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**MINUTES****DEVELOPMENT PERMIT BOARD  
AND ADVISORY PANEL  
CITY OF VANCOUVER  
MARCH 6, 2000**

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**Meeting:** No. 476  
**Date:** Monday, March 6, 2000  
**Time:** 3.00 p.m.  
**Place:** Committee Room No. 1, City Hall

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**PRESENT:****Board**

F.A. Scobie	Director of Development Services (Chair)
L.B. Beasley	Co-Director of Planning
B. MacGregor	Deputy City Manager
T. Timm	Deputy City Engineer

**Advisory Panel**

N. Shearing	Representative of the Architectural Profession [filling in for J. Hruda, Chair of the UDP]
J. Hancock	Representative of the Design Professions
A. Gjernes	Representative of Development Industry
P. Kavanagh	Representative of Development Industry
J. Leduc	Representative of General Public
M. Mortenson	Representative of General Public
R. Roodenburg	Representative of General Public

**Absent**

J. Hruda	Representative of the Design Professions (Urban Design Panel)
R. Mingay	Representative of General Public

**Also Present:**

R. Segal	Development Planner
M. Kemble	Development Planner
P. Pinsker	City Parking & Development Engineer
N. Peters	City Surveyor

**Item 3 - 1300 West Pender Street - DE404571 - Zone DD**  
**[PRELIMINARY APPLICATION]**

Mr. Bingham	Howard Bingham Hill Architects
Mr. Whittle	Howard Bingham Hill Architects

**Speakers:**

Mr. Roman Rubicek  
Ms. Jean Cutt  
Ms. Arlena Mardu  
Mr. John Halderson  
Miss Kitty

**Acting Clerk to the Board:** M. Penner

1. MINUTES

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of February 21, 2000 be approved, with the amendments:

Amend Standard Condition A.1.7

A.1.7 provisions of *building elevation and* rooftop unit screen elevation drawings to the scale indicated (with building elevation to be not less than 1/8 inch to 1 foot);

**Item 3 - 699 Cardero Street, DE404701 - Zone CD-1**

Mr. Kavanagh advised that he *did* support the text amendment *and that the building should not have to be reduced in height.*

**Item 5 - 571, 573 & 575 Powell Street, DE404609 - Zone DEOD**

The initial portion of the motion be revised to read:

THAT the Board APPROVE Development Application No. DE404609 as submitted, the plans and information forming a part thereof, thereby permitting the alteration and change of use of a portion of this existing wholesale building to a Health Care Office (approximately 2,920 square feet) and a Social Service (Resource) Centre (approximately 5,840 square feet), for a limited period of time expiring *12 months from the date of issue of the occupancy permit.*

2. BUSINESS ARISING FROM THE MINUTES

None

3. 1300 WEST PENDER STREET - DE404571 - ZONE DD  
[PRELIMINARY APPLICATION]

Applicant: Howard Bingham Hill Architects

Request: To Construct a 33-storey residential tower, containing 220 dwelling units, and a three-storey commercial building with an adjoining one-storey retail space with five townhouse-units above and in behind, all atop three levels of underground parking.

Development Planner's Opening Comments

The Development Planner, Ralph Segal, described the proposed 33-storey residential tower, which will contain 220

dwelling units, three storeys of commercial use with five townhouses. He noted that directly behind this site, across the lane is The Pointe. He explained that this development will have an FSR of 6.0 with a 300 ft. tower. The townhouses which will have doors on the lane will also have access from the tower elevator core through a garden pathway to the front entrance.

As part of the Triangle West Public Realm [TWPR] treatment along the Jervis Street frontage, the applicant will be required to pursue an elaborate enhancement of the sidewalk, terraces and steps with medallions. The triangular street right-of-way at the Jervis/Pender Streets corner, is to be turned into a public plaza, resulting in the closure of the existing right-turn lane from eastbound Pender Street to southbound on Jervis Street.

Staff believe the angled position and orientation of this development is respectful of The Pointe in that it allows its south-facing residents to see through the established gap between the two Harbourside Towers, as well as northward along Jervis Street. This site faces several development constraints in order to preserve the northerly views from West Georgia Street between The Pointe and the West Coast Energy Building, the latter having been included on the inventory of recent landmark buildings.

Condition 1.1 calls for a reduced floor plate noting that floors 4 to 27 each have 7,250 sq. ft.. Staff acknowledge the challenge being imposed on the designer and, therefore, the wording has been relaxed to call for a floor plate "... to be closer to 6,500 sq. ft.", rather than state an absolute maximum of 6,500 sq. ft.

Staff recommend that a row of townhouses be added along Jervis Street in order to absorb some of the density that will be lost due to the floor plate reduction. Mr. Segal also noted that staff believe the townhouse solution along the Jervis Street frontage will enhance the project much more than will the proposed indoor swimming pool and related areas proposed in this location.

Condition 1.2 refers to vehicular access: two curb cuts along West Pender Street were proposed - one for residential and one for commercial. Staff believe a maximum of one curb cut on West Pender Street would be a significant improvement and suggest the commercial garage access either be relocated to the lane or combined with residential access to create one garage access on West Pender Street.

Condition 1.4 refers to the Triangle West Public Realm Context Plan, indicating the future closure of the right-turn lane onto Jervis Street, necessitating relocation of the present residential garage entrance further west along West Pender Street frontage.

The Urban Design Panel raised a number of architectural design issues, reflected in Conditions 1.6 through 1.9; staff are confident these can be handled by the project architect.

With reference to Engineering requirements, the closure of the right-turn lane currently in place on West Pender Street onto Jervis Street, will necessitate dedication of the building line area for the widening of West Pender Street. In addition, Condition A.2.2 outlines a late-arising condition in recognition of the Downtown Transportation Plan, which requires a left-turn lane from Pender Street eastbound, northbound onto Jervis Street, as well as additional right-of-way on West Pender Street to accommodate a designated bicycle route in the curb lane.

In response to the City's notification of the proposed development, 27 letters were received from residents in The Pointe opposing this development, loss of views being the obvious issue. In response, the applicant prepared several sketches which were posted "for reference only" which he will speak to.

Mr. Segal concluded, saying that although the applicant has substantive redesign items to respond to, staff recommend approval in principle.

Mr. Timm asked the floor plate size was part of the guidelines, or simply desirable for this development.

Mr. Segal confirmed that the Downtown Design guidelines had no prescribed floor plate target - although The Pointe, the Lions and the Residence on Georgia, have either achieved this 6,500 sq. ft. floor plate or, in the case of The Pointe, approximately 5,400 sq. ft., and stressed that the guidelines called for slimmer rather than bulkier towers, for view protection and to minimizing shadowing.

Mr. Beasley asked about the proposed the row of trees on West Pender Street; Mr. Segal assured Mr. Beasley that there would be a full complement of street trees, Mr. Pinsker confirmed as well, noting an adequate width of approximate 12 ft. would accommodate these street trees.

The Chair referred to Condition A.1.24 which appeared to be a replication of Condition A.2.7, as both deal with landscaping and reference the TWPR treatment. Mr. Segal explained there were two components to the TWPR treatment: one which occurs on street right-of-ways for site improvements; the other occurs on private property setbacks. Mr. Segal confirmed there was some duplication but a bit of redundancy was better than not describing both, Conditions A.1.24 and A.2.7.

The Chair referred to Condition A.2.1 noting that the 873-7102 number referred to is no longer in service but that the second number noted was the correct contact number.

Mr. Timm referred to the Triangle West Streetscape [TWS] guidelines, requesting clarification whether or not the stairways and level sections with medallions, reflective pools, etc. on private property are part of these guidelines. Mr. Segal confirmed that was the interpretation and expectation at that time and stated staff were pleased with The Pointe's version of public realm treatment with its stairway, waterfall, garden feature and pools, and that the proposed treatment on this site would be similar. Mr. Timm further enquired whether there was a reference in the TWS guidelines with regard to pools and their possible interference with the townhouses; Mr. Segal responded that within the site setbacks, pools are one solution on private property, landscaping is another and that the pathway from the sidewalk to the townhouse doors could go through either of these landscape solutions.

Ms. Leduc asked whether the townhouses were to take the place of commercial space at ground level or would they be in a different space; also, where would the commercial stores be located and did staff recommend the pool be relocated. Mr. Segal advised that the pool/hot tub faces Jervis Street and such amenity areas attempt to shut themselves off from the street, whereas townhouses would provide a better relationship with the sidewalk; the commercial outlets will be on West Pender Street

The Chair noted that the Staff Committee report referred to the view between The Pointe and the WCEB and under the suspended WCEB, Condition 1.7 suggests that the Staff Committee recommends a more prominent design statement for the Broughton/Pender Streets corner "while minimizing view blockage under the WCEB". Clarification was sought as to whether staff were looking for any lowering of the building height at that corner. Mr. Segal replied that this was not the case and that staff and the Urban Design Panel had concurred not to get too obsessive about the views through and under the WCEB at this specific corner.

**Applicant's Comments**

Mr. Bingham referred to their dealings with the Planning Department over the last 8 months on this particular site and confirmed the over-riding consideration had been views. His major challenge has been to organize the required available square footage on the site in such a way as to fully utilize it, but also maintain the maximum benefit of views for The Pointe, as well as the general public. The process has gone through two totally different concepts: first the mid-site stair concept, which, after discussion with Ralph Segal and advice from the Urban Design Panel, was abandoned as inappropriate for the site with direction to add more townhouses off the lane and to minimize the size of the tower. This led to incorporation of townhouses off the lane, and bringing the parking underground off West Pender Street, thereby minimizing the impact of noise, etc.; also having a separate commercial vehicle access off West Pender Street. The struggle had been to minimize the size of the tower floor plate, acknowledging the Downtown South guidelines of 6,500 sq. ft., with an 80 ft maximum dimension, which had been a concern throughout the project raised not only by Planning staff but also from the applicant's perspective of trying to reduce this to the required floor plate, as well as maintaining view corridors. As a result of a recent meeting with Ralph Segal to see what could be achieved in further reducing the floor plate, he has initiated further design changes. Although the required 6,500 sq. ft. maximum has not yet been attained, he has managed to reduce the tower floor plate to under 7,000 sq. ft.

Mr. Bingham had anticipated objections raised about the loss of views from The Pointe and explained how he had worked extensively with the Planning Department, ensuring that views were maintained from The Pointe, while realizing there was nowhere else the tower could be constructed on this site. Another design challenge is the triangle created by the proposed angling of this project, identified as a plaza level. By virtue of Engineering's changing requirements at this end of the site, the parking access will be relocated closer to the centre of the block, providing the net benefit of only having one access point coming in - right to go to commercial, left to the visitors and residential parking. Focusing all the vehicle access and entrance at one point will minimize the noise for people at The Pointe.

Mr. Bingham stated he and his client have no difficulty incorporating townhouses on the Jervis Street. They are an appropriate urban design response and provide a nice relationship with the nearby heritage building. Managing and maintaining the concept of the proposed water feature, as well as having the townhouses as a usable area, will be worked into the process. This also provides some open area in the rear for the residential loading bay, allowing direct access to the elevator core.

Conditions 1.6 to 1.9 were raised by the Urban Design Panel which Mr. Bingham noted had offered helpful comments. He recognized there are many design issues that have not been dealt with at this point in time, as the more pressing need was to actually get the overall urban character of the site under control.

He agreed with the need to provide a strong urban element on the Broughton/Pender Streets corner. His endeavour now is to pursue a variety of options which will be the subject of intense study before coming back for submission as a final development permit.

At the request of the Chair, Mr. Bingham summarized that he is prepared to support the Staff Committee's Conditions 1.1, 1.2, 1.4, 1.6 through 1.9. With reference to Condition 1.3, further work has combined the vehicular access from West Pender Street further to the west. Consequently, there would be no need for the option in Condition 1.3 re: lane access to parking.

The Chair further questioned the applicant re: setting the townhouses back a further 12 ft. as outlined in Condition 1.5. Mr. Bingham recommended the Board not support Condition 1.5. The applicant agreed but stated he would incorporate more landscaping along the lane.

The Chair asked if the applicant would prefer Condition 1.5 to read “design development to the lane facing townhouses to provide more landscaping to green the lane”; the applicant concurred. Mr. Beasley enquired if the applicant was against any setback at all or just the level of setback, in order to provide the greening. The applicant confirmed that some setback could be worked in; however, a 12 ft. setback would put the patio into the vehicle court. Mr. Beasley continued, asking if the applicant could support Condition 1.5 if they and staff worked together on what makes sense by deleting “approximately 12 ft.”? The applicant agreed.

Mr. Beasley also questioned whether the proposed townhouse access off the north side from the garden area could be moved down to the street, so that in effect the proposed owners would get the sense of having their own front door on West Georgia Street. The applicant advised the grade difference is significant from the garden area down to the street, but believed the townhouses will still be very marketable due to providing direct parking spaces and a front door off the lane.

Mr. Kavanagh noted that the tower is parallel/perpendicular to West Pender Street, as is The Pointe behind it. He asked whether it would not appear slimmer from The Pointe’s view if the tower was parallel to Jervis Street. Mr. Bingham advised this possibility had been explored. The Urban Design Panel agreed that the tilting of the tower gave a sense of open space rather than closing it.

Mr. Timm asked whether the axis of orientation in the north/south direction was similar as that of The Pointe, and to Harbour Side, as all three towers are essentially oriented to the same direction. He also referred to the applicant’s “for reference only” drawing noting that this project is 80 ft. wide on that axis, which is the same as 6,500 sq. ft. [80 x 80 roughly]. The applicant informed Mr. Timm that the current width is 83 ft. and had been slimmed back slightly.

Mr. Beasley asked Mr. Segal if he would be comfortable with the amount of floorplate reduction as suggested in the applicant’s latest reference drawings. Mr. Segal stated the difference between 6,500 sq. ft. and 7,000 sq. ft. is closer to being acceptable, and seeing the floorplate design shaping up is evidence of the applicant’s effort to diminish the overall dimension, i.e., the 80 ft.+ widths, 98 ft maximum depth, all give an indication of quite a slim tower and staff’s comfort level is rising, as this was getting close to the typical parameter of 6,500 sq. ft.

Mr. Shearing asked where the reduction of the floorplate by some 300 sq. ft. per tower floor was going, as it would exceed the floor area of the townhouses along Jervis Street. The applicant responded that some of this space would go down to the townhouses, and a portion would go to the redesign of the tower articulation.

*Members proceeded to the model and posted materials.*

**Comments from Other Speakers**

1. Mr. Roman Rubicek, resident at The Pointe, Chair to the Strata Council. Mr. Rubicek noted the following concerns:
  - the proximity of 80 ft. between towers;
  - the height of the proposed project;
  - the drawings he had received on this project did not really show the height of the tower;
  - increase in traffic noise; [enquired whether a traffic study had been done at the site]
  - more permit parking in the lane will add to traffic accidents; i.e., more parked vehicles narrow the lane for those using the lane;
  - the devaluation of the owners' properties;
  - this new tower will over-saturate the area with similar looking suites that already exist for sale;
  - lack of notice received for this proposed development; the cut-off date for making objections was February 11<sup>th</sup> and the mailing date of Mr. Ng's letter was January 28<sup>th</sup>.

(Mr. Rubicek handed the Chair a petition of 96 signatures, opposing this project.)

Mr. Timm asked Mr. Rubicek which of his two major concerns; (1) loss of view; and (2) proximity, was the greater concern. Mr. Rubicek stated proximity was their major concern.

Mr. Beasley expressed concern about real estate agents/sales agents not providing appropriate information to prospective buyers.

Mr. Rubicek confirmed the brochure he had received didn't have this proposed tower on it, neither were the Harbourside Towers; rather the brochure depicted a view of Stanley Park with a cruise ship coming in.

Ms. Leduc enquired about the guideline which notes the 80 ft. proximity. Mr. Segal confirmed that dimension had been "borrowed" from Downtown South, as well as others.

Mr. Beasley advised of extensive research during the late 80s, early 90s, on building adjacencies in various cities around the world as part of the Downtown South planning, resulting in the conclusion that 80 ft. is the minimum distance at which there was a level of privacy between buildings. In the West End the older buildings are often much closer together than this.

Mr. MacGregor asked Mr. Segal when this property was rezoned, and had it attained the 6 FSR at that time. Mr. Segal advised this property had been rezoned to Downtown District in 1976, attaining the maximum of 6 FSR as a discretionary permission.

2. Ms. Jean Cutts, a Realtor in the West End; resident at 1331 West Georgia Street, voiced many of Mr. Rubicek's concerns, adding her major concern was loss of privacy.

Mr. Beasley asked Ms. Cutts whether her agent advised her of the development permitted in the zoning; had anyone inquired at City Hall what the zoning allows and possible future developments in the area.

Ms. Cutts responded by asking the Board to take into consideration Mr. Rubicek's and her comments and to

not approve this development.



3. Ms. Arlena Mardu, resident at The Point, 29<sup>th</sup> Floor, concurred with Mr. Rubicek and Ms. Cutts' concerns, and added:
- the many off-shore owners were not aware of this proposed project;
  - glass should be tinted; and
  - asked why this developer insisted on a tower floor plate in excess of 6,500 sq. ft. when The Pointe had come in at 5,400 sq. ft.

The Chair recollected that The Pointe was put forward as part of the WCEB site - it was subdivided off, leaving enough site area to support the WCEB in terms of its floor space, which was largely the basis on which The Pointe's development site was created.

Mr. Segal advised that the vast majority of development projects seek the maximum permitted, and the majority achieve full density on the basis that their designs are judged to satisfy the applicable Council-approved guidelines. Also, reduction of the floor plate could either increase the tower height and thereby offend other upland towers, or cause more floor area to be placed elsewhere on the site, thus impacting views from West Georgia Street.

Ms. Mardu asked why this project couldn't be developed with less square footage, and why the need for redistribution.

The Chair explained that the Board is not compelled to permit development up to the maximum that the Official Development Plan permits, but the Board has to have a reason to reach the conclusion that maximum simply cannot be appropriately accommodated on the site in terms of the impacts that development is going to have either in terms of the livability of the development of the site, or its relationship to its surroundings. What the Staff Committee have concluded in their analysis reflects consideration about this site and development opportunities and constraints identified several years ago. They concluded that this site can achieve its maximum in a configuration very similar to what has come before the Board today... that it is not "pushing the envelope" in terms of onsite livability or relationship to surrounding development beyond warranting 6.0 FSR.

The Chair asked Mr. Segal if The Pointe achieved 6.0 FSR. Mr. Segal explained that the 1300 West Georgia Street block had been underdeveloped by about 32,000 sq. ft., not achieving full 6.0 FSR but stated that The Pointe's developer did not seek full development potential.

4. Mr. John Halderson, resident of The Point, Unit 1601, commented on the discrepancies of public vs residents' views, referring specifically to the WCEB.

Mr. Segal responded that the views from West Georgia Street was a public view through and beneath the WCEB site.

Mr. Beasley suggested perhaps fenestration on bedroom windows would help in the privacy issue. Mr. Bingham advised this would be reviewed at the detail design stage.

Mr. Beasley asked Mr. Bingham if adding a condition, e.g. "Design development to minimize overview of primary spaces from The Point to the new building" would be acceptable. Mr. Bingham assured Mr. Beasley their designer would be asked to incorporate this condition.

Mr. Halderson stated again that views of the general public should not be more important than those of residents.

The Chair replied this preliminary application will await the decision of the Board to determine whether or not the general tower location and configuration is in fact approved, relative to a repositioning of that floor space elsewhere on the site, to more greatly impact the views as may be seen from West Georgia Street through between The Point and the WCEB. Certainly it is fair to say the City has for many years identified and, even in some instances enshrined, public view corridors across a variety of private lands but they are public view corridors - they are not intended to secure private views. That is not to say that private/residential view considerations haven't entered into the analysis of the proposal before the Board today. Had they not, this tower might have been positioned more fully in front of the Point and not skewed to minimize the view loss for The Point residents.

5. Miss Kitty, resident of The Pointe, was concerned about the commercial loading. She also asked why retail/commercial was being included in this project, suggesting there was too much retail space available and perhaps retail should be deleted as there is too much retail vacancy in the West End.

Mr. Segal stated that the required commercial loading bay is proposed off the lane; also commercial space is a permitted use in this area and is the developer's decision to incorporate this use.

Ms. Cutts had 3 more points:

1. livability of the site - that the proposed proximity is unreasonable;
2. doubts the existence of an 80 ft guideline and that a study should be done. Also made reference to the Harbourside Towers and other new buildings near the water which have greater separation; and
3. there was no water view for West Georgia Street from between the two towers.

The Chair explained that the Harbourside Towers and development of the Coal Harbour lands resulted from circumstances involving large, unsubdivided, undeveloped lands that were entirely planned together so that parcels wouldn't be created without having considered development opportunities. This proposed project deals with an existing historical property defined by streets and lanes and we don't have the same flexibility of size and location.

### Panel Opinion

Mr. Shearing [on behalf of the Urban Design Panel], confirmed their comments regarding Conditions 1.6 to 1.9, for simplification and slimming down the tower and stated that the applicant has been asked to do the impossible. He agreed the 300 sq. ft. reduction is proceeding in the right direction; to reduce the tower massing, calls for redistribution which will interfere with the public views. He favoured the townhouses along Jervis Street; agreed the notion of putting massing on top of the commercial units should be perused. The Urban Design Panel had agreed that the architect needed to concentrate on unifying the base along Pender Street and the tower. He suggested two possibilities of slimming down the tower - the developer could narrow the tower east and west, or north and south; however, proximity to The Pointe, would be marginally affected.

Mr. Kavanagh was pleased to support this preliminary application, specifically noting Condition 1.1 - the request for design development to incorporate three-storey townhouses on Jervis Street. He suggested the Board delete Condition 1.3 and in Condition 1.5 the words "approximately 12 ft." be deleted.

Ms. Leduc sympathized with the residents in the surrounding buildings, but believed it was evident that a development would be constructed on this site. She noted her particular preference for the townhouse concept and supported this preliminary application.

Mr. Mortenson supported this proposal and noted the architect and developer had worked towards slimming the building, evidenced in Condition 1.2 by adding the townhouses on Jervis Street.

**Members of the Board**

Mr. Beasley voiced his concern that the real estate community is not advising owners of what they should know about their neighbours specifically when purchasing in a high density area and that additional buildings can go up. He stressed the importance of staff contacting the Real Estate Board, admonishing them to display surrounding buildings on their models, and presenting up-to-date brochures/literature when dealing with prospective buyers, as it is the responsibility of the real estate agent to advise a potential owner of the liabilities that will be on the property.

**Motion**

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

THAT the Board APPROVE IN PRINCIPLE Development Application No. DE404571, in accordance with the Development Permit Staff Committee Report dated February 23, 2000 with the following amendments:

Amend Condition 1.3:

1.3 design development to *merge* the commercial parking entry *with the residential parking entry* from West Pender;

Amend Condition 1.5:

1.5 delete the words "*approximately 12 ft.*"; and

Add a new Condition 1.10

*1.10 design development to minimize overview of primary spaces in the new building from The Pointe.*

**4. OTHER BUSINESS**

There being no further business, the meeting adjourned at 6:00 p.m.

M. Penner  
Acting Clerk to the Board

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F.A. Scobie  
Chair