

Kennett, Bonnie

From: Correspondence Group, City Clerk's Office
Sent: Tuesday, October 18, 2016 4:55 PM
To: Public Hearing
Subject: FW: 2655 Mapler Street
Attachments: 2655 Maple.docx

From: Macdonald, Christopher 5.22(1) Personal and Confidential
Sent: Tuesday, October 18, 2016 4:24 PM
To: Correspondence Group, City Clerk's Office
Subject: 2655 Mapler Street

Mayor and Council,
Please find attached a written submission to be considered in arriving at your decision regarding the proposal to designate the exterior of 2655 Maple Street as a protected heritage property.
We appreciate your consideration of these comments.

Chris Macdonald
Fraley Palmer

5.22(1) Personal and Confidential

To: City of Vancouver Mayor and Council
Re: Proposed Designation of 2655 Maple Street as Protected Heritage Property

We are writing to strongly oppose the proposal to designate 2655 Maple Street as a protected heritage property, with the attendant HRA legislation that would accompany such designation. Various issues of contention follow:

1. An essential underpinning of any heritage designation is an understanding of context. The quality and community value of considering a structure of historic importance needs to be proven, not through a subjective, discretionary decision but rather through an argued appeal to evidence.

There has been no case made for the virtues of this structure as a representative of distributed commercial spaces within residential neighbourhoods in Vancouver, nor of the particular merit – or uniqueness – of the stylistic visual attributes of the structure's exterior in itself. We repeat *no case*.

2. The physical condition of the structure makes the notion of 'restoration' nothing more than a rhetorical turn of phrase, as 'reconstruction' will certainly be the order of the day – even for the exterior.
3. Further to the issue of urban context, a consideration must be given to the *consequences* of proposed heritage designation – in this case, specifically to the effect that the seven story adjacent structure will have on the distinguished neighbouring Armory building. This – the Armory – is a building of true and 'unique' historical quality, most certainly worthy of respect in the course of any current deliberations. The casual disregard for this structure in the proposed 'quid pro quo' dealings with City officials gives clear indication of the cynical nature of the current proposal.
4. With regard to due process, it is distressing for neighbours to be given the perception that even prior to the property being sold, City representatives encouraged the possibility of historic designation now under consideration as part of an HRA negotiation (and that the owners promote the development as the 'retention of Existing Heritage Building' even while admitting it is 'not on the heritage registry'). Such bias precipitates heightened property values alongside heightened physical density and directly promotes the erosion of affordability – such as it exists – in the vicinity. Council have consistently declared their concern for this issue and should be distressed to find themselves being asked 'after the fact' to condone policy effectively being enacted by staff. The possibility of an entirely new structure of equal density distributed evenly across the site has not even been observed, much less fairly assessed in its potential contribution to the community. This is precisely the context in which this current proposal should have been set in the first instance.

In this regard, the fact that the proposal, its density and massing has proceeded blithely ignorant of the proposed new school structure directly to the east provides further evidence of a narrow focus on the project itself, outside of any meaningful consideration of context.

5. It may be fairly said that the most compelling inheritance of historic merit for the structure in question is in its effective location of mixed uses within a predominantly residential neighbourhood. Such structures are few and far between in Vancouver, as development's inclination towards a monoculture of residential structures persists.

Council should be encouraged to offer legitimate support of the value of historic uses as much as presuming the virtues of visual traditions. This would – for instance – allow for the persistence of the unusual presence of commercial life off primary commercial corridors as a subject for HRA negotiations. In this particular instance – by way of example – an urban strategy that included non-residential, low-rise construction on the 11th Avenue Greenway could be balanced by a denser mid-rise structure to the north, overlooking the 'non-descript' commercial building and its parking lot and incidentally providing better views to the residential occupants.

This is a badly conceived and frankly rather cynical effort to use the well-intentioned merits of Heritage Designation By-law and Heritage Revitalization Agreement By-law in a manner that disrespects concerns of the local community, the urban context, and the valuable historic contribution – beyond superficial aesthetic concerns – of the structure in question. The attendant distortion of land-values and resulting property values works in direct opposition to Council policy and community desires. This designation should be summarily refused and effort made to provide the kind of thoughtful and imaginative urban and building design capable of enriching both property owner and community alike.

Chris Macdonald, Fraley Palmer: s.22(1) Personal and Confidential

Kennett, Bonnie

From: Correspondence Group, City Clerk's Office
Sent: Tuesday, October 18, 2016 4:55 PM
To: Public Hearing
Subject: FW: Questions for 2655 Maple Street - Heritage Public Hearing Tuesday October 18th
Attachments: H003.pdf

From: Veronica Ross 5.22(1) Personal and Confidential
Sent: Tuesday, October 18, 2016 4:39 PM
To: Correspondence Group, City Clerk's Office
Cc: Boldt, James; Kelley, Gil; D'Agostini, Marco; Shafieian, Nooshin; Kopy, Vaughan
Subject: Fwd: Questions for 2655 Maple Street - Heritage Public Hearing Tuesday October 18th

Dear Mayor and Council,

RE: Heritage Public Hearing - 2566 Maple Street

I am sorry for this late submission but I have been trying to ask questions and get answers from the city. It is now nearing the cut off time to submit letters before the hearing tonight at 6 pm. I have not been able to find any information regarding The F. Haynes & Company Building having any heritage value and hope you will agree. I am emailing you the thread of questions, and answers of which I am still awaiting. Please do not approve this heritage designation at least until the process has been re-examined. It is clear to me that all the pertinent information about my neighbourhood has not been shared with all and that this development application needs to be reviewed

Sincerely,

Veronica Ross
5.22(1) Personal and Confidential

Begin forwarded message:

From: Veronica Ross 5.22(1) Personal and Confidential
Subject: Fwd: Questions for 2655 Maple Street - Heritage Public Hearing Tuesday October 18th
Date: October 18, 2016 at 11:40:52 AM PDT
To: James Boldt <james.boldt@vancouver.ca>

Hello James,

Regarding your answer to question 2 from your email below of October 17th at 9:24 am - Is it possible for the public to have access to **the analysis of the application, the Heritage Commission's comments, and the feedback from neighbourhood notification**, from which the GM based his approval of allowing this application to go from the outright allowed FSR (0.75) to 10% above the maximum conditional FSR 2.47? If it is available could it be sent to me via email?

Who was the GM of Planning for this application? As Mr. Brian Jackson ended his position as GM last December (before this application was applied for) and Mr. Gil Kelley only started as GM on September 15th (after this application was approved), how was this decision granted?

I am trying to understand how this property which is located in such a complex location with so many variables (none of which are anywhere else in the city) will be given a ruling that will change our neighbourhood forever. I know from my brief conversation with the architect that not all the stakeholders are aware of all the variables our neighbourhood has had, and still has to contend with. For example, when I spoke to the architect representing this project yesterday he was unaware of the elementary school being relocated to the playing field with the school's front entrance being proposed to within 50 feet of his site fronting Maple Street.

Again, please feel free to call me at any time

Veronica Ross

5.22(1) Personal and Confidential

Begin forwarded message:

From: "Boldt, James" <james.boldt@vancouver.ca>

Subject: RE: Questions for 2655 Maple Street - Heritage Public Hearing Tuesday October 18th

Date: October 17, 2016 at 9:24:57 AM PDT

To: Veronica Ross

5.22(1) Personal and Confidential

Hi Veronica- please see my comments in Blue this time...

From: Veronica Ross

5.22(1) Personal and Confidential

Sent: Friday, October 14, 2016 4:26 PM

To: Boldt, James

Subject: Re: Questions for 2655 Maple Street - Heritage Public Hearing Tuesday October 18th

Hi James,

A few more questions:

1, Will the director of Planning (Mr. Gil Kelley) be at the public hearing on Tuesday - is he the one making the final decision to accept or not accept the proposed heritage designation? I'm not sure if Mr. Kelley will be there (we don't always know). It is likely that Anita Molaro, the Assistant Director of Planning, Urban Design, and Sustainability (including Heritage) will be there, acting on his behalf. The Heritage Designation requires Council approval at a public hearing (the Director of Planning does not have the authority).

2. How can the Director of planning have already approved this when we haven't had the public hearing yet and he hasn't heard the public's side of why it should not be designated? Based on the analysis of the application, the Heritage Commission's comments, and including the feedback from neighbourhood notification, the Director of Planning supports the heritage designation. But as noted above, Council approval is required for this. As stated in the report, the GM of Planning is prepared to approve (i.e. issue) the permit should council approve the heritage designation. Basically, the Director of Planning has approved the density and

height *already* subject to Council's approval of adding the building to the heritage register and designating it (protecting it by a Designation By-law)

3. With regards your statement The maximum permitted density is 2.25 FSR (0.75 FSR is the "outright" density i.e. the density which can be achieved without specific approval by the Director of Planning, and would never be done for a new building). You are again suggesting that the Director of Planning has already approved this. If he didn't already approve it does the FSR remain at 0.75? If 0.75 is the outright FSR why was it not included in the Appendix D schedule - is this not the FSR amount to start from? Why would 0.75 never be done for a new building especially in a situation like this one where the impact will greatly affect the neighbourhood and an already existing heritage building (the Bessborough Armoury)? Yes, the Director of Planning has already effectively approved the heights and density. The public hearing is only for the heritage designation's approval, which is a condition of the development permit approval. The public hearing is not for the approval of the height and density. Of course, should council not approve the heritage designation then the DP could not be issued (because designation is a condition of the approval) and it would be "back to square one" for the developer really.

The outright provision of 0.75 FSR would mean that, provided everything else complies, a developer would be entitled to that density for sure. To go up to 2.25 FSR (or 2.47 in this case) is conditional, meaning the Director of Planning, in consideration of this approval, can require conditions of that approval. In the case of 2655 maple Street, several pages of conditions are listed in their prior-to-issuance letter. One of these is the heritage condition to designate. The Director of Planning is required in most cases to consider the input from neighbourhood notification. This was done - we did hear allot from the neighbourhood about views, traffic, parking, landscaping, and so on. The Director of Planning considered all these things in consideration of granting approval for the conditional or discretionary components of the application, and in some cases asked for improvements or changes to address some of the concerns I believe. Density would usually only be held to outright (0.75 FSR in this case) if the developer did not want to have conditions imposed or if the developer refused to comply with what Planning was telling them to do. This is rare- if a developer really did not want to comply with a condition, they'd probably seek the full density and then appeal the condition to the Board of Variance- which would be their right. But for the case of 2655 Maple Street, the developer intends to comply with all the conditions as far as we know- or has to in any event to proceed. For these reasons we typically do not record the outright density- Council knows this is usually the case from all the reviews of rezonings and heritage approvals which come before them.

4. Is there anywhere in the Heritage Policy Guidelines that reflects the situation we are coming up against? For example, having a well established, very well maintained and actively used designated and registered heritage property beside a property, that if granted such proposed heritage and the relaxation of the C- 7 bylaws, would take away from the livability, the enjoyment and the environmental quality of the existing heritage property? The Heritage Policies and Guidelines upfront state that it is Council's direction to us that where possible, heritage resources are preserved. Ideally, yes of course, it would be preferable to leave the site as it is and protect it. That is preferable from a conservation perspective, and usually preferable to a neighborhood unless the current site is a source of problems (i.e. vagrancy, noise, pollution etc.). However, under the Vancouver Charter, the City would be liable to an owner for imposing a protection on a site without "compensation" to the owner. Compensation is defined in the Charter in this case as the loss in value to the land with a heritage protection. So if Council protected the site as it is without approval of the owner (which Council can do),

the issue would end up in court, or the parties would have to agree to the value of loss created for the owner, which could run into the millions of dollars. In the case of 2655 Maple Street, the land with its C-7 zoning would be worth far more than the site as it protected from any changes. So for sites like this it is a compromise- on the one hand, we can't just keep it the way it is unless Council would shell out big bucks of tax payer money to compensate an owner, but on the other hand, yes, the heritage value of the site is diminished by the proposal. Many projects fall into this category when you have a small building or feature being kept on a site which allows considerable development. The C-7 zoning was written specifically for cases like this- allowing more height to give some more space on the site to allow for some kind of heritage retention. C-7 is a bit unique in this site, but there are other zones. If there was not heritage on the site, the new building would be 40 feet tall (versus 66 feet or whatever it is) but fatter and deeper which would also impact views for people across the street in floors 1 to 4. But this is all a bit of a digression- planning did look at the issue of the proximity to the Armories building, as did the heritage commission, and it was concluded that there is not detrimental impact on the Armories and we did not hear any concerns from them. I don't know the history of the Joes Tent and Awning rezoning but I'm sure similar issues and concerns were raised at the time.

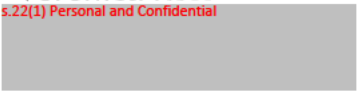
I would note that heritage protection without an owner's consent has been considered by Council- most notably for the Waldorf on East Hastings. But it has never been done here, because of the huge liabilities it can create. The only case I know of is the Roger's Chocolates Shop in Victoria - it is an interesting story which I'm sure someone has written about on-line.

5. Another way to ask the same question is - Should the quality and enjoyment of one heritage building be reduced significantly by the outcome of a neighbouring building that has no registered historical or heritage status what so ever? As noted above, that was looked at and it was concluded there is no diminishment of its value, and we did not hear any concerns from the Armories people. Is there any City Heritage documentation that reflects a guideline that would work for this situation? Surely there is something out there that helps us preserve the environment of an already existing heritage building - please can you direct me to that documentation. Not really - in a nut shell the City must compensate an owner for heritage protection legally. One tool being explored under the work of the Heritage action Plan is what is called a Heritage Conservation Area (HCA) which is spelled out in the Vancouver Charter. If Council approves a whole area as protected, as was recently done with First Shaughnessy, then it does NOT need to compensate owners. However, it comes with a caveat. It says that if this is done, the City must still allow someone to develop up to the maximum of what is permitted in the zoning. So let's say that 2655 Maple Street was part of an HCA. We'd have to allow them to get up to the 2.25 FSR. In some ways it might almost be "worse" as we'd have to by law do this. This would be questions for a lawyer though.

Please feel free to call me anytime if you need any clarification to my questions.

Veronica Ross

s.22(1) Personal and Confidential



Begin forwarded message:

From: Veronica Ross 5.22(1) Personal and Confidential
Subject: Re: More question regarding 2655 Maple - Please can you answer these today or at least before the Hearing tomorrow
Date: October 17, 2016 at 9:37:33 AM PDT
To: James Boldt <james.boldt@vancouver.ca>

Hi James,

Please ignore my last email as I've just received your answers - thank you!!

Veronica

On Oct 17, 2016, at 9:35 AM, Veronica Ross 5.22(1) Personal and Confidential wrote:

Good morning James,

I sent these questions to you Friday afternoon but didn't get a reply. Please can you answer then today if possible, or send them along to someone who can before the hearing tomorrow.

Greatly appreciated,

Veronica Ross

5.22(1) Personal and Confidential

Begin forwarded message:

From: Veronica Ross 5.22(1) Personal and Confidential
Subject: Re: Questions for 2655 Maple Street - Heritage Public Hearing Tuesday October 18th
Date: October 14, 2016 at 4:26:16 PM PDT
To: James Boldt <james.boldt@vancouver.ca>

Hi James,

A few more questions:

1, Will the director of Planning (Mr. Gil Kelley) be at the public hearing on Tuesday - is he the one making the final decision to accept or not accept the proposed heritage designation?

2. How can the Director of planning have already approved this when we haven't had the public hearing yet and he hasn't heard the public's side of why it should not be designated? **Basically, the Director of Planning has approved the density and height already subject to Council's approval of adding the building to the heritage register and designating it (protecting it by a Designation By-law)**

3. With regards your statement **The maximum permitted density is 2.25 FSR (0.75 FSR is the "outright" density i.e. the density which can be achieved without specific approval by the Director of Planning, and would never be done for a new building)**. You are again suggesting that the Director of Planning has already approved this. If he didn't already approve it does the FSR remain at 0.75? If 0.75 is the outright FSR why was it not included in the Appendix D schedule - is this not the FSR amount to start

from? Why would 0.75 never be done for a new building especially in a situation like this one where the impact will greatly affect the neighbourhood and an already existing heritage building (the Bessborough Armoury)?

4. Is there anywhere in the Heritage Policy Guidelines that reflects the situation we are coming up against? For example, having a well established, very well maintained and actively used designated and registered heritage property beside a property, that if granted such proposed heritage and the relaxation of the C- 7 bylaws, would take away from the livability, the enjoyment and the environmental quality of the existing heritage property?

5. Another way to ask the same question is - Should the quality and enjoyment of one heritage building be reduced significantly by the outcome of a neighbouring building that has no registered historical or heritage status what so ever? Is there any City Heritage documentation that reflects a guideline that would work for this situation? Surely there is something out there that helps us preserve the environment of an already existing heritage building - please can you direct me to that documentation.

Please feel free to call me anytime if you need any clarification to my questions.

Veronica Ross

5.22(1) Personal and Confidential

From: "Boldt, James" <james.boldt@vancouver.ca>
Subject: RE: Questions for 2655 Maple Street - Heritage Public Hearing Tuesday October 18th
Date: October 14, 2016 at 3:37:23 PM PDT
To: Veronica Ross 5.22(1) Personal and Confidential

Right – the guidelines are pretty confusing and out of date. The section with the (1) and (2) only applies to RM-5 zoning (the west end), as per the pre-amble under that section.

From: "Boldt, James" <james.boldt@vancouver.ca>
Subject: RE: Questions for 2655 Maple Street - Heritage Public Hearing Tuesday October 18th
Date: October 14, 2016 at 3:32:24 PM PDT
To: Veronica Ross 5.22(1) Personal and Confidential

Ah – I guess I should actually read them then!

From: Veronica Ross 5.22(1) Personal and Confidential
Sent: Friday, October 14, 2016 3:03 PM
To: Boldt, James
Subject: Re: Questions for 2655 Maple Street - Heritage Public Hearing Tuesday October 18th

Thank you for the Heritage Policy Guidelines - Am I allowed to ask for the Bonus amount (Calculation of Density Bonus) - the difference of values calculated under Scenario 1 and 2?

On Oct 14, 2016, at 2:32 PM, Boldt, James
<james.boldt@vancouver.ca> wrote:

Yes but the authority is often delegated to certain people. "Director of Planning" is the legal authority but the GM of Planning etc. would refer

to an actual person (Gil in this case). That's why the different terms are used in the report.

From: Veronica Ross s.22(1) Personal and Confidential
Sent: Friday, October 14, 2016 2:26 PM
To: Boldt, James
Subject: Re: Questions for 2655 Maple Street - Heritage Public Hearing Tuesday October 18th

Thank you James! and sorry for the typo in the spelling of your last name. One more question for you - Is the Chief Planner, Director of Planning and General Manager all one and the same person i.e. Gil Kelley?

Veronica

On Oct 14, 2016, at 2:07 PM, Boldt, James
<james.boldt@vancouver.ca> wrote:

Hi Veronica – sorry about voicemail. I was away earlier this week and behind on things=- please see comments below in red:

From: Veronica Ross s.22(1) Personal and Confidential
Sent: Friday, October 14, 2016 1:27 PM
To: Boldt, James
Subject: Questions for 2655 Maple Street - Heritage Public Hearing Tuesday October 18th

Hello Mr. Bolt,

I hope this reaches you well. I have left you a voicemail everyday since Tuesday when I received the Public Hearing Notice for the development down the street. Please could you take a moment to look at my questions. I would really appreciate it if you could answer them before the Public Hearing on Tuesday.

Kind regards,

Veronica Ross
s.22(1) Personal and Confidential

1. How does Appendix D from the Policy Report of September 27th (see attachment), explain the impact this development would have without Heritage status? **Appendix D is a technical summary – it does note the height (40 feet and 80 feet) and the 10% bonus density. Those items are the differences.** What would the difference be? Why is the maximum C-7 zoning FSR of 0.75 (if no heritage structure is retained) not in the Required or Permitted box? See Section 4.7.1 (b) in the C-7 zoning bylaws (see attachment). **The**

maximum permitted density is 2.25 FSR (0.75 FSR is the “outright” density i.e. the density which can be achieved without specific approval by the Director of Planning, and would never be done for a new building). Projects generally achieve the maximum permitted, or try to, so we list the maximum which in this case is 2.25 FSR. 2.25 FSR is possible with or without heritage retention as per the C-7 district schedule. It is expected that most projects would achieve 2.25 FSR.

2. If heritage status is granted does this mean the developer can automatically build to his newly proposed height of 66.3 ft.? Yes Or

3. Will there be another public hearing regarding such a large increased in height from the allowable C-7 guidelines height of 40 feet to the proposed 66.3 feet height and the allowable FSR being increased from 0.75 to 2.47 (3 times the allowable under C-7 zoning)? **The height is permitted in the zoning (by the discretion of the Director of Planning) and the bonus FSR of 10% (over 2.25 not 0.75) does not require council approval (only if the density is over 10% is council approval required as per the Heritage Policies and Guidelines). Basically, the Director of Planning has approved the density and height *already* subject to Council’s approval of adding the building to the heritage register and designating it (protecting it by a Designation By-law). Even this is not technically required- the zoning only states that the height can be increased for retention of a “heritage structure”- technically it doesn’t have to be designated or even on the register (sometimes a clause will state that it must be) However, in this case, the Director of Planning is seeking designation and addition to the register as conditions of the development permit approval, which require council approval, and which are standard practices.**

4. The minutes from the Heritage Commission meeting July 18th, 2016, which states: “The proposal is to retain the original block of the heritage building and construct a new mid-rise residential building as permitted under the C-7 zoning which allows a height variance for heritage retention (but not additional density)”. - What do

they mean by “but not additional density”? **Originally there was no additional density but the developer concluded that an additional 10% was necessary to make the project viable. Out Real Estate Services staff reviewed the owner’s cost analysis and concluded that this was reasonable and supportable in this case, and the Director of Planning agreed to grant it subject to conditions as noted.**

5. When was this property purchased by the developer - Is the name of the developer Maple Street Properties? **We aren’t permitted to give out the name of the developer (although it’s probably on a sign or something on the site?) under the Freedom of Information Act but you could contact the applicant, Timothy Ankenman, the architect, at timothy@amarchitects.com to see if he’d give you this info.**

6. Who is the owner or spokes person for Maple Street Properties? **As per above**

7. How did this developer get this far in the application process when there was never Heritage status to begin with? **The heritage value of the site was reviewed by the heritage commission early on and supported the site’s heritage status and the application proceeded on this basis. It is practice often to bring forward the formal addition of the site to the register at the same time as any other required council approvals such as the designation by-law. There is of course, some risk. If Council said “no” then they’d have a problem.**

I’ve attached a copy of the Heritage Policies and Guidelines too.

Kennett, Bonnie

From: Correspondence Group, City Clerk's Office
Sent: Tuesday, October 18, 2016 6:25 PM
To: Public Hearing
Subject: FW: 2655 Maple Street

From: Jason Powell 5.22(1) Personal and Confidential
Sent: Tuesday, October 18, 2016 5:46 PM
To: Correspondence Group, City Clerk's Office
Subject: 2655 Maple Street

Dear Mayor and Council,

As I will be unable to attend the public hearing, I'm writing to express my concerns with the proposed 7 storey tower at 2655 Maple Street. Unfortunately, this seems to now be a foregone conclusion, given the recommendations of staff and the Heritage Group, as detailed in their report, despite the public hearing. I do find it telling that all previous correspondence regarding this development proposal failed to refer to 2655 Maple Street as the F. Haynes & Company Building but now it's being designated as such in an effort to grant the developer the ability to build a 7 storey luxury tower on the footprint. I have lived across from the current structure for more than a decade and I have never heard anybody refer to it as the F Haynes Building. Frankly, the building obviously has little heritage value, as it has already been gutted inside by the current owner and has been in a state of disrepair for years. If it truly had architectural or historical value, it would have been considered for the heritage registry a long time ago. The C designation that is being proposed also reflects this minor evaluation of its true worth in that regard. I can't help but feel this heritage element is an end-around to get the development through as initially proposed months ago.

If this proposal was really about the heritage value, the building would be restored to its former glory, if I may put it that way. Instead, we're getting a luxury tower and a slight nod to a couple of bay windows in the separate live/work unit. It's also strange that granting heritage status to the building allows for two separate structures in the proposal. I'm perplexed as to how the proposed southernmost tower in any way is consistent with the historical one and two storey building that has been there for years.

The other considerations are that the proposed tower will look directly into the planned re-construction of Lord Tennyson Elementary and would be inconsistent with the height of the buildings in the immediate vicinity, including the 5 storey Maples building which it will be right in front of. It will also block the east windows of the armory which is a federally registered heritage building. I'd respectfully ask council to reconsider this proposal and look for a more appropriate solution, like town-homes or a restoration of the current building, if it truly has heritage value, rather than a tower with only 5 residences on its upper 5 floors. Thank-you for your consideration.

Best regards,

Jason and Christine Powell