

Lacey Maxwell

From: [REDACTED]
Sent: September 17, 2017 10:12 PM
To: Victoria Mayor and Council
Subject: Heritage Conservation Area

Dear Mayor and Council.

The proposal to designate several small areas of Fairfield as HCAs is discriminatory to the Victoria residents who have chosen to purchase homes in these locations. It subjects a few homeowners to additional restrictions that do not apply to others in Victoria.

Most people in these areas are interested in preserving the heritage characters of their homes and have already spent considerable time and money doing so. It is unfair to burden them with the additional costs which will result from such a plan. These include higher insurance rates, additional permit and renovation costs, and reduced resale values.

Any plan for an HCA must be voluntary. One fair way would be to designate an area as an HCA, then give a significant tax or other incentive for homeowners in the area to opt in. This would leave the choice up to the individual, while still hopefully attaining the objective of heritage preservation.

I ask that the council not give approval in principle to the present proposal.

Yours truly.

[REDACTED]
[REDACTED].

Victoria, BC

Lacey Maxwell

From: [REDACTED]
Sent: September 17, 2017 9:57 PM
To: Victoria Mayor and Council
Cc: Kristina Bouris
Subject: Heritage Conservation Areas for Fairfield

Dear Mayor and Council,

RE: Proposed New HCA Areas

Dear Mayor and Council,

As you are aware, City staff will be presenting their report and recommendations regarding the Fairfield Neighbourhood Plan at the next Committee of the Whole (CoW) meeting. As an owner of one of the properties affected by the recommendation for Heritage Conservation Areas (HCAs) I would like to express my strong objection to pursuing further this direction as it currently stands.

City staff have received a significant amount of correspondence regarding the HCAs. Based on the correspondence available to the public in the agenda, there are 39 emails and/or letters to the City. Of those, 34 (87%) are opposed, 3 (less than 8%) are in support and 2 do not comment directly on the HCAs. Even assuming some property owners provided more than a single piece of correspondence, the amount of opposition is significant and, in all likelihood, well above 50% of affected property owners oppose the implementation of HCAs as proposed. It is interesting to note that many of those who oppose the HCAs as proposed do not object to heritage conservation, but do object to how it's being proposed.

None of the 3 recommendations from City staff to the CoW acknowledge the amount of opposition from affected property owners to the proposed HCAs and therefore are unacceptable. Even the 3rd recommendation, to seek more consultation from the homeowners and public, places an emotional toll and time burden on the affected homeowners that is unacceptable. We do not feel we've been fully and properly consulted and it's taken a toll on us both emotionally and in regard to the amount of time we've needed to follow this issue through the process so far. To direct staff to consult homeowners only adds to our frustration and increases the amount of time, effort and emotional toll we feel we need to expend in order to have our voices heard. For City staff, this issue is one limited to their regular work day. For affected property owners, this is time we need to find outside of our work day affecting vacations, family and personal time, etc. I can't speak for all, but for me it's taking on an enormous toll and strain.

In light of the above, I propose the following options:

1. Reject outright the implementation of the HCAs as currently opposed. Further consultation of the affected property owners is unlikely to change the amount of opposition significantly and so far, it's taken an emotional toll on the affected homeowners beyond what is acceptable. I would rather have Council support and move onto the next process than to drag on further only to have to fight further.
2. Direct City staff to reconsider areas of HCAs and propose a much broader implementation. All of Fairfield, or at least a significant portion of Fairfield, would be more appropriate as per many of the emails and letters to the City Staff. This would mean the entire district would be affected and not just

a handful of residents who happen to be close to heritage properties. This would be a much more equitable way of introducing heritage values into the district and not rely on a small number of homeowners to carry the potential burden of decreased property values, additional processes for permits, increased insurance costs, etc.

3. Direct City staff to pursue an alternate process to achieve the objectives of heritage conservation. A number of alternates have already been proposed and there is yet another I have yet to hear considered: designate all of Fairfield to be within a Development Permit (DP) area. Revise the requirements of Development Permit areas to have an expedited process available to single family residences to obtain a DP through staff recommendations rather than the full Advisory Design Panel (ADP) and Public Hearing process. As there are no current single-family residences (as far as I can determine) within a DP zone this would be a new direction for the City and not require consulting property owners outside of the affected areas. This DP process would be very similar to the process, if not identical, as communicated to us concerning the HCAs. The benefits are many:

- a. The DP requirement would be widespread and affect all residents of the overall neighbourhood (say all of Fairfield), not just a few who happen to be next to a property with Heritage worthy status.
- b. As the new DP area would encompass more properties, it would protect the heritage of Victoria far better than designating just a couple of streets and be fairer in that it would apply to all properties and not just a few.
- c. Included in the exclusion for residential properties could be a provision to go through the regular DP process. This would effectively be an appeal process should a property owner wish to challenge the position of staff who originally reviewed their proposal for development or modifications. No additional procedures need to be developed as they are already part of the permitting process of the City.
- d. This could be the first step in requiring all of Victoria to have design oversight by the City.
- e. Individual homeowners might not be fully conversant with the DP process but developers and the design consultants certainly are. This would help remove the fears of what might be, and what might not be, acceptable.
- f. The DP required district would avoid the term 'heritage' and likely have zero impact on insurance rates. Insurance rates are dictated not by the local company, the insurance broker, but by the under-insurer. These are global companies who have no interest in researching the particularities or local conditions of city policies. I personally haven't verified with my insurer my rates will go up but it's easily believable having any sort of 'heritage' designation, no matter how minor, could affect insurance rates. Should insurance rates rise due to the HCA, there will be numerous claims against the City for compensation is my assumption.

I trust, as representatives of the residents of the City you are governing, that you will take the above considerations in serious consideration. As noted above this entire process has taken a toll on all of the affected property owners who are in objection to the proposed HCAs, and there appear to be many. We are simply trying to protect not only our rights but our investments in our properties. For myself, the property in question is my major retirement fund. Please consider our condition when you consider the next steps.

Regards.

We need a fixed height (meters or feet) for the Village that is policy; a story has no height restrictions.

As you review LAP for Fairfield report and distinguish between actual policies and the wish items that start with; Support, Consider, Identify, Maintain, Explore and Encourage. Almost all policy changes have to do with significant and excessive increases in the number of stories that will be permitted in a substantial portion of our community, especially all land northeast of the village. Yet I have difficulty identifying the policies relating to the preservation of our community or which provide community benefits.

The original Cook Street Village Plan, spoke about, form, fit and character of the village, it permitted one floor of commercial with two floors of residential on top, three meter setback from the property line to protect and respect public space, the third floor must be terraced back as not to block the skyline from across the street. This alone negated the need for a fixed FSR.

On September 27th Staff and the Working Group is having what is been called a Deep Dive Section on the Cook Street Village. Getting into the details, but every part of me says those details have already been decided. Should the outcome be to restore, three meter setback, terracing after the second floor, and a requirement for LEED Gold equivalent in environmental standards. Will staff be permitted to overrule it or will the final presentation to the public not address such technical details.

Item 6 in the IAP@ core values states; Public participation provides participants with the information they need to participate in a meaningful way. I call it, the ability to make informed decisions. If what we send out or discuss with the community is anything like the pamphlet sent out for the Vic-West and Gonzales LAP's, then item six is off the table.

People need clear, detail, **objective information**, the knowledge to interpret it and to know that they are not limited to the choices presented. None of the above and alternative suggests is an option.

ALL LAP POLICY CHANGES SHOULD BE LISTED FRONT AND CENTER IN PUBLICATIONS

They should not be hidden within and document. They shouldn't come as a surprise like "Urban Villages" and "Strategic Locations", which is still not defined on the city website.

If I had received the Vic-West or Gonzales LAP pamphlet in the mail, I would simple say; "sounds good and toss it into the blue bin. If I attended any forum with boards showing what has been decided, I would know realistically the decision has already been made. I know this to be true when we the Working Group were trying to get an extra two weeks of public consultation, because it was to happen over the Christmas Holiday. If staff is under such a time crunch, then there's no going back to revisit. (Take it up at the public hearing will be the only reply)

Finally, to me this is all for nothing, if the section relating to the Cook Street Village is only guidelines, the other request and concerns express time and time again as they pertain to the village are dismissed and other than four stories we are back to spending countless hours debating future development and breeding conflict.

I attended the proposed development by Aragon Properties for the Pick-A-Flick property last week to a full house, approximately 75 condos, no rentals. At four stories it's a 2.5 FSR square blob with little or no setbacks. At six stories it has setbacks and terracing. If the FSR was regulated to under 2.0 it would be a four story development with terracing and good setbacks.

[REDACTED]

Lacey Maxwell

From: Kelly Simpson <kelly.simpson@shaw.ca>
Sent: September 14, 2017 9:59 AM
To: Victoria Mayor and Council
Cc: Jordan Fisher
Subject: Heritage Conservation Area (HCA)- Fairfield

Importance: High

Dear Mayor and Council,

I am writing to you to express my concern, and that of many of our neighbours, about the proposed Heritage Conservation Area (HCA) in small sections of Fairfield. While we do not live in the affected area, we none the less recognize that this is not fair to our neighbours that are affected. **It also sets a dangerous precedent that could be used in other areas in the future. We are firmly against the implementation of this proposed HCA and urge Mayor and Council to vote against moving forward with this.**

We are supporters of heritage values and do want to help to preserve heritage values in our community. While we support the City's intentions on this, we have significant concerns about the approach being proposed, as well as the process used to date. **We believe there is an alternative approach that will yield greater overall benefits to heritage preservation in our community while fostering increased collaboration and cooperation with the City** and respecting the rights of homeowners.

We ask that council not approve in principle the proposed HCAs and directed staff to develop a citizen-led process and policy for Heritage Conservation Areas one which will help address the image challenges of the heritage program and foster good relationships with property owners.

Here are our the details of our concerns and recommendations:

Concerns:

1. The HCA would be extremely restrictive, would reduce property value, and severely limit home owners ability to make changes to their homes. As these homes are most people's biggest asset this is a truly scary proposition.

Over the years that this has been discussed the City had given the impression that the HCA would be much less restrictive than a heritage designation and that significant alterations to a building in the area would still be allowed as long as the appropriate process was followed. Recent clarifications from staff have indicated that this is not necessarily the case, and that for many homes the HCA will have virtually the same force and effect of a full heritage designation. Normally if a City forces heritage designation on a property owner the City is required to compensate the owner. In this case, it seems the City is trying to use a loophole to avoid compensation by using an approach meant for a "district" to apply to a small number of homes.

Some homes in the community, including in the proposed HCA have been given something of value in exchange for heritage restrictions. For example, homes have been rezoned to allow small lot subdivision of a backyard, or City contribution towards the costs associated with preservation and maintenance of the home. The HCA gives impacted homeowners all of the restrictions but with none of the benefits property owners would otherwise be able to receive. It is particularly concerning as the City has previously stated that while they would encourage owners of homes with heritage value to preserve and enhance those values, they would never force restrictions on a property.

2. This approach would set a dangerous precedent. Many areas of Fairfield (and other parts of the City) have just as much heritage value as this area. If this precedent is set, we are concerned that this approach may be used to create unreasonable restrictions to other homes in Fairfield and beyond.

3. The HCA covers a tiny area; it will essentially force the equivalent of heritage designation on a few homeowners while leaving 99% of the homes in our neighbourhood with no mechanism whatsoever for preserving or enhancing heritage values. We feel this is unfair, and not a level playing field.

The City originally (years ago) stated that the intent of this initiative was to protect the heritage values in our neighbourhood more broadly. Our understanding when the OCP was being done and was what was being contemplated would apply to the Cook St Village Area and Dallas Road. The HCA is very restrictive and being proposed for a tiny subset of this area. There are only a few non-designated homes with heritage value in the proposed HCA but dozens, if not hundreds, of homes in the broader neighbourhood that are of heritage value (some are on the registry, some are not). While the restrictions will put a few homes at a tremendous disadvantage, most homes in the community will be left with no mechanism for heritage preservation and enhancement. The effect of the HCA will have minimal benefit for heritage values in the community as a whole but will have tremendous costs for a small number of people. While we are not directly impacted by these restrictions, it is unfair to impose this on a handful of our fellow Fairfield residents.

4. The process used to date has sought input from the community in a manner that has highlighted advantages of the HCA, but none of the disadvantages.

A survey was done to seek input on the HCA and numerous other issues. It outlined advantages and disadvantages of numerous issues (e.g. building height in Cook St Village). For the HCA only advantages were shown and no disadvantages were outlined (the City's April 2017 fact sheet on the HCAs also outlines benefits, but does not outline disadvantages). The results in survey results that are biased towards support of this initiative as it has been presented as all positives, with no negative consequences. In addition, this survey was responded to by many homeowners, the since the HCA was restricted to such a tiny area the vast majority of respondents are outside of the HCA and are not directly impacted. Due to the two factors referred to above it is natural to expect that many of the responses will be supportive of a policy that will be detrimental to a select few homeowners. This sets up a skewed process that may give the impression of broad support, when such support is primarily based on people that were not informed and most of whom are not impacted by the changes.

Recommendation:

There are alternative approaches that will yield better outcomes for preservation and enhancement of heritage values without the negative impacts of the new proposed restrictions, e.g. a Heritage Collaboration Area.

Rather than implementing a new strict set of rules on a few homes, the City could create a *Heritage Collaboration Area* that would cover a broader area. Some of our neighbours have been talking about this recently and we believe it is an idea with great potential and it certainly warrants further discussion. Such an approach would be collaborative, rather than a top-down approach by regulators. It would include education of homeowners and contractors on strategies for preserving and enhancing heritage values. The City, homeowners, contractors, and even non profit organizations would collaborate to help facilitate a process whereby solutions are found for renovations and construction that preserve and enhance heritage values. While not binding in the same way a designation is, it will enable a creative, community building approach. It will not result in 100% protection of a few homes, but will result in better outcomes for hundreds of homes in our community. It may lead to some homeowners choosing to designate their properties, while others will often make choices that preserve and enhance heritage preservation during renovations. It will also achieve broader awareness of heritage values and better contribute to culture change on this important issue.

This approach will avoid what could otherwise become an adversarial process. Rather than our community spending their time investigating lawyers, and taxpayer liability, we'll spend it finding ways to work together to

preserve and enhance heritage values in our community. **By Council taking a leadership role to pilot such an innovative approach our community can help set the standard for heritage preservation** beyond a few homes, and even beyond the City has a whole. Community engagement on this issue has been lacking; few people have been engaged and un-balanced information has been provided, which biases the results. We encourage the City to explore this opportunity and seek a creative and collaborative approach that will realize great benefits while avoiding the significant negative impacts on homeowners.

Sincerely,

[REDACTED]
[REDACTED]