

From: [Correspondence Group, City Clerk's Office](#)
To: s.22(1) Personal and Confidential
Subject: FW: PUBLIC HEARING - 475 Howe Street and 819-829 West Pender Street (The Exchange)
Date: Monday, October 29, 2012 3:31:58 PM
Attachments: [Jameson House tower .pdf](#)

Thank you for your comments.

All public comments submitted for the public hearing that are received not more than 15 minutes after the close of the speakers list for that public hearing will be distributed to members of Council for their consideration. The public comments must include the name of the writer.

In addition, these public comments will also be posted on the City's website (http://vancouver.ca/ctyclerk/councilmeetings/meeting_schedule.cfm).

Please note that your contact information will be removed from the comments, with the exception of the writer's name. Comments received after the start of the public hearing should not exceed 1500 words.

Public comments submitted for the public hearing that are received more than 15 minutes after the close of the speakers list, will not be distributed until after Council has made a decision regarding the public hearing application and the related bylaw is enacted, if applicable.

For more information regarding Public Hearings, please visit vancouver.ca/publichearings.

Thank you.

From: Hossein Shahrestani s.22(1) Personal and Confidential
Sent: Monday, October 29, 2012 3:01 PM
To: Correspondence Group, City Clerk's Office
Subject: PUBLIC HEARING - 475 Howe Street and 819-829 West Pender Street (The Exchange)

Dear mayor and council please open the attachment.

Thank you in advance Hossein Shahrestani (residence of jameson house

s.22(1)

As an owner resident of Jameson House, I am writing to the council members intend to express the personal and private hardship that the proposed exchange tower would cause to me and my neighbours living at Jameson House. If the exchange tower project is approved and built as proposed, it would profoundly and negatively affect my home, my personal equity, my activity and enjoyment of life.

I feel strongly that there are several major issues that need to be addressed in the planning review for the application to build the proposed exchange tower.

Impact of Proposed The Exchange tower Project

The prospect of a commercial building facing a residential building has two major consequences, due to the proposed building, cheek to jowl with the existing residential tower.

- First, it would dramatically and negatively impacts on the view from the individual private residential suites as well as a major reduction in the lighting received by the suites. This will obviously have a profoundly negative impact on the value of these residential suites.
- Second, this will lead to a unprecedented invasion of the privacy of the residents of Jameson House. While it is not at all unusual for workers in an office tower to be able to see into the offices of an adjacent tower, it is an entirely different matter for workers to view from their cubicles into the bedrooms and living rooms of people's private residences.

Also the lighting of the building will affect the lighting on my place in which as an interior designer designed and has to be changed from the scratch, which is not something that I could achieve in next few years simply because simply I cannot afford to change my furniture. This building would also blocks my view plus it adds a shadow view which clearly effects, and regardless of all of the architectural changes they make, after looking at the blue print and exact location this issue could not be solved when and lighting in this uniquely designed building changes, the way it looks inside and outside. Also noises that usually rise in the neighbourhood would drastically change the way I live in my own property.

Disconnect between Building Codes and Zoning By Laws

Regarding the 80 feet distance between two buildings, it seems that property law of British Columbia is silent in this regard. However, just because it is silent, does not mean that a separation of less than 80 feet is expressly permitted. More specifically, this does not endorse or sanction any private or government entity to exploit a gap in the city laws to make private or public profits at the expense of personal equity of individual taxpayers. The difference, of course, is that individual taxpayers have no means of diversification of equity or income resources, whereas private and public players do.

When the regulations for the separation of residential towers was set at 80 feet, it was not anticipated that there would be any commercial buildings within anything less than a few blocks, because at that time, zoning regulations would not have permitted it. It is inconceivable that the authors of the current

regulations would have intended **ANY** building to be less than 80 feet away from a residential building, let alone a commercial building. The absence of any specific regulation governing the separation of a commercial building and a residential building should **NOT** be interpreted as permitting a commercial building to be built within 80 feet of a residential building but, rather, that at the time such regulations were drawn up, that the possibility of having a commercial building constructed next door to a residential building was inconceivable, since at that time they would not have been permitted in the same zone. In short, the authors of the current regulations did not intend any buildings to be permitted within 80 feet of a residential building, not just (only) another residential building. Clearly, the regulations governing the minimum spacing between buildings has not kept pace with the more recent relaxation of zoning by-laws that now permit mixed residential and commercial buildings within the same zone.

Home Equity

The home is the largest lifetime investment for most individuals. Any development abutting a condominium, especially one dramatically less than the normally regulated spacing of 80 feet dramatically affects the livability and value of such residential suites. Since a condominium is a personal property of individuals, paid for from after-tax personal income, there is no opportunity to generate business revenues from such property to offset any loss of value from an abutting property merely eight feet away.

If the Exchange tower projects proceeds, who will compensate the residents of Jameson House tower?!? Do the developers of The Exchange tower have a plan to compensate the owners of the suites in Jameson House as part of their financing plan?!?

Densification of Residential and Office Space in Downtown Vancouver

In to all of the complaints and issue that could harm the residents of Jameson House, the development company cites twelve different council authorities, which are in effect in the city for the welfare of the resident of Greater Vancouver Area. However, there is none of this persuasive authorities target the area of exchange building, therefore simply if the intention of the city of Vancouver is to create office spaces that are worth more than million each, these offices could be built in lesser dense places such as Yaletown which is part of the downtown anyway? why should the residents of Jameson House be penalized based on the fact that their property is located there, why should not they enjoy their view of nature and town, and their safety and security be jeopardized. Therefore, if this project goes ahead as proposal is asking, is it really for the protection and maintenance of the heritage building and creating luxurious offices and a market place which they authority over without any restriction of any type.

Conclusion

As previously stated in previous meetings all of the concerns and worries that I and my neighbours stated are still there not resolved issue such as traffic around the building, parking situation, effect and depreciation of price of my one and only condo, and privacy which goes hand in hand with security and safety are jeopardize.

After Reading the transcripts from the previous meeting and explanation of the The Exchange Tower project and architectural design, I am not convinced that any of the changes that proposed would address any of the issues above that residents of Jameson House also feel that way. Very meniscus changes that were in the proposal look all like formalities that without the distance of 80 feet between two buildings are not possible.

Mayor and Council
City hall,
City Clerk's Office,
3rd Floor, 453 West 12th Ave,
Vancouver, BC V5Y 1V4

RE: Old Stock Exchange Building Proposal - 475 Howe Street and 819-829 West Pender Street

Dear Sir / Madame:

I am writing in regards to the application of the proposed rezoning of the Old Stock Exchange building on 475 Howe Street. As a resident and owner living in Jameson House (the building behind the proposed rezoning), I am very concerned about the impacts that the Old Stock Exchange Building proposal will have on us. The developer has made an application to the City to increase the density of the Old Stock Exchange building as part of its proposal. This would result in a new tower being built that is as close as 28.5 feet away from the back of our building. The building mass is overly large for the location and would have a significant negative impact on our building and its occupants.

When Jameson House was constructed, careful consideration has been made to ensure the livability and environmental impact of it's surrounding. This is not being done with the current rezoning application of the Old Stock exchange building.

Put yourself in our shoes and imagine waking up each morning starring at an office tower, having people peek into your private residence! I hope you can appreciate our frustration and anxiety. We live in a city that prides itself as one of the most livable city in the world. This rezoning will set a bad precedent for developers, having little regards to the citizens of Vancouver. The city planner argues that there are not enough office space in downtown Vancouver; if that is case, why don't they legislate all new condos in downtown to contain a portion of commercial floors, like Jameson House, Wall Centre, Symphony place, to name a few.

Our home is a sanctuary for us from a busy and hectic life. Not a box that we need to close our blinds 24/7.

Thank you very much for your consideration.

Sincerely,

Vanessa Leung

s.22(1) Personal and Confidential

ROBERT LEMON ARCHITECT INC.

MEMORANDUM

DATE: 29 October 2012

TO: Mayor and Council

RE: **475 HOWE STREET - THE EXCHANGE REZONING**

As an affected Jameson House owner, a former COV Senior Heritage Planner and an architect, I have prepared this analysis outlining my concerns with The Exchange rezoning. In reviewing the application (dated 6 October 2011) and the staff report (dated 4 September 2012) I have noted ten aspects of the project which have a severe negative affect on Jameson House and raise serious concerns about the planning process. Many aspects of this proposal contravene COV planning policies and guidelines regarding Downtown development and urban design in the core.

- 1 Metro Core Jobs and Economy Land Use Plan
- 2 Rezoning Policy for The CBD and CBD Shoulder
- 3 View Corridor Analysis and General Policy for Higher Buildings
- 4 DD (Except Downtown South) Character Area Descriptions
- 5 Downtown (Except Downtown South) Design Guidelines
- 6 Urban Design Panel
- 7 Jameson House Rezoning
- 8 Livability and Tower Proximity
- 9 Consultation
- 10 Heritage Density Bonus and Public Benefit

The report appears to be a justification for a substantial, and unwarranted, increase in density rather than an objective analysis of the potential of this site to be taken out of its currently zoned capacity. Simply put, the site is too small and constrained to be developed to such high density. Already at 9FSR, the site can be developed for an office building under current zoning (see Scenarios 1A and 1B of Appendix) something Jameson House owners and I would welcome.

The application, if approved, would yield an inordinate private benefit in the form of commercial space beyond that suitable to the site and context, instead of a significant public benefit, as is expected from a rezoning. I believe there is sufficient evidence in this analysis for you to refuse the rezoning application.

ROBERT LEMON ARCHITECT INC.

s.22(1) Personal and Confidential

Robert Lemon, Architect AIBC
Encl.

s.22(1) Personal and Confidential

1 Metro Core Jobs and Economy Land Use Plan

The Metro Core Jobs report is cited as one of the fundamental reasons in support of the rezoning to increase office density. Yet based on the Metro Core report, the Exchange site has already been upzoned by City Council. The Metro Core report was adopted by Council in July 2007 and its recommendation to increase commercial density in the CBD led to an amendment to the Downtown Official Development Plan at Public Hearing on 21 April 2009. The Exchange site was included in the upzoning, going from 7.0 FSR to 9.0 FSR, its current density, a 28.5% increase in office capacity. Further, the Old Stock Exchange Building is already an office building and at 9.5 FSR presently exceeds the current maximum density of 9.0 on its site.

There is no urgency to rezone this site to build an office building, nor should the future of the Metro core “job space” shortage rest on this small site alone. At 1021 West Hastings, squeezed between two landmark buildings, the old University Club site is being developed to its highest and best use for a bespoke office tower, *under current zoning*. And since The Exchange site has been planned, two other opportunities for large floor plate offices have come to the fore – The Sears Building and the Downtown Post Office site, neither of which have adjacency problems to residential buildings.

2 Rezoning Policy for The CBD and CBD Shoulder

This policy was adopted by Council on 16 June 2009 with the intent of guiding commercial intensification and restricting residential rezonings. Contrary to what staff write on page 4 of the council report, there is no specific policy which “encourages the rezoning of commercial sites to maximize their job space potential”. Rather, item 3 of the rezoning policy actually says, “*Rezoning for non-residential development may be considered...*” The policy also notes that proposals “*will adhere to policies and guidelines related to the DODP and other relevant Council-approved policies...*” Outlined in items 3, 4 and 5 below are several of these guidelines which have not been adhered to nor referenced specifically in any detail in the proposal or council report.

3 View Corridor Analysis and General Policy for Higher Buildings

The applicant acknowledges that the Exchange site lies within the bounds of two view corridors (Cambie and Queen Elizabeth), penetrating both (page 45 of rezoning submission) and notes that the provisions of the General Policy for Higher Buildings is relevant. The General Policy for Higher Buildings says that projects that enter into the QE view corridor “*must be subjected, not only to current review requirements, but also to a review of a Council appointed panel including respected community leaders, notable local and international design experts and leaders in sustainable design*”.

The Exchange was not reviewed by a special panel as a Higher Building at the Urban Design Panel of 30 November 2011. Staff have explained by noting that the Exchange is partially in the foreground of another tower in the view corridor. There is no provision in the Higher Buildings policy for such an exemption. The Exchange is still visible within the view corridor and thus is a Higher Building and should have received the special review prescribed for Higher Buildings at the rezoning stage.

THE EXCHANGE PLANNING ANALYSIS

The council report notes that the building, if approved at rezoning, would be reviewed by the UDP as Higher Building panel at the Development Application stage. This would be too late to address fundamental issues of density, massing and overall urban design issues which should have been dealt with at the rezoning stage.

The policy goes on to list requirements for Higher Buildings, only one of which – preservation of the Old Stock Exchange Building – has been addressed. The policy also lists other community benefits that should be achieved such as public observation decks or other public amenity. None are provided in the application. Specifically mentioned is the provision of on-site open space “*that represents a significant contribution to the downtown network of green and plaza space*”. No on-site open space is provided in the application, save for an interior atrium, which is not part of any network green and plaza spaces.

Significantly, the policy states that: “*Careful consideration should be given to minimize adverse shadowing and view impacts on public realm including key streets, parks and plazas as well as neighbouring buildings*”. Given the severe impact on the livability of Jameson House due to the proximity and shadowing of the Exchange tower this last policy has not been specifically addressed. But on page 65 of the rezoning submission the applicant states, with respect to the Higher Buildings policy “*The tower will have no adverse shadow effects and minimal impacts on views*”. This simply is not true as has been demonstrated by the shadow and view analysis subsequently done by the applicant.

4 DD (Except Downtown South) Character Area Descriptions

Some excerpts from DD Character Area Descriptions are notable and have not been mentioned in the council report:

1 Existing Character Area A - Financial District

1.2 Assigned Role: The existing character should be strengthened and any new development should harmonize in terms of use and scale with the existing environment.

There is no analysis of the existing environment in the rezoning submission or staff analysis. My observations note that the area is characterized by mid-rise structures, some of heritage stature and smaller low-scale developments. The Terminal City tower and Jameson House are exceptions, but generally these towers have been shaped to respond to their contexts, are on smaller sites and have smaller floorplates, Jameson House being about 8,000 square feet. The Exchange, with its 12,500 square foot floor plate in the tower portion, would be a massive intrusion on the existing environment.

1.3.3 Physical Environment: (b) New structures should respect the scale and architectural rhythms of existing buildings;

No analysis of this has been submitted or discussed by staff, but the scale of The Exchange overwhelms the neighbouring buildings.

THE EXCHANGE PLANNING ANALYSIS

5 Downtown (Except Downtown South) Design Guidelines

Several of the Downtown Guidelines are not respected:

*4.1 Views General Objective: “Existing views should be protected... Views include:
(b) views of landmark buildings... of the Downtown*

Foster + Partners’ Jameson House is one of the most distinctive towers in the City of Vancouver, encompassing mixed retail, office and residential use with the preservation of two small heritage building. It respects the scale and form of the adjacent Credit Foncier and area streetwall. It is celebrated for its design and on 26 October 2012, the Urban Development Institute awarded Bosa Developments three major awards for Jameson House including the top award “Best in Show”. Also the Vancouver Sun proclaimed Jameson House the “Reader’s Choice Award” as the best new building in Vancouver.

The Exchange will substantially block the view of Jameson House’s landmark qualities. Staff do not comment on the landmark qualities of Jameson House.

6.2.1 Architectural Design: (b) Tower portions of Downtown Buildings should be evaluated with respect to their compatibility with surrounding structures... ”

The tower portion of The Exchange cast significant and continual shadowing on the residences of Jameson House and presents a completely windowed building face, 28.5 feet away, compromising privacy and livability. The applicant states in the rezoning submission (page 63) “*The proposal has carefully considered the massing and proportion in order to establish a building form that is sensitive to its urban context?*”. This statement is simply not true.

6.2.2 Bulk and Height: (b) Developments exceeding ten floors should have tall slender towers rather than bulkier towers of he same floor space ratio;

Floors 14-31 of the Exchange are roughly 12,500 sf representing 67% of the site area and is bulky rather than slender. Staff do not comment on this policy in their analysis.

For comparison, the office tower under construction at 1021 West Hastings has floor plates – slender and sculpted to respect the adjacent towers - of 8,500 sf. That project was done under the current zoning.

(c) The size of the site will have an important bearing on height, bulk and density that be attained by any particular development. Any proposed design should consider thoroughly the relationship of the building size to site area, configuration and surrounding physical environment; on some sites it may be inappropriate to design to the maximum permitted densities in the ODP.

An increase of 238% over the permitted maximum density would not meet this criterion, an indication that the site is too small for the size of floor plates and building bulk. Staff

THE EXCHANGE PLANNING ANALYSIS

do not acknowledge that some sites, such as this, may be inappropriate for the maximum permitted density let alone the substantial increase sought through this rezoning.

6.2.3 Relationship to Immediate Area: (c) “New developments in historically sensitive area shall respect the scale and general design quality of their neighbouring buildings and attempt to blend into the overall design of the street or area”

The Exchange tower is out of scale with the Old Stock Exchange Building and has a negative impact on the surrounding area.

6 Urban Design Panel

Despite being a Higher Building, the Urban Design Panel, at its review of 30 November 2011, was not convened as special panel. The UDP did comment:

Panel’s Consensus on Key Aspects Needing Improvement:

- *Design development to address tower relationship with the Jameson Building including measures to increase the separation between the two buildings and privacy measures between the office and residential uses.*

The applicant has presented sketches for a proposed notch in the lane elevation to partially increase separation to Jameson House façade for the limited extent of direct overlap of the two buildings. The Council reports suggest a truncation in the floor plate – but no reduction in FSR. These modifications could marginally address adjacency but not the critical aspects of livability (overlook and privacy) and would worsen overshadowing, as floor plate reduction would bulk up the building elsewhere. The floor plate at its broadest would remain the same. As the floor plates of The Exchange are 50% larger than those of Jameson House, and are due south of JH, the impact of shadowing and overlook are substantial.

7 Jameson House Rezoning

Relevant to the discussion is the history of the Jameson House rezoning. The purchasers of homes in Jameson House were aware of the potential of the surrounding area to develop under the current zoning. It is the substantial increase in density being sought through this rezoning - and the massive floor plates and the bulky form of the building in addition to close proximity to lane-facing suites - that is the concern.

At the time of JH’s rezoning in 2005 the surrounding density was 7.0FSR. It is now at 9.0FSR as a result of the upzoning approved by Council in 2009. In the JH rezoning report, staff commented extensively on the development potential of the area and how it would be affected by JH. It also directed the design of JH to have suites oriented to Hastings Street or the lane, which was done. Now those lane-oriented suites are faced with an office tower 28.5 feet away. From the Jameson House rezoning report of 16 June 2005:

(4) Private Views: The primary concern is the potential impact the proposal has on other residential

THE EXCHANGE PLANNING ANALYSIS

development. The only existing residential use in the immediate neighbourhood is the top 14 storeys of the Terminal City Club (TCC) building across the street at 837 West Hastings Street. The private views from dwelling units in TCC are primarily easterly and westerly and the proposal will only marginally impact some southerly private views. Support for rezoning has been expressed by some TCC residents. Also the proposal exceeds the typical privacy/livability separation distance criteria of 24.3 m (80 ft.) from TCC;

APPENDIX D - URBAN DESIGN ANALYSIS

(2c) Building setback from the lane: The proposed setback from the 6 m (20 ft.) lane is 3.04 m (10 ft.). Typical City criteria requires a lane setback of 9.1 m (30 ft.) for high density residential uses which gives a total of 24.3 m (80 ft.) from a similarly set back residential development across the lane. By reducing the setback from 9.1 m (30 ft.) to 3.04 m (10 ft.) will constrain the development options for the properties across the lane.

(2b) Building setback from 808 West Hastings: This 10-storey office building abuts the east property line of the subject site. The proposed setback from this building is zero at the lower levels (levels 1-11) and 1.2 m (4 ft.) at the upper levels (levels 12-37). This means the proposal substantially would rely on the air space above the roof of 808 West Hastings for easterly residential views. Orienting dwelling units towards Hastings Street or the lane will mitigate this circumstance. (See Design Development condition (b)(ii) in Appendix B.)

PROPOSED CONDITIONS OF APPROVAL

Design Development (b)(ii)

"design development to the dwelling units adjacent to the easterly site (808 West Hastings Street) to ensure their long term livability and privacy, while presenting a visually interesting easterly façade to the skyline above this neighbouring building; Note to applicant: Dwelling units along the easterly property line should be oriented to and have views toward Hastings Street or the lane and not rely on the adjacent site for views or livability purposes. Major living spaces and balconies should be located nearer to Hastings Street or the lane, rather than near the mid-point of the eastern property line."

8 Livability and Tower Proximity

A serious concern of Jameson House residents is the close proximity of the proposed office tower and its affect on livability. The components of livability - privacy, overlook and shadowing - are compromised in the 42 suites of JH which face the lane being just 28.5 feet from the windows of the Exchange. As noted above, Jameson House suites, being mid-block, were designed to have habitable rooms face Hastings Street or the lane.

The council report contains several illustrations of close tower proximity in downtown Vancouver (Appendix E, p.7 and 8) which are misleadingly identified, not relevant or simply incorrect. For example:

- In the 1200 block Hornby, the three towers (which includes two hotels) have blank end walls of one tower facing some windowed facades of another; all buildings also have street and lane exposure.
- At 885 W Georgia (HSBC) and 801 W Georgia (Residences on Georgia) both tower elements are set back at least 10 feet from the 20' lane yielding a minimum of 40' separation (not the 22' noted on the drawing). Also important in this case is that the residential tower came *after* the office tower and that all residential suites have no habitable rooms facing the lane.
- At 1177 Hornby 1160 Burrard, this is a case of an office building having been

THE EXCHANGE PLANNING ANALYSIS

retrofitted for residential at the top floors of the building and is not a relevant example.

- At 625 and 645 Howe the hotel was designed to face the lane or street and has a blank wall adjacent to office tower. The livability issues of a hotel use is not the same as residential use as far as adjacency to an office tower and so is not a useful example.

There are no guidelines in this part of Downtown which address tower proximity, however in Downtown South, there is a guideline indicating a separation of at least 80 feet:

4.2.4 Two Towers Per Site

The minimum frontage for any development consisting of two or more towers exceeding 70 feet in height is 375 feet and the minimum site area is 45,000 square feet. The portions of the towers which exceed 70 feet should be at least 80 feet apart.

There is no discussion in the report of staff's analysis of tower proximity in other city's as had been indicated in meetings with them. Of interest are the conclusions, not cited by staff, of a major report on Tall Buildings prepared for the City of Toronto by Hariri Pontarini Architects (see: <http://www.toronto.ca/planning/pdf/Tall-buildings-Final.pdf>), which looked at urban design and tower form regulations/ guidelines in several North American Cities including New York, Chicago, San Francisco, Boston, Toronto, Calgary and Vancouver. None of these cities allows towers as close as 28.5 feet away. For example, in New York the minimum tower separation measured from window to window is 18m (59 feet), twice the distance proposed by the Exchange.

9 Consultation

The rezoning has had a flawed public consultation process. Normally, an applicant is expected to seek neighbourhood input prior to making a rezoning submission. Despite being the most affected neighbours of the proposed tower, no attempt was made to contact the owners or developer of Jameson House directly. The only public consultation for The Exchange was a press "Open House" on 26 September 2011, just two weeks prior to rezoning submission, an event not attended by staff. Many owners of Jameson House did not receive invitations, yet the summary of this event, as appended to the rezoning application, states there was general support for the project and no opposition. As part of the rezoning package this misleading information was forwarded to both the Urban Design Panel and Vancouver Heritage Commission.

A formal Open House, with staff in attendance, was held on 22 November 2011, but again many owner of Jameson House, myself included, did not receive notice. As a result of an FOI request for the address list of the Open House notice, staff agreed that indeed the notification had been flawed. A second Open House was convened on 24 July at, and specifically for, Jameson House. This event was well attended and elicited some 60 comments to staff in opposition to the project. It was at that meeting, nine months after the rezoning submission, that the applicant displayed a shadow and view analysis – as they affect livability - of the impact of The Exchange on Jameson House. The results of these studies were predictably dismal for lane-facing suites and are contrary to the

THE EXCHANGE PLANNING ANALYSIS

statements contained in the original rezoning submission where the applicant states: *The tower will have no adverse shadow effects and minimal impacts on views.*

10 Heritage Density Bonus and Public Benefit

A rezoning must demonstrate public benefit. In this application the preservation and designation of the Old Stock Exchange Building is the main “public benefit” valued at over \$15 million.

The retention of the Old Stock Exchange Building, an “A” on the Vancouver Heritage Register is laudable. However it is not at risk of demolition, as it is overbuilt for the allowable density on its site and possible demolition would be subject to the City’s Heritage Policies and Guidelines. But the manner of preservation is of concern. The massing of the tower looms over the heritage building - as noted by the Vancouver Heritage Commission below – and compromises the building’s heritage value.

The Vancouver Heritage Commission reviewed the project on 12 December 2011 and recommended:

- *that the effect of the massing of the proposed new building be reduced to lessen the impact on the former Stock Exchange Building*

There is no commentary in the council report giving direction to the applicant to address the massing issue and its affect on the heritage building.

The intent of owner to build a too-large office tower on a too-small site has lead the applicant to shift the tower atop the heritage building – the only place it can go. This complex undertaking necessitates spending over \$15 million on its upgrading, driving the bonus density up to 18.9 FSR. The report then agrees that all 21.5 FSR requested is warranted. There is no breakdown in the report to indicate if all upgrading is specifically related to the heritage building, rather the structure thrust through the heritage building to hold up the tower. Staff recommend that no other public benefits, through CACs, should be extracted.

The important question: can the site handle the increased density without compromising established design guidelines and the value of the heritage building? has not been met.

The accommodation of heritage bonus density on a site, like any increased density, always comes down to a question of whether or not the additional density can be accommodated without undue impact upon livability and environmental quality of the neighbourhood, including but not limited to shadowing, floor plate shape and size, height and view corridors. When additional density is proposed on a site which has a heritage building, there is also concern to avoid unacceptable impact on the character and context of the preserved building. That’s what the city’s Heritage Policies and Guidelines say in outlining the circumstances and procedures for heritage bonuses. It is entirely possible that the additional density cannot be used on site.

THE EXCHANGE PLANNING ANALYSIS

Also, the Downtown District ODP – relevant with respect to rezonings in the downtown - sets out the expectations when heritage bonus density is proposed to be added to a site which contains a heritage building:

DOWNTOWN OFFICIAL DEVELOPMENT PLAN

Section 3 – Density

9. The Development Permit Board may, for any development which includes the restoration of an existing building which is listed on the Vancouver Heritage Register dated August 1986, permit an increase in the floor space ratio, subject to prior approval by City Council and designation of the building as a Municipal Heritage Site. In determining the increase in floor area that may be permitted, the Development Permit Board shall consider:

- (a) the cost of the heritage-related restoration;
- (b) the value of the increased floor area;
- (c) the impact upon livability and environmental quality of the neighbourhood;
- and
- (d) all applicable policies and guidelines adopted by Council.

Second, there is Council-approved policy which sets out the expectations when heritage bonus density is proposed to be transferred to a site:

TRANSFER OF DENSITY POLICY AND PROCEDURE

Rezoning applications, or Heritage Revitalization Agreements in the case of (1) below, which involve the transfer of density from one site to another site will be considered, provided that such a transfer will assist in achieving one or more of the following public objectives:

- (1) To preserve heritage buildings or site, listed on the Vancouver Heritage Register, particularly where it is demonstrated that residual and/or bonus density required for the buildings' rehabilitation cannot be used on the heritage site;
- (7) And provided further, that the following limitations are respected: (j) Heritage bonuses may be transferred if Council has previously decided under its heritage bonus policy that all or part of the bonus density cannot be used on the heritage site without undue impact on the character and context of the preserved building, or without an unacceptable impact on surrounding properties.

It is thus quite evident in City regulations and policy that the amount of heritage density bonus which is awarded and the amount of heritage density which is accommodated on a site are always and everywhere subject to assessment of the impacts of that additional density. Staff appear to have overlooked this fundamental proposition and have chosen instead to emphasize how the rezoning proposes not too much more than what can be considered in a DE to accommodate bonus heritage density, thereby begging the question about what impacts of the additional density are acceptable, or not.

THE EXCHANGE PLANNING ANALYSIS

Conclusion

Rather than any clear Public Benefits, The Exchange rezoning creates a significant private benefit in the form of substantially more floor area than is allowed. This is at the expense of serious negative impacts on Jameson House and the Downtown area in light of its non-compliance with numerous city policies and guidelines. And there is the troubling impact of the new tower atop the Old Stock Exchange Building.

The Exchange Rezoning should be refused as it creates serious issues of land use, density and built, is at odds with numerous Council Policies and Guidelines and offers scant public benefit in the name of questionable heritage conservation.

ROBERT LEMON ARCHITECT INC.

s.22(1) Personal and Confidential

A large rectangular area of the document is redacted with a grey box. The text "s.22(1) Personal and Confidential" is written in red above the redaction.

Robert Lemon, Architect AIBC