

Ludwig, Nicole

From: Correspondence Group, City Clerk's Office
Sent: Tuesday, September 15, 2015 1:30 PM
To: Public Hearing
Subject: FW: First Shaughnessy Pre1940 HCA Proposal

-----Original Message-----

From: Deborah L Shackleton s.22(1) Personal and Confidential
Sent: Tuesday, September 15, 2015 12:50 PM
To: Correspondence Group, City Clerk's Office
Subject: First Shaughnessy Pre1940 HCA Proposal

Dear Mayor and Council Members,

I have lived at s.22(1) Personal and Confidential since 1967. It is our family home. Since the mid 1960's we have welcomed many people into our home as extended family members. At one point we were four generations of family members living under the one roof; today we are three generations of family members ranging in ages from 27 to 92. Ours is a family home.

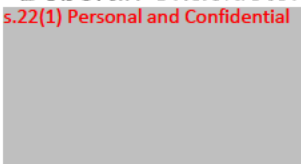
We think that the house dates back to 1912. As an older home there is a lot of maintenance required. That said, I am opposed to the HCA proposal as it infringes on the property rights of the 317 homeowners that would be so affected.

Not everyone in the area is a millionaire that can afford the design directions that may be imposed by the City.

If Vancouver is going to be world leader in terms of infrastructure, there needs to be planning approach that provides for the majority of its citizens. How can we market the area as a livable region when it pushes people out due to the costs of living in the area.

I would ask that you reconsider your HCA proposal as it will amplify the class system that it is creating.

Sincerely,
Deborah Shackleton

s.22(1) Personal and Confidential


Sent from my iPad,
Deborah Shackleton

Ludwig, Nicole

From: Correspondence Group, City Clerk's Office
Sent: Tuesday, September 15, 2015 1:30 PM
To: Public Hearing
Subject: FW: First Shaughnessy Rezoning

From: Stuart Howard 5.22(1) Personal and Confidential
Sent: Tuesday, September 15, 2015 12:33 PM
To: Correspondence Group, City Clerk's Office
Cc: Ryan Martin
Subject: First Shaughnessy Rezoning

Dear Mayor and Council

I write to you once more to express my strong objections to the rezoning of First Shaughnessy. I have practiced in the neighborhood for almost 40 years, I supported the original rezoning from RS-4 to FSD back some 35 years ago. The primary goal of that early eighties rezoning was the preservation of the existing pre- 1940 homes in the neighborhood, without taking away the owners right to determine what is the correct solution for their property. It has been shown over the years that the bonus uses and or density in the FSD are not sufficient to convince owners that saving some of the pre-40's houses. Perhaps we should look at amendments that add more incentives rather than through the whole document away. As a member of the FSADP and Vancouver Heritage commission for a number of years in the 90's I was also frustrated by the lack of tools to convince people to keep pre 40's houses, but again this just suggests we modify the ODP rather that disregard it. My firm has been involved in a great deal of Heritage projects throughout the lower mainland and specifically in Vancouver, we are the receipts of a number of Vancouver and BC Heritage awards, one for a project in First Shaughnessy. We have completed Heritage projects both through the earlier relaxation process, and with the more recent HRA process. With all these projects there has been one underlining principle, the the Heritage aspect of the project encumbers the site. Sometimes that encumbrance is minor, sometimes it is major, but it is an encumbrance. The proposed Heritage Action Plan, disregards this aspect. The consequence is that the property owner must either hope that the few perks that the zoning is offering will offset this encumbrance ,or accept the reduction in value themselves. I think it has been proven that people interested in first shaughnessy homes, are not purchasing because they can add a suite or two, or even convert to townhouses, they are buying in this neighborhood for the same reason that the original people bought back 100 years, and that is to own their version of a mansion.

The changes to the zoning regulations will make most of the existing pre 40's houses existing non-conforming, the planning department says don't worry we will relax all the rules in order to allow you to make additions or alteration to your house but unfortunately these relaxation fade over time as we have seen, and are seldom given in other R zones now.

We are presently working on two projects in FSD that are presently under construction, both a new house being built on a post 40's site, and a restoration, addition to a pre-40's house. Both have been sited as what the neighborhood wants to see happen as new houses and as additions. But unfortunately, neither would be approvable under the new regulations.

I have read the response from the planning department to your questions, the white paper. My sense of the response, is that everyone's concerns are not valid, the planning department knows best, relaxations will be

given...etc,etc, etc. That property values will not go down, that most every house pre -40's is of Heritage value, that maintaining is not a big deal, that percentage yards will be okay..

I have worked with discretionary zoning in Vancouver since it's inception, and while it has worked great in the dense zones, I 'm not sure it is successful in the residential neighborhoods. It seems to get rid of the very good, to get rid of the very bad.

As far as existing applications are concerned, and the planning departments response that we should have warned our clients that the zoning may change, I think that that happened , everyone was warned that the zoning may change. This rezoning has been one of the fastest, least industry involved rezonings, I have seen. I have stated earlier that if any of my rezoning applications went through the system at the speed this one has, I would be celebrating. In addition to the speed of the rezoning, the planning department and the FSADP have been slow playing existing applications. I have had an application in for a new house on a post date small site since February, and I know of other applications that have been in since before the new year. My feeling is the delay is intentional, that the planning department could issue permits, or prior to letters for most of these project, but are not. They are waiting for the rezoning to occur... and consequently having countless dollars worth of work abandoned.

I conclude with, the FSD ODP is a good document, the 'loopholes' as the FSADP states can be closed with text amendments, the Heritage stock can be evaluated and saved the much more extensive incentives that may cost us as a city , but may be worth the cost. I think that property tax relief, as done in the US, and much more extensive relaxations or bonus' is the correct avenue. Do not force a designation without compensation, and a downzoning hidden under the umbrella of Heritage on the neighborhood.

Sincerely

Stuart Howard
architectAIBC SAA FRAIC AIA

Stuart Howard Architects Inc.

s.22(1) Personal and Confidential



Ludwig, Nicole

From: Correspondence Group, City Clerk's Office
Sent: Tuesday, September 15, 2015 1:29 PM
To: Public Hearing
Subject: FW: Opposed to the City of Vancouver's proposed rezoning of Shaughnessy and the establishment of the First Shaughnessy Heritage Conservation Area

From: Graeme Falkowsky s.22(1) Personal and Confidential
Sent: Tuesday, September 15, 2015 12:20 PM
To: Correspondence Group, City Clerk's Office
Subject: Opposed to the City of Vancouver's proposed rezoning of Shaughnessy and the establishment of the First Shaughnessy Heritage Conservation Area

Dear Mayor and Council,

I am a Shaughnessy resident and prior Board member of Vancouver Heritage Foundation. I understand and strongly support the concept of heritage preservation, reside in Shaughnessy due to my appreciation for some of Vancouver's most impactful heritage properties and maintain my own residential home to its original 1920 characteristics. This being said, **I am absolutely opposed to the City of Vancouver's proposed rezoning of Shaughnessy and the establishment of the First Shaughnessy Heritage Conservation Area.**

The original planning and development process, although not perfect, worked well. Having now read the letters of support on the City of Vancouver website, I was most interested to see many originated from those which appear to have little understanding of "true" heritage or reside in neighbourhoods outside of First Shaughnessy. Take a drive through First Shaughnessy and I would challenge anyone to say the current process has failed miserably and in need of such a drastic change. Yes, many pre 1940 homes have been demolished as the numbers and statistics flippantly and easily put forward by the "supporters". I can say that an old home, in many cases, is an old home which was never designed for today's lifestyles and requirements. They are simply old houses with absolutely no heritage significance and need to be replaced. Yes, we may point out that this particular house is too close to the lot line, this particular house does not have enough stone around its foundation, that particular house is not a classic color etc. but I strongly encourage you take a look at the neighbourhood at large. It is beautiful with some of the finest examples of historic architecture, old and new, anywhere.

Yes, importantly, we can do better but not with the proposed rezoning. As long as the development guidelines are clear and maintain the heritage nature of the neighbourhood, then all new development will withhold "heritage and estate attributes" therefore enhancing the neighbourhood. Although never perfect and may need to be updated to uphold proper guidelines to maintain heritage characteristics and aesthetics, the current process works. Let's not take the "easy" way out with blanket, generic solution for a situation that can be dealt with on a case by case basis under the current process. The negatives in no way out way the benefits. The outcome of making the right decision and NOT rezoning is the current properties that are have true heritage significance are maintained and enhanced while new development can occur which has all the heritage characteristics we all want.

To offer, and encourage, enhanced density in no way is a solution and frankly works in complete opposition to an estate, low density neighbourhood, which is the essence of First Shaughnessy. Again, with some modification, the current planning and development process works. To put such a drastic and impactful rezoning proposal forward is reckless and unnecessary. The negative implications from destruction of property values, increased density, ongoing maintenance costs for homeowners and retraction of current homeowners property rights is completely unwarranted and most certainly legally questionable.

The City of Vancouver can enhance and encourage the preservation of heritage in First Shaughnessy with the support of the residents, surrounding neighbourhoods and the city at large but not with the proposed rezoning. The solution is simple, straightforward and can be accomplished with the full support of those most affected...the residents of First Shaughnessy. A true win-win.

I strongly encourage you as acting as Mayor and City Council members, who are acting our behalf, not to succumb to those with little true vested interest in heritage conservation in First Shaughnessy and not approve the detrimental rezoning proposal.

Thank you.

September 15, 2015

TO: Mayor and Council of the City of Vancouver

I am adamantly opposed to the City's proposed regulatory and zoning changes for First Shaughnessy that would designate it a "Heritage Conservation Area" (HCA). This is a ill-conceived, disingenuous, highly discriminatory and prejudicial, and perhaps malevolent scheme whose true objectives, I believe, are not as they are claimed to be but rather are: 1) to increase population density in First Shaughnessy; 2) to attempt to mollify those who rightfully criticize government at all levels for its failure to address the underlying causes of housing unaffordability in Vancouver; and 3) to attempt to dodge the requirement to pay compensation for the significant destruction of property value.

The forces driving the so-called "surging" real estate market in Vancouver are the direct consequence of failure of government at all levels to address the flow of large sums of non-resident off-shore money entering the local market. As a result, housing in this City has become largely unaffordable for those who contribute to the local economy. However, arbitrarily confiscating the property rights of some 317 pre-1940 First Shaughnessy homeowners is going to do nothing to alter those market dynamics. No doubt the City is under pressure to do something and what better optics than to than to curry favor with the disenfranchised and bloggers with no skin in the game by pandering to that most unflattering of Canadian character traits, the politics of envy. Doubtless there are many who are anxious to gloat over a few paper millionaires being "cut down to size" in the interest of the alleged greater good of so-called heritage conservation, whatever that term actually means objectively.

I wholeheartedly reject the findings of the reports prepared by Donald Luxton and Associates (the Luxton report), Coriolis Consulting, and Cityscape Consulting. Each of these reports contains numerous errors of logic as well as unsubstantiated assumptions as to render them all fatally flawed.

Luxton et al claim that the rationale for the review of existing relevant zoning and bylaws is:

"The surging real estate market has resulted in increased redevelopment of sites in First Shaughnessy, and specifically those with existing, historic homes. Permitted, outright densities allow the development of massive new homes, which has led to pressure to demolish smaller heritage homes, and the subsequent impacts of larger homes that are not sympathetic to the historic streetscape character. Additional design challenges have arisen for both existing and new homes and there is a general sense that the historic character of the neighborhood is quickly evaporating."

This paragraph is oxymoronic, defies logic, and is patently false and nothing more than a "general sense" personal opinion. I live in First Shaughnessy and in my opinion, the new construction has, in the main, enhanced the neighborhood.

Luxton et al also claims that there has been a "comprehensive consultation process". How blatantly insulting and absurd - three open houses and some complex questionnaires that people were asked to complete on-site - and whose attendees were largely not stakeholders or First Shaughnessy residents - does not constitute a comprehensive consultation process by any objective measure. And by far and away most importantly, there has been no dialogue with those who will be most affected - the pre-1940 homeowners. Why? Is this an error of omission or commission? I suspect that latter as was calling the public initial public hearing at a time when many people, of all socioeconomic strata, are away. Even more galling is the fact that, the City seems to be weighing the opinions of non-stakeholders, the vast majority of whom do not live in First Shaughnessy, as equivalent to those who do live in the affected properties.

Of course the knee-jerk response of just about anyone when asked de-novo if they want to preserve heritage is to respond that they do but I am quite confident that the majority of these same people have not read any of the proposed bylaw changes or any of the supporting documents and most would be aghast at the scope of the proposed changes - especially if they were applied to their back yard.

Points 4 and 6 of Section 1.2 of the Luxton report entitled OBJECTIVES FOR THE FIRST SHAUGHNESSY DISTRICT REVIEW state:

"Support a variety of dwelling types, such as secondary suites and infill;" and " Update zoning to better align with community interests and currently adopted Council policies and objectives." respectively.

The former clearly implies a desire by the City to increase population density in First Shaughnessy while the latter implies a host of ulterior motives. These statements are at odds with the alleged objectives of maintaining the historic character and "streetscape" of First Shaughnessy.

Section 1.3 of the existing 1982 First Shaughnessy Official Development Plan states:

"The objective of this Plan is to protect and preserve Shaughnessy's unique pre-1940 character. First Shaughnessy is intended to remain a low-density residential area that is predominantly single-family in character."

Clearly, the City's "currently adopted Council policies and objectives" are at odds with this FSODP statement and hence the drive to supplant it. I wonder what owners of post-1940 homes would have to say about this, as perhaps they wouldn't favor densification either?

The most preposterous statement in the Luxton report occurs on page 13:

"There would be no loss of development rights to property owners, thus compensation is not required."

How outrageous and patently absurd - if passed these bylaws will have a massive impact on development rights.

As for the economic impact study commissioned by the City (the "Coriolis Report") it is so full of unsubstantiated assumptions as to render it worthless. Coriolis admits that its 5% reduction in property value is nothing more than a guess. Market data are indicating that the real numbers are far closer to 25-30% which yields a market value destruction in the range of ~ \$600MM in First Shaughnessy. Additionally, their estimates of the relative costs of renovation versus new construction are so far off reality as to be laughable.

Just because a home was built prior to a certain date does not imply that it has heritage value as purported by the Luxton report. Apparently, Luxton has a file on each and every one of the pre-1940 properties supporting their heritage value. I would like to see those files especially the one that pertains to my property. No one has consulted me. Many of these homes have "wet" basements and are anything but green in terms of energy consumption. Many are infested with rodents - some are firetraps. Birds have done much of the landscaping.

If passed, these regulatory and bylaw changes also grant unprecedented powers to the City's Director of Planning including power of entry as well as maintenance requirements for both the buildings and landscaping. Failure to comply can result in substantial fines. These provisions constitute an onerous and draconian abuse of power by the City that even those non-stakeholders who are clamoring for heritage preservation would, I suspect, also cry foul about if these same provisions were applied to them and their property. And implicit in these maintenance provisions is the misguided assumption that all the owners of pre-1940 homes have huge after-tax discretionary bank accounts that can accommodate the costs inflicted upon them by the Director of Planning. Many don't and it may well evolve that such owners will be forced to become distressed sellers whose property will be scooped up by developers for whom the densification objectives will finally make economic sense - maybe that is what the City wants.

These upkeep provisions are all the more preposterous and ridiculous when property tax assessments are taken into consideration. For the majority of the affected homes the value is all in the land as compared to the structures - often at multiples approaching 100 times. And yet the City is proposing that the owners will be forced to become the custodians of these museum pieces, the costs of whose maintenance and upkeep must be borne by the owners, but with those costs being determined by the Director of Planning for what are near "worthless" structures

according to BC Assessment and for which there would be little or no possibility of a return on investment.

In summary, this is a disingenuous and wrong-headed scheme to try to avoid paying compensation while depriving certain Shaughnessy owners of some of the value of their properties and effectively expropriating property rights. If passed it is destined to Balkanize First Shaughnessy with post-1940 property owners profiting at the expense of pre-1940 owners while effectively destroying the character of the neighbourhood for both pre and post-1940 owners alike.

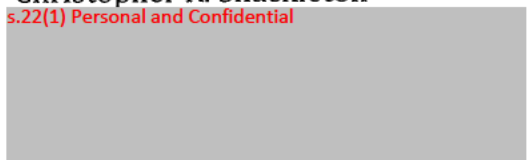
I would take these proposals a little more seriously if the Mayor and Council showed some leadership and volunteered to subject their own homes to the same constraints.

Regrettably, the Canadian Charter of Rights and Freedoms does not contain provisions for property rights. Perhaps we will have the opportunity to correct that deficiency if and when this case reaches the Supreme Court of Canada.

Please do not pass these proposed bylaws.

Christopher R. Shackleton

s.22(1) Personal and Confidential

A large grey rectangular redaction box covers the lower portion of the page, obscuring the signature and any other text that might have been present.

Ludwig, Nicole

From: Correspondence Group, City Clerk's Office
Sent: Tuesday, September 15, 2015 5:15 PM
To: Public Hearing
Subject: FW: First Shaughnessy District Heritage Conservation Area Official Development Plan (HCA ODP)

From: Sheila Grant s.22(1) Personal and Confidential
Sent: Tuesday, September 15, 2015 4:53 PM
To: Correspondence Group, City Clerk's Office
Cc: s.22(1) Personal and Confidential
Subject: First Shaughnessy District Heritage Conservation Area Official Development Plan (HCA ODP)

Re: HCA ODP

I am the owner of a pre 1940 house in First Shaughnessy District (FSD). I am opposed to the designation of all pre 1940 houses as "protected heritage property", and the legal protection from demolition of these houses.

Heritage protection based solely on age is unreasonable and unfair. Not all pre 1940 homes in FSD merit heritage protection. For example, there are several pre 1940 houses on the western fringe of FSD that appear to have little or no heritage value. The protection of these houses could ultimately have a negative effect on the neighbourhood.

My house, built in 1911, was built as a three bedroom one bathroom house—hardly a mansion. Over the years it has been extensively altered outside and inside. It is, by FSD standards, a small house on a small lot. It is poorly situated on the lot, with the back door only a few steps from the garage. The siting precludes the building of any additions, with the possible exception of an increase in height.

New construction is not necessarily bad. At the July 21st public meeting several noted architects spoke eloquently about what they have built and could build in FSD. A new home could be constructed on my property that would make far better use of the lot, be better suited to the way families live today as opposed to a hundred years ago, and be designed to enhance the neighbourhood.

The house next door (3416 Cedar cr.) was built about ten years ago. It is similar in style to those on either side, and has the most attractive landscaping on the block. The house it replaced was on the First Shaughnessy Heritage Inventory. It was an ordinary house with a neglected garden, and had been used as a marijuana grow op.

The demolition prohibition can result in extremely complicated building plans. The property at 1999 Cedar Crescent currently has a smaller pre 1940 house of no particular distinction, with two terrible additions, and poor siting on the lot. The posted development application applies to remove the additions, move the original house, and build a new addition. Surely it would make more sense to build a new house with real architectural integrity.

While I agree that there are some new massively overbuilt and unattractive houses in FSD, there are also beautiful new houses. Concerns about houses that are too big and too ugly could be addressed by strengthening and enforcing by-laws.

The wording of the HCA ODP needs to be changed to acknowledge that not all pre 1940 FSD houses merit protection from demolition. There should be an assessment process to determine which houses have heritage value. The procedure to have a house removed from "protected heritage property" status needs to be simple and fair. (My understanding is that it is currently a long complicated process which includes a public hearing.)

If the HCA ODP is approved, affected homeowners should be fairly compensated for loss of value.

Sheila Grant

s.22(1) Personal and Confidential

Ludwig, Nicole

From: Correspondence Group, City Clerk's Office
Sent: Tuesday, September 15, 2015 5:15 PM
To: Public Hearing
Subject: FW: First Shaughnessy HCA Proposals

From: Len Polsky s.22(1) Personal and Confidential
Sent: Tuesday, September 15, 2015 4:12 PM
To: Correspondence Group, City Clerk's Office
Cc: s.22(1) Personal and Confidential
Subject: First Shaughnessy HCA Proposals

Dear Mr. Mayor and City Councillors

Here are my Dictionary terms which describe my negative views regarding the proposed Plan:

Anti-Democratic
Arbitrary
Contradictory
Costly (overly so)
Deceitful
Discriminatory
Disrespectful
Draconian (your powers go way too far – this is not North Korea)
Expropriation (of property rights, both as to value and freedom of action)
Flawed
Hidden Agenda
Impractical
Indirect
Intrusive
Lazy
Non-Consultative (really!!)
Ploy
Sham
Shameful
SNEAKY (downright)
Unfair
Unnecessary
Unrealistic
Unworkable
WRONG (in so many ways)

I urge you not to proceed with enactment of the proposed changes in their present form.

Sincerely

Ludwig, Nicole

From: C. P. Chen s.22(1) Personal and Confidential
Sent: Tuesday, September 15, 2015 3:31 PM
To: Correspondence Group, City Clerk's Office
Cc: Public Hearing
Subject: OBJECTION to the First Shaughnessy Heritage Conservation Proposal

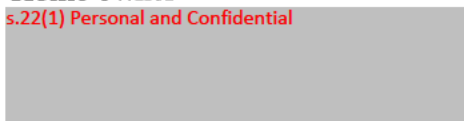
Follow Up Flag: Follow up
Flag Status: Flagged

To Mayor Robertson and City Council,

I am writing to express my strongest objection to the proposed new rules forced upon the First Shaughnessy home owners. My wife and I are co-owners of 1989 West King Edward Avenue, a pre-1940 house. However, it is not on the Heritage A, B, or C list and imagine our shock when we learned about the recent proposal and what kind of negative impact it will have on us. I have read through the proposal and argument put forth by the heritage conservation groups and I totally disagree with the so-called "incentives" offered to the home owners as they are not desirable to any potential future buyers and would not counteract the possible steep drop in our property value should the proposal goes through against our wills. Furthermore, allowing infill structure and increasing density will just destroy the estate feel of First Shaughnessy, which will definitely take away whatever prestige that still remains. Furthermore, where are our rights as home owners? It seems that the people who are affected the most by the new proposal have the least say in this matter. Therefore, I disagree and do not support this proposal.

Chui Ping Chen
Home owner

s.22(1) Personal and Confidential



Ludwig, Nicole

From: Correspondence Group, City Clerk's Office
Sent: Tuesday, September 15, 2015 2:56 PM
To: Public Hearing
Subject: FW: opposition to HCA proposal

Follow Up Flag: Follow up
Flag Status: Flagged

-----Original Message-----

From: Young Chi Woo s.22(1) Personal and Confidential
Sent: Tuesday, September 15, 2015 2:27 PM
To: Correspondence Group, City Clerk's Office
Subject: opposition to HCA proposal

Dear Sirs and Mesdames:

My wife Angela and I reside at 3789 Pine Crescent, Vancouver. We also own partly 3851 Pine Crescent. Our Shaughnessy neighbors and ourselves fought against the ill-advised development of 3838 Cypress (Greencroft).

The city planner had agreed to allow the developer to build 4 infill houses plus division of the main house into multiple apartments, all on a lot zoned for a single family. In the end the city allowed 2 infills.

Unfortunately

a crystal ballroom, built as an adjoining greenhouse, one of the most lovely features of the house, was demolished to make space for one of the infills. The current proposal to increase the density by allowing additional coach houses and enlarging the floor space of the existing houses will be more detrimental to the character of old Shaughnessy than allowing demolition of old, dark, and draughty houses and replacing them with architecturally-compatible new houses which can fit into the neighborhood.

Yours truly,
Young Chi Woo