retirement homes in this building will see the results of the Board's decision for the rest of their lives.

Frances Crowley, 1888 Alberni, spoke in favour of the application, noting the following:

- support other residents' comments in relation to the green space;
- it is disconcerting to consider being hemmed in on four sides by buildings;
- people in the West End respect yards and would not have assumed that the green space would be a public park;
- architects that designed the guidelines are respectable but things change; the guidelines are a valuable tool but they need room for flexibility.

Jenny Wong, 1888 Alberni, indicated her support for the application for reasons previously presented by Raymond Robinson.

Tina Zhang, 1888 Alberni, spoke in favour of the application, noting the following:

- locating the building in the corner would make it seem very crowded;
- if the building is not located at the proposed location it would break the rhythm of Georgia Street and the s-curve;
- the City wants to improve the quality of living for as many people as possible and could assist in that objective by maintaining views.

### **Panel Opinion**

B. Haden commented on the Urban Design Panel (UDP) process noting that it was a roundtable format where all members expressed their personal opinions (from which nearly any potential position could be justified) with the Chair then confirming key issues identified.

Mr. Haden acknowledged that the UDP had indicated its support for the building location and floor plate based on the principle that the location, with a generally eastern siting, was suitable for the ceremonial reference and to maintain the consistent urban pattern of Georgia Street. This commentary was offered in the context of the previous application that proposed the tower at the westerly end of the site. He noted that there were comments offered on the setback from Gilford, adding that he would not have said that the issue of a 40 ft versus 71 ft setback was germane to the UDP's discussion.

It was offered that the UDP had been asked to comment on the consistency of the building language, noting that staff may have misinterpreted responses offered given that there was not a clear consensus. Mr. Haden suggested that, in the absence of strong consensus, issues rested most appropriately in the hands of the applicant and the designer to resolve. As such, he supported the deletion of Condition 1.2 in the staff report.

Regarding the floor plate configuration, Mr. Haden noted that there was some degree of flexibility in the guidelines in this sense, but felt that the general principle should be adhered to in creating a consistent urban design character. He offered that this opportunity to do a characteristic building form was not entirely appropriate. As such, Mr. Haden supported the deletion of Condition 1.1(iv).

Mr. Haden further commented that the application offered a complex question regarding the location of the building. He contended that it was appropriate to move the building slightly towards the east to represent a reasonable balance of interests, and indicated his support for a 40 ft setback to achieve this objective. Also, Mr. Haden reasoned that the original intent of the guidelines should be adhered to given that they would have been the basis on which adjoining landowners had expected a future development to be designed.

Mr. Haden concluded his comments noting that the UDP had not seen the view analysis but that its general position would be support for open space at Gilford.

J. Hancock supported the building location with a 71 ft setback offering that the rhythm of buildings was quite consistent with blocks to the east, reinforcing the importance of Georgia as a ceremonial street, and in support of the checkerboard placement. Mr. Hancock noted the second row view impacts on Robson, and offered that, moving the building to the east with an appropriate balance between a 40 ft and 71 ft setback would take into account opposing interests.

Mr. Hancock acknowledged that several owners had expressed their support for the application as presented noting that this was a strong argument in support of the proposed building location. He offered that the diagonal dimension was the biggest issue because it ran contrary to the usual formula for measuring, however he weighed that against the building being a very prominent building that related well to the 'Crayon' building as a symbolic entrance to Vancouver. Mr. Hancock recommended approval of the application as a well-executed scheme.

C. Henschel complimented the applicant for their attempt to work with the community in redesigning the application. He indicated that he had not heard a compelling argument for ignoring the guidelines that were developed through a public consultation process, and recognized that checker boarding was important. Mr. Henschel commented that he found it necessary to accept Hollyburn's views regarding the building location given that the decision would ultimately affect their pocketbook and so was the best scenario that they had arrived at. He added that it was fortunate that the two buildings could do a balancing act to counter the argument for checker boarding.

Mr. Henschel advised that he supported the conditions in the report, including slimming of the building. He offered that he was not convinced that the shaping was for a ceremonial reference, and suggested that the building could be shaped much differently. Mr. Henschel reiterated support for the report's conditions with suggestion that 1.2 be reworded to reference clearer integration of the whole scheme.

K. McNaney noted that the guideline's intentions for the site included minimization of obstructions and view impacts, and a goal to achieve an urban residential feel to Alberni. He indicated that he saw problems with the calculation of the floor plate, offering that it could be reduced creatively to achieve the guidelines. Regarding minimizing view impacts, Mr. McNaney supported a setback of 45 ft to 50 ft, closer to that stipulated by the guidelines, and suggested alternative design methods to address privacy concerns.

Mr. McNaney did not agree that this was a green space deficient area, and indicated that the proposed green space would be lost to the community given its high fence and privatized aspect.



He suggested that the application include more townhouses with a further setback to achieve a more residential feel along Alberni.

**Comments from the Board**

Mr. MacGregor recognized the importance of the site noting that the guidelines were relevant and should be the principal basis on which the application was decided. He expressed appreciation for the delegations' comments, and noted that the UDP perspective was acceptable if no other impacts were considered.

With respect to 1888 Alberni, Mr. MacGregor offered that the positioning of the building proposed by staff would still give them a lot of view, and recognizing that the green space element appeared secondary to the view issue. Regarding comments made in relation to renters versus owners, Mr. MacGregor emphasized the need to ensure that there was no distinction between the two given that the City represented the interests of all citizens.

Mr. MacGregor supported honouring the guidelines with a 40 ft setback. Further, he recommended the deletion of Condition 1.1(iv), offering support for the shape of the building with the interpretation of the diagonal being consistent with what was presented. He also supported the deletion of Condition 1.2, offering that it should be in the hands of the architect to respond.

Mr. Beasley recognized the participatory nature of the process to this point, and noted that the Board's decision would be a choice between opposing interests. As such, it was offered that the Board had to consider subtle performance qualities to come to its conclusions. Mr. Beasley recognized that all parties had brought analysis to argue their case but had not argued beyond their case, which was where the Board needed to arrive at in terms of the building placement given the circumstances.

Mr. Beasley advised that the original urban design premise realized the importance of erring on the side of protecting the public park qualities. He offered that the application would either help or hurt 46 or 70 units, adding that the value of owners' versus renters' views should be in no way distinguished between. Mr. Beasley suggested that this was a compelling argument for the building to be in line with the guidelines, adding that it was appropriate for it to be as thin as possible with north-south and east-west dimensions being important and the diagonal dimension being redundant once those were dealt with.

In considering setback options, Mr. Beasley noted his lack of support for one group to lose everything while others lost or gained a little. He offered that it seemed unnecessary for 20 households to lose their views entirely when there was an option in which everyone would have a little view left, adding that this led to his support of the guidelines, which represented a social contract on which people had made purchase decisions.

Mr. Beasley indicated his concern that real estate agents did not tell buyers that they were facing a building development in front of them, and was equally concerned that people spent vast amounts of money to purchase units beside vacant sites without seeking information on what was intended for those sites.

Mr. Beasley supported the staff recommendation for a 40 ft setback, and encouraged that a townhouse be inserted in the development to achieve a frontage of domesticity with row housing and good view corridors for pedestrians at the sidewalk level.

Mr. Timm indicated that Mr. MacGregor and Mr. Beasley had captured his perspective. He noted that it was difficult for the Board to weigh the interests of neighbours against each other and that when it happened one thing that had to be taken seriously was the related planning process and

guidelines. He agreed with comments by Mr. Beasley concerning the significant impact that the setback would have on one building that would lose its views entirely.

Mr. Timm agreed with the proposed motion with the exception that he was not convinced regarding the relaxation of the diagonal dimension, and supported the literal interpretation of the guidelines to protect the views of 1888 Alberni.

Clarification was offered that other Board members were of the opinion that once the north-south and east-west dimensions had been brought into compliance this would automatically result in the diagonal coming into compliance also.

**Motion**

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

THAT the Board APPROVE Development Application No. DE408291 as submitted, the plans and information forming a part thereof, thereby permitting the construction of a 22-storey building containing 65 dwelling units; four, two and one-half storey townhouses and a six-storey multiple dwelling for a total of 76 units overall, an amenity area and two levels of underground parking with a total of 152 spaces, in accordance with the Development Permit Staff Committee Report dated May 12, 2004, with the deletion of Condition 1.1(iv) and 1.2 (including its note to applicant).

**CARRIED UNANIMOUSLY.**

**5. OTHER BUSINESS**

None.

**6. ADJOURNMENT**

There being no further business, the meeting adjourned at 8:59 p.m.

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R. Ratslef  
Recording Secretary

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F. Scobie  
Chair