

Andrew B. MacDonald

s.22(1) Personal and Confidential

20 July 2015

Mayor and Council
City of Vancouver

Dear City of Vancouver,

**Re: Public Hearing 21 July - First Shaughnessy Heritage Conservation Area
3738 Cypress Street**

My wife and I have been informed by Brian Hill that the home at s.22(1) Personal and Confidential has been included in the proposed First Shaughnessy Heritage Conservation Area. As the owner of s.22(1) Personal and Confidential and neighbour of s.22(1) Personal and Confidential in First Shaughnessy, I am writing to support the omission of s.22(1) Personal and Confidential from the First Shaughnessy Heritage Conservation Area.

Born and raised in Vancouver, I have admired the Shaughnessy neighbourhood for decades. My wife and I grew up living in Second Shaughnessy and we chose to purchase our family home in Shaughnessy because of our fondness for and appreciation of the beauty, character and rich history in this area. As it happens, s.22(1) Personal and Confidential was listed for sale in 2003 when we moved back to Vancouver from Toronto. We quickly dismissed it from consideration due to its lack of architectural appeal and heritage value. In fact, we hoped and expected it would be torn down and replaced with something that would add to, not detract from, the quality of homes in the neighbourhood

It is with this deep respect for heritage that my wife, Georgina and I, oppose the inclusion of s.22(1) Personal and Confidential in the List of Protected Properties within the First Shaughnessy Heritage Conservation Area.

We understand that s.22(1) Personal and Confidential was substantially renovated in the 1970s and continues to reflect a dated 1970's aesthetic. It is, quite simply, an eyesore.

This home does not uphold the standards of characteristics of our neighborhood and holds no heritage value. Its appearance is detrimental to the neighbourhood and the sooner it is removed, and improved, the better.

Allowing a new house on this site, one that complies with proposed FS HCA General Guidelines, would be a benefit to the overall objectives of the Heritage Conservation Area, which we support.

I urge you to do two things at Public Hearing:

1. Remove s.22(1) Personal and Confidential from the List of Protected Properties in Appendix A4
2. Amend the First Shaughnessy District Schedule (Appendix E) by adding the following:

5 Relaxations of Regulations

5.5 The Director of Planning may consider a Development Application which would result in the demolition of pre-1940 building included in the List of Protected Heritage Properties where it is demonstrated that the building has no heritage value and does not contribute to the overall value of the First Shaughnessy HCA, having considered:

- a. the submissions of any advisory group, property owner of tenant*
- b. the intent of this District Schedule and all applicable Council policies and Guidelines*

Respectfully submitted

Andrew B. MacDonald

cc. Brian Hill
Marco D'Agostini
Brian Jackson
Anita Molaro

Kennett, Bonnie

From: Correspondence Group, City Clerk's Office
Sent: Tuesday, July 21, 2015 9:37 AM
To: Public Hearing
Subject: FW: Frist Shaughnessy Heritage Conservation Area - Proposed Regulatory and zoning changes

From: Edith Wong [mailto:5.22(1) Personal and Confidential]
Sent: Monday, July 20, 2015 11:32 PM
To: Correspondence Group, City Clerk's Office
Subject: Frist Shaughnessy Heritage Conservation Area - Proposed Regulatory and zoning changes

Dear Mayor

My husband and I are owners and occupants at 5.22(1) Personal and Confidential. We respectfully do not support the proposed zoning changes quite simply we feel using the proposed dates is too arbitrary. We feel that there is already enough by-laws in place to achieve what is being proposed. Our home is over 100 years old and we are very happy to keep it as it is, but as time goes on and circumstances changes, we feel that there should be the flexibility to deal with the matters that is satisfactory to the owners, First Shaughnessy and the city. One of our concern is when rules are too restrictive that too much time, cost and efforts are wasted, We also feel that the proposed changes is one step closer to "big brother" to "big brother" governance.

We also feel that the proposed changes will decrease our property value and would make a future sale more difficulty.

Yours truly,

--
Edith Wong

5.22(1) Personal and Confidential

Kennett, Bonnie

From: Virginia Hou s.22(1) Personal and Confidential
Sent: Monday, July 20, 2015 10:53 PM
To: D'Agostini, Marco s.22(1) Personal and Confidential
Subject: Proposed Protected Heritage Property s.22(1) Personal and Confidential

Hi Mr. D'Agostini,

Further to our telephone conversation, I would like to express my objection of putting our properties, s.22(1) Personal and Confidential under the Heritage Conservation Plan. I understand that the Plan is set to protect buildings built before 1940, however, our 2 houses(infills) are built in 1986. It is therefore unfair to put us in the same category as the older house in the lot. We should have the option to rebuild or even demolish the infills because there is absolutely no heritage content in these houses. In fact, they did not even exist before 1940.

Having lived in First Shaughnessy for over 40 years, I would like to take this opportunity to point out one concern. I think we should have some bylaws and enforcement of keeping hedges at certain height, especially if the hedges are blocking your neighbours' view. While new buildings have to follow a strict height and width restrictions, it is frustrating to see that there is no restriction on overgrown hedges that are sometimes twice the height of the houses.

Thank you for reading my email and please put our concern in your consideration.

Regards
John Hou

16 July, 2015

Dear Mayor and Council,

We live at s.22(1) Personal and Confidential _____, we disagree and

do not support the proposed new rules and regulations for First Shaughnessy. We

do not want Shaughnessy to be a special heritage conservation area. Thank you.

s.22(1) Personal and Confidential
Signature _____

Print Jack Hoy

s.22(1) Personal and Confidential
Lily Ann Hoy

16 July, 2015

Dear Mayor and Council,

We live at s.22(1) Personal and Confidential, we disagree and

do not support the proposed new rules and regulations for First Shaughnessy. We

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Signature s.22(1) Personal and Confidential

Print Jaqueline Gu

July 20, 2015

Dear Mayor and Council,

I am the Owner and Occupant of s.22(1) Personal and Confidential I disagree and I do not
Support the Heritage Designation for First Shaughnessy.

s.22(1) Personal and Confidential

DIXIE JONES

16 July, 2015

Dear Mayor and Council,

s.22(1) Personal and Confidential
We live at _____, we disagree and

do not support the proposed new rules and regulations for First Shaughnessy. We

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s.22(1) Personal and Confidential
Signature _____

Print ALFRED HURWITZ

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Signature s.22(1) Personal and Confidential

Print Tom Hayden Kremer
s.22(1) Personal and Confidential

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Signature s.22(1) Personal and Confidential

Print

ZHEN DONG LV

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s.22(1) Personal and Confidential
Signature _____

Print FRANCIS LIN

Jennifer Neal

s.22(1) Personal and Confidential

20 July 2015

Mayor and Council
City of Vancouver

Dear City of Vancouver,

Re: **Public Hearing 21 July - First Shaughnessy Heritage Conservation Area**

s.22(1) Personal and Confidential

Brian Hill has informed me that the home at s.22(1) Personal and Confidential has been included in the proposed First Shaughnessy Heritage Conservation Area. As the owner of s.22(1) Personal and Confidential in First Shaughnessy, I am writing to support the omission of s.22(1) Personal and Confidential from the First Shaughnessy Heritage Conservation Area.

As a lifetime resident of Vancouver and the Shaughnessy area, I am familiar with the significance of the neighbourhood and a general supporter of our city's heritage conservation efforts. My family and I have lived at our current address since 2010 and know the subject property well.

s.22(1) Personal and Confidential

s.22(1) Personal and Confidential was substantially renovated in 1982 and does not hold any meritorious values of a pre-1940's home. Conserving this particular home would not fulfill the intended objectives of the First Shaughnessy Heritage Conservation plan. This particular home does not contain or represent meritorious characteristics of our neighborhood and should not be required to be bound by the regulations.

Allowing a new house on this site, one that complies with proposed FS HCA General Guidelines, and reflects the design principles of the neighborhood would be a benefit to the overall objectives of the Heritage Conservation Area.

I urge you to do two things at Public Hearing:

1. Remove s.22(1) Personal and Confidential from the List of Protected Properties in Appendix A4
2. Amend the First Shaughnessy District Schedule (Appendix E) by adding the following:
 - 5 *Relaxations of Regulations*
 - 5.5 *The Director of Planning may consider a Development Application which would result in the demolition of pre-1940 building included in the List of Protected Heritage Properties where it is demonstrated that the building has no heritage value and does not contribute to the overall value of the First Shaughnessy HCA, having considered:*
 - a. *the submissions of any advisory group, property owner of tenant*
 - b. *the intent of this District Schedule and all applicable Council policies and Guidelines*

Respectfully submitted

s.22(1) Personal and Confidential

Jennifer Neal

cc. Brian Hill
Marco D'Agostini

Zev Shafran

5.22(1) Personal and Confidential

20 July 2015

Mayor and Council
City of Vancouver

Dear City of Vancouver,

Re: **Public Hearing 21 July - First Shaughnessy Heritage Conservation Area**

5.22(1) Personal and Confidential

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As a longtime resident of Vancouver, I have admired the Shaughnessy neighborhood for decades. My family and I made the choice to purchase our family home in Shaughnessy because we have a fondness and appreciation of the beauty, character and rich history in this area. I have lived in the neighborhood since 1984 and am a very proud resident.

It is with this deep respect for heritage that my wife Elaine and I oppose the inclusion of 5.22(1) Personal and Confidential from the First Shaughnessy Heritage Conservation Area.

5.22(1) Personal and Confidential was substantially renovated in the 1970s and continues to reflect a dated 1970 aesthetic. It is, quite simply, an eyesore.

This home does not uphold the standards of characteristics of our neighborhood and holds no heritage value. Its appearance is detrimental and the sooner it is removed, and improved, the better.

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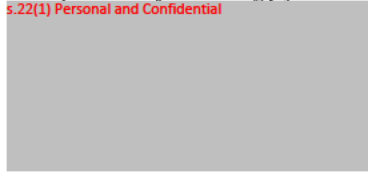
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5.5 The Director of Planning may consider a Development Application which would result in the demolition of pre-1940 building included in the List of Protected Heritage Properties where

it is demonstrated that the building has no heritage value and does not contribute to the overall value of the First Shaughnessy HCA, having considered:

- a. the submissions of any advisory group, property owner or tenant*
- b. the intent of this District Schedule and all applicable Council policies and Guidelines*

Respectfully submitted 

5.22(1) Personal and Confidential



Zev Shafran

Kennett, Bonnie

From: Correspondence Group, City Clerk's Office
Sent: Monday, July 20, 2015 4:16 PM
To: Public Hearing
Subject: FW: Letter to Vancouver City Council re HCA proposal for First Shaughnessy

s.22(1) Personal and Confidential

From: Bryan McKnight
Sent: Monday, July 20, 2015 4:00 PM
To: Correspondence Group, City Clerk's Office
Subject: Letter to Vancouver City Council re HCA proposal for First Shaughnessy

Mayor Robertson and Councillors -

I'm writing as an owner of a pre 1940 property in First Shaughnessy (FS). We are one of over 300 Vancouver families most affected by the enormous changes the City is proposing for FS. My wife and I bought our house on ^{s.22(1) Personal and Confidential} in 1988 and have lived there for over 26 years. Our family has grown up and now have their own places in Vancouver. We love the character and history of our house and support preserving it and many others like it, wherever they are in the city. We also want to see the character of FS preserved as it is for future generations. Having said that, we have some very serious concerns about the rushed and flawed process leading up to the current proposals, the poor communication with property owners, and some of the proposals themselves.

My whole working life was spent with one of the four large international accounting and consulting firms. For over eight years, I was managing partner in Vancouver and was BC managing partner for three years. I only mention that as I think my background shows that I'm financially literate and it may give me at least some perspective on reasonable expectations for a highly complex and impactful process like this.

Economic value

From the first contact I had with this process (the February/March open houses), a fundamental and constant topic of discussion has been - 'What impact does all of this have on the values of the properties?'. Throughout the documents provided to council on June 9, there were many references to the diminished value concern and a number of comments, particularly in the Coriolis report (Appendix K), that reinforce that it's a real, not a theoretical problem. In my mind, there's no question that precluding tear downs of unrestored pre 1940 houses (unfortunately, the highest and best economic solution in many cases), introducing significant restrictions and process re what changes can be made to the houses and grounds, and reducing the buildable portion of a lot (increased setbacks) etc., absent other changes, has a significant downward impact on the value of properties that have those houses. To argue otherwise just doesn't seem logical to me. I suggest that discussion with real estate agents who know and are currently active in FS will confirm the significant negative value that the market puts on an unrestored pre 1940 house. There is hard evidence in recent sales (also in the narratives and prices for recent listings). A prime example is 1190 Matthews which sold for over \$10,000,000 in April/15 - a 15,700 sq ft lot with a tear down! Millions higher than it would be worth with an unrestored pre 1940 house on it.

I was very surprised to read in Donald Luxton's report of May 29 (provided to Council on June 9) the following under a heading 'Retention without compensation'

“Under the current FSODP, the City provides development incentives, such as increased density, or relaxed site guidelines, to encourage heritage and character retention. However, when the City recommends that a heritage house should be retained, in opposition to the owner’s wishes to pursue new home construction, Council may (as an option) consider designating the house as heritage property. Such action would involve compensating the property owner for any loss in property value. By comparison, an HCA does not require compensation through its direct identification of protected heritage properties.”

I understand that the City believes that the Vancouver Charter gives it the right to designate heritage properties in groups through an HCA, but not individually without an HCA, with no negotiation and no compensation. I have not seen a legal opinion to this effect. It does seem heavy-handed!

But if we take that as a given, in the absence of a one by one negotiation process with FS owners, the City is really negotiating with itself on behalf of the whole group of pre 1940 homeowners in FS, to try to provide a group of ‘incentives’ that will offset the negative impacts of requiring retention of pre 1940 houses and imposing other restrictions. Pre 1940 owners in FS really have little or no leverage. In a one-sided negotiation like this, I believe it’s critically important for the unrepresented parties to receive a type of fairness opinion from a qualified independent third party. And also for the City, in this case, to have an independent opinion as to the fairness of what it is proposing.

We know that the April Coriolis report (third party analysis of the potential economic impact of the proposed changes), expressed some serious concerns. Here are example quotes from page 21;

- “Depending on the siting and configuration of existing houses, it may not be possible to accommodate all of the un-used portion of the permitted .45 FSR in a renovation/addition. it is possible that (even if extensive interior renovations are permitted), the number or type of living spaces that can be accommodated in a renovation of an existing house would not match what the market would look for in a new house and higher requirements for renovations (e.g. restrictions about materials that can be used) could increase construction costs. In our view, the market will view the proposed regulatory changes as more restrictive than in the existing situation”.

- “In our view, because there will be new restrictions but no new offsetting incentives that apply to small homes on small sites, there will likely be decreased market interest for small sites with small pre-1940 homes in First Shaughnessy.”

Decreased market interest appears to be a gentle and indirect way of describing a real hard money financial loss to the owners of these properties.

I understand that following the April Coriolis report, the City made some changes to the proposals before the June 9 material went to Council. I know that one change was to offer a coach house option to small property owners, and there may have been other changes.

I also understand that Coriolis was engaged to do additional analysis of the proposed zoning changes. I don’t know what that work entails but I had hoped it would address current market conditions, including a fundamental issue - how does the value of an empty lot under the old rules (or a lot with an older house that could have been demolished at the time), compare to the value of the same property with an unrestored pre 1940 house on it under the proposed rules.

As of last week, the additional independent assessment of the impact of the proposed zoning changes was still not available. I find this very upsetting! To me, it's completely unacceptable for the City to say that this critical further analysis is underway, yet the process is still proceeding at full speed as if the analysis had been done and had shown that there was no unfavourable economic impact on property owners!!! How can that be a defensible

thing to do? If the analysis, if and when it's finally done, shows that there is a negative impact on 'market interest'/values (which I believe there is), what will the city do? After all this time and at this stage of the process, how can the city say that it still doesn't have this essential information as to whether the proposals are fair to property owners, but is going ahead to entrench the proposals anyway?! Even if the additional analysis were to arrive on the heritage website today, there's no opportunity at all for a proper review by the few homeowners who might find it. An independent assessment of fairness should have been done and made available long ago, before any proposals went to Council. Yet the City is still scrambling and backfilling at this late date to get something from the consultants to justify the proposals which seem to have been cast in stone weeks ago. Inexcusable I think.

The last sentence under FAQ 6 sent out with the July registered letter to homeowners seems to sum up how loose this issue is ("In general, it is anticipated that maintaining the pre-1940 character of First Shaughnessy will support long term stability of land values, as this quality of character has contributed to to the overall desirability of the area enjoyed by the community to date"). Anticipated by whom, supported by what, and what about terms shorter than long term? Many pre 1940 property owners are older and at or near the end of their personal life cycle time horizons with these old houses, what about them?

I think that the City team has been working hard through highly complex issues with a very tight deadline set by Council, to get to firm proposals. However, the timetable was not set by the homeowners and is not an excuse. I think there's way too much at stake.

Communication with FS homeowners

On July 6, we received a registered letter from the City that our property is a proposed protected heritage property. I think that for many or probably most FS owners, that would have been the first time they were aware of or really thought about the issue. Lots of others, I'm sure, are away in July.

I attended three open houses along the way. With such a volume of complex material on white boards and a long detailed questionnaire to complete usually on the spot, my feeling is that relatively few FS owners were engaged in the process and provided thoughtful feedback. I could be wrong on this. I did say on the questionnaire I sent in mid March that I would caution against over-reliance on the feedback from those sessions or lack thereof.

The registered envelope on July 6 contained a two page covering letter and a two page FAQ sheet. Both documents referred the reader first to a website containing the 12 documents (many very lengthy) that were referred to Council on June 9. It's an enormous volume of material with no description in layman's terms of what it all is and how it fits together. Both documents provide another separate lengthy url link to appendix b, and the FAQ sheet also has separate lengthy links to appendices i and e - the extra links are unnecessary and confusing as these appendices are already included in the link to the Council material. Actually the link intended to be to appendix i reads as l in the url so you get an error message for that one. To go through the appendices and print and collate them is a very lengthy job, a couple of hundred pages - had to go out for paper and a new toner cartridge. There's a lot of duplication of sections among the 12 Council documents, even more unnecessary printing if you don't catch that. Not at all user friendly! I wonder how many people just gave up.

In looking at what was sent out to homeowners, I don't see anything that couldn't have been sent out at the same time as the June 9 Council meeting. That would have given homeowners closer to 6 weeks with the material instead of 15 days in our case. More time to really read and try to understand it all and perhaps talk to other homeowners about it, and send comments and plan to appear on the 21st. Given the complexity and the profound impact on people, it appears very one sided to send out the two brief documents, which seem to lead straight into a morass of detailed confusion, on July 6, with a hard deadline of July 21 for a full, thoughtful reaction. I understand that last week, there hadn't been much reaction from homeowners. Not surprising.

I have a number of questions on and issues with parts of the June 9 Council material and city staff have kindly made time for me to discuss a number of these. My sense from reading the 19 page 'Policy Report dated May 29, 2015', which was the first Council document, is that it appears to be somewhat imbalanced in favour of the proposals. For example, I have a serious concern that some of the paraphrasing of the Coriolis report is not faithful to the actual report and is actually quite misleading. The 19 page summary is a very key document and may be the only thing that many people read - it's obviously absolutely critical that it be fair and balanced and, where it refers to other documents, that it fairly and accurately present what those documents actually say. Here's an example of this issue in the summary report;

The summary report on page 13 says, referring to the Coriolis report, says "Regarding the regulatory changes, they note that the market **may** view the proposed changes as more restrictive for pre-1940 homes and that **the off-setting incentives for small homes on small sites may not be sufficient to prevent a change in market interest on these sites.**"

The actual consultants report by Coriolis says on page 21 "In our view, the market **will** view the proposed regulatory changes as more restrictive than in the existing situation". Also on page 21, "In our view, **because there will be new restrictions but no new offsetting incentives that apply to small homes on small sites, there will likely be decreased market interest for small sites with small pre-1940 homes in First Shaughnessy.**"

Very different messages!

Setbacks, new depth restriction, building envelope

The proposals include more restrictive setbacks, and a new building depth limit. and building footprint requirement for pre 1940 properties. This seems to me to be a wrong thing to do in all of the circumstances. More square feet is one of the 'incentives' for pre 1940 owners - yet the allowable buildable portion of a lot is shrinking. And more so proportionately for smaller lots than larger - the proposed 40 foot rear setback (up from 35 feet) is absolute. That seems to be way too much for a shallow lot, maybe not a big deal at all for many of the larger, deeper lots. Why is the rear setback not a percentage like the other setbacks?? And I don't understand what the rear setback of the house has to do with the location of a garage - if garage location is an issue, why not set some rules for that? Also, the side yard setback is proposed to increase from 15 feet to 20 feet on each side, for, say, a 100 foot frontage. Yes, the relaxation possibility is there. But relaxations are discretionary and I think they can only definitively be determined once plans have been developed and exposed and everyone (including neighbours, even renters) has had their say. People thinking about buying these properties will look at the official setbacks and other restrictions. They can have meetings with the planners and hear some encouraging things about relaxations, but they won't really know until the end of the application process - after they've actually bought and fully committed to the property and then gone through a very time consuming and expensive planning process. Only then will they know for sure. So I think that many people will assume the official setbacks are the actual limitations. They will either lose interest in the property because they think the setbacks (now more restrictive) are too restrictive, or they will discount the property based on the risk that setbacks will not, in the end, be relaxed. I know that's what I would do in that situation. I think that's a reaction that any buyer of one of these properties would have. This affects value, and I don't think this take-away for pre 1940 properties is fair or makes any sense, given all the other dynamics involved.

On this same topic, I also have concerns about some of the material on the two page Appendix F (Comparison Table of Current and Proposed Zoning Regulations.....). Similar to the 19 page summary, this is a key summary document that concisely compares current and proposed regulations. The far right column describes 'Benefit to Pre-1940 Property Owners'. For the sections which describe the more restrictive setbacks, the new building depth limit and the new building footprint, the 'Benefit to pre 1940 property owners column says 'yes'. I disagree. I don't see how putting in more stringent restrictions can be a benefit to pre 1940 owners.

I respectfully request that the more stringent setbacks and the new building depth limit and building footprint requirement being proposed for pre 1940 homes be reconsidered. In particular, I'd appreciate a hard look at the large and 'one size fits all' 40 foot rear setback proposal. Why not make this a percentage rather than an absolute, similar to the basis for front and side yard setbacks. Lots of other regulations are different for pre 1940 houses, why can't the setbacks also be different?

Thank you for reading this and considering my comments. I'm planning to be at the hearing tomorrow evening and look forward to the discussion of an overall issue that has an enormous impact on the very large group of FS homeowners.

Sincerely, Bryan McKnight

5.22(1) Personal and Confidential