

Date: Monday, September 29, 2003  
Time: 3.00 p.m.  
Place: Committee Room No. 1, City Hall

---

**PRESENT:****Board**

F. Scobie Director of Development Services (Chair)  
L. Beasley Co-Director of Planning  
B. MacGregor Deputy City Manager  
D. Rudberg General Manager of Engineering Services

**Advisory Panel**

S. Lyon Representative of the Design Professions (Urban Design Panel) (Item 3. only)  
H. Besharat Representative of the Design Professions (Urban Design Panel) (Items 4. and 5.)  
J. Hancock Representative of the Design Professions (excused Item 3.)  
D. Chung Representative of the General Public (Items 4. and 5. only)  
T. Durning Representative of the General Public (Item 3. only)  
C. Henschel Representative of the General Public  
J. Leduc Representative of the General Public (Item 3. only)

**Regrets**

P. Kavanagh Representative of the Development Industry  
E. Mah Representative of the Development Industry

**ALSO PRESENT:****City Staff:**

S. Hein Development Planner (Item 3.)  
M. Mortensen Project Facilitator (Item 3.)  
A. Molaro Development Planner (Item 4.)  
D. Robinson Project Facilitator (Item 4.)  
J. Barrett Development Planner (Item 5.)  
A. Higginson Project Facilitator (Item 5.)  
S. Harvey Sr. Social & Cultural Planner  
M. Thomson City Surveyor

**488 Robson Street**

J. Hancock Hancock Bruckner Eng & Wright  
M. Buckner Hancock Bruckner Eng & Wright  
J. McLean Developer  
W. Newman ArtStarts

**1299 Seymour Street**

P. Merrick Merrick Architecture  
G. Borowski Merrick Architecture  
R. Bayley Merrick Architecture  
J. Patillo Cressey Seymour Development Ltd.

**1900 West Georgia Street**

P. Merrick Merrick Architecture  
G. Borowski Merrick Architecture  
R. Bayley Merrick Architecture

Clerk to the Board: C. Hubbard

---

**1. MINUTES**

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

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of September 15, 2003 be approved.

**2. BUSINESS ARISING FROM THE MINUTES**

None.

**3. 488 ROBSON STREET - DE407615 - ZONE DD  
(COMPLETE APPLICATION)**

Applicant: Hancock Bruckner Eng & Wright

Request: To construct a 17-storey mixed-use building containing 92 dwellings units with a 4-storey (3 + mezzanine) podium for retail, office and residential uses, with an increase in the total floor space ratio (FSR) from 5.0 to 8.27 as follows:

(A) an increase of 2.83 FSR (34,000 sq.ft.) for residential use in exchange for the donation of a 6,040 sq.ft. public amenity space (ArtStarts) to the City in accordance with Section 6 (II) of the Downtown Official Development Plan (DODP) By-law; and

(B) an increase of 0.44 FSR (5,246 sq.ft.) for residential use through a transfer of heritage density in accordance with Section 3.12 of the DODP.

**Development Planner's Opening Comments**

Scot Hein, Development Planner, presented this complete application. He noted that, in addition to this 17-storey application, an application for a 19-storey proposal has been referred by Council to Public Hearing on October 23, 2003 to further pursue strategies to address the loss of Single Room Occupancy (SRO) units on this site. The two applications are being processed in parallel and will each be considered on its own merits.

Referring to the Development Permit Staff Committee Report dated September 17, 2003, Mr. Hein briefly reviewed the history of the site. In 1997, an 18-storey application was approved which also included a cultural amenity bonus (for a music library and resource centre). That application, in which the City also secured a 7 ft. dedication on the Robson Street frontage, was not pursued and the permit expired. The subject application seeks a larger cultural amenity bonus for the proposed ArtStarts program. With respect to the 7 ft. dedication that the City has already received, Mr. Hein noted that staff's analysis includes the 7 ft. dedication as part of the site. In reviewing this application, staff considered the loss of the SRO hotel, while presently unoccupied, to be an important consideration and some efforts have been made to contribute towards a one-for-one replacement. As part of this strategy, Council recently endorsed the concept of using a heritage density bonus. This resulted in the

proposal being amended from 16 storeys to 17 storeys, with the additional storey contributing to that strategy. Mr. Hein noted that the previous approved application for this site made no accommodation for the loss of the SRO hotel. Council has also endorsed ArtStarts as a worthy public amenity to be considered for this development.

Mr. Hein briefly described the site context and reviewed the project's performance against guidelines and policies. He confirmed that this site is eligible to receive a cultural amenity bonus as well as the heritage density transfer. Mr. Hein then briefly reviewed the recommended conditions and tabled a minor amendment to the approval preamble to acknowledge the inclusion of the 7 ft. dedication in the site area.

In summary, the Staff Committee was very supportive of the project and recommend approval, subject to the conditions outlined in the report.

#### Questions/Discussion

In response to a request for clarification from Ms. Leduc concerning the density, Michael Mortensen, Project Facilitator, confirmed that the application seeks an amenity bonus of 34,000 sq.ft. In addition, the applicant intends to purchase 5,246 sq.ft. of heritage density to partly address the loss of the SRO units.

Mr. Rudberg sought clarification regarding the issue of crediting the 7 ft. right-of-way that was dedicated in the earlier development application. Mr. Hein explained that there is no general policy in place to address this situation but the Board has the discretion to use Section 3.2.4 of the Zoning and Development By-law to assess whether undue hardship would be imposed. In this instance, given the subject proposal is very similar to the earlier scheme, and that the project is under the same ownership, Staff Committee felt it was reasonable for the Board to consider it under the "hardship" clause of the by-law. Mr. Scobie noted that general policy has been that, once given, it is a one-time opportunity in terms of benefiting from the site's original area (before dedication) at the time of the development permit. In this case, the earlier development permit was never issued. Mr. Hein confirmed that it is staff's understanding that these situations should be considered by the Board on a case-by-case basis only. Mr. Scobie questioned whether the Board should indicate its reason for using the discretion allowed under Section 3.2.4. Mr. Beasley agreed it is appropriate for the Board to formally acknowledge that it is exercising discretion but did not believe the details need to be included given that each case is considered on its own merits. Mr. Rudberg concurred.

Responding to a question from Mr. MacGregor concerning the requested amenity bonus, Sue Harvey, Sr. Social & Cultural Planner, referred to a list of projects which have been granted amenity bonuses over the past twenty years, the most recent at 1133 Seymour Street which received 13,700 sq.ft. in exchange for 120,000 sq.ft. of additional density. She noted that a comparison of the ratio of bonus square footage to additional density can be misleading because the cost to create the amenity space, the cost of the 20-year pre-paid operating allowance, and the actual property value varies with each specific project. She confirmed that Housing and Real Estate Services use a consistent pro forma analysis to assess the requested bonus density and staff are satisfied that the amenity bonus being sought in this application is appropriate.

Referring to the Staff Committee Report, Mr. MacGregor questioned the identification of land on Richards Street as "Future North Downtown Park" (p.6 of the report), noting that while this property has been assembled by the City, potentially for a park, the matter has not yet been considered and approved by Council. Mr. MacGregor was concerned that residents might presume the park has already been confirmed.

Mr. Henschel questioned the analysis with respect to shadowing on the southwest corner of Library Square and was concerned that this popular plaza will be in shadow in early evening in much of the summer. Mr. Hein explained that the normal criteria consider shadowing at 10 a.m., noon and 4.00 p.m. at the equinox. In this case, the analysis was extended to 6 p.m. on April 21.

In response to a question from Mr. Scobie regarding the heritage density transfer, Gerry McGeough, Heritage Planner, explained that A.1.6 is a standard condition to ensure that all the requirements of the transfer are fulfilled prior to permit issuance. In response to a further question from Mr. Scobie concerning the FSR, Mr. Hein said staff recognized that this is a rather dense development on a relatively small site. However, the Urban Design Panel's advice was that the requested FSR could be accommodated on this site and staff's analysis supports this opinion. Mr. Hein noted the Panel reviewed a 16-storey scheme and the Panel thought additional height would assist with the vertical proportions of the tower given there were no increased view and shadowing impacts.

In response to a question from Mr. Beasley with respect to condition 1.2, Mr. Hein confirmed that the design development being sought also applies to the lane elevation.

#### **Applicant's Comments**

James Hancock, Architect, said the issues have been very well explained by staff. He confirmed he was generally pleased with the conditions and looked forward to working with staff on their resolution. With respect to condition A.2.5, Mr. Hancock questioned the requirement for two Class B loading spaces. With respect to shadowing after 4 p.m., he noted that Library Square is already in shadow after 5 p.m., regardless of this development. With respect to the FSR, Mr. Hancock said they believe this site can handle the requested density very comfortably.

#### **Questions/Discussion**

Mr. Scobie drew the applicant's attention to Appendix C - Building and Fire & Rescue Services comments. Mr. Hancock confirmed he had no concerns with the items raised.

With respect to the issue of loading, Mike Thomson, City Surveyor, advised staff will be pleased to work with the applicant and if the conclusion is that one loading space is supportable the requirement can be relaxed. At this time, staff believe two loading spaces are necessary but will be pleased to consider the applicant's rationale for relaxation.

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

None.

#### **Panel Opinion**

Mr. Lyon advised the Urban Design Panel unanimously supported this project. In general, the Panel prefers taller, slimmer buildings and a number of Panel members thought this site could support a higher building. However, the Panel also recognized that the proposed floorplate is already fairly efficient as configured. With respect to the FSR, the Panel had some concerns about the impact on the development potential of the small site to the south. With regard to the ArtStarts program, the Panel thought there could be a stronger expression of this program at the entry. The Panel also commented on the treatment of the base of the tower and the relationship between the base and the tower. The Panel strongly supported the residential entry on Robson Street but recommended further design development on the entry itself.

Mr. Lyon confirmed that the conditions recommended in the Staff Committee Report adequately address the Panel's concerns.

Ms. Leduc supported the application and said it will be a welcome addition to the area.

Mr. Henschel did not support the proposal because of its late afternoon shadow impact on Library Square given it is a very important public plaza in the downtown. He noted that 40 percent of the square footage of this project is from the public amenity bonus or the cultural amenity itself but these public benefits are outweighed by the negative impact on the public realm.

Mr. Durning supported the application. He noted that Council has already approved the proposed amenity bonus and the replacement of the SROs is an important consideration that has also been endorsed by Council.

#### **Board Discussion**

Mr. Beasley said it is very important to note that from an urban design perspective the project performs very well. While he appreciated Mr. Henschel's concerns about shadowing impact, Mr. Beasley noted that the project performs well in the periods to be considered as reflected in policy. As well, as the summer progresses the shadow becomes shorter and the impacts on Library Square are further diminished. Mr. Beasley noted that this site already had an approval without consideration for the loss of the SRO hotel, and the contribution towards replacement of the SROs in this proposal is the result of a very positive collaboration between the applicant and the City to deal positively with their loss. Whether they are occupied or not, these units are part of the diminishing stock of SROs in the city and the strategy for their replacement has been endorsed by Council. The ArtStarts amenity is also a very supportable addition to the development.

With respect to the inclusion of the 7 ft. dedication in the FSR calculations, Mr. MacGregor confirmed his agreement to allow this under Section 3.2.4 given the previous development application was not pursued and the application is under the same ownership. With respect to the ArtStarts program, Mr. MacGregor urged the applicant to establish a reserve to cover operating costs when the 20-year prepaid period expires.

With respect to loading, Mr. Rudberg recommended an amendment to A.2.5, to which Mr. Beasley and Mr. MacGregor concurred.

With respect to density, Mr. Rudberg said he thought all the issues had been addressed and he was satisfied that this site could accept the higher density. He also wondered if there may be other sites in the downtown that could accept more density than permitted under the zoning. Mr. Beasley commented that the premise of the City's bonusing program is based on the proposition that the zoning is a general rather than a specific tool, i.e., there are some sites that can take more density and some sites that can barely accommodate the maximum permitted in the zoning. He added, it is a policy issue that is under review, particularly in Downtown South, to determine which sites might accept additional density. Mr. Rudberg supported this direction, noting there may be opportunities lost to provide additional housing or other uses in the downtown.

#### **Motion**

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

THAT the Board APPROVE Development Application No. 407615, in accordance with the Development Permit Staff Committee Report dated September 17, 2003, with the following amendments:

Amend the approval preamble to add, after "residential uses,":  
*and to permit the pre-dedication site area in assessing technical compliance in accordance with Section 3.2.4 of the Zoning and Development By-law;*

Amend 1.2 to read:  
design development to improve the visual quality, and to reduce the *sense of* visual scale, of the podium;

Amend A.2.5 to read:  
Provision of two Class B loading spaces, or other arrangements to the satisfaction of the General Manager of Engineering Services;

Delete the **Note to Applicant** in A.2.5.

CARRIED UNANIMOUSLY

In approving this application, the Board noted that the reference to "Future Downtown Park" on p.6 of the Staff Committee Report is premature and therefore misleading as to public expectations.

**4. 1299 SEYMOUR STREET - DE407723 - ZONE DD  
(PRELIMINARY APPLICATION)**

Applicant: Merrick Architecture

Request: To construct a 34-storey residential tower with a 4.5 storey townhouse plinth; to preserve and renovate the existing Liberty Building (1295 Seymour).

**Development Planner's Opening Comments**

Anita Molaro, Development Planner, presented this preliminary application to develop the site at the corner of Seymour and Drake Streets. The site qualifies for 5.0 FSR. The Liberty Building, currently not on the Heritage Register, is proposed to be retained and added to the Register in exchange for bonus density of 6,350 sq.ft. In addition to a Heritage Revitalization Agreement, Council will also consider relaxation to permit the excessive (non-conforming) retail use in the Liberty Building. Total proposed FSR is 5.16.

Ms. Molaro briefly reviewed the immediate site context. She then briefly described the proposed development, noting the typical tower floorplates have been minimized to just over 5,900 sq.ft. The tower shaping itself is a response to try and maintain as much of the existing views as possible for the surrounding buildings. The principal issue for this proposal is the form of development and resulting view and shadowing impacts, particularly onto the Downtown South Park and the relationship to the 'Space' building across the street.

The development of this site will result in varying degrees of view impacts to surrounding buildings, but most notably for the 58 units in 'Space' that look directly across the street, and

38 units in Seymour Place that have their single orientation out to this site. To address these impacts, various massing alternatives were assessed, including two- and three-step massing and two-tower massing. Some of these alternatives were not pursued because they did not meet the guideline criteria for a slim tower (recommended floorplate 6,500 sq.ft.). As well, some of the bulkiness of these massing arrangements would increase view impacts on neighbouring buildings. A two-tower scheme was considered in more detail and it was found that a separation of 75 - 80 ft. between two towers on the site would result in a separation from Seymour Place of only 50 ft. In addition, the units having singular orientation up to the 13th floor of Space are double-height units. Above the 13th floor (at what would normally be the 26th floor) outside Space units are single height and their orientation is not directly towards the proposed tower. The conclusion of the comparison between the two tower and single tower site massing is that the only units which benefit from a two-tower scheme are the uppermost units in Space (12 units).

Another issue identified by staff was the shadowing impact on the Downtown South Park, noting the guidelines call for shadowing on public spaces to be minimized. Typical assessments are made at 10.00 a.m., noon and 2.00 p.m. at the Equinox, and in Downtown South this is extended to include 4.00 p.m. The shadow analysis compared the single and two tower schemes. At 4.00 p.m. at the Equinox, staff acknowledge that the current proposal does generate shadow impact on the park, and at 3.00 p.m. it just touches the park. Further analysis confirms that in Daylight Savings Time, approximately two weeks later (early April), the 4.00 p.m. shadow no longer reaches the park and continues to improve. From this analysis, staff concluded that the proposed single tower was supportable with respect to minimizing impact on the park.

Two view corridors cross this site and the tower has been sited up against the view corridor as much as possible. From further view analysis which assessed the impact of this tower if it was shifted further to the southwest or to the northeast, staff concluded that the proposed tower location provided the optimum view opportunity for Space, overall. The tower has been sculpted to maintain and provide the best view improvement overall for the various towers around the site, but by doing so has gone beyond the dimensional parameters set in the guidelines. The guidelines suggest a 75 - 80 ft. tower dimension (to a maximum of 90 ft.). This tower has a width of 97 ft. between the two extreme corners of the building, but this is not a fair reflection of how the tower has been shaped to preserve views. Along the Seymour Street frontage the dimensions have been reduced to 75 ft. and the actual amount of frontage along the Seymour edge is only 55 ft. To accommodate this shaping, the application seeks a rear yard relaxation from 30 ft. to 18.5 ft. Staff support this relaxation because of the measures taken to address views and because the guidelines indicate that relaxation of yards should be considered for sites impacted by view corridors.

Ms. Molaro briefly reviewed the recommended conditions of approval. Staff recognize that this proposal presents difficult choices in the balancing of impacts on specific neighbours vs. impacts on the park while meeting the objectives of the guidelines. Taking into account the limitations presented by the view corridor, the retention of the Liberty Building, shadow impacts, livability and private view concerns, staff believe that, on balance, this proposal is acceptable. The recommendation is for approval in principle, subject to the conditions contained in the Staff Committee Report dated September 17, 2003.

#### Questions/Discussion

In response to a question from Mr. Beasley as to whether this site, with or without the Liberty Building, would qualify under the guidelines for a two-tower scheme, Ms. Molaro confirmed that it would not qualify, having a frontage of 325 ft. Nevertheless, a two tower massing was

explored and found to have greater negative impact than the proposed single tower scheme. A scheme that could be developed "outright" on this site and did not include the Liberty Building could have a 70 ft. streetwall and 25 storeys. Compared to the proposed scheme, this would only improve views for the upper four floors of Space.

Mr. Rudberg sought clarification regarding the heritage status of the Liberty Building. Gerry McGeough, Heritage Planner, explained it is not currently on the heritage register, noting that in-depth research was not carried out for all buildings at the time the inventory was established. As proposed by this applicant, owners may come forward with professional research for evaluation by staff, the Heritage Commission and Council to determine whether inclusion on the register in exchange for a density bonus is appropriate.

Mr. Scobie questioned whether conditions B.2.2 and B.2.3 might more appropriately be included in the Standard Conditions in Appendix A. Mr. McGeough concurred.

Regarding the applicant's design rationale with respect to the proposed tower siting, Mike Thomson, City Surveyor, advised the Staff Committee discussed the matter at length and concluded that the analysis provided by the applicant and staff was supportable.

#### **Applicant's Comments**

Greg Borowski, Architect, said it has been a very challenging process to hone the building in response to a great variety of neighbourhood impact questions. He advised they held a public information meeting as well as a meeting with the Strata Council of Space. They concluded that, owing to the proximity of a great number of low buildings around the site in addition to Space, the Guidelines' principle of having a thinner, taller tower was favourable for all the impacted neighbours, in particular because the lower the mass, the greater view impacts for the greatest number of neighbours, including in the lower portions of Space. In addition to the analysis of a one or two tower scheme, Mr. Borowski said they also considered about half a dozen others in response to massing proposals suggested by Space residents. He distributed sketches of these analyses to Board and Advisory Panel members. Mr. Borowski noted they have a letter of support for the proposal from the Coast Seymour Housing Society (Seymour Place).

Referring to the Staff Committee Report, Mr. Borowski requested deletion of condition 1.1. They believe that by further taking area off the southwest corner the effect is negligible for Space residents and has a negative impact on the character of the building. In discussion, Ms. Molaro confirmed that staff believe the prow effect can still be maintained with some re-shaping of this corner.

Mr. Scobie pointed out that while he appreciated the discussion about shadowing impacts the policy makes no reference to Daylight Savings Time. Ms. Molaro responded that the policy provides reference to other considerations as may be appropriate.

#### **Comments from other Speakers**

The following Space residents spoke in opposition to the proposal:

Philip Mattheys

Mitch Kenyon (Mr. Kenyon presented on behalf of Space Strata Council and illustrated his comments with slides)

Mike McHolm (Mr. McHolm also provided a slide presentation)

Babette Mattheys



Liza Yuzda  
Michael Wicks  
Tom Skeldon  
Peter White  
Linda Bryden  
Rhonda Jiminez  
Chuck Davis  
Melissa ?  
Matt Verchoski  
Winnie Chan  
Valery Richmond  
Denise Bennett  
Peter Sysove  
Kevin Perissinotti  
Charlie Heung  
John Murphy  
Bonnie Gable

Reasons for opposition included:

- traffic volume and noise on Seymour Street;
- preservation of sky view;
- proximity of the tower to Space;
- loss of privacy;
- loss of light;
- this is an inappropriate site for such a tall building;
- this development imposes an unfair burden on Space residents;
- the alternatives presented to date will not work;
- not allowing the maximum density and permitting its transfer elsewhere should be considered;
- more qualitative analysis of view and privacy impacts should be done;
- suggest a lower density alternative;
- the random nature of development on sites in Downtown South has caused problems;
- look for a more balanced solution;
- it should be recognized that loft units are more vulnerable;
- real estate industry representatives promised purchasers that towers would be offset;
- shadow impact on the new Downtown South park;
- impact of the building's "wings" on traffic noise (canyon effect);
- wind impact;
- question the value of the view corridors.

**Questions/Discussion arising from Speakers' Comments**

Concerning incomplete information provided by real estate professionals, Mr. Beasley advised that if purchasers have the documentation, complaints should be made to the Real Estate Board;

Ms. Molaro confirmed the two centre units of Space are the most impacted by this proposal;

The owner is legally permitted to develop this site to a maximum of 5.00 FSR and a height of 300 ft., subject to the guidelines;

Some discussion took place as to whether the simulation pictures presented by public delegations were an accurate representation of the visual impact of the proposal on Space;

The view corridors were established to protect public views to the north shore from locations outside the downtown. They also provide view opportunities for people in the downtown adjacent to the corridor boundaries to look out to the north and the south;

*The meeting adjourned briefly for Board and Panel members to review the model and posted materials.*

#### **Panel Opinion**

Ms. Besharat advised the Urban Design Panel unanimously supported this application based on the exhaustive massing and view analysis carried out by the applicant, the retention of the Liberty Building, and because the massing of this tower is more interesting than many other downtown towers the Panel has recently reviewed. The Panel had some minor concerns about the project, which have been addressed in the prior-to conditions recommended in the Staff Committee Report.

Mr. Hancock said the proposal is a beautiful and very well designed tower although it raises a number of issues. An alternative would be to consider a lower, two-tower scheme, or to approve it as is with some modifications to the form that reduce the impact on Space. With respect to the tower siting, Mr. Hancock noted there are precedents in the city for buildings being in line rather than offset, although in those cases the purchasers knew exactly what they were buying. Space residents had different expectations and this should be respected. Mr. Hancock said that, as much as he likes the design, he believes this developer and architect could do a very handsome scheme at a lower height, mitigating shadow impacts on the park. He expressed surprise that the applicant seeks only 0.16 FSR heritage density bonus. He said he thought it would make much more sense to have a 135 ft. tower at the Drake Street end of the site, with another tower to the north of it and offsetting it as much as possible. He acknowledged, however, that this site is so constricted that there will be some overlap with Space in any configuration. In conclusion, Mr. Hancock recommended the application be refused and the applicant be requested to come up with a different scheme.

Mr. Henschel thanked the residents for their presentations. He said that, as a single tower scheme, this proposal is very well done. However, there is a scheme that is missing from the options, which is to have a smaller, 12-storey tower on Drake Street and another tower closer to Seymour Place. This would still have an impact on Space but a different form of development would cause less shadowing on the park and less impact on Space. Mr. Henschel noted it is the face-to-face view that impacts privacy for many Space residents and this can be mitigated with a different massing proposal. He recommended that the application be refused.

In response to a question from Mr. Scobie, Messrs. Hancock and Henschel advised the retention of the Liberty Building would be reconsidered in an alternative scheme.

Mr. Chung stressed the need to protect established view corridors and the new park. He agreed there has to be a better scheme to mitigate the impacts on Space. He suggested that a two-tower alternative should be looked at carefully, although he was not confident it would address the impacts on Space. He recommended refusal.

#### **Board Discussion**

Mr. Beasley said he had a lot of sympathy with the neighbours and felt a great commitment to the residents of Downtown South. On the other hand, the analysis suggests that alternative, lower schemes - with or without the Liberty Building - result in adverse impact to more

residents, particularly those on the lower floors, both in Space and other smaller buildings nearby. With respect to the suggestion that there should be less density on this site, Mr. Beasley stressed that the Development Permit Board is not a policy making body and cannot consider whether some sites should be developed with significantly less density than the zoning and the guidelines call for. Nevertheless, he said there may well be a "handier" piece of architecture that might help to resolve some of the differences, possibly a two-tower scenario in which no principal rooms face one another. Mr. Beasley suggested that, if the Board refuses the application, it is quite probable that analysis of a re-designed scheme will conclude that more people are negatively impacted, not only those in Space. He added, he did not believe Council would wish to downzone this or any other site in Downtown South.

Mr. Beasley expressed some discomfort with moving forward with the application at this time, rather than there should be another round of discussion, with the alternatives looked at to see if there is an architectural solution that responds to the concerns of Space residents. He said he also believed there should be more involvement with the Space residents on the part of the developer. Referring to the presentations made by the residents, Mr. Beasley noted there were many errors and a bias for the concerns of residents of the upper floors of Space and not much commentary by those living lower down in the building. He stressed that when this application is returned to the Board, he will be looking for very good documentation of the impacts on residents throughout Space. It will not be a scheme that has less density. Nor should it be a scheme that removes the Liberty Building which is very special in this neighbourhood. Noting the advice of the architects on the Advisory Panel, Mr. Beasley added that a revised scheme that is more tailored to the circumstance and with a little more freedom from the guidelines might be a better way to proceed.

Mr. Rudberg noted that issues of both public objectives and private views are involved. Clearly there is a need to protect the park from shadowing and to preserve the view corridors. Mr. Rudberg said he was satisfied there has been an exhaustive review of the massing options, and he agreed that alternative schemes would impact more people. He said he thought the solution was in how the tower itself is crafted to reduce privacy impacts, perhaps re-orienting the building. While some impact on private views is unavoidable, efforts should be made to reduce impacts on privacy.

Mr. Beasley suggested that, rather than refuse the application, it would be preferable to look a little more widely at alternative schemes, both a double tower massing scenario as well as refinement of the single tower scheme. He stressed that there also needs to be more interface between the applicant, staff and the community. This should be done fairly quickly and brought back to the Board for a decision in a timely manner.

Mr. MacGregor said he was not prepared to refuse the application. With respect to the input from the public, Mr. MacGregor said that while he did not agree with some of the technical information provided by delegations, this proposal is clearly of concern to Space residents. He agreed that there must be a scheme that can work for everyone. He noted that this proposal has a lot of merit, particularly its smaller floorplates. With respect to the density, he noted there are other areas in the city that have higher density, and there are many residential buildings, of various heights, with a building separation of 80 ft. or less. He agreed that developing the last few sites in the area is a challenge in terms of dealing with conflicts and in this case there needs to be more of a genuine discussion with not only the residents of Space but other residents in the area who are impacted, noting that a two-tower scheme would likely cause even greater impact to residents of future buildings. Mr. MacGregor said he felt there was a need for more information at this time but stressed that the Board's deferral of the application does not preclude the ultimate approval of a single tower scheme.

Noting that it is Council policy to seek cost recovery, Mr. Scobie questioned whether a new application and accompanying fee should be requested if the Board was seeking more staff involvement in considering alternative massings. Mr. Beasley said he did not believe cost recovery was a prime objective in this case, rather to try to find a scheme that is closer to balancing all the concerns. Mr. MacGregor said he appreciated the concern about budget and said he was confident the developer would provide some assistance. He agreed with Mr. Beasley that a new application is not required given the Board considers a refusal is inappropriate.

Mr. Beasley concurred with Mr. MacGregor that the application should not be refused because the technical calculations suggest that the current scheme is the best in terms of impacts. He said he believed it could be revised and improved as suggested by Mr. Rudberg, and there may be a consensus that emerges between the applicant, staff and the residents. Given the application is a preliminary, Mr. Beasley stressed he believed it should be returned to the Board fairly quickly, with massing choices put forward in conceptual form and with certainty of their implications. He added, there is occasionally a situation where the answer may well rest simply in a more creative architectural solution and the suggested process may result in a better piece of architecture, albeit without cost recovery of City costs incurred.

Mr. Rudberg said he had confidence in the process to date, that the developer has conducted an exhaustive review of various massing options, and that staff have verified the impacts independently. The Urban Design Panel has also reviewed the options and offered unanimous support for the application. However, there needs to be better communication with the residents regarding the work that has been done to date. He agreed the massing options need not be to the level of detail of this submission. He also agreed it is inappropriate to seek a new application fee.

#### Motion

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

THAT the Board DEFER Development Application No. 407723 pending further investigation of alternative schemes and their impacts/performance, including a two-tower solution as well as refinement of the current single-tower proposal. Thorough discussions must take place with the residents of Space and other impacted buildings.

CARRIED UNANIMOUSLY

*The meeting adjourned at 8.00 p.m. and reconvened at 8.30 p.m.*

5. **1900 WEST GEORGIA STREET - DE407663 - ZONE RM-6  
(PRELIMINARY APPLICATION)**

Applicant: Merrick Architecture

Request: To construct a 22-storey tower containing 69 dwelling units; four, two and one-half storey "villas"; and one five-storey "villa", containing a total of 9 units (78 units overall), with two levels of underground parking with a total of 149 spaces and access from Alberni Street.

**Development Planner's Opening Comments**

Jonathan Barrett, Development Planner, presented this proposal, noting that a preliminary application is intended to deal with issues of use and form of development. The site is in a very prominent location at the entry to downtown from Stanley Park and is governed by Council approved guidelines that were adopted following an extensive study in 1988/89. These guidelines were taken into account when the 20-storey residential building at 1888 Alberni Street was approved, at which time the Board indicated that unit orientation should not rely on views through the vacant 1900 West Georgia Street site. The adjacent Ho Building at 606-676 Chilco Street was approved in 1989 and the scale of that development defines the Chilco Street edge at the park and announces the corner of Chilco and Georgia as the entrance to the city. A development permit for the subject site was issued in 1990 and not pursued which proposed a 19-storey tower at the easterly end of the site, in accordance with the guidelines.

In summary, Mr. Barrett noted the proposal does not meet any of the substantial guidelines included in the Georgia/Alberni Guidelines, as outlined in the Development Permit Staff Committee Report dated September 17, 2003. Therefore, the Staff Committee recommends refusal of the application.

**Questions/Discussion**

In response to a question from Mr. Beasley concerning view impact, Mr. Barrett explained that an assessment was made with respect to the five buildings that face the site. The conclusion was that 92 units would benefit from the proposal as presented and about 82 units would lose.

Mr. Beasley noted the Staff Committee Report stresses that the subject proposal compromises the coherence of the urban design concept of the westerly four blocks of Georgia Street. Mr. Barrett explained that staff believe there are a variety of principles that are not being met by the current proposal. Firstly, it is believed to be totally disrespectful to the Ho Building which was established to be an important corner at the entry to the city from Stanley Park. Second, the proposal creates an imbalance on the site and does not respond well to the other three sites in the 1600-1800 blocks of West Georgia which have a much more equal balance of density. It is also believed that the proposed tower siting competes with the Ho Building.

Mr. Scobie noted that Council established guidelines provide some clarity to the public and prospective applicants as to what they might reasonably expect in the administration of discretionary zoning, as well as provide guidance to staff in exercising this discretion, and the guidelines for this four-block section are particularly focused and detailed. Mr. Barrett confirmed that when the guidelines were established it was agreed by Council that they would address as many of the issues as possible in developing these sites. In discussion, he agreed there are occasions when the guidelines are not followed if an alternative proposal addresses all the issues. In this case, staff do not believe the proposal is a superior solution to the guideline recommendation.

**Applicant's Comments**

Paul Merrick, Architect, said this is an extraordinary site: it is where the whole of the urban fabric of the city meets Stanley Park. The main question is the location of the bulk of the building mass and its impact on existing development. Roger Bayley, Architect, agreed this is an unusual situation and said they spent considerable time studying the guidelines to determine the basic principles that drive the development of this site. They concluded that while they agreed with the principles, they had a great deal of difficulty when those principles emerged as prescriptive directions for this particular site. This led to an extensive evaluation of the issues that were reviewed with Planning staff. The proposal was also reviewed by the Urban

Design Panel, in a workshop, and Panel members were generally supportive of the initiative. The scheme was also taken to the public and received overwhelming support (21 in favour, 2 opposed). Mr. Bayley noted that the composition of the Urban Design Panel had changed between the workshop review and the preliminary submission, and it was not supported by a vote of 5-4 against the scheme. Ultimately, it comes down to the simple question of how Georgia Street should end.

Greg Borowski, Architect, made a slide presentation to illustrate the principles under discussion and to respond to some of the issues raised in the Staff Committee Report.

#### **Comments from other Speakers**

The following residents addressed the Board in strong support of the proposed tower location at the westerly end of the site.

Raymond Robinson, 1888 Alberni Street (Mr. Robinson illustrated his remarks with a Powerpoint presentation)  
Forest Hume, Chair of the Strata Corporation, 1888 Alberni Street  
Claudio Barbero, 1888 Alberni Street  
Dr. Terence Dawson  
Raymond Heung, 1888 Alberni Street  
Khamnei Mofid  
Mohamed Dadmanesh, 1888 Alberni Street  
Jerome Yau  
Frances Crowley  
Larry Crowley  
Bob Heaslip, Brook Development Planning, on behalf of Hollyburn Group  
Ken Hume, 1888 Alberni Street  
Michael Lensen

The following residents recommended refusal of the application:

Eliot Glassman, property owner of 700 Chilco and 1960 Alberni Street  
Michael McCarthy, 1960 Robson Street  
Bill Aitchison, 1960 Robson Street  
Cory Coster, 1960 Robson Street

#### **Questions/Discussion**

In response to a question from Mr. Beasley regarding the impact of the proposed tower location on shadowing on the public park, Mr. Borowski explained that shadow created by the Ho Building is about 50 percent of the shadowing from the proposed tower. In discussion with respect to the green area to the west of the Ho Building, Mr. Rudberg noted it includes a lookout over Lost Lagoon as well as bicycle and pedestrian routes. Mr. Thomson added, the sidewalk on the easterly side of Chilco will continue in its current alignment down to Georgia Street, with public green space in front of it as an extension of the park.

#### **Panel Opinion**

Ms. Besharat advised that the Urban Design Panel carefully reviewed this proposal given the significance of the site. She commented that the Panel typically challenges existing guidelines and commended the applicant for proposing such a challenge. However, the Panel did not support the application because it was not convinced that the tower location was appropriate. The Panel considered it to be too intimidating with respect to the Ho Building. As well as being too close to the Ho Building, the Panel felt it maximized views above a certain level, increasing

the marketability of units on the west side but compromising the livability of some lower level units. The Panel felt that the ceremonial quality of West Georgia Street had been somewhat ignored, with concerns expressed about the base of the tower and its presence on West Georgia Street. The Panel responded positively to the townhouses and their transparency from Alberni Street to West Georgia Street, and thought there was some delightfulness associated with the proposed 5-storey building. However, it was noted the townhouses appear to be disassociated from the tower. The Panel also had concerns about the landscaping and the balance between the amount of water and green space, as well as the amount of private open space for the residents of the tower. The Panel acknowledged some of the qualities of the architecture but thought that departing from the existing guidelines in this instance was not appropriate.

Mr. Hancock noted the guidelines have been in place for some time with the expectation that the tower would be located at the easterly end of this site. However, there is an interesting argument for the proposed tower location because locating such a large tower at the east end of the site represents a big jump in height and bulk in relation to the buildings to the east of it. There are therefore some good reasons for considering it as a signature building at the west end of the site, despite the guidelines. The spacing, the rhythm and location of the tower at the west end of the site feels better from an urban design point of view and the argument to put it at the west end of the site is very strong. Mr. Hancock said he therefore supported the applicant's proposal. He agreed that shadowing on the Chilco park is a weakness of the scheme but noted it is not as serious as shadowing in other parts of the downtown given its adjacency to Stanley Park. He supported the proposed villa at the east end of the site at five storeys because it needs some bulk to counterbalance the Ho Building. He thought the proposed water park could be further developed in combination with the green landscape. He had no problem with the non-orthogonal nature of the tower because it is a signature building and, as such, it should be distinctive. Mr. Hancock recommended that the proposal be supported.

Mr. Henschel questioned the adequacy of the notification given that many residents who would lose their views with this proposal are not in attendance. He said it comes down to whether Georgia Street should end with a large building or make a gradual transition to the park. He did not support the tower location as proposed because he did not think it was necessary to have a large building at the gateway. He said the guidelines are correct and he supported the Staff recommendation to refuse the application.

Mr. Chung said his preference was for the tower location at the west end of the site, as proposed, because it makes for a grander entrance to the city than the Ho Building. While he did have concerns about shadowing on the Chilco park he supported the proposed massing because it achieves a better entrance to the city.

#### **Board Discussion**

Mr. Rudberg commented on the applicant's exceptional professional presentation. He also complimented Mr. Robinson for his engaging presentation. He agreed it is very difficult to evaluate all the issues noting also the split advice of the Advisory Panel. The tower location is the key issue and there are arguments on both sides. The guidelines, established after an extensive public process, indicate that there was an expectation for the tower to be located at the easterly end of the site. Mr. Rudberg said he found the most compelling argument to be with respect to the impact on the Chilco Street end. He noted the City has worked very carefully to design the S curve in a way that meets a number of urban design and transportation objectives, one of which was to relocate the bus loop to create a green space. The City has expended considerable resources to create this very important location. It is at

the confluence of a number of transportation links as well as providing an important green space, including a lookout over Lost Lagoon. This proposal causes a significant amount of shadowing on this area which was not addressed by the applicant. Mr. Rudberg said he was therefore unable to support the proposal and concurred with the staff recommendation to refuse the application.

Mr. MacGregor agreed the Board has a difficult decision to make noting the split in the advice it is being given. He noted that the proposal also pushes everything to the maximum in terms of the height and density it seeks. He said he appreciated the concerns of the residents of 1888 Alberni Street but noted that the guidelines were already in place when that building was approved and constructed. These guidelines were developed after a very significant public process in the area and the significance of this site was clear at the time in terms of being a gateway to the city. The Board must go by the guidelines and may interpret them as long as the overall intent is being met. This proposal clearly does not meet the intent of the guidelines. This site is a major gateway and transition to Stanley Park and the downtown. Mr. MacGregor commented that he was also impressed by the applicant's presentation which not only convinced him about the appearance of the building but also persuaded him that the tower location at the west end of the site is not appropriate. He supported Mr. Rudberg's motion to refuse the application and suggested that any deviation from the guidelines with respect to tower location would require a public process and Council approval.

Mr. Beasley said he believed there were four important issues which relate not only to the guidelines and the process that was conducted to develop them but also to good urban design. First is the interface with the Ho Building which Mr. Beasley said he was very uncomfortable with as proposed because it fails to provide a strong western terminus of Georgia Street. The second issue is the impact on neighbours, with people who will gain or lose with the tower in either location. Third is the impact on the park where the additional shadowing is of concern. The fourth issue relates to the coherence of the urban design along the street, which is a fundamental principle of the guidelines. Whether one likes it or not, the guidelines conclude that pulling a high rise element away from the park and using the Ho Building as the focal point at the terminus is the right approach. Mr. Beasley said he found the architect's presentation on the latter point to be quite compelling. He felt a case could be made for a strong terminus at that location and that the Ho Building is not a very good terminus. Mr. Beasley conceded that this is his personal opinion. The guidelines, however, are unique in that they were especially called for, they were put together by a consultant group (which is very unusual) and they had very wide public involvement. Mr. Beasley said he therefore felt that while a strong urban design argument has been made by this applicant design team, he was compelled to support the Board's resolution.

Mr. Beasley added, the issue is far reaching and exceeds the question of impacts on any individual citizen. He suggested that if the design team, the citizens or a combination of both, approached the Planning Department to review that 11-year old urban design conclusion and bring it to Council for advice, he would be obliged to manage that process through Council. He added, his support of the resolution to refuse the application was made somewhat reluctantly because he believed a strong urban design terminus at the westerly end of the site could be just as effective as that suggested by the guidelines. As well, the gains and losses with respect to the park might best finally be judged by Council and the Park Board.



**Motion**

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

THAT the Board REFUSE Development Application No. 407663, in accordance with the Development Permit Staff Committee Report dated September 17, 2003.

CARRIED UNANIMOUSLY

Mr. Scobie questioned whether or not the Development Permit Board is the best forum to deal with such a radical contest of the guidelines, noting the Board is required to administer the guidelines established by Council. He agreed with Mr. Beasley that it may be more appropriate to seek to have the guideline challenge put to Council.

Mr. Beasley commented that he had some difficulty with the Staff Committee Report in that it limited the Board's options by not including any conditions if the Board decided to approve the application. He said he thought it more appropriate for the Staff Committee, as a standard practice, to include conditions of approval even when it is recommending refusal. Mr. MacGregor said that, in this instance, the departure from the guidelines was so significant that he appreciated why conditions were not included. Mr. Rudberg said he thought it was a decision to be made on a case-by-case basis. In discussion, Mr. Thomson noted that the inclusion of conditions of approval was the subject of lengthy debate by the Staff Committee. Mr. Beasley commented that he likes to have the ability to say yes or no, and felt that the rights of the Board are fettered without the ability to say yes if it chooses to do so. While it is not necessary to have a strict rule, in most cases it would facilitate the process.

**6. OTHER BUSINESS**

There being no further business, the meeting adjourned at 11.30 p.m.

---

C. Hubbard  
Clerk to the Board

---

F. Scobie  
Chair