

Date: Monday, March 10, 2008  
Time: 3:00 p.m.  
Place: Committee Room No. 1, City Hall

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**PRESENT:**

**Board**

R. Jenkins           Assistant Director - Current Planning Division (Chair)  
B. Toderian         Director of Planning  
J. Ridge             Deputy City Manager  
T. Timm             General Manager of Engineering Services

**Advisory Panel**

J. Wall               Representative of the Design Professions (Urban Design Panel)  
S. Tatomir           Representative of the Design Professions  
N. Shearing         Representative of the Development Industry (left before decision)  
M. Braun             Representative of the General Public  
H. Hung             Representative of the General Public  
C. Nystedt           Representative of the General Public

**Regrets**

D. Chung             Representative of the General Public  
K. Maust             Representative of the Vancouver Heritage Commission  
J. Stovell            Representative of the Development Industry

**ALSO PRESENT:**

**City Staff:**

B. Boons             Assistant Director of Processing Centre - Development  
S. Brodie             Civil Engineer  
M. Rondeau         Development Planner  
D. Autiero          Project Facilitator  
H. Weidner          Planner  
D. Jantzen          Senior Health Inspector, Vancouver Coastal Health

**2995 WALL STREET - DE409890 - ZONE C-2**

D. Roppe             Aragon Properties  
D. Ramsay            Ramsey Worden Architects  
D. Whicker          BKL Consultants Ltd. (Acoustics)  
J. Losee             Jonathan Losee Landscape Architecture  
L. Moy                Aragon Properties

**Recording Secretary:** L. Harvey

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## 1. MINUTES

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of February 25, 2008 be approved with the following amendments:

Amend the Panel Discussion on Page 3 by adding the following:  
*Ms. Nystedt recommended approval.*

Replace paragraph on Page 6, regarding Mr. LaClaire's presentation with the following: Lon LaClaire, Strategic Transportation Planning Engineer, stated that one of staff's concerns is the **lay-by adjacent to the stadium off the viaduct**. There are usually crush crowds of people coming out of the arena after an event and there needs to be controls in place so that people don't **flood onto the** street when exiting the arena. **There would need to be some significant barriers to stop them from jumping onto the viaduct roadway**. Mr. LaClaire noted **that with the proposed design there is no way for a car exiting the lay-by to view oncoming traffic and judge gaps in the traffic flow because of the curvature of the road in this location**. **In response to questions about the existing viaduct design in this location, Mr. LaClaire noted that the viaduct gets narrower at this location and the sidewalk on the west side, across from the proposed lay-by and crosswalk, is only about one meter in width. Although a crosswalk could be installed, this location isn't a desired pedestrian route at this time. Also, vehicle barriers required to keep the event crowds from the road, may hinder functionality of the pedestrian crosswalk.**

Rewording of Mr. Toderian's comments on Page 10 to read:

Mr. Toderian commended Mr. Aquilini for hiring Mr. Busby as he was extremely pleased to see plans for the greenest office building in Vancouver. He added that it was an unusual opportunity to get a Triple A office building. Mr. Toderian stated that the development **shouldn't be** dependant on the lay-by. **The City wants the project to succeed as an office project** and he added that he supported Condition 1.1 in the Staff Committee Report. Mr. Toderian thought the City will have to find a way for the development to have a West Georgia Street address. Mr. Toderian thought the telescoping spires were a great idea and that they were a fun addition to the city's skyline. He added that normally he is the staunchest defender of view cones, but he felt that the spires didn't interfere with the spirit of Council Policy **in that they don't block views, and only telescope at night**. The policy is mostly about blocking views of the North Shore Mountains. Mr. Toderian felt they would not block the view during the day and would definitely not at night. Mr. Toderian said he agreed with Mr. Timm regarding the vehicular concerns for the lay-by and that the applicant was going to have to be very clever in order to make the design work. Mr. Toderian suggested the applicant integrate public art on the Expo Boulevard **streetwall** to animate the area. Mr. Toderian thought it was appropriate to make the solar shading work as part of the passive design in the building **the encroachment agreement is necessary but should not be an impediment**. He said that it would be a beautiful building with unique elements that will be perceived from afar.

In the Motion on Page 10, in the amended Condition 1.3, change "These" to **There** in the Note to Applicant.

Amend Mr. Toderian's comments under Board Discussion on Page 13 with the following:

Mr. Toderian commended the applicant and their architect for *the appropriate approach to "urbanism"* on the project. The public benefit in this context and basic relationships of good planning and urbanism are *commendable*. The form and massing works, the urban relationships are strong and will contribute to the overall urbanistic pattern of SEFC in the way the Policy calls for and expects. Mr. Toderian's *concerns were not with the urbanism, but rather were with the architecture*. He said he struggled with whether or not he was going to support the application because he felt there was an opportunity, *within this project* to get architectural variety and avoid a sense of monotony. He said that he knew the architect was capable of doing expressive architecture in these forms because he had been complimentary of his works in the Olympic Village in SEFC. Mr. Toderian added that the project didn't read as organic growth but reads as a *large* master plan project where the towers are part of the same project. Mr. Toderian stated that he had to decide if the conditions addressed his concern *adequately* and added that he will trust staff and the applicant to continue to work on the issues in the context of the conditions rather than not supporting the application.

Amend the first sentence in the fourth paragraph on Page 14 with the following:  
The Board agreed to send the application back to the UDP for their review *to provide advice to the Director of Planning on the above, prior to design approval and permit issuance*.

2. **BUSINESS ARISING FROM THE MINUTES**

None.

3. **2995 WALL STREET - DE409890 - ZONE C-2  
(COMPLETE APPLICATION)**

Applicant: Ramsey Worden Architects

Request: To develop this site with a multiple dwelling complex made up of six structures, containing a total of 48 units, all over a common underground parking garage containing 72 vehicle spaces.

**Development Planner's Opening Comments**

Mary Beth Rondeau, Development Planner, introduced the application for an all residential development with six buildings, all with underground parking. The previous proposal in April 2006 was deferred by the Board and Ms. Rondeau read the deferral recommendations. The applicant is proposing a different form of development and Ms. Rondeau noted that the previous model was present at the meeting along with the new proposal's model for comparison purposes. The design now allows for view slots through the buildings and presents more of a single family rhythm and also reduces the number of units facing the tracks. There are now 48 residential units rather than 52 as in the previous application. The height is slightly lower at 28 feet to the top of the main parapet rather than 32 feet. In May 2007 the applicant went to Council to have a portion of Wall Street consolidated with the site. Council approved the consolidation and the sale is currently pending. In terms of noise, an acoustical consultant provided a report on the noise levels which meet the City's criteria.

Ms. Rondeau reviewed the recommendations contained in the Staff Committee Report dated February 13, 2008. 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. Rondeau and other Staff:

- The units will be mechanically ventilated.
- Many neighbours are still not in support of the project or any development on the site and have some apprehension regarding liveability because of the noise from the CPR tracks and the Vancouver port.
- In response to question regarding Condition 1.3, Ms. Rondeau noted node points are often created on greenways and entrances of projects.
- The park area at the west side of the development is not planned to be there for the long term.
- While a majority of the neighbours thought the current design was an improvement from the previous application, most continued to hold the view that the site should not be developed but rather become a park.
- City staff, the architect and representatives from Aragon Properties were in attendance at the co-design meetings.
- The site has been zoned C-2 for a very long time. Originally there was a small two storey office building on the site.
- There is no maximum site coverage in C-2 zoning. The owner could develop an office building up to .75 FSR for an outright development and 2.15 FSR for a conditional residential development.
- The maximum height would be 45 feet for an outright approval.
- The site is about 18 to 20 feet from the tracks.

### Applicant's Comments

David Roppe, Aragon Properties noted that they have had several rounds of consultation and open houses with the neighbours. Also they participated in four co-design workshops. Two main items came out of the workshop and resulted in a low row-house density and a change in the design of the project. Mr. Roppe said they had studied the Staff Committee Report and believes they can meet all the conditions.

Doug Ramsay, Architect further explained the architectural plans for the development. He noted that they designed the project to balance the views from the neighbours against the liveability of the units and that is why the townhouses are perpendicular to the street. This also allows a courtyard for gardens and patios off the units. They created a topology that is similar to the homes in the neighbourhood by raising the front entries and stepping down the buildings at the street. Also, some of the units will have front porches. The development will have parking for more cars than what is required by the City. Mr. Ramsay also noted that they tried to use as much open space for gardens rather than parking entrances. He added that the developer is looking at using geothermal to heat and cool the project.

Doug Whicker, Acoustical Consultant, delivered the results of his measurements regarding the noise from the train tracks and harbour. He noted that the most significant source of noise comes from the trains. Instead of looking at the 24 hour equivalent, his measurements for the project were based on one second interval levels. Measurements were taken of sounds from all the activities in the area, including birds, helicopters, trains, trucks, etc. He also calculated the maximum noise levels at each unit and noted that the shunting of the trains had the highest noise levels. Mr. Whicker said he thought the design for the project meets the City's criteria for reducing exposure to noise. He noted that the applicant is concentrating on the acoustics for the units overlooking the tracks. Additional features have also been added that reduce the noise including an upgrade to the facades, upgraded windows, and a combination of HardiePanel™ and brick on the walls. Also the units overlooking the tracks will have fully

enclosed balconies. The developer is proposing to add heat pumps to these units so that owners can keep their windows shut and still have adequate ventilation.

#### Questions/Discussion

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

- The park is a street end and will have minimal planting as Engineering Services is not willing to sell the space although they do not have any current plans to extend the street.
- The applicant is in discussion with a company regarding geothermal energy and is contemplating a feasibility study to implement geothermal.
- The project will have energy star appliances.
- The applicant noted that an analysis of sales had been done on the north side of Wall Street and on Trinity Street and found that there isn't any difference in the rate of sales on Wall Street against Trinity Street.

#### Comments from other Speakers

The following delegations spoke in opposition to the application:

Frances Moorecroft

Jim Honeywell

Ch'an Cede

Barb Fousek

Patrick Mueller

Peter Dimitrov

Ann Redl

Comments in opposition included:

- Not a single neighbour wants the development as it is too dense and too high.
- The development will become a rental slum because no one will want to live there.
- Not a healthy environment with a great deal of noise and dust from the tracks.
- Trains are only 32 feet from the development.
- What quality of life will the owners have if they can't open their windows because of the amount of noise coming from the tracks?
- Poor planning to have residential this close to the tracks.
- The zoning is wrong/antiquated.
- The Board should follow the intent of the C-2 zoning as the area is not well served by transit and is not near any sort of shopping or services.
- The development will change the character of the neighbourhood.
- The owners will generate a lot of complaints for the port, CPR and the City.
- The development is 68,000 square feet and is coming to a neighbourhood that has been there since the 1880's and has always been single family homes.
- The neighbours did not have access to the acoustical reports and staff failed to include it in the Staff Committee Report.
- The Board is saying it will be okay for families to live with noise and pollution.
- There are currently four houses for sale on Wall Street with one house having been sold three times in three years.
- The neighbours would like to see a community vegetable garden or light industrial development on the site.
- Another acoustical report (Walkefields) recommended a 30 metre high wall to stop the noise.
- There will be a notification on the title to let people know who are planning to buy in the development that it is a noisy area.

- The proposed development is not aligned with the Vision document for Hastings-Sunrise.
- There didn't seem to be anything regarding vibration mitigation in the Staff Committee Report or in the acoustical presentation.
- A covenant on title will not stop people from litigating the City or developer.
- Multiple event noise wasn't covered in the acoustical presentation.

#### Questions/Discussion

Mr. Toderian noted that the Community Vision for Hastings-Sunrise was intended to identify the housing types that would be supported if there were further planning study or planning consideration given. The most common form of further planning consideration is rezoning. Generally the purpose of the Vision is to guide staff's considerations and as well Council's considerations of rezoning applications. It is not the intent of the Vision to guide the work of the Development Permit Board. In cases where the Vision and zoning conflict the existing zoning takes priority unless Council wishes to make the choice to change the zoning. It is the jurisdiction of the Development Permit Board to consider the discretion given by Council in the context of the zoning that's in place at the time. Visions and what they are intended to study is more for consideration of future rezoning applications. Because the zoning predates the Vision, the Development Permit Board uses the zoning that's in place and the application fits with the current zoning.

Ms. Rondeau noted that the development will have larger units and will be two or more bedrooms.

Staff noted that there haven't been any noise complaints from the home owners on the north side of Wall Street, west of Renfrew Street. There is potential development on the lot to the north of the site and could be a range of industrial uses.

The Acoustical Consultant noted that there is a difference in noise levels from the track end of the buildings and the units on the side of the buildings closer to Wall Street. The difference is about 12-13 decibels lower as the building shields some of the units from the sound.

Harv Weidner, Planner, stated that there have been changes in the operations of the port and an increase in the activities over the last fifteen years and the port will continue to get busier. Mr. Weidner noted that noise is one of the key issues and they are looking at trying to mitigate the noise although there are a limited number of things that can be done. One idea the Port is considering is "green goat" technology (Hybrid locomotives) that will reduce the noise. The Port does get involved in noise attenuation studies. The Port does recognize that there is a co-existence needed between them and the residential neighbours. Mr. Weidner noted that the rail operations change as you move westward along the tracks with the shunting of the trains being done closer to the wheat pool building.

David Jantzen, Senior Health Inspector, Vancouver Coastal Health, stated they want to ensure public safety and find there are no public safety issues with the development. The only issue would be a noise issue.

In reply to a question from Mr. Timm regarding abrupt brief sounds, Mr. Whicker stated that they did look at brief noises. Mr. Whicker noted also that the 24 hour measure they did considered multiple and repeated events. He also did a test on the vibration measures when he was on the site on February 13, 2008. He measured twenty rail events and two events modestly exceeded the night time vibration criteria. Because the development will have a masonry base, there should be a 6 decibel drop in the vibration level and will drop more as you

go up in the buildings. The shunting crashes are primarily air borne noise and won't result in vibration. The vibration comes mainly from locomotives passing the site. Mr. Whicker noted that the items being included on Page 5 of the Staff Committee Report are the top of the line for noise abatement. Having fully enclosed balconies is another good acoustical tool.

Mr. Wicker was asked by Ms. Nystedt if there would be a difference in the noise levels at other times of the year or if he had done his measurements over 72 hours. Mr. Wicker replied that one 24 hour period was as good as any other having done thousands of studies in Vancouver. Normally there is only a 1-2 decibel difference and there will be no reasonable variations as long as the rail traffic stays the same.

Mr. Wicker noted that the City in its guidelines is only asking for interior noise levels. CMHC at one time did set exterior noise levels but because they could not be met the Health Department is no longer requiring exterior noise levels to be met. He added that it will be noisy and there is no method other than the building massing that can reduce the levels.

#### **Panel Opinion**

Mr. Wall thanked the public for their comments as well as the applicant and in particular Mr. Whicker for their presentations. Mr. Wall noted the Urban Design Panel (UDP) had reviewed the application and the Panel was complimentary to the applicant team for the improvements since the first proposal. They recognized that the applicant was giving up certain design plans and possibly a more marketable project by creating a more neighbourly expression. There are now fewer units facing the view and as a result this may affect the developer's bottom line. The proposal was largely supported because of its neighbourly fit as it is now more sympathetic to the single family homes across the street. The Panel's concern was the definition between the spaces which has been addressed in the conditions in the Staff Committee Report. Mr. Wall noted that it will be important that visitors to the site have a sense where the front door is located. The Panel also discussed the issues of noise and overlook but recognized in terms of urban design, it was a good fit with the neighbourhood. The Panel felt the noise issue should be left to the acoustical consultant and Vancouver Coastal Health as to what needs to be done for noise abatement. The enclosed balconies and other noise mitigation matters that the applicant team proposed seem to fit into other waterfront areas adjacent to noise. Mr. Wall noted that many neighbourhoods in Vancouver are experiencing low to medium density along side single family homes and there is an increased density on noisy streets. Mr. Wall recommended support of the application.

Mr. Braun noted that when the application came to the Board last time there were three issues to be dealt with: what should go on the site, what should it look like and what to do about the noise. He noted that the neighbours aren't complaining about the form of development. Mr. Braun thought the new design fits better into the neighbourhood and has a more single family home expression. Mr. Braun thought the market place would decide if the project was viable and added that people make the decision to live in Gastown and other noisy areas in the city. Mr. Braun thought the applicant did have to do whatever they could to mitigate the noise. He also thought the project would make for affordable housing in the neighbourhood. Mr. Braun thought that air conditioning should be added to all the units and that geothermal be incorporated into the project. Mr. Braun recommended approval of the application.

Mr. Tatomir said it was hard to speak to this application and was upset that the UDP was in support of the development. He commended the architect for his design as he thought it was a beautiful development. However, he thought it was too dense and suggested the first row of townhouses facing the track be removed from the plan. Mr. Tatomir said he had concerns regarding the play area and children's safety. Mr. Tatomir was also concerned that the units

would be bought by investors and then rented out which could become an issue in terms of liveability. Mr. Tatomir did not recommend approval of the application.

Ms. Nystedt noted that this was the second time that she had seen the application. She said that at the first submission she thought there was a disconnect between the neighbours and the developer. She was encouraged that the developer had gone through the co-design process and as a result brought a different development in terms of reduced density. She thought the nature of the architecture had brought a neighbourliness to the area. Ms. Nystedt thought that the only thing that would make the neighbours happy would be if the site was developed into a park. She noted that this was not a high density development. Ms. Nystedt agreed that there were rail noise impacts and thought the applicant was taking every possible measure regarding liveability issues with respect to noise abatement. She added that both the City and Vancouver Coastal Health were satisfied and Engineering Services believes the small increase in traffic can be handled. Ms. Nystedt also thought the applicant had gone out of their way to accommodate everyone and that the project would be a good addition to the neighbourhood. Ms. Nystedt recommended approval for the Development Permit and the staff conditions be supported by the Board.

Mr. Hung commended the design team and thought they had gone a long way to mitigate the problems that were brought up by staff and the public. Regarding the noise issue, Mr. Hung thought the professionals had done their studies. He thought the Board should take the opportunity to grant the extra density and to impose on the developer to use high quality materials and adopt all the measures possible to mitigate the noise problem. Mr. Hung recommended approval of the application.

#### **Board Discussion**

Mr. Toderian thanked the members of the public for attending the Board meeting. He thought the design of the project had evolved because of their passion for their neighbourhood. He also thought staff had spent a lot of time with the public and the applicant to get the design that the Board saw at the meeting. It is interesting to note the direction from the previous Board was taken into consideration with the new design. Although the Board is not bound by the previous Board's decision, this Board had to consider the direction that staff and the applicant had gone to resolve the issues. Mr. Toderian read out the directions from the previous Board's decision. The previous Board was not suggesting that the site could not be used for residential. He noted that the design had evolved in a positive way and the spirit and intent of the form was consistent with the surrounding neighbourhood. He thought the design was quite clever in mimicking the form in the surrounding neighbourhood as there was a consideration that is sympathetic to the single family homes. He noted that the number of units overlooking the tracks has been changed with fewer units directly impacted by the noise. Mr. Toderian said it was their job to protect public safety and certainly this development was not going to be to everyone's liking. It will be a market choice and it will be extremely hard for someone to buy the units without knowing there is substantial noise coming from the tracks. This will also affect the selling price of the units and probably will have different price points from the front units to the back units and that is something for the market to address. Mr. Toderian thought the design had done everything it could to mitigate the noise issue and suggested it could go further with the use of geothermal. He thought it would be important for the owners to have the ability to have the windows closed and still be able to cool their units. Mr. Toderian added that the sustainability advocate in him pushes for cooling the units with geothermal.

Mr. Ridge said he was happy to support the amendments and thanked staff for two years of work on the application. He thought the points the last Board made had been addressed in the



Staff Committee Report. Mr. Ridge noted that the neighbourhood consists mostly of 40-50 year old wood frame buildings with little noise mitigation and these units will by far be the quietest homes. He added that he had not seen any of the neighbours come forward and say that living in the area was untenable. People have lived in the neighbourhood for decades and are still choosing to live there. Mr. Ridge thought that it was going to be a noisy place to live even with the noise mitigation that the applicant was proposing. Mr. Ridge concluded that he was in support of the application.

Mr. Timm referring to the Staff Committee Report noted that under the C-2 District Schedule, multiple dwellings can be approved provided that the DPB is of the opinion that the site is suitable for residential. That is probably the biggest question mark because of the impact of the railroad tracks and the noise. If you look at the rest of the neighbourhood, clearly this is a site that is suitable for residential. It is a residential neighbourhood. It is a beautiful site for residential but for the railroad tracks creating a significant noise issue. Mr. Timm said in order to support the application he had to be assured that the noise situation had been adequately addressed. He noted that he had been satisfied with that on the previous application and was prepared to support that application. Mr. Timm noted that in the minutes of the previous Board meeting, Mr. Beasley (DPB member) suggested "*a form of development that is more like a row house development, pulled away from the cliff and with several clusters that are more in pattern with the single-family area and hopefully provides less number of units*". Mr. Timm stated that he believed all of those goals had been met in the development. Clearly the character looked at from the neighbourhood is much more like single family residential. The number of units has been reduced and the majority of units have been pulled away from the railroad tracks. The units that are still adjacent will have significantly more noise attenuation measures. Mr. Timm thought the roof gardens were ingenious and actually allowed an opportunity for the residents to enjoy the views without all of the units being built across the façade. Mr. Timm added that Mr. Beasley said in the previous minutes "*the residents of this community should know that the Board will not turn down a proposal for multiple dwelling residential use on this site and it is in their interest to participate with the applicant team toward a new scheme*". Even though Mr. Beasley wasn't prepared to support the previous application it wasn't on the basis that the site was not suitable for residential; it was simply on the basis that he thought a lot more could be done to improve the development. Mr. Timm added that to improve the development was completely consistent with what the Board was recommending at the previous meeting. Mr. Timm thought the development had come a long way to address all the issues that were a concern at that time, and congratulated Mr. Beasley for his vision in sending the application back to the applicant and staff and achieving the improvements, rather than supporting Mr. Timm's original motion to approve the previous application.

**Motion**

It was moved by Mr. Toderian and seconded by Mr. Ridge and was the decision of the Board:

THAT the Board APPROVE Development Application No. DE409890, in accordance with the Staff Committee Report dated February 13, 2008, with the following amendments:

Amend Condition 1.4 to read:

Arrangements shall be made to the satisfaction of the Director of Legal Services for the notification of prospective purchasers of the existence of *significant* noise and vibration, *during the day as well as at night*, resulting from the adjacent Vancouver Port Authority (VPA) lands and CPR tracks;

*Note to Applicant: The issue of notification to renters should also be considered.*

Adding a new Condition 1.5 to read:

*That the feasibility of geothermal cooling and heating be fully investigated prior to issuance of the Development Permit and if determined to be feasible, that such approaches incorporated into the building design. Other sustainability elements should be investigated and are strongly encouraged.*

**4. OTHER BUSINESS**

None.

**5. ADJOURNMENT**

There being no further business, the meeting adjourned at 6:30 PM.

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L. Harvey  
Assistant to the Board

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R. Jenkins  
Chair