

From: s.22(1)

To: "Olinek, Jason" <Jason.Olinek@vancouver.ca>

"Greer, John" <john.greer@vancouver.ca>

"Ghasemi, Hamed" <Hamed.Ghasemi@vancouver.ca>

"Aguirre, Haizea" <Haizea.Aguirre@vancouver.ca>

"Choi, Nicole" <Nicole.Choi@vancouver.ca>

CC: s.22(1)

s.22(1)

Date: 10/18/2019 10:59:54 PM

Subject: Opposition To Proposed Development Application DP-2019-00401 (5595 Mackenzie Street)

Attachments: Aerial Neighbourhood Map #1 - Opposition to Development Application DP-2019-00401.jpeg

Aerial Neighbourhood Map #2 - Opposition to Development Application DP-2019-00401 (2).jpeg

Mr. Stefan Wiedemann - Architectural Opinion Letter - Opposition to Development Application DP-2019-00401.pdf

Good evening Mr. Jason Olinek, Mr. John Greer, Mr. Hamed Ghasemi, Ms. Haizea Aguirre, and Ms. Nicole Choi (*I hope that I spelled everyone's name correctly*).

INTRODUCTION:

My name s.22(1)

s.22(1)

5595 Mackenzie (the site of the Proposed Development). Please accept this email and attachments, as our final submissions regarding our *strong opposition* to the Proposed Development at 5595 Mackenzie Street.

Please be advised that I received the names of Mr. Olinek and Mr. Greer from Ms. Anita Molaro (who advised me that she is no longer in the Planning Department, and that you gentlemen are instead the appropriate contact persons). Additionally, I received the names of Mr. Ghasemi and Ms. Aguirre, from Ms. Nicole Choi. Per my email below dated October 11, 2019 (along with the related attachments above), s.22(1) along with a significant number of members of this neighbourhood, have reached out to the City in order to voice our strong opposition to the Proposed Development.

CONFIRMATION RE: RECEIPT OF SUBMISSIONS:

Although Ms. Molaro was kind enough to let me know that she would be forwarding my email and related attachments to Mr. Olinek and Mr. Greer, I am nevertheless doing so directly (along with adding Mr. Ghasemi and Ms. Aguirre). s.22(1) a paper trail to confirm that my materials regarding our opposition to this Proposed Development were sent *and* received by each of you. As such, at your earliest convenience, I would appreciate each of you to kindly confirm/acknowledge receipt of this email, my submissions (below), and the attachments.

FINAL SUBMISSIONS OPPOSING THE PROPOSED DEVELOPMENT:

Although previous submissions were s.22(1) in an email to the City dated October 11, 2019, *these* submissions and related attachments supersede those previous materials and serve as our final written opposition to the Development at 5595 Mackenzie Street. With that in mind, I am sending this email to you all,

as I understand that you are the appropriate persons to consider our objections (given you are the Heads of the Department of Planning for the City of Vancouver and/or involved in overseeing this project). respected Please be advised that s.22(1) were so disturbed and so strongly opposed to the proposed development at 5595 Mackenzie Street (the "Proposed Development") – s.22(1) s.22(1) – s.22(1) of well-known Architect, Mr. Stefan Wiedemann. s.22(1) Mr. Wiedemann, because of his expertise and knowledge with City planning; including what is legally permissible. As such, Mr. Wiedemann was tasked with reviewing the plans of the Proposed Development, and moreover, to properly critique it with the City's own bylaws, Charter, and rules in mind. In short, s.22(1) Mr. Wiedemann use his experience and expertise, to analyze the plans and related materials pertaining to the Proposed Development, s.22(1) s.22(1) and provide us with his opinion.

Mr. Wiedemann s.22(1) that identifies *all* of the issues and concerns relating to the Proposed Development, and why it should *not* be approved (*attached for your consideration and review*); we were shocked at what he told us and what we read. Notably, Mr. Wiedemann's letter systematically outlines the multitude of issues relating to the Proposed Development, along with a number of corresponding City "rules /laws" that he tells us are being grossly *contravened*. In short, I think it important to note that Mr. Weidmann was "shocked" (his words) that the Proposed Development has made it as far as it has, given the sheer number of breaches that are apparently present; which he concludes offends the City's own Charter, bylaws, and rules /guidelines. Rather than restate the issues here however, I respectfully urge you to please read and consider the attached letter that Mr. Wiedemann s.22(1)

In addition to what Mr. Wiedemann has to say about the "legal" issues/breaches that he has identified, s.22(1) s.22(1) also took the opportunity to add our own concerns for your consideration regarding the Proposed Development, that we ask you to kindly consider as well, please. They are as follows:

1) SIZE OF THE INFILL HOME:

Mr. Weidmann tells us that in light of the FSR of the lot size, the infill home can be no more than 2000 sq. feet; yet the Proposed Development of the infill residence calls for 6553 square feet (*an increase of some 327% over what is permitted*). Understandably, this will create a monstrous eye sore – s.22(1) s.22(1) and cramping an already overused street. I say "eye sore", because Mr. Wiedemann brought to our attention that although the infill home is required to be at the rear of the property, the Proposed Development has the infill home at the *front*; eroding the "flow" of the other character homes situated within this old fashioned neighbourhood.

2) LOSS OF THE EXISTING CHARACTER HOME:

The current home situated at 5595 is a lovely character home, which we understand to have been built prior to 1940. It sits far back from the roadside, with a beautiful large front lawn. Like most character homes in Kerrisdale, it is reflective of a community based neighbourhood; calm and welcoming. The Proposed Development however, intends to not only move the character home to the backyard (hiding it from sight), but in doing so, the character home's position is being replaced with the infill home which is slated to be moved much closer to the sidewalk than where the character home used to sit; diminishing the frontal placement "flow" of the other homes on this block.

The Proposed Development has also turned the character home 180 degrees, such that it will be facing the *rear* of the infill; meaning the back of the character home will face West 40th Avenue. When you add to this the fact that there is no entrance from 40th (which the back of the property looks onto), and the whole purpose behind retention of the character home, is completely *lost* – no one will see the front! What is the point in enacting guidelines to "protect" such homes, if they can simply be ignored as it appears the Proposed Development is attempting to do.

3) NO PARKING:

The Proposed Development is seeking to have *five units* (despite only apparently being eligible to have four units given the size of the lot). Our understanding is that for each unit, a parking stall is required; yet the

Proposed Development is calling for only 3 parking spots. As you are undoubtedly aware, Mackenzie Street has rows of houses on both sides of the street, yet parking is available on only one side. Moreover, parking is a premium because s.22(1) and many who take the bus park their vehicles out front of our homes, to then take the bus. In fact, s.22(1) for contravening the parking bylaw by leaving their unattended vehicles s.22(1)

s.22(1) I cannot remember a time where there was ample room to park – it is always busy.

That said, adding all those units of people *without sufficient parking stalls to accommodate* their vehicles, will make an already untenable situation, that much worse. When you add the fact that the City recently *removed* much of the parking along 41st and this is seemingly a recipe for disaster. I expect the taxpayer would be none too pleased to learn that bylaw parking enforcement personnel are spending all their time here ticketing offenders – which is what will happen in order to “protect” our ability to park in front of our own home, with so many more people needing to use parking space that simply isn’t available.

There is also a safety issue; adding more people and more vehicles, equates to more traffic. Given the number of children on this Street, as well as this area in general (ie – Kerrisdale Elementary is s.22(1)), and more traffic translates to the unfortunate possibility of more accidents. There is already so much congestion on Mackenzie as it is (the Street often backs up in the mornings and at the end of the day from 39th to 41st), that the addition of so many more cars, will only add to the bottleneck and trouble with parking. While we heard this week about the sudden possibility of “permit only” parking as a means to (apparently?) combat these issues, this does not offer a solution to the problem and moreover, will only cause *more* difficulties. Permit only does not permit friends, family members, or others related to our residence who may require to park out front. The solution to this problem is simple – keep the parking stalls in check with what is required.

4) NOISE LEVELS:

The addition of five units (each with the possibility of a number of persons per unit), will understandably raise the noise levels well above what this quiet neighbourhood is not only accustomed to, but also, should be entitled to expect.

5) TREES IN DANGER & PRIVACY LOST:

s.22(1)

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Simply stated, s.22(1)

because the

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Needless to say, we s.22(1)

for

these stated reasons and beyond.

The Proposed Development has referred to s.22(1) in what we believe may be an effort to perhaps attempt to remove and/or possibly damage the s.22(1) without fear of legal reprisal; this is particularly so as Mr. Wiedemann explained to us that the excavation is so close to the root ball of s.22(1), that they will (likely) be significantly impacted absent proper protection. Given Bylaw 9958 however, it is clear that many of these cedars are actually *trees* and therefore, afforded protection by law. I say this because Mr. Wiedemann encouraged s.22(1) to go out and s.22(1)

s.22(1)

– subject to your Landscape department’s independent assessment of s.22(1) (I have already sent an email to them requesting s.22(1)

s.22(1)

are in fact TREES, because many of them measure over the 20 centimeter cut-off, at over 1.4 meters above the ground.

In short, according to what has been explained to us by Mr. Wiedemann, as well as our understanding of the City bylaw referenced above, many of these “hedges” are legally designated TREES and therefore, required to be protected (*subject to a permit to remove a healthy tree*). That said, our understanding is that any effort to encroach upon s.22(1), not provide them the necessary protection required by law, and/or willful blindness and/or intention to damage (the roots of) these trees caused by the Proposed Development, is a not only a serious infraction (considering the hefty fines involved), but more importantly, deemed *impermissible and therefore unlawful*, by the City. I have already contacted the City’s Landscaping Department in separate

correspondence.

Understandably, s.22(1) are not experts in this area, nor do we purport to be; we instead rely on our tax paid dollars to ensure that the City ensure the continued protection of the health, welfare, and safety of our TREES, as well as our privacy – affording the necessary protection from the pitfalls of the Proposed Development.

6) THE NEIGHBOURHOOD:

Mackenzie Street and those on West 40th are a close group of neighbours. We communicate with each other. We look out for each other. And we care about the look, feel, and comfort of our neighbours and neighbourhood. Needless to say, my understanding is that your Department has already received a number of oppositions to the Proposed Development and I expect you will receive more (*which is also evidenced /illustrated by the just over two dozen signatures on the aerial map of our neighbourhood that is attached – where each owner signed his/her home supporting their OPPOSITION to the Development Application*).

7) WATER BENEATH WEST 40th:

As of this evening, the s.22(1) that there is (apparently) some large source of water that flows beneath the neighbourhood (from 39th to 41st). s.22(1) further advised that the City was previously sued some 10 years ago by a homeowner's Insurance Company, for allowing a home build on West 40th, that disturbed this body of water; causing a redirection of the water, which resulted in significant flooding. Finally, s.22(1)

s.22(1) In other words, the City is apparently *aware* of this water "issue" and therefore, cannot simply turn a blind eye to the possible dangers associated with excavation. I understand that this information (regarding the concern of the underground water), was apparently sent to the City s.22(1)

Should there be *any* truth to this information, I am requesting some form of geo-documentation and/or engineering report(s), relating to this water source in order to properly consider our options and potential course(s) of action, as well as wanting to express our concern that the Proposed Development needs to properly consider this potential source of danger. Understandably, we want to ensure that this "water" (and its potential for causing damage/destruction), is being accounted for in the Proposed Development; yet as the plans currently stand and as reviewed s.22(1) Mr. Wiedemann, there is no water accounted for, let alone water preparedness.

As a proud home owner and (high) property tax payer, as well as because s.22(1) and I expect and respectfully demand that *all necessary precautions* will be undertaken by the City (as well as those related to the Proposed Development); providing us with written assurance(s) that this water is being accounted for, in order to avoid and prevent *any* risk of water ingress and/or flooding. In fact, on the City's own webpage, under "Home, Property, and Development", it clearly states: "Water aquifers and flowing artesian wells exist below the ground in some areas... Advisories from both the Province of BC and the City of Vancouver warn that you and your contractors may cause flooding if you dig, drill, and excavate into these areas without preparation and qualifications."

In other words, the City is well aware of the necessity to ensure such water issues do not arise, given the significant clean-up costs and related liability that can be levied at the feet of those responsible. A high profile example of what can go wrong where proper precautions are not undertaken, is the well-publicized event that unfortunately occurred at 7084 Beechwood a few years ago – when the contractor accidentally breached the underground layer of rock that contained pressurized groundwater, apparently causing some 2 million litres of water to be released; threatening nearby properties in the process – for which I understand the City is now suing the homeowner for \$10 million in costs).

In short, I respectfully reiterate my concerns that the City cannot turn a blind eye to what may pose a significant risk if appropriate precautions are not taken/accounted for; as such, where in the plans of the Proposed Development is this (potential) water issue addressed? Rest assured the neighbourhood will be closely monitoring this situation.

8) CONCLUSION:

As made clear from Mr. Wiedemann's letter along with the comments above, s.22(1) are strongly opposed to the Proposed Development. We therefore kindly request that the City and you, the various Directors of Planning and/or persons directly involved in this project, please consider Mr. Wiedemann's letter that lays out the contraventions, breaches, and infringements committed by this Proposed Development of the bylaws, Charter, and rules established by the City of Vancouver.

We also ask that you consider the infringements of our personal property rights as owners; the negative impact to our trees, privacy, parking and noise levels.

We ask that you kindly consider the cohesiveness of this neighbourhood's strong voice of dissent regarding the Proposed Development (demonstrated by not only the individual letters received by Ms. Choi, but also, illustrated by the two aerial maps attached – where over two dozen property owners along Mackenzie Street as well as 40th Avenue, have signed off on his/her individual property, demonstrating their opposition to this project).

Finally, we respectfully ask that you vote to put the Proposed Development to an end; or at the very least, direct it to conform to the rules, bylaws, guidelines, and Charter of the City of Vancouver that are in place for a reason.

In closing, s.22(1) thank you all in advance for considering our package of submissions – my email and related attachments (above) – and we look forward to receiving *confirmation* of receipt of this email and attachments from each of you please, at your earliest convenience.

Thank you all for your attention to this pressing matter.

s.22(1)

s.22(1)

s.22(1)

From: s.22(1)

Sent: October 17, 2019 10:56 AM

To: anita.molaro@vancouver.ca; nicole.choi@vancouver.ca

Cc: s.22(1)

Subject: Opposition To Proposed Development Application DP-2019-00401 (5595 Mackenzie Street)

Importance: High

Good morning Ms. Molaro and Ms. Choi,

I am following up from my email sent to your attention on October 11, 2019 (below). *Note: I have removed Mr.*

Please be advised that in addition to my original email (my submissions opposing the proposed Development) and attachment (a letter prepared by Architect, Mr. Stefan Wiedemann), I have taken the liberty of including an additional attachment for your consideration [two aerial maps of the neighbourhood and surrounding streets impacted by the proposed Development (which as you will see, contains a multitude of signatures marked on each person's respective home)].

Given the urgency regarding this matter (the deadline for opposition submissions is slated for tomorrow, October 18), I wish to ensure that you have in fact, received a copy of my two emails (dated October 11 and today's date), along with my 2 attachments (Mr. Wiedemann's letter and the (two) aerial maps). Kindly *confirm* receipt of my submissions and attachments, as I wish to have written confirmation please, that these materials were not only received by you/the City in a timely manner, but also, will be placed before the appropriate committee/board, for proper consideration.

Thank you in advance and I look forward to your response,

s.22(1)

s.22(1)

s.22(1)

From s.22(1)

Sent: October 11, 2019 7:54 AM

To: 'tony.chen@vancouver.ca' <tony.chen@vancouver.ca>; 'anita.molaro@vancouver.ca' <anita.molaro@vancouver.ca>; 'nicole.choi@vancouver.ca' <nicole.choi@vancouver.ca>

Cc: s.22(1)

Subject: Opposition To Proposed Development Application DP-2019-00401 (5595 Mackenzie Street)

Good morning Mr. Chen, Ms. Molaro, and Ms. Choi,

I understand that you are the Heads of the Department of Planning for the City of Vancouver; hence this email to your attention. Please be advised that I received your contact information from s.22(1)

s.22(1) concerning the proposed development at 5595 Mackenzie Street (the Proposed Development) s.22(1).

INTRODUCTION:

s.22(1) strongly opposed to the Proposed Development. s.22(1)

because he is in a much stronger and knowledgeable position s.22(1), to not only understand the plans of the Proposed Development, but moreover, to be able to properly critique it. s.22(1) Mr.

Weidmann's services, s.22(1) that he analyze the plans and related materials pertaining to the Proposed Development, s.22(1)

More to the point, s.22(1) Mr. Wiedemann s.22(1) all of the issues and concerns relating to the Proposed Development, and why it should *not* be approved. Please find attached Mr. Wiedemann's letter for your review. Notably, Mr. Wiedemann's letter systematically outlines the

multitude of issues relating to the Proposed Development, along with corresponding City rules/laws that are being grossly *contravened*.

In short, I think it important to note that Mr. Weidmann was shocked (his words) that the Proposed Development has made it as far as it has, given the sheer number of breaches that are present; which he concludes offends the City's own Charter, bylaws, and rules/guidelines. Rather than restate the issues here, I respectfully urge you to please read and consider the attached letter that Mr. Wiedemann s.22(1) s.22(1)

In addition to what Mr. Wiedemann has to say about the legal issues, s.22(1) would like to add our own concerns for your consideration, please; they are as follows:

1) SIZE OF THE INFILL HOME:

Mr. Weidmann tells us that in light of the FSR of the lot size, the infill home can be no more than 2000 sq. feet; yet the Proposed Development of the infill residence calls for 6553 square feet (*an increase of some 327% over what is permitted*). Understandably, this will create a monstrous eye sore s.22(1) s.22(1) and cramping an already overused street. I say eye sore, because Mr. Wiedemann brought to our attention that although the infill home is required to be at the rear of the property, the Proposed Development has the infill home at the *front*; eroding the flow of the other character homes situated within this old fashioned neighbourhood.

2) LOSS OF THE EXISTING CHARACTER HOME:

The current home situated at 5595 is a lovely character home, which we understand to have been built prior to 1940. It sits far back from the roadside, with a beautiful large front lawn. Like most character homes in Kerrisdale, it is reflective of a community based neighbourhood; calm and welcoming. The Proposed Development however, intends to not only move the character home to the backyard (hiding it from sight), but in doing so, the character home's position is being replaced with the infill home which is slated to be moved much closer to the sidewalk than where the character home used to sit; diminishing the frontal placement flow of the other homes on this block.

The Proposed Development has also turned the character home 180 degrees, such that it will be facing the rear of the infill; meaning the back of the character home will face West 40th Avenue. When you add to this the fact that there is no entrance from 40th (which the back of the property looks onto), and the whole purpose behind retention of the character home, is completely *lost* no one will see the front! What is the point in enacting guidelines to protect such homes, if they can simply be ignored as it appears the Proposed Development is attempting to do.

3) NO PARKING:

The Proposed Development is seeking to have *five units* (despite only apparently being eligible to have four units given the size of the lot). Our understanding is that for each unit, a parking stall is required; yet the Proposed Development is calling for only 3 parking spots. As you are undoubtedly aware, Mackenzie Street has rows of houses on both sides of the street, yet parking is available on only one side. Moreover, parking is a premium because s.22(1) s.22(1) and many who take the bus park their vehicles out s.22(1) s.22(1) to then take the bus. In fact, s.22(1) for contravening the parking bylaw by leaving their unattended vehicles s.22(1) s.22(1) I cannot remember a time where there was ample room to park it is always busy.

That said, adding all those units of people *without sufficient parking stalls to accommodate* their vehicles, will make an already untenable situation, that much worse. When you add the fact that the City recently *removed* much of the parking along 41st and this is seemingly a recipe for disaster. I expect the taxpayer would be none too pleased to learn that bylaw parking enforcement personnel are spending all their time here ticketing offenders which is what will happen in order to protect our ability to park in front of our own home, with so many more people needing to use parking space that simply isn't available.

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congestion on Mackenzie as it is (the Street often backs up in the mornings and at the end of the day from 39th to 41st), that the addition of so many more cars, will only add to the bottleneck and trouble with parking.

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5) TREES IN DANGER & PRIVACY LOST:

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The Proposed Development has referred to s.22(1); in what we believe may be an effort to perhaps attempt to remove and/or possibly damage the s.22(1) without fear of legal reprisal; this is particularly so as Mr. Wiedemann explained to us that the excavation is so close to the root ball of s.22(1) that they will (likely) be significantly impacted absent proper protection. Given Bylaw 9958 however, it is clear that many of s.22(1) are actually *trees* and therefore, afforded protection by law. I say this because Mr. Wiedemann encouraged s.22(1) to go out and s.22(1)

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subject to your Landscape department's independent

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s.22(1)

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20 centimeter cut-off, at over 1.4 meters above the ground.

In short, according to what has been explained to us by Mr. Wiedemann, as well as our understanding of the City bylaw referenced above, many of these ~~hedges~~ are legally designated TREES and therefore, required to be protected (*subject to a permit to remove a healthy tree*). That said, our understanding is that any effort to encroach upon s.22(1), not provide them the necessary protection required by law, and/or willful blindness and/or intention to damage (the roots of) these trees caused by the Proposed Development, is a not only a serious infraction (considering the hefty fines involved), but more importantly, deemed *impermissible and therefore unlawful*, by the City.

Understandably, s.22(1) are not experts in this area, nor do we purport to be; we instead rely on our tax paid dollars to ensure that the City ensure the continued protection of the health, welfare, and safety of our TREES, as well as our privacy affording the necessary protection from the pitfalls of the Proposed Development.

6) THE NEIGHBOURHOOD:

Mackenzie Street and those on West 40th are a close group of neighbours. We communicate with each other. We look out for each other. And we care about the look, feel, and comfort of our neighbours and neighbourhood. Needless to say, my understanding is that your Department has already received a number of oppositions to the Proposed Development and I expect you will receive more.

7) CONCLUSION:

As made clear from Mr. Wiedemann's letter along with our comments above, s.22(1) are strongly opposed to the Proposed Development. We kindly request that the City and you, the Directors of Planning please consider the issues, contraventions, and infringements on our property rights caused by the Proposed Development as well as its internal issues, and put the Proposed Development to an end; or at the very least, direct it to conform to the rules, bylaws, guidelines, and Charter of the City of Vancouver.

s.22(1) [REDACTED] thank you all in advance for considering our package of submissions, and we very much look forward to hearing back from you/your Department at your earliest convenience.

s.22(1) [REDACTED]

s.22(1) [REDACTED]

s.22(1) [REDACTED]

s.22(1)

(X) OPPOSITION TO DEVELOPMENT APPLICATION DP-2019-00401 (X)

* OPPOSITION TO DEVELOPMENT APPLICATION DP-2019-00401 *

s.22(1)

Wiedemann Architectural Design

October 8, 2019

s.22(1)

Re: Development Application DP-2019-00401
Proposed development of your neighbouring property, located at 5595 Mackenzie Street, Vancouver

Dear s.22(1)

I have had an opportunity to review the proposal for 5595 Mackenzie Street (subject property that is s.22(1)). Please find below a numbered breakdown of the significant issues and concerns that I have identified, along with each corresponding City of Vancouver building "rule(s)" that is being undermined and/or contravened by this proposal.

1. year built 1931, assessed as a character house by the City of Vancouver.
2. site zoning is RS5.
3. site is 230.8'X50' (11,540 sq. ft) and requires a dedication of 20 feet with a resulting site dimension of 210.8'X50' (10,540 sq. ft.). Only the original size can be used for the computation of FSR (floor space ratio), all other areas, building depth and setbacks must use the site post dedication.

4382 West 10th Avenue, Vancouver, B.C. V6R 2H7
Office 604 739-0799 Cell 604 313-4241
Email: stefan@w-design.ca, www.wiedemannarchitect.com

4. This is a single fronting site with the rear yard adjacent to a property fronting on West 40th Ave, this site is not double fronting and as such does not have rear yard access from West 40th and all setbacks and conditions are to be administered as a mid block single fronting site with Mackenzie Street as its front yard.
5. *With character house retention and restoration the allowable FSR is 0.85 X 11,540 and equals 9,809 sq. ft. With retention of the character house the subject property can also have an infill house.*
6. Based on 2.2 of the "Guidelines for Additions, Infill, and MCD in association with retention of Character House in and RS zone" (the guidelines for infill) states that for a project to be eligible for incentives including conditional floor area, MCD and infill, that **the character house be retained and restored to its original character as viewed from the street.** By moving the character house to the rear of the property and spinning it 180 degrees, the front façade is no longer the dominant façade "as seen from the street". As such, none of the incentives should be approvable.
7. Per 2.3 of the guidelines additions should be subordinate to the retained character house **as seen from the street** and additions should be to the rear of the house.
8. Per 4.2.1 of the guidelines "relocation of the character house may be considered to provide an access path to the infill building". A shift to the rear yard should not be something that planning should support based on their guidelines.
9. The proposed infill house is set at the front of the site in contravention of the guidelines section 4.2, which states that "infill buildings should be subordinate to the existing character house and respectful of adjacent properties." It also states that "infill will typically be located in the rear yard of sites." Per 4.2.1.

4382 West 10th Avenue, Vancouver, B.C. V6R 2H7
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10. The proposed infill is set at the front of the site and dominates the character house with *more than double* the FSR of the character house.
11. Per 4.2.2 of the guidelines "The infill should not exceed 0.25 FSR (2,885 sq. ft.) or 2000 sq. ft." This establishes the maximum infill for the site at 2,000 sq. ft. The proposed infill house is 6,553.75 sq. ft. (a 327.6 % increase over what is allowable). Given that planning is not able under "The Charter" to relax FSR, this infill size should not even be considered by planning.
12. Per section 10 of the guidelines a dwelling unit density of 74 per hectare is theoretically achievable (9 units), but this is limited by the same section to a maximum of 4 dwelling units for site that are 50 feet wide. As such, the proposal is over the allowable maximum by one dwelling unit.
13. The proposal shows three parking spaces in the infill and states that it has one surface space for the MCD. Per the City of Vancouver parking bylaw, a minimum of 5 spaces would be required. The surface space is not shown on the site plan, but given the current configuration, the only available space is in a required rear yard, front yard, or side yard, all of which are unsupportable by planning.
14. Setbacks per section 4.4/5/6 of the RS5 bylaw for the proposed developments are as follows: Front yard average is 44.85 ft. (yet proposed front yard is 37.42 ft.); meaning this should not be supportable by planning. Side yard required is 7.5 ft. (yet proposed is 5.0'). Rear yard required is 35' (yet proposed is 7.36 as measured from the ultimate rear yard).
15. Side yards can be relaxed up to 60% unless this relaxation impacts mature trees. In this case your property has a 30' mature cedar hedge right on the property line with the

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 Office 604 739-0799 Cell 604 313-4241
 Email: stefan@w-design.ca, www.wiedemannarchitect.com

reduced side yard. The base of excavation is typically 18 inches from the building face, and the excavation cut would be a max. 60 degree slope resulting in an additional 2.5 feet of excavation. This results in an excavation cut at only one foot from your hedge. This would remove half to the existing root ball and would kill the hedge which is your only privacy from the development site.

16. Allowable Building depth per 4.16.2 of the RS5 bylaw, stipulates a maximum 40% building depth. This has to be measured to the ultimate rear property line (210.8 foot site depth), resulting in an allowable building depth of 84.33 ft. The proposed infill house has a building depth of 95.08 and is not supportable as a relaxation under the Charter.
17. Per 4.2 of the guidelines the infill house should be subordinate to the character house. In this case however, the infill is not only set in *front* of the character house, but it also dominates it with an FSR *more than double* that of the character house, as well as a roof height six feet above the character house.
18. Per 4.2.4 of the guidelines an infill is limited to one and a partial second story (this second floor should be contained under a simple roof with a minimum pitch of 7/12). However, the proposed infill has a full two and a half story volume facing not only both side yards with windows overlooking both neighbours private outdoor space, but also, into the neighbouring houses. The roof of the proposed infill is a complex front and side gable with pitches well below the required 7/12, thus exposing the entire second level to its full height.
19. Per 4.2.4 of the guidelines the maximum overall height of the infill is not to exceed 25 feet to the ridge of a min 7/12 roof. Not only does the proposed infill not have the required minimum roof slope of 7/12, but it has a maximum ridge height of 34.83 feet.

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CONCLUSION:

Given the sheer number of conditions that this proposal is in contravention of (re: the various bylaw(s) outlined above), I do not see how planning can support this application. Allowable incentives for retention cannot be supported, as the character house is no longer visible from the street, and its front façade faces the back yard.

The character house itself has also been so severely altered that it no longer reflects the existing house. The character house has been raised by 2.5 feet (civic max. is 1.0 feet), the entry stair has been reconfigured from the side, a large shed dormer dominates the cross gable roof, and the character defining cladding has been altered. As such, it no longer reflects the existing character house that is to be retained and restored and given this situation, planning should not be providing incentives to the project.

Planning cannot relax FSR, dwelling unit density, or height. As such, they would be in contravention of their own bylaw(s) and Charter, if they approved this proposal.

The landscape department should also investigate the viability of the hedge retention with a 4-foot excavation to the side property line. Planning should also look into the liveability of the proposed units as there is no viable open space for the use of five units.

This proposal is significantly altering the character of the street and the noise, overlook/loss of privacy, damage to tree(s), and congestion that will result, will substantially impact all adjacent properties; directly affecting the ability of neighbours to enjoy their homes and gardens.

Best regards,



Stefan Wiedemann, MAIBC, principal architect

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Office 604 739-0799 Cell 604 313-4241
Email: stefan@w-design.ca, www.wiedemannarchitect.com

From: s.22(1)

To: "Olinek, Jason" <Jason.Olinek@vancouver.ca>

"Greer, John" <john.greer@vancouver.ca>

"Ghasemi, Hamed" <Hamed.Ghasemi@vancouver.ca>

"Aguirre, Haizea" <Haizea.Aguirre@vancouver.ca>

"Choi, Nicole" <Nicole.Choi@vancouver.ca>

CC: s.22(1)

Date: 10/22/2019 3:27:03 PM

Subject: Opposition To Proposed Development Application DP-2019-00401 (5595 Mackenzie Street)

Attachments: Aerial Neighbourhood Map #1 - Opposition to Development Application DP-2019-00401.jpeg

Aerial Neighbourhood Map #2 - Opposition to Development Application DP-2019-00401 (2).jpeg

Mr. Stefan Wiedemann - Architectural Opinion Letter - Opposition to Development Application DP-2019-00401.pdf

Good afternoon Mr. Olinek, Mr. Greer, Mr. Ghasemi, Ms. Aguirre, and Ms. Choi.

I am following up from my previous email sent to each of you on Friday, October 18th. Kindly confirm receipt of that email, which contained my submissions opposing Development Application DP-2019-00401 (*below*), along with my various attachments (*attached above*).

Thank you for your prompt attention to this matter.

s.22(1)

s.22(1)

s.22(1)

From: s.22(1)

Sent: October 18, 2019 11:00 PM

To: Jason.Olinek@vancouver.ca; John.Greer@vancouver.ca; Hamed.Ghasemi@vancouver.ca;

Haizea.Aguirre@vancouver.ca; 'Choi, Nicole' <Nicole.Choi@vancouver.ca>

Cc: s.22(1)

Subject: Opposition To Proposed Development Application DP-2019-00401 (5595 Mackenzie Street)

Importance: High

Good evening Mr. Jason Olinek, Mr. John Greer, Mr. Hamed Ghasemi, Ms. Haizea Aguirre, and Ms. Nicole

INTRODUCTION:

My name is s.22(1)

s.22(1)

Mackenzie (the site of the Proposed Development). Please accept this email and attachments, as our final submissions regarding our *strong opposition* to the Proposed Development at 5595 Mackenzie Street.

Please be advised that I received the names of Mr. Olinek and Mr. Greer from Ms. Anita Molaro (who advised me that she is no longer in the Planning Department, and that you gentlemen are instead the appropriate contact persons). Additionally, I received the names of Mr. Ghasemi and Ms. Aguirre, from Ms. Nicole Choi. Per my email below dated October 11, 2019 (along with the related attachments above), s.22(1) along with a significant number of members of this neighbourhood, have reached out to the City in order to voice our strong opposition to the Proposed Development.

CONFIRMATION RE: RECEIPT OF SUBMISSIONS:

Although Ms. Molaro was kind enough to let me know that she would be forwarding my email and related attachments to Mr. Olinek and Mr. Greer, I am nevertheless doing so directly (along with adding Mr. Ghasemi and Ms. Aguirre). s.22(1) a paper trail to confirm that my materials regarding our opposition to this Proposed Development were sent *and* received by each of you. As such, at your earliest convenience, I would appreciate each of you to kindly confirm/acknowledge receipt of this email, my submissions (below), and the attachments.

FINAL SUBMISSIONS OPPOSING THE PROPOSED DEVELOPMENT:

Although previous submissions were s.22(1) in an email to the City dated October 11, 2019, *these* submissions and related attachments supersede those previous materials and serve as our final written opposition to the Development at 5595 Mackenzie Street. With that in mind, I am sending this email to you all, as I understand that you are the appropriate persons to consider our objections (given you are the Heads of the Department of Planning for the City of Vancouver and/or involved in overseeing this project). respected

Please be advised that s.22(1) were so disturbed and so strongly opposed to the proposed development at 5595 Mackenzie Street (the "Proposed Development") – s.22(1)

s.22(1)

– s.22(1)

of well-known Architect, Mr. Stefan

Wiedemann. s.22(1)

Mr. Wiedemann, because of his expertise and knowledge with City planning; including what is legally permissible. As such, Mr. Wiedemann was tasked with reviewing the plans of the Proposed Development, and moreover, to properly critique it with the City's own bylaws, Charter, and rules in mind. In short, s.22(1) Mr. Wiedemann use his experience and expertise, to analyze the plans and related materials pertaining to the Proposed Development, s.22(1)

s.22(1)

and provide us with his opinion.

Mr. Wiedemann s.22(1)

that identifies *all* of the issues and concerns relating to the Proposed Development, and why it should *not* be approved (*attached for your consideration and review*); we were shocked at what he told us and what we read. Notably, Mr. Wiedemann's letter systematically outlines the multitude of issues relating to the Proposed Development, along with a number of corresponding City "rules /laws" that he tells us are being grossly *contravened*. In short, I think it important to note that Mr. Weidmann was "shocked" (his words) that the Proposed Development has made it as far as it has, given the sheer number of breaches that are apparently present; which he concludes offends the City's own Charter, bylaws, and rules /guidelines. Rather than restate the issues here however, I respectfully urge you to please read and consider the attached letter that Mr. Wiedemann s.22(1).

In addition to what Mr. Wiedemann has to say about the "legal" issues/breaches that he has identified, s.22(1)

s.22(1) also took the opportunity to add our own concerns for your consideration regarding the Proposed Development, that we ask you to kindly consider as well, please. They are as follows:

1) SIZE OF THE INFILL HOME:

Mr. Weidmann tells us that in light of the FSR of the lot size, the infill home can be no more than 2000 sq. feet; yet the Proposed Development of the infill residence calls for 6553 square feet (*an increase of some 327% over what is permitted*). Understandably, this will create a monstrous eye sore – s.22(1), and cramping an already overused street. I say “eye sore”, because Mr. Wiedemann brought to our attention that although the infill home is required to be at the rear of the property, the Proposed Development has the infill home at the *front*; eroding the “flow” of the other character homes situated within this old fashioned neighbourhood.

2) LOSS OF THE EXISTING CHARACTER HOME:

The current home situated at 5595 is a lovely character home, which we understand to have been built prior to 1940. It sits far back from the roadside, with a beautiful large front lawn. Like most character homes in Kerrisdale, it is reflective of a community based neighbourhood; calm and welcoming. The Proposed Development however, intends to not only move the character home to the backyard (hiding it from sight), but in doing so, the character home’s position is being replaced with the infill home which is slated to be moved much closer to the sidewalk than where the character home used to sit; diminishing the frontal placement “flow” of the other homes on this block.

The Proposed Development has also turned the character home 180 degrees, such that it will be facing the *rear* of the infill; meaning the back of the character home will face West 40th Avenue. When you add to this the fact that there is no entrance from 40th (which the back of the property looks onto), and the whole purpose behind retention of the character home, is completely *lost* – no one will see the front! What is the point in enacting guidelines to “protect” such homes, if they can simply be ignored as it appears the Proposed Development is attempting to do.

3) NO PARKING:

The Proposed Development is seeking to have *five units* (despite only apparently being eligible to have four units given the size of the lot). Our understanding is that for each unit, a parking stall is required; yet the Proposed Development is calling for only 3 parking spots. As you are undoubtedly aware, Mackenzie Street has rows of houses on both sides of the street, yet parking is available on only one side. Moreover, parking is a premium because s.22(1) and many who take the bus park their vehicles out front of our homes, to then take the bus. In fact, s.22(1) for contravening the parking bylaw by leaving their unattended vehicles s.22(1). I cannot remember a time where there was ample room to park – it is always busy.

That said, adding all those units of people *without sufficient parking stalls to accommodate* their vehicles, will make an already untenable situation, that much worse. When you add the fact that the City recently *removed* much of the parking along 41st and this is seemingly a recipe for disaster. I expect the taxpayer would be none too pleased to learn that bylaw parking enforcement personnel are spending all their time here ticketing offenders – which is what will happen in order to “protect” our ability to park in front of our own home, with so many more people needing to use parking space that simply isn’t available.

There is also a safety issue; adding more people and more vehicles, equates to more traffic. Given the number of children on this Street, as well as this area in general (ie – Kerrisdale Elementary is s.22(1)), and more traffic translates to the unfortunate possibility of more accidents. There is already so much congestion on Mackenzie as it is (the Street often backs up in the mornings and at the end of the day from 39th to 41st), that the addition of so many more cars, will only add to the bottleneck and trouble with parking. While we heard this week about the sudden possibility of “permit only” parking as a means to (apparently?) combat these issues, this does not offer a solution to the problem and moreover, will only cause *more* difficulties. Permit only does not permit friends, family members, or others related to our residence who may require to park out front. The solution to this problem is simple – keep the parking stalls in check with what is required.

4) NOISE LEVELS:

The addition of five units (each with the possibility of a number of persons per unit), will understandably raise the noise levels well above what this quiet neighbourhood is not only accustomed to, but also, should be entitled to expect.

5) TREES IN DANGER & PRIVACY LOST:

s.22(1)

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Simply stated, s.22(1)

because the

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Needless to say, we s.22(1)

for

these stated reasons and beyond.

The Proposed Development has referred to s.22(1) in what we believe may be an effort to perhaps attempt to remove and/or possibly damage the s.22(1) without fear of legal reprisal; this is particularly so as Mr. Wiedemann explained to us that the excavation is so close to the root ball of s.22(1) that they will (likely) be significantly impacted absent proper protection. Given Bylaw 9958 however, it is clear that many of s.22(1) are actually *trees* and therefore, afforded protection by law. I say this because Mr. Wiedemann encouraged s.22(1) to go out and s.22(1)

s.22(1)

– subject to your Landscape department's independent assessment of s.22(1) (I have already sent an email to them requesting s.22(1)

s.22(1)

are in fact TREES, because many of them measure over the 20 centimeter cut-off, at over 1.4 meters above the ground.

In short, according to what has been explained to us by Mr. Wiedemann, as well as our understanding of the City bylaw referenced above, many of these “hedges” are legally designated TREES and therefore, required to be protected (*subject to a permit to remove a healthy tree*). That said, our understanding is that any effort to encroach upon s.22(1), not provide them the necessary protection required by law, and/or willful blindness and/or intention to damage (the roots of) these trees caused by the Proposed Development, is a not only a serious infraction (considering the hefty fines involved), but more importantly, deemed *impermissible and therefore unlawful*, by the City. I have already contacted the City's Landscaping Department in separate correspondence.

Understandably, s.22(1) are not experts in this area, nor do we purport to be; we instead rely on our tax paid dollars to ensure that the City ensure the continued protection of the health, welfare, and safety of our TREES, as well as our privacy – affording the necessary protection from the pitfalls of the Proposed Development.

6) THE NEIGHBOURHOOD:

Mackenzie Street and those on West 40th are a close group of neighbours. We communicate with each other. We look out for each other. And we care about the look, feel, and comfort of our neighbours and neighbourhood. Needless to say, my understanding is that your Department has already received a number of oppositions to the Proposed Development and I expect you will receive more (*which is also evidenced /illustrated by the just over two dozen signatures on the aerial map of our neighbourhood that is attached – where each owner signed his/her home supporting their OPPOSITION to the Development Application*).

7) WATER BENEATH WEST 40th:

As of this evening, the s.22(1) that there is (apparently) some large source of water that flows beneath the neighbourhood (from 39th to 41st). s.22(1) further advised that the City was previously sued some 10 years ago by a homeowner's Insurance Company, for allowing a home build on West 40th, that disturbed this body of water; causing a redirection of the water, which resulted in significant flooding. Finally, s.22(1)

s.22(1) In other words, the City is apparently *aware* of this water “issue” and therefore, cannot simply turn a blind eye to the possible dangers associated with excavation. I understand that this information (regarding the concern of the underground water), was apparently sent to the City s.22(1)

Should there be *any* truth to this information, I am requesting some form of geo-documentation and/or engineering report(s), relating to this water source in order to properly consider our options and potential course(s) of action, as well as wanting to express our concern that the Proposed Development needs to properly consider this potential source of danger. Understandably, we want to ensure that this “water” (and its potential for causing damage/destruction), is being accounted for in the Proposed Development; yet as the plans currently stand and as reviewed s.22(1), Mr. Wiedemann, there is no water accounted for, let alone water preparedness.

As a proud home owner and (high) property tax payer, as well as because s.22(1) s.22(1) and I expect and respectfully demand that *all necessary precautions* will be undertaken by the City (as well as those related to the Proposed Development); providing us with written assurance(s) that this water is being accounted for, in order to avoid and prevent *any* risk of water ingress and/or flooding. In fact, on the City’s own webpage, under “Home, Property, and Development”, it clearly states: “Water aquifers and flowing artesian wells exist below the ground in some areas... Advisories from both the Province of BC and the City of Vancouver warn that you and your contractors may cause flooding if you dig, drill, and excavate into these areas without preparation and qualifications.”

In other words, the City is well aware of the necessity to ensure such water issues do not arise, given the significant clean-up costs and related liability that can be levied at the feet of those responsible. A high profile example of what can go wrong where proper precautions are not undertaken, is the well-publicized event that unfortunately occurred at 7084 Beechwood a few years ago – when the contractor accidentally breached the underground layer of rock that contained pressurized groundwater, apparently causing some 2 million litres of water to be released; threatening nearby properties in the process – for which I understand the City is now suing the homeowner for \$10 million in costs).

In short, I respectfully reiterate my concerns that the City cannot turn a blind eye to what may pose a significant risk if appropriate precautions are not taken/accounted for; as such, where in the plans of the Proposed Development is this (potential) water issue addressed? Rest assured the neighbourhood will be closely monitoring this situation.

8) CONCLUSION:

As made clear from Mr. Wiedemann’s letter along with the comments above, s.22(1) are strongly opposed to the Proposed Development. We therefore kindly request that the City and you, the various Directors of Planning and/or persons directly involved in this project, please consider Mr. Wiedemann’s letter that lays out the contraventions, breaches, and infringements committed by this Proposed Development of the bylaws, Charter, and rules established by the City of Vancouver.

We also ask that you consider the infringements of our personal property rights as owners; the negative impact to our trees, privacy, parking and noise levels.

We ask that you kindly consider the cohesiveness of this neighbourhood’s strong voice of dissent regarding the Proposed Development (demonstrated by not only the individual letters received by Ms. Choi, but also, illustrated by the two aerial maps attached – where over two dozen property owners along Mackenzie Street as well as 40th Avenue, have signed off on his/her individual property, demonstrating their opposition to this project).

Finally, we respectfully ask that you vote to put the Proposed Development to an end; or at the very least, direct

it to conform to the rules, bylaws, guidelines, and Charter of the City of Vancouver that are in place for a reason.

In closing, s.22(1) thank you all in advance for considering our package of submissions – my email and related attachments (*above*) – and we look forward to receiving *confirmation* of receipt of this email and attachments from each of you please, at your earliest convenience.

Thank you all for your attention to this pressing matter.

s.22(1)

s.22(1)

s.22(1)

From: s.22(1)

Sent: October 17, 2019 10:56 AM

To: anita.molaro@vancouver.ca; nicole.choi@vancouver.ca

Cc: s.22(1)

Subject: Opposition To Proposed Development Application DP-2019-00401 (5595 Mackenzie Street)

Importance: High

Good morning Ms. Molaro and Ms. Choi,

I am following up from my email sent to your attention on October 11, 2019 (below). *Note: I have removed Mr. Chen's name per his request.*

Please be advised that in addition to my original email (my submissions opposing the proposed Development) and attachment (a letter prepared by Architect, Mr. Stefan Wiedemann), I have taken the liberty of including an additional attachment for your consideration □two aerial maps of the neighbourhood and surrounding streets impacted by the proposed Development (which as you will see, contains a multitude of signatures marked on each person's respective home).

Given the urgency regarding this matter (the deadline for opposition submissions is slated for tomorrow, October 18), I wish to ensure that you have in fact, received a copy of my two emails (dated October 11 and today's date), along with my 2 attachments (Mr. Wiedemann's letter and the (two) aerial maps). Kindly *confirm* receipt of my submissions and attachments, as I wish to have written confirmation please, that these materials were not only received by you/the City in a timely manner, but also, will be placed before the appropriate committee/board, for proper consideration.

Thank you in advance and I look forward to your response,

s.22(1)

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s.22(1)

s.22(1)

From: s.22(1)

Sent: October 11, 2019 7:54 AM

To: 'tony.chen@vancouver.ca' <tony.chen@vancouver.ca>; 'anita.molaro@vancouver.ca'

<anita.molaro@vancouver.ca>; 'nicole.choi@vancouver.ca' <nicole.choi@vancouver.ca>

Cc: s.22(1)

Subject: Opposition To Proposed Development Application DP-2019-00401 (5595 Mackenzie Street)

Good morning Mr. Chen, Ms. Molaro, and Ms. Choi,

I understand that you are the Heads of the Department of Planning for the City of Vancouver; hence this email to your attention. Please be advised that I received your contact information s.22(1)

s.22(1) concerning the proposed development at 5595 Mackenzie Street (the Proposed Development) s.22(1)

INTRODUCTION:

s.22(1) are strongly opposed to the Proposed Development. s.22(1)

because he is in a much stronger and knowledgeable position s.22(1) to not only understand the plans of the Proposed Development, but moreover, to be able to properly critique it. s.22(1) Mr.

Weidmann's services, s.22(1) that he analyze the plans and related materials pertaining to the Proposed Development, s.22(1)

More to the point, s.22(1) Mr. Wiedemann s.22(1) all of the issues and concerns relating to the Proposed Development, and why it should *not* be approved. Please find attached Mr. Wiedemann's letter for your review. Notably, Mr. Wiedemann's letter systematically outlines the multitude of issues relating to the Proposed Development, along with corresponding City rules/laws s.22(1) that are being grossly *contravened*.

In short, I think it important to note that Mr. Weidmann was shocked s.22(1) (his words) that the Proposed Development has made it as far as it has, given the sheer number of breaches that are present; which he concludes offends the City's own Charter, bylaws, and rules/guidelines. Rather than restate the issues here, I respectfully urge you to please read and consider the attached letter that Mr. Wiedemann s.22(1)

s.22(1)

In addition to what Mr. Wiedemann has to say about the legal s.22(1) issues, s.22(1) would like to add our own concerns for your consideration, please; they are as follows:

1) SIZE OF THE INFILL HOME:

Mr. Weidmann tells us that in light of the FSR of the lot size, the infill home can be no more than 2000 sq. feet; yet the Proposed Development of the infill residence calls for 6553 square feet (*an increase of some 327% over what is permitted*). Understandably, this will create a monstrous eye sore s.22(1) s.22(1), and cramping an already overused street. I say 'eye sore' s.22(1), because Mr. Wiedemann brought to our attention that although the infill home is required to be at the rear of the property, the Proposed Development has the infill home at the *front*; eroding the flow s.22(1) of the other character homes situated within this old fashioned neighbourhood.

2) LOSS OF THE EXISTING CHARACTER HOME:

The current home situated at 5595 is a lovely character home, which we understand to have been built prior to 1940. It sits far back from the roadside, with a beautiful large front lawn. Like most character homes in

Kerrisdale, it is reflective of a community based neighbourhood; calm and welcoming. The Proposed Development however, intends to not only move the character home to the backyard (hiding it from sight), but in doing so, the character home's position is being replaced with the infill home which is slated to be moved much closer to the sidewalk than where the character home used to sit; diminishing the frontal placement of the other homes on this block.

The Proposed Development has also turned the character home 180 degrees, such that it will be facing the rear of the infill; meaning the back of the character home will face West 40th Avenue. When you add to this the fact that there is no entrance from 40th (which the back of the property looks onto), and the whole purpose behind retention of the character home, is completely lost - no one will see the front! What is the point in enacting guidelines to protect such homes, if they can simply be ignored as it appears the Proposed Development is attempting to do.

3) NO PARKING:

The Proposed Development is seeking to have *five units* (despite only apparently being eligible to have four units given the size of the lot). Our understanding is that for each unit, a parking stall is required; yet the Proposed Development is calling for only 3 parking spots. As you are undoubtedly aware, Mackenzie Street has rows of houses on both sides of the street, yet parking is available on only one side. Moreover, parking is a premium because s.22(1) and many who take the bus park their vehicles out s.22(1) to then take the bus. In fact, s.22(1) for contravening the parking bylaw by leaving their unattended vehicles outside s.22(1) s.22(1) I cannot remember a time where there was ample room to park - it is always busy.

That said, adding all those units of people *without sufficient parking stalls to accommodate* their vehicles, will make an already untenable situation, that much worse. When you add the fact that the City recently removed much of the parking along 41st and this is seemingly a recipe for disaster. I expect the taxpayer would be none too pleased to learn that bylaw parking enforcement personnel are spending all their time here ticketing offenders - which is what will happen in order to protect our ability to park in front of our own home, with so many more people needing to use parking space that simply isn't available.

There is also a safety issue; adding more people and more vehicles, equates to more traffic. Given the number of children on this Street, as well as this area in general (ie - Kerrisdale Elementary is s.22(1) s.22(1) and more traffic translates to the unfortunate possibility of more accidents. There is already so much congestion on Mackenzie as it is (the Street often backs up in the mornings and at the end of the day from 39th to 41st), that the addition of so many more cars, will only add to the bottleneck and trouble with parking.

4) NOISE LEVELS:

The addition of five units (each with the possibility of a number of persons per unit), will understandably raise the noise levels well above what this quiet neighbourhood is not only accustomed to, but also, should be entitled to expect.

5) TREES IN DANGER & PRIVACY LOST:

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Simply stated, s.22(1) because the s.22(1)
s.22(1) Needless to say, we s.22(1) for these stated reasons and beyond.

The Proposed Development has referred to s.22(1); in what we believe may be an effort to perhaps attempt to remove and/or possibly damage the cedars, without fear of legal reprisal; this is particularly so as Mr. Wiedemann explained to us that the excavation is so close to the root ball of s.22(1), that they will (likely) be significantly impacted absent proper protection. Given Bylaw 9958 however, it is clear that many of these cedars are actually *trees* and therefore, afforded protection by law. I say this because Mr. Wiedemann encouraged s.22(1) to go out and s.22(1) City of Vancouver

s.22(1) [subject to your Landscape department's independent assessment of s.22(1) (I have already sent an email to them requesting s.22(1) s.22(1) are in fact TREES, because many of them measure over the 20 centimeter cut-off, at over 1.4 meters above the ground.

In short, according to what has been explained to us by Mr. Wiedemann, as well as our understanding of the City bylaw referenced above, many of these "hedges" are legally designated TREES and therefore, required to be protected (*subject to a permit to remove a healthy tree*). That said, our understanding is that any effort to encroach upon s.22(1), not provide them the necessary protection required by law, and/or willful blindness and/or intention to damage (the roots of) these trees caused by the Proposed Development, is a not only a serious infraction (considering the hefty fines involved), but more importantly, deemed *impermissible and therefore unlawful*, by the City.

Understandably, s.22(1) are not experts in this area, nor do we purport to be; we instead rely on our tax paid dollars to ensure that the City ensure the continued protection of the health, welfare, and safety of our TREES, as well as our privacy [affording the necessary protection from the pitfalls of the Proposed Development.

6) THE NEIGHBOURHOOD:

Mackenzie Street and those on West 40th are a close group of neighbours. We communicate with each other. We look out for each other. And we care about the look, feel, and comfort of our neighbours and neighbourhood. Needless to say, my understanding is that your Department has already received a number of oppositions to the Proposed Development and I expect you will receive more.

7) CONCLUSION:

As made clear from Mr. Wiedemann's letter along with our comments above, s.22(1) are strongly opposed to the Proposed Development. We kindly request that the City and you, the Directors of Planning please consider the issues, contraventions, and infringements on our property rights caused by the Proposed Development as well as its internal issues, and put the Proposed Development to an end; or at the very least, direct it to conform to the rules, bylaws, guidelines, and Charter of the City of Vancouver.

s.22(1) thank you all in advance for considering our package of submissions, and we very much look forward to hearing back from you/your Department at your earliest convenience.

s.22(1)

s.22(1)

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ⓧ OPPOSITION TO DEVELOPMENT APPLICATION DP-2019-00401 ⓧ

s.22(1)

* OPPOSITION TO DEVELOPMENT APPLICATION DP-2019-00401 *

s.22(1)

Wiedemann Architectural Design

October 8, 2019

s.22(1)

Re: Development Application DP-2019-00401
Proposed development of your neighbouring property, located at 5595 Mackenzie Street, Vancouver

Dear s.22(1)

I have had an opportunity to review the proposal for 5595 Mackenzie Street (subject property that is s.22(1)). Please find below a numbered breakdown of the significant issues and concerns that I have identified, along with each corresponding City of Vancouver building "rule(s)" that is being undermined and/or contravened by this proposal.

1. year built 1931, assessed as a character house by the City of Vancouver.
2. site zoning is RS5.
3. site is 230.8'X50' (11,540 sq. ft) and requires a dedication of 20 feet with a resulting site dimension of 210.8'X50' (10,540 sq. ft.). Only the original size can be used for the computation of FSR (floor space ratio), all other areas, building depth and setbacks must use the site post dedication.

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4. This is a single fronting site with the rear yard adjacent to a property fronting on West 40th Ave, this site is not double fronting and as such does not have rear yard access from West 40th and all setbacks and conditions are to be administered as a mid block single fronting site with Mackenzie Street as its front yard.
5. *With character house retention and restoration the allowable FSR is 0.85 X 11,540 and equals 9,809 sq. ft. With retention of the character house the subject property can also have an infill house.*
6. Based on 2.2 of the "Guidelines for Additions, Infill, and MCD in association with retention of Character House in and RS zone" (the guidelines for infill) states that for a project to be eligible for incentives including conditional floor area, MCD and infill, that **the character house be retained and restored to its original character as viewed from the street.** By moving the character house to the rear of the property and spinning it 180 degrees, the front façade is no longer the dominant façade "as seen from the street". As such, none of the incentives should be approvable.
7. Per 2.3 of the guidelines additions should be subordinate to the retained character house **as seen from the street** and additions should be to the rear of the house.
8. Per 4.2.1 of the guidelines "relocation of the character house may be considered to provide an access path to the infill building". A shift to the rear yard should not be something that planning should support based on their guidelines.
9. The proposed infill house is set at the front of the site in contravention of the guidelines section 4.2, which states that "infill buildings should be subordinate to the existing character house and respectful of adjacent properties." It also states that "infill will typically be located in the rear yard of sites." Per 4.2.1.

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10. The proposed infill is set at the front of the site and dominates the character house with *more than double* the FSR of the character house.
11. Per 4.2.2 of the guidelines "The infill should not exceed 0.25 FSR (2,885 sq. ft.) or 2000 sq. ft." This establishes the maximum infill for the site at 2,000 sq. ft. The proposed infill house is 6,553.75 sq. ft. (a 327.6 % increase over what is allowable). Given that planning is not able under "The Charter" to relax FSR, this infill size should not even be considered by planning.
12. Per section 10 of the guidelines a dwelling unit density of 74 per hectare is theoretically achievable (9 units), but this is limited by the same section to a maximum of 4 dwelling units for site that are 50 feet wide. As such, the proposal is over the allowable maximum by one dwelling unit.
13. The proposal shows three parking spaces in the infill and states that it has one surface space for the MCD. Per the City of Vancouver parking bylaw, a minimum of 5 spaces would be required. The surface space is not shown on the site plan, but given the current configuration, the only available space is in a required rear yard, front yard, or side yard, all of which are unsupportable by planning.
14. Setbacks per section 4.4/5/6 of the RS5 bylaw for the proposed developments are as follows: Front yard average is 44.85 ft. (yet proposed front yard is 37.42 ft.); meaning this should not be supportable by planning. Side yard required is 7.5 ft. (yet proposed is 5.0'). Rear yard required is 35' (yet proposed is 7.36 as measured from the ultimate rear yard).
15. Side yards can be relaxed up to 60% unless this relaxation impacts mature trees. In this case your property has a 30' mature cedar hedge right on the property line with the

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reduced side yard. The base of excavation is typically 18 inches from the building face, and the excavation cut would be a max. 60 degree slope resulting in an additional 2.5 feet of excavation. This results in an excavation cut at only one foot from your hedge. This would remove half to the existing root ball and would kill the hedge which is your only privacy from the development site.

16. Allowable Building depth per 4.16.2 of the RS5 bylaw, stipulates a maximum 40% building depth. This has to be measured to the ultimate rear property line (210.8 foot site depth), resulting in an allowable building depth of 84.33 ft. The proposed infill house has a building depth of 95.08 and is not supportable as a relaxation under the Charter.
17. Per 4.2 of the guidelines the infill house should be subordinate to the character house. In this case however, the infill is not only set in *front* of the character house, but it also dominates it with an FSR *more than double* that of the character house, as well as a roof height six feet above the character house.
18. Per 4.2.4 of the guidelines an infill is limited to one and a partial second story (this second floor should be contained under a simple roof with a minimum pitch of 7/12). However, the proposed infill has a full two and a half story volume facing not only both side yards with windows overlooking both neighbours private outdoor space, but also, into the neighbouring houses. The roof of the proposed infill is a complex front and side gable with pitches well below the required 7/12, thus exposing the entire second level to its full height.
19. Per 4.2.4 of the guidelines the maximum overall height of the infill is not to exceed 25 feet to the ridge of a min 7/12 roof. Not only does the proposed infill not have the required minimum roof slope of 7/12, but it has a maximum ridge height of 34.83 feet.

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CONCLUSION:

Given the sheer number of conditions that this proposal is in contravention of (re: the various bylaw(s) outlined above), I do not see how planning can support this application. Allowable incentives for retention cannot be supported, as the character house is no longer visible from the street, and its front façade faces the back yard.

The character house itself has also been so severely altered that it no longer reflects the existing house. The character house has been raised by 2.5 feet (civic max. is 1.0 feet), the entry stair has been reconfigured from the side, a large shed dormer dominates the cross gable roof, and the character defining cladding has been altered. As such, it no longer reflects the existing character house that is to be retained and restored and given this situation, planning should not be providing incentives to the project.

Planning cannot relax FSR, dwelling unit density, or height. As such, they would be in contravention of their own bylaw(s) and Charter, if they approved this proposal.

The landscape department should also investigate the viability of the hedge retention with a 4-foot excavation to the side property line. Planning should also look into the liveability of the proposed units as there is no viable open space for the use of five units.

This proposal is significantly altering the character of the street and the noise, overlook/loss of privacy, damage to tree(s), and congestion that will result, will substantially impact all adjacent properties; directly affecting the ability of neighbours to enjoy their homes and gardens.

Best regards,



Stefan Wiedemann, MAIBC, principal architect

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From: s.22(1)

To: "Molaro, Anita" <anita.molaro@vancouver.ca>

"Choi, Nicole" <Nicole.Choi@vancouver.ca>

CC: s.22(1)

Date: 10/17/2019 10:56:03 AM

Subject: Opposition To Proposed Development Application DP-2019-00401 (5595 Mackenzie Street)

Attachments: Mr. Stefan Wiedemann - Architectural Opinion Letter - Opposition to Development Application DP-2019-00401.pdf
Aerial Neighbourhood Map - Opposition To Development Application DP-2019-00401.pdf

Good morning Ms. Molaro and Ms. Choi,

I am following up from my email sent to your attention on October 11, 2019 (below). *Note: I have removed Mr. Chen's name per his request.*

Please be advised that in addition to my original email (my submissions opposing the proposed Development) and attachment (a letter prepared by Architect, Mr. Stefan Wiedemann), I have taken the liberty of including an additional attachment for your consideration – two aerial maps of the neighbourhood and surrounding streets impacted by the proposed Development (which as you will see, contains a multitude of signatures marked on each person's respective home).

Given the urgency regarding this matter (the deadline for opposition submissions is slated for tomorrow, October 18), I wish to ensure that you have in fact, received a copy of my two emails (dated October 11 and today's date), along with my 2 attachments (Mr. Wiedemann's letter and the (two) aerial maps). Kindly *confirm* receipt of my submissions and attachments, as I wish to have written confirmation please, that these materials were not only received by you/the City in a timely manner, but also, will be placed before the appropriate committee/board, for proper consideration.

Thank you in advance and I look forward to your response,

s.22(1)

s.22(1)

s.22(1)

From: s.22(1)

Sent: October 11, 2019 7:54 AM

To: 'tony.chen@vancouver.ca' <tony.chen@vancouver.ca>; 'anita.molaro@vancouver.ca' <anita.molaro@vancouver.ca>; 'nicole.choi@vancouver.ca' <nicole.choi@vancouver.ca>

Cc: s.22(1)

Good morning Mr. Chen, Ms. Molaro, and Ms. Choi,

I understand that you are the Heads of the Department of Planning for the City of Vancouver; hence this email to your attention. Please be advised that I received your contact information s.22(1) concerning the proposed development at 5595 Mackenzie Street (the Proposed Development) s.22(1)

INTRODUCTION:

s.22(1) are strongly opposed to the Proposed Development. s.22(1) because he is in a much stronger and knowledgeable position s.22(1) or I, to not only understand the plans of the Proposed Development, but moreover, to be able to properly critique it. s.22(1) Mr. Weidmann's services, we requested that he analyze the plans and related materials pertaining to the Proposed Development. s.22(1)

More to the point, s.22(1) Mr. Wiedemann s.22(1) all of the issues and concerns relating to the Proposed Development, and why it should *not* be approved. Please find attached Mr. Wiedemann's letter for your review. Notably, Mr. Wiedemann's letter systematically outlines the multitude of issues relating to the Proposed Development, along with corresponding City rules/laws s.22(1) that are being grossly *contravened*.

In short, I think it important to note that Mr. Weidmann was "shocked" (his words) that the Proposed Development has made it as far as it has, given the sheer number of breaches that are present; which he concludes offends the City's own Charter, bylaws, and rules/guidelines. Rather than restate the issues here, I respectfully urge you to please read and consider the attached letter that Mr. Wiedemann prepared on our behalf.

In addition to what Mr. Wiedemann has to say about the "legal" issues, s.22(1) would like to add our own concerns for your consideration, please; they are as follows:

1) SIZE OF THE INFILL HOME:

Mr. Weidmann tells us that in light of the FSR of the lot size, the infill home can be no more than 2000 sq. feet; yet the Proposed Development of the infill residence calls for 6553 square feet (*an increase of some 327% over what is permitted*). Understandably, this will create a monstrous eye sore s.22(1) and cramping an already overused street. I say "eye sore", because Mr. Wiedemann brought to our attention that although the infill home is required to be at the rear of the property, the Proposed Development has the infill home at the *front*; eroding the "flow" of the other character homes situated within this old fashioned neighbourhood.

2) LOSS OF THE EXISTING CHARACTER HOME:

The current home situated at 5595 is a lovely character home, which we understand to have been built prior to 1940. It sits far back from the roadside, with a beautiful large front lawn. Like most character homes in Kerrisdale, it is reflective of a community based neighbourhood; calm and welcoming. The Proposed Development however, intends to not only move the character home to the backyard (hiding it from sight), but in doing so, the character home's position is being replaced with the infill home which is slated to be moved much closer to the sidewalk than where the character home used to sit; diminishing the frontal placement "flow" of the other homes on this block.

The Proposed Development has also turned the character home 180 degrees, such that it will be facing the *rear* of the infill; meaning the back of the character home will face West 40th Avenue. When you add to this the fact that there is no entrance from 40th (which the back of the property looks onto), and the whole purpose behind retention of the character home, is completely *lost* —no one will see the front! What is the point in enacting guidelines to "protect" such homes, if they can simply be ignored as it appears the Proposed Development is attempting to do.

3) NO PARKING:

The Proposed Development is seeking to have *five units* (despite only apparently being eligible to have four units given the size of the lot). Our understanding is that for each unit, a parking stall is required; yet the Proposed Development is calling for only 3 parking spots. As you are undoubtedly aware, Mackenzie Street has rows of houses on both sides of the street, yet parking is available on only one side. Moreover, parking is a premium because s.22(1) and many who take the bus park their vehicles out front of our homes, to then take the bus. In fact, s.22(1) for contravening the parking bylaw by leaving their unattended vehicles s.22(1) s.22(1). I cannot remember a time where there was ample room to park □ it is always busy.

That said, adding all those units of people *without sufficient parking stalls to accommodate* their vehicles, will make an already untenable situation, that much worse. When you add the fact that the City recently *removed* much of the parking along 41st and this is seemingly a recipe for disaster. I expect the taxpayer would be none too pleased to learn that bylaw parking enforcement personnel are spending all their time here ticketing offenders □ which is what will happen in order to □ protect □ our ability to park in front of our own home, with so many more people needing to use parking space that simply isn't available.

There is also a safety issue; adding more people and more vehicles, equates to more traffic. Given the number of children on this Street, as well as this area in general (ie □ Kerrisdale Elementary is s.22(1) s.22(1) and more traffic translates to the unfortunate possibility of more accidents. There is already so much congestion on Mackenzie as it is (the Street often backs up in the mornings and at the end of the day from 39th to 41st), that the addition of so many more cars, will only add to the bottleneck and trouble with parking.

4) NOISE LEVELS:

The addition of five units (each with the possibility of a number of persons per unit), will understandably raise the noise levels well above what this quiet neighbourhood is not only accustomed to, but also, should be entitled to expect.

5) TREES IN DANGER & PRIVACY LOST:

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Simply stated, s.22(1) , because the s.22(1)
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Needless to say, we s.22(1) for these stated reasons and beyond.

The Proposed Development has referred to s.22(1) ; in what we believe may be an effort to perhaps attempt to remove and/or possibly damage the cedars, without fear of legal reprisal; this is particularly so as Mr. Wiedemann explained to us that the excavation is so close to the root ball of s.22(1) , that they will (likely) be significantly impacted absent proper protection. Given Bylaw 9958 however, it is clear that many of s.22(1) are actually *trees* and therefore, afforded protection by law. I say this because Mr. Wiedemann encouraged s.22(1) to go out and s.22(1) s.22(1) □ subject to your Landscape department's independent assessment of s.22(1) (I have already sent an email to them requesting s.22(1) s.22(1) are in fact TREES, because many of them measure over the 20 centimeter cut-off, at over 1.4 meters above the ground.

In short, according to what has been explained to us by Mr. Wiedemann, as well as our understanding of the City bylaw referenced above, many of these □ hedges □ are legally designated TREES and therefore, required to be protected (*subject to a permit to remove a healthy tree*). That said, our understanding is that any effort to encroach upon s.22(1) , not provide them the necessary protection required by law, and/or willful blindness and/or intention to damage (the roots of) these trees caused by the Proposed Development, is a not only a serious infraction (considering the hefty fines involved), but more importantly, deemed *impermissible and therefore unlawful*, by the City.

Understandably, s.22(1) are not experts in this area, nor do we purport to be; we instead rely on our tax paid dollars to ensure that the City ensure the continued protection of the health, welfare, and safety of our TREES, as well as our privacy [affording the necessary protection from the pitfalls of the Proposed Development.

6) THE NEIGHBOURHOOD:

Mackenzie Street and those on West 40th are a close group of neighbours. We communicate with each other. We look out for each other. And we care about the look, feel, and comfort of our neighbours and neighbourhood. Needless to say, my understanding is that your Department has already received a number of oppositions to the Proposed Development and I expect you will receive more.

7) CONCLUSION:

As made clear from Mr. Wiedemann's letter along with our comments above, s.22(1) are strongly opposed to the Proposed Development. We kindly request that the City and you, the Directors of Planning please consider the issues, contraventions, and infringements on our property rights caused by the Proposed Development as well as its internal issues, and put the Proposed Development to an end; or at the very least, direct it to conform to the rules, bylaws, guidelines, and Charter of the City of Vancouver.

s.22(1) thank you all in advance for considering our package of submissions, and we very much look forward to hearing back from you/your Department at your earliest convenience.

s.22(1)

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s.22(1)

Wiedemann Architectural Design

October 8, 2019

s.22(1)

Re: Development Application DP-2019-00401
Proposed development of your neighbouring property, located at 5595 Mackenzie Street, Vancouver

Dear s.22(1)

I have had an opportunity to review the proposal for 5595 Mackenzie Street (subject property that is s.22(1)). Please find below a numbered breakdown of the significant issues and concerns that I have identified, along with each corresponding City of Vancouver building "rule(s)" that is being undermined and/or contravened by this proposal.

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reduced side yard. The base of excavation is typically 18 inches from the building face, and the excavation cut would be a max. 60 degree slope resulting in an additional 2.5 feet of excavation. This results in an excavation cut at only one foot from your hedge. This would remove half to the existing root ball and would kill the hedge which is your only privacy from the development site.

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CONCLUSION:

Given the sheer number of conditions that this proposal is in contravention of (re: the various bylaw(s) outlined above), I do not see how planning can support this application. Allowable incentives for retention cannot be supported, as the character house is no longer visible from the street, and its front façade faces the back yard.

The character house itself has also been so severely altered that it no longer reflects the existing house. The character house has been raised by 2.5 feet (civic max. is 1.0 feet), the entry stair has been reconfigured from the side, a large shed dormer dominates the cross gable roof, and the character defining cladding has been altered. As such, it no longer reflects the existing character house that is to be retained and restored and given this situation, planning should not be providing incentives to the project.

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Best regards,



Stefan Wiedemann, MAIBC, principal architect

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* OPPOSITION TO DEVELOPMENT APPLICATION DP-2019-00401 *

s.22(1)



From: s.22(1)

To: "Chen, Tony" <tony.chen@vancouver.ca>
"Molaro, Anita" <anita.molaro@vancouver.ca>
"Choi, Nicole" <Nicole.Choi@vancouver.ca>

CC: s.22(1)

Date: 10/11/2019 7:45:24 AM

Subject: Opposition To Proposed Development Application DP-2019-00401 (5595 Mackenzie Street)

Attachments: Mr. Stefan Wiedemann - Architectural Opinion Letter - Opposition to Development Application DP-2019-00401.pdf

Good morning Mr. Chen, Ms. Molaro, and Ms. Choi,

I understand that you are the Heads of the Department of Planning for the City of Vancouver; hence this email to your attention. Please be advised that I received your contact information s.22(1) concerning the proposed development at 5595 Mackenzie Street (the "Proposed Development") – s.22(1)

INTRODUCTION:

s.22(1) are strongly opposed to the Proposed Development. s.22(1) because he is in a much stronger and knowledgeable position s.22(1) to not only understand the plans of the Proposed Development, but moreover, to be able to properly critique it. s.22(1) Mr. Weidmann's services, s.22(1) he analyze the plans and related materials pertaining to the Proposed Development, s.22(1)

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In addition to what Mr. Wiedemann has to say about the "legal" issues, s.22(1) would like to add our own concerns for your consideration, please; they are as follows:

1) SIZE OF THE INFILL HOME:

Mr. Weidmann tells us that in light of the FSR of the lot size, the infill home can be no more than 2000 sq. feet; yet the Proposed Development of the infill residence calls for 6553 square feet (*an increase of some 327% over what is permitted*). Understandably, this will create a monstrous eye sore – s.22(1) s.22(1) and cramping an already overused street. I say "eye sore", because Mr. Wiedemann brought to our attention that although the infill home is required to be at the rear of the property, the Proposed Development has the infill home at the *front*; eroding the "flow" of the other character homes situated within this old fashioned neighbourhood.

2) LOSS OF THE EXISTING CHARACTER HOME:

the current home situated at 5595 is a lovely character home, which we understand to have been built prior to

1940. It sits far back from the roadside, with a beautiful large front lawn. Like most character homes in Kerrisdale, it is reflective of a community based neighbourhood; calm and welcoming. The Proposed Development however, intends to not only move the character home to the backyard (hiding it from sight), but in doing so, the character home's position is being replaced with the infill home which is slated to be moved much closer to the sidewalk than where the character home used to sit; diminishing the frontal placement "flow" of the other homes on this block.

The Proposed Development has also turned the character home 180 degrees, such that it will be facing the *rear* of the infill; meaning the back of the character home will face West 40th Avenue. When you add to this the fact that there is no entrance from 40th (which the back of the property looks onto), and the whole purpose behind retention of the character home, is completely *lost* – no one will see the front! What is the point in enacting guidelines to "protect" such homes, if they can simply be ignored as it appears the Proposed Development is attempting to do.

3) NO PARKING:

The Proposed Development is seeking to have *five units* (despite only apparently being eligible to have four units given the size of the lot). Our understanding is that for each unit, a parking stall is required; yet the Proposed Development is calling for only 3 parking spots. As you are undoubtedly aware, Mackenzie Street has rows of houses on both sides of the street, yet parking is available on only one side. Moreover, parking is a premium because s.22(1) and many who take the bus park their vehicles out front of our homes, to then take the bus. In fact, s.22(1) for

contravening the parking bylaw by leaving their unattended vehicles s.22(1) s.22(1). I cannot remember a time where there was ample room to park – it is always busy.

That said, adding all those units of people *without sufficient parking stalls to accommodate* their vehicles, will make an already untenable situation, that much worse. When you add the fact that the City recently *removed* much of the parking along 41st and this is seemingly a recipe for disaster. I expect the taxpayer would be none too pleased to learn that bylaw parking enforcement personnel are spending all their time here ticketing offenders – which is what will happen in order to "protect" our ability to park in front of our own home, with so many more people needing to use parking space that simply isn't available.

There is also a safety issue; adding more people and more vehicles, equates to more traffic. Given the number of children on this Street, as well as this area in general (ie – Kerrisdale Elementary is s.22(1) s.22(1), and more traffic translates to the unfortunate possibility of more accidents. There is already so much congestion on Mackenzie as it is (the Street often backs up in the mornings and at the end of the day from 39th to 41st), that the addition of so many more cars, will only add to the bottleneck and trouble with parking.

4) NOISE LEVELS:

The addition of five units (each with the possibility of a number of persons per unit), will understandably raise the noise levels well above what this quiet neighbourhood is not only accustomed to, but also, should be entitled to expect.

5) TREES IN DANGER & PRIVACY LOST:

s.22(1)

s.22(1)

s.22(1)

Simply stated, s.22(1)

because the

s.22(1)

s.22(1)

Needless to say, we s.22(1)

for

these stated reasons and beyond.

The Proposed Development has referred to s.22(1) in what we believe may be an effort to perhaps attempt to remove and/or possibly damage the s.22(1), without fear of legal reprisal; this is particularly so as Mr. Wiedemann explained to us that the excavation is so close to the root ball of s.22(1) that they will (likely) be significantly impacted absent proper protection. Given Bylaw 9958 however, it is clear that many of s.22(1) are actually *trees* and therefore, afforded protection by law. I say this because Mr.

Wiedemann encouraged s.22(1) to go out and s.22(1) – subject to your Landscape department’s independent assessment of her numbers (I have already sent an email to them requesting s.22(1) are in fact TREES, because many of them measure over the 20 centimeter cut-off, at over 1.4 meters above the ground.

In short, according to what has been explained to us by Mr. Wiedemann, as well as our understanding of the City bylaw referenced above, many of these “hedges” are legally designated TREES and therefore, required to be protected (*subject to a permit to remove a healthy tree*). That said, our understanding is that any effort to encroach upon s.22(1) not provide them the necessary protection required by law, and/or willful blindness and/or intention to damage (the roots of) these trees caused by the Proposed Development, is a not only a serious infraction (considering the hefty fines involved), but more importantly, deemed *impermissible and therefore unlawful*, by the City.

Understandably, s.22(1) are not experts in this area, nor do we purport to be; we instead rely on our tax paid dollars to ensure that the City ensure the continued protection of the health, welfare, and safety of our TREES, as well as our privacy – affording the necessary protection from the pitfalls of the Proposed Development.

6) THE NEIGHBOURHOOD:

Mackenzie Street and those on West 40th are a close group of neighbours. We communicate with each other. We look out for each other. And we care about the look, feel, and comfort of our neighbours and neighbourhood. Needless to say, my understanding is that your Department has already received a number of oppositions to the Proposed Development and I expect you will receive more.

7) CONCLUSION:

As made clear from Mr. Wiedemann’s letter along with our comments above, s.22(1) are strongly opposed to the Proposed Development. We kindly request that the City and you, the Directors of Planning please consider the issues, contraventions, and infringements on our property rights caused by the Proposed Development as well as its internal issues, and put the Proposed Development to an end; or at the very least, direct it to conform to the rules, bylaws, guidelines, and Charter of the City of Vancouver.

s.22(1) thank you all in advance for considering our package of submissions, and we very much look forward to hearing back from you/your Department at your earliest convenience.

s.22(1)

s.22(1)

s.22(1)

Wiedemann Architectural Design

October 8, 2019

s.22(1)

Re: Development Application DP-2019-00401
Proposed development of your neighbouring property, located at 5595 Mackenzie Street, Vancouver

Dear s.22(1)

I have had an opportunity to review the proposal for 5595 Mackenzie Street (subject property that is s.22(1)). Please find below a numbered breakdown of the significant issues and concerns that I have identified, along with each corresponding City of Vancouver building "rule(s)" that is being undermined and/or contravened by this proposal.

1. year built 1931, assessed as a character house by the City of Vancouver.
2. site zoning is RS5.
3. site is 230.8'X50' (11,540 sq. ft) and requires a dedication of 20 feet with a resulting site dimension of 210.8'X50' (10,540 sq. ft.). Only the original size can be used for the computation of FSR (floor space ratio), all other areas, building depth and setbacks must use the site post dedication.

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Office 604 739-0799 Cell 604 313-4241
Email: stefan@w-design.ca, www.wiedemannarchitect.com

4. This is a single fronting site with the rear yard adjacent to a property fronting on West 40th Ave, this site is not double fronting and as such does not have rear yard access from West 40th and all setbacks and conditions are to be administered as a mid block single fronting site with Mackenzie Street as its front yard.
5. *With character house retention and restoration the allowable FSR is 0.85 X 11,540 and equals 9,809 sq. ft. With retention of the character house the subject property can also have an infill house.*
6. Based on 2.2 of the "Guidelines for Additions, Infill, and MCD in association with retention of Character House in and RS zone" (the guidelines for infill) states that for a project to be eligible for incentives including conditional floor area, MCD and infill, that **the character house be retained and restored to its original character as viewed from the street.** By moving the character house to the rear of the property and spinning it 180 degrees, the front façade is no longer the dominant façade "as seen from the street". As such, none of the incentives should be approvable.
7. Per 2.3 of the guidelines additions should be subordinate to the retained character house **as seen from the street** and additions should be to the rear of the house.
8. Per 4.2.1 of the guidelines "relocation of the character house may be considered to provide an access path to the infill building". A shift to the rear yard should not be something that planning should support based on their guidelines.
9. The proposed infill house is set at the front of the site in contravention of the guidelines section 4.2, which states that "infill buildings should be subordinate to the existing character house and respectful of adjacent properties." It also states that "infill will typically be located in the rear yard of sites." Per 4.2.1.

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10. The proposed infill is set at the front of the site and dominates the character house with *more than double* the FSR of the character house.
11. Per 4.2.2 of the guidelines "The infill should not exceed 0.25 FSR (2,885 sq. ft.) or 2000 sq. ft." This establishes the maximum infill for the site at 2,000 sq. ft. The proposed infill house is 6,553.75 sq. ft. (a 327.6 % increase over what is allowable). Given that planning is not able under "The Charter" to relax FSR, this infill size should not even be considered by planning.
12. Per section 10 of the guidelines a dwelling unit density of 74 per hectare is theoretically achievable (9 units), but this is limited by the same section to a maximum of 4 dwelling units for site that are 50 feet wide. As such, the proposal is over the allowable maximum by one dwelling unit.
13. The proposal shows three parking spaces in the infill and states that it has one surface space for the MCD. Per the City of Vancouver parking bylaw, a minimum of 5 spaces would be required. The surface space is not shown on the site plan, but given the current configuration, the only available space is in a required rear yard, front yard, or side yard, all of which are unsupportable by planning.
14. Setbacks per section 4.4/5/6 of the RS5 bylaw for the proposed developments are as follows: Front yard average is 44.85 ft. (yet proposed front yard is 37.42 ft.); meaning this should not be supportable by planning. Side yard required is 7.5 ft. (yet proposed is 5.0'). Rear yard required is 35' (yet proposed is 7.36 as measured from the ultimate rear yard).
15. Side yards can be relaxed up to 60% unless this relaxation impacts mature trees. In this case your property has a 30' mature cedar hedge right on the property line with the

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reduced side yard. The base of excavation is typically 18 inches from the building face, and the excavation cut would be a max. 60 degree slope resulting in an additional 2.5 feet of excavation. This results in an excavation cut at only one foot from your hedge. This would remove half to the existing root ball and would kill the hedge which is your only privacy from the development site.

16. Allowable Building depth per 4.16.2 of the RS5 bylaw, stipulates a maximum 40% building depth. This has to be measured to the ultimate rear property line (210.8 foot site depth), resulting in an allowable building depth of 84.33 ft. The proposed infill house has a building depth of 95.08 and is not supportable as a relaxation under the Charter.
17. Per 4.2 of the guidelines the infill house should be subordinate to the character house. In this case however, the infill is not only set in *front* of the character house, but it also dominates it with an *FSR more than double* that of the character house, as well as a roof height six feet above the character house.
18. Per 4.2.4 of the guidelines an infill is limited to one and a partial second story (this second floor should be contained under a simple roof with a minimum pitch of 7/12). However, the proposed infill has a full two and a half story volume facing not only both side yards with windows overlooking both neighbours private outdoor space, but also, into the neighbouring houses. The roof of the proposed infill is a complex front and side gable with pitches well below the required 7/12, thus exposing the entire second level to its full height.
19. Per 4.2.4 of the guidelines the maximum overall height of the infill is not to exceed 25 feet to the ridge of a min 7/12 roof. Not only does the proposed infill not have the required minimum roof slope of 7/12, but it has a maximum ridge height of 34.83 feet.

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CONCLUSION:

Given the sheer number of conditions that this proposal is in contravention of (re: the various bylaw(s) outlined above), I do not see how planning can support this application. Allowable incentives for retention cannot be supported, as the character house is no longer visible from the street, and its front façade faces the back yard.

The character house itself has also been so severely altered that it no longer reflects the existing house. The character house has been raised by 2.5 feet (civic max. is 1.0 feet), the entry stair has been reconfigured from the side, a large shed dormer dominates the cross gable roof, and the character defining cladding has been altered. As such, it no longer reflects the existing character house that is to be retained and restored and given this situation, planning should not be providing incentives to the project.

Planning cannot relax FSR, dwelling unit density, or height. As such, they would be in contravention of their own bylaw(s) and Charter, if they approved this proposal.

The landscape department should also investigate the viability of the hedge retention with a 4-foot excavation to the side property line. Planning should also look into the liveability of the proposed units as there is no viable open space for the use of five units.

This proposal is significantly altering the character of the street and the noise, overlook/loss of privacy, damage to tree(s), and congestion that will result, will substantially impact all adjacent properties; directly affecting the ability of neighbours to enjoy their homes and gardens.

Best regards,



Stefan Wiedemann, MAIBC, principal architect

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Wiedemann Architectural Design

October 8, 2019

City of Vancouver
Development Permits Department
453 West 12th Avenue,
Vancouver, B.C.
V5Y 1V4

**Re: Development Application DP-2019-00401
Proposed development of the property located at 5595 Mackenzie Street,
Vancouver**

Dear Sir/Madame,

I/We, community neighbors, are the registered owner(s)
of properties marked on ariel map. I/We are a neighbour to the property
located at 5595 Mackenzie Street, Vancouver.

I/We have had an opportunity to review the proposal for the three unit infill in the front yard and the significantly altered existing character home. I/We have signed this letter to express our serious concerns about this project, as well as our strong opposition to it; which are based on the following grounds:

1. year built 1931, assessed as a character house by the City of Vancouver.
2. site zoning is RS5.
3. site is 230.8'X50' (11,540 sq. ft) and requires a dedication of 20 feet with a resulting site dimension of 210.8'X50' (10,540 sq. ft.). Only the original size can be used for the computation of FSR (floor space ratio), all other areas, building depth and setbacks must use the site post dedication.

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4. This is a single fronting site with the rear yard adjacent to a property fronting on West 40th Ave, this site is not double fronting and as such does not have rear yard access from West 40th and all setbacks and conditions are to be administered as a mid block single fronting site with Mackenzie Street as its front yard.
5. With character house retention and restoration the allowable FSR is $0.85 \times 11,540$ and equals 9,809 sq. ft. With retention of the character house the subject property can also have an infill house.
6. Based on 2.2 of the "Guidelines for Additions, Infill, and MCD in association with retention of Character House in and RS zone" (the guidelines for infill) states that for a project to be eligible for incentives including conditional floor area, MCD and infill, that the **character house be retained and restored to its original character as viewed from the street**. By moving the character house to the rear of the property and spinning it 180 degrees, the front façade is no longer the dominant façade "as seen from the street". As such, none of the incentives should be approvable.
7. Per 2.3 of the guidelines additions should be subordinate to the retained character house **as seen from the street** and additions should be to the rear of the house.
8. Per 4.2.1 of the guidelines "relocation of the character house may be considered to provide an access path to the infill building". A shift to the rear yard should not be something that planning should support based on their guidelines.
9. The proposed infill house is set at the front of the site in contravention of the guidelines section 4.2, which states that "infill buildings should be subordinate to the existing character house and respectful of adjacent properties." It also states that "infill will typically be located in the rear yard of sites." Per 4.2.1.

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10. The proposed infill is set at the front of the site and dominates the character house with *more than double* the FSR of the character house.
11. Per 4.2.2 of the guidelines "The infill should not exceed 0.25 FSR (2,885 sq. ft.) or 2000 sq. ft." This establishes the maximum infill for the site at 2,000 sq. ft. The proposed infill house is 6,553.75 sq. ft. (a 327.6 % increase over what is allowable). Given that planning is not able under "The Charter" to relax FSR, this infill size should not even be considered by planning.
12. Per section 10 of the guidelines a dwelling unit density of 74 per hectare is theoretically achievable (9 units), but this is limited by the same section to a maximum of 4 dwelling units for site that are 50 feet wide. As such, the proposal is over the allowable maximum by one dwelling unit.
13. The proposal shows three parking spaces in the infill and states that it has one surface space for the MCD. Per the City of Vancouver parking bylaw, a minimum of 5 spaces would be required. The surface space is not shown on the site plan, but given the current configuration, the only available space is in a required rear yard, front yard, or side yard, all of which are unsupportable by planning.
14. Setbacks per section 4.4/5/6 of the RS5 bylaw for the proposed developments are as follows: Front yard average is 44.85 ft. (yet proposed front yard is 37.42 ft.); meaning this should not be supportable by planning. Side yard required is 7.5 ft. (yet proposed is 5.0'). Rear yard required is 35' (yet proposed is 7.36 as measured from the ultimate rear yard).

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15. Allowable Building depth per 4.16.2 of the RS5 bylaw, stipulates a maximum 40% building depth. This has to be measured to the ultimate rear property line (210.8 foot site depth), resulting in an allowable building depth of 84.33 ft. The proposed infill house has a building depth of 95.08 and is not supportable as a relaxation under the Charter.
16. Per 4.2 of the guidelines the infill house should be subordinate to the character house. In this case however, the infill is not only set in *front* of the character house, but it also dominates it with an FSR *more than double* that of the character house, as well as a roof height six feet above the character house.
17. Per 4.2.4 of the guidelines an infill is limited to one and a partial second story (this second floor should be contained under a simple roof with a minimum pitch of 7/12). However, the proposed infill has a full two and a half story volume facing not only both side yards with windows overlooking both neighbours private outdoor space, but also, into the neighbouring houses. The roof of the proposed infill is a complex front and side gable with pitches well below the required 7/12, thus exposing the entire second level to its full height.
18. Per 4.2.4 of the guidelines the maximum overall height of the infill is not to exceed 25 feet to the ridge of a min 7/12 roof. Not only does the proposed infill not have the required minimum roof slope of 7/12, but it has a maximum ridge height of 34.83 feet.

CONCLUSION:

Given the considerable number of conditions that this proposal is in contravention of, we do not understand how planning can support this application.

The character house itself has been so severely altered that it no longer reflects the existing house.

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As Planning cannot relax FSR, dwelling unit density, or height, allowing this proposed development application would result in Planning being in contravention of their own rules and regulations, as well as their Charter.

Planning should also look into the liveability of the proposed units as there is no viable open space for the use of five units.

Finally, this proposal is significantly altering the character of the street and the noise, overlook/loss of privacy, damage to tree(s), and congestion that will result, will substantially impact all adjacent properties; s.22(1)

s.22(1). Thank you for your prompt attention to this matter and for considering the above concerns.

Yours truly,

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s.22(1)

* OPPOSITION TO DEVELOPMENT APPLICATION DP-2019-00401 *

s.22(1)

From: s.22(1)

To: "Isaac, Katherine" <Katherine.Isaac@vancouver.ca>

CC: "Molaro, Anita" <anita.molaro@vancouver.ca>

"Choi, Nicole" <Nicole.Choi@vancouver.ca>

s.22(1)

Date: 10/17/2019 11:10:09 AM

Subject: Proposed Development Application (DP-2019-00401) - 5595 Mackenzie Street -
OPPOSITION - TREE CONCERNS

Attachments: image0.jpeg

image1.jpeg

image2.jpeg

image3.jpeg

image4.jpeg

siteplan.pdf

Good morning Ms. Isaac,

I am following up from my email sent to your attention on October 10, 2019 (*please see below*).

Given the urgency regarding this matter (the deadline for opposition submissions is slated for tomorrow, October 18), I wish to ensure that you have in fact, received a copy of my email and attached photos outlining our concerns.

Kindly *confirm* receipt of my previous submissions and attachments (various photographs), as I wish to have written confirmation please, that these materials were not only received by you/the City in a timely manner, but also, will be investigated by your department given what is at stake (the health/well-being of our trees).

Given the tremendous impact that our trees now face, I also respectfully believe that these concerns should be shared with the appropriate committee/board, for proper consideration regarding this Proposed Development. As such, I have taken the liberty of cc'ing the appropriate persons – Ms. Anita Molaro and Ms. Nicole Choi.

Thank you in advance and I look forward to your written confirmation/response.

s.22(1)

s.22(1)

s.22(1)

From: s.22(1)

Sent: October 10, 2019 9:49 AM

To: Katherine.Isaac@vancouver.ca

Cc: s.22(1)

Subject: Proposed Development Application (DP-2019-00401) - 5595 Mackenzie Street - OPPOSITION - TREE CONCERNS

Importance: High

Good morning Ms. Isaac,

I understand that you are the head of the City Landscape Department. Please be advised that I received your contact information s.22(1) Mr. Stefan Wiedemann who I understand spoke with you (yesterday), concerning the proposed development at 5595 Mackenzie (the Development s.22(1) s.22(1)

INTRODUCTION:

I am reaching out because s.22(1) Mr. Wiedemann to analyze the Proposed Development (given our opposition to it), he not only discovered multiple infractions, but also, he strongly suggested that we contact you/your department immediately, to voice our grave concerns regarding the Proposed Development with respect s.22(1) (Mr. Wiedemann's words that: "...the foundation /excavation undermining s.22(1) Ms. Isaac said that she would have her staff look into it and that she completely understands our concerns.")

I write to you following up from your telephone conversation with Mr. Wiedemann, to pass along some critical information regarding s.22(1) the turn of phrase specifically used by the Proposed Development); as this description is believed to be an inaccurate characterization, given the measurement of many of s.22(1) s.22(1) (discussed below). I say this because Mr. Weidemann advised us that in order to be considered a tree (versus a hedge), pursuant to Bylaw 9958, if a tree has a diameter of 20 centimeters or greater, measured at 1.4 metres above the ground, it is considered a tree and therefore, protected.

MEASUREMENT (hedge versus tree):

Mr. Wiedemann encouraged s.22(1) – to go out and s.22(1) s.22(1) (which I can tell you are at least s.22(1) Proposed Development; s.22(1) s.22(1) – subject to your department's independent assessment s.22(1) – the results are critical, because a s.22(1) came in at well over the 20 centimetre "cut off" (please see the attached photographs for examples).

In short, according to what has been explained to us by Mr. Weidemann, as well as our understanding of the City bylaw referenced above, many of s.22(1) are in fact legally considered to be TREES and therefore, are required to be protected (subject to a permit to remove a healthy tree).

PROTECTED TREE ZONES

As an aside, we also wish to respectfully draw your Department's attention to the current plans provided by the Proposed Development (attached for ease of reference). You will note that while the plans illustrate various "circles" designating tree protection s.22(1) s.22(1) the infill house as well as the character home being moved to the rear, encroach into two of these protected zones. How is this permissible? Our hope is that your department will come and investigate and as such, when measuring our s.22(1) that they will also ensure that these trees are properly protected.

CONCLUSION:

Subject to your department's analysis, it is our understanding that the measurement results of the cedar trees, coupled with the requirements of the Bylaw, means that these s.22(1) are in fact TREES; any effort to encroach upon them, not provide them the necessary protection required by law, and/or willful blindness and

/or intention to damage (the roots of) these trees caused by the Proposed Development, is a not only a serious infraction (considering the hefty fines involved), but more importantly, deemed *impermissible and therefore unlawful*, by the City.

Understandably, s.22(1) are not the experts, nor do we purport to be; hence this email to you/your department – seeking your input and (hopefully) protection regarding our healthy cedar trees. As a lawyer and thus someone who meticulously documents my concerns, I took Mr. Wiedemann’s advice to reach out to you, such that you/your department can properly inspect our concerns – ensuring that the health, welfare, and safety of these TREES, as well as our privacy, is properly protected from the Proposed Development.

s.22(1) very much look forward to hearing back from you/your department at your earliest convenience and scheduling a convenient time for a member of your Department to kindly attend as soon as possible (as the deadline for submissions re: opposition to the Proposed Development, is October 18th). s.22(1) available given the pressing nature of these concerns.

Thank you in advance for your consideration of our concerns and for protecting our cedars!

s.22(1)

s.22(1)

s.22(1)

s.22(1)



s.22(1)





s.22(1)



s.22(1)



DEVELOPMENT Data Summary

CIVIC ADDRESS:

5595 MACKENZIE STREET
VANCOUVER, BC

LEGAL DESCRIPTION:

LOT 8 OF LOTS 9 & 10 BLOCK 10
DISTRICT LOT 2027, PLAN 6028
P.I.D. 010-994-378

ZONING:

RS-5

EXISTING HOUSE AGE:

1931 (DEEMED TO HAVE CHARACTER MERIT)

LOT AREA:

11533 sq ft = 0.12 Ha

MAXIMUM DWELLING UNITS:

74 UNITS PER HA = 9 UNITS
TOTAL PROPOSED UNITS = 5 UNITS

LIVING ACCOMODATIONS BELOW FINISHED GRADE (UNIT 5)

HIGHEST GRADE AROUND LIVING ACCOMODATIONS: = 215.50'
FIN. FLOOR ELEVATION (UNIT 5 ONLY): = 214.00'
DISTANCE OF FIN. FLOOR BELOW GRADE: = 1.50'
MAX DISTANCE ALLOWED: 5.00'

LIVING ACCOMODATIONS BELOW FINISHED GRADE (UNIT 3)

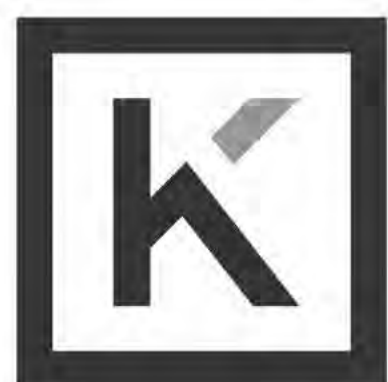
HIGHEST GRADE AROUND LIVING ACCOMODATIONS: = 216.50'
FIN. FLOOR ELEVATION (UNIT 3 ONLY): = 212.25'
DISTANCE OF FIN. FLOOR BELOW GRADE: = 4.25'
MAX DISTANCE ALLOWED: 5.00'

1 PROPOSED SITE PLAN
Scale: 1/8" = 1'-0"

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Contractors shall verify and be responsible for all dimensions and conditions on the job. This office shall be informed of any variation from the dimensions and conditions on the drawing.



K. HENRY

RESIDENTIAL DESIGN

#202 - 641 Mahan Road. Gibsons BC V0N 1V8 t: 778-998-5441 w: khenrydesign.com

RECORD OF ISSUE

No.	date YY/MM/DD	Description
A	19-4-25	DPA
B	19-8-2	DPA 2

RECORD OF REVISIONS

No.	date YY/MM/DD	Description

Project Title :

MULLER
RESIDENCE

Address :

5595 Mackenzie Street
Vancouver, BC

Drawing Title :

SITE PLAN

Scale :

KH

Drawn By :

KH

A-02

From: s.22(1)

To: "Mackinnon, Stuart" <Stuart.Mackinnon@vancouver.ca>
"Demers, Dave" <Dave.Demers@vancouver.ca>
"Kelley, Gil" <Gil.Kelley@vancouver.ca>
"Choi, Nicole" <Nicole.Choi@vancouver.ca>
"Chen, Tony" <tony.chen@vancouver.ca>
"Molaro, Anita" <anita.molaro@vancouver.ca>

CC: s.22(1)

Date: 10/22/2019 3:25:18 PM

Subject: Proposed Development Application Opposition - 5595 Mackenzie Street

Attachments: Letter to Mayor Kennedy Oct 2019 .pdf

Dear Mr. Mackinnon, Demers, Kelley, Chen, Molaro, Choi

We are attaching the letter send by registered mail today, to Mr. Kennedy Steward, Mayor City of Vancouver, to bring to his attention our concerns regarding the above development application.

Your support for our concerns would be greatly appreciated.

Sincerely

s.22(1)

REGISTERED
FOR MAYOR'S PERSONAL ATTENTION

October 20, 2019

Kennedy Stewart, Mayor
3rd Floor, City Hall
453 West 12th Ave
Vancouver, BC V5Y 1V4

RE: Development Application DP-2019-00401 (5595 Mackenzie Street)

Dear Mayor,

We would like to bring to your attention a matter of significant importance and unsettling concern to our neighbourhood that pertains to *Development Application DP-2019-00401* (located at 5595 Mackenzie Street). We have already submitted (to the assigned city appointed coordinator) our opposition to this initiative both as property owners and collectively as a neighbourhood. The coordinator in mention has been informed that although the city has returned to us with a reply of acknowledgement, considerable time has transpired without any response to our request for relevant reports and studies to more specifically address the impact of the proposed development.

Having resided in Vancouver with our family at s.22(1) growth and improvement of our neighbourhood. s.22(1) three petitions and with the support of the City of Vancouver, have helped turn the once dead end 2900 block of W40 Ave into a beautifully groomed cul de sac neighbourhood just east of the Kerrisdale Elementary School. Undertaken and completed by the City of Vancouver, our three petitions included:

- Upgraded the street with curbs, re pavement, new site walks, including an island that supports a red maple tree and allows the school traffic to flow through, especially at high school traffic hours.
- Redevelopment of the back lane south of 40th avenue with speed bumps for the safety of children walking to school.
- Installed street lights in the lane for the comfort and safety of the residents.

s.22(1) facts and details that until today have enabled us to accurately and responsibly participate in various matters involving our neighbourhood. Most relevant (and brought to our attention by Vancouver city officials) is the s.22(1)

s.22(1)

s.22(1)

s.22(1)

s.22(1)

If the proposed development were to proceed as indicated, it would most certainly disrupt the flow of this live and fluctuating body of water which in turn would impact the neighbourhood water table and subject adjacent homes to flooding.

Furthermore, a very old and tall tree (which until today has remained healthy) lies alongside this easement. s.22(1) by the City of Vancouver, the tree is located within the lot 2939 W.40th adjacent to that of the proposed development). Within the past six months, the tree in mention was twice visited by an arborist who on both occasions scaled to the top. During his second visit the arborist was confronted by a neighbour regarding his presence and replied by claiming he was contracted by the owner of 5595 Mackenzie (the property being proposed for development). It was later realized (and eventually confirmed) that both visits were conducted without the consent of 2939 W.40th, which in essence is trespassing. The neighbourhood as a result feels

s.22(1) tree. Considering Vancouver's long and well established policy to protect its nature, we expected that the city undertake the necessary due diligence to comprehensively understand this matter as well as the relationship of the tree to the easement and the proposed project. Concerns of safety, environmental, and infrastructural repercussions should most definitely be addressed because it is self-evident that the rooting system of the tree (due to its size and location) is in conflict with the development.

In view of all of the above, we have asked the Project Coordinator at the City of Vancouver to provide geological and other credible studies in relation to the proposed project. In the event that the city proceeds with an approval that is in contradiction with long and well established policies that enhance community development, we expect our neighborhood as a unit to resort to a campaign opposing this project along with any necessary legal steps. Our home insurance policy providers have been informed and their support will also be registered.

All families affected by the proposed development have already signed petitions, sent emails documenting their specific concerns and made phone calls of which the Project Coordinator appointed by the City is duly aware.

For the reasons stated above we hereby register our opposition to the above Development Application and trust for your support.

Thanking you in anticipation

s.22(1)

cc: All neighbors affected by the above proposed development

From: s.22(1)
To: "Chen, Tony" <tony.chen@vancouver.ca>
"Molaro, Anita" <anita.molaro@vancouver.ca>
"Choi, Nicole" <Nicole.Choi@vancouver.ca>
CC: s.22(1)
Date: 10/16/2019 8:47:59 PM
Subject: Proposed Development Application Opposition - 5595 Mackenzie Street

To whom it may concern.

s.22(1)

development on 5595 Mackenzie st. I am writing to let you know that myself and my family have a strong opposition to this proposal.

s.22(1)

the comfort and safety of playing s.22(1)

Our worry is that with the new proposed development a laneway or driveway would be added s.22(1) furthermore, this is not only a safety issue for our children but of the numerous children whom live on this block of west 40th and enjoy the outdoor play.

Additionally, parking is a huge concern and already an issue on this block. By adding at least 6 additional dwellings this issue becomes even worse; the city should be doing what they can to fix this current problem not make it worse. Kerrisdale Elementary School being situated at the end of w.40th adds to the parking disaster that currently occurs during pick up and drop off times and the proposed development would make this issue even worse and would affect the parents of the elementary school students as well.

Our biggest concern with the new development is the plan to cut down the beautiful and healthy tree situated behind this development. Whilst the new rezoning laws have been passed to add multiple dwellings we do not feel like it's morally or ethically right to do so in sacrificing our trees and planet. There is no justification in doing such an act. The tree adds character to our block and has stood the test of time; seeing the city cut it down without any consideration for its life is appalling.

We also worry that the look and feel of our block would be altered greatly by this new development as the look would be significantly different than the current homes on our block as well as the sizes and heights of the current homes.

We have spoken to all of the neighbors and residents of Mackenzie st, West 40th, West 39th, etc. and everyone is in opposition of this "plan" which will create more clutter, more parking issues, pose safety hazards for our children, kill trees and essentially destroy a character-merit home all for the sake of a developers' real estate profits. We have not found one home owner in this neighbourhood whom is in favour of this proposed development, which shows in itself that there is something utterly wrong and unlawful with the plan that is currently being proposed.

New multi dwelling projects do create more homes for vancouver residents, however, this should not be at the expense of the current neighbours/residents who have lived, invested and enjoyed the area for many years. It should most certainly not be at the expense and safety of the children in the area and lastly, at the environment and the earth's precious trees.

I greatly hope that you will take the neighbourhoods' thoughts and opinions into consideration when analyzing and reviewing this unfavourable proposal and that a fair and safe decision will be granted.

Thank you for your consideration.

Sincerely,

s.22(1)

Sent from my iPhone

From: s.22(1)

To: "Choi, Nicole" <Nicole.Choi@vancouver.ca>

Date: 10/16/2019 2:42:16 PM

Subject: Proposed Development at 5595 Mackenzie Street, Vancouver

Attachments: Letter to City re-5595 Mackenzie Street.docx

Dear Madam:

Attached is our letter dated October 16, 2019 addressed to the Development Permits Department, in respect of the above noted proposed development.

An originally signed copy will be delivered to the Development Permits Department.

Sincerely,

s.22(1)



s.22(1)

October 16, 2019

City of Vancouver
Development Permits Department
453 West 12th Avenue
Vancouver, B.C.
V5Y 1V4

Re: 5595 Mackenzie Street, Vancouver

Dear Sir/Madame:

We are the s.22(1)
s.22(1) 5595 Mackenzie Street,
Vancouver. Having reviewed the proposal s.22(1) we have a number
of serious concerns.

s.22(1)
s.22(1)
s.22(1) It makes sense to increase the density on these lots as
part of the City's policy to enable more people to enter the housing market.
The City's "Guidelines for Additions, Infill and Multiple Conversion
Dwelling in Association with the Retention of a Character House in an RS
Zone (the "Guidelines") set out special parameters for this purpose that are
exclusive to lots having a character house.

s.22(1) "character house". s.22(1)
s.22(1)
s.22(1) We believe the house s.22(1) a "character house",
so we are writing on the assumption that whatever development is approved
for 5595 Mackenzie Street pursuant to the Guidelines will set the precedent
for what may be approved for s.22(1) and that we could

ultimately s.22(1)

s.22(1)

s.22(1)

detrimentally impacted.

In Section 1 of the Guidelines entitled “Application and Intent” it states:

“The intent of the guidelines is to ensure that:

- (a) renovations, alterations and additions to existing character houses maintain a form and character sensitive to the design of the original house;
- (b) additions, infill, and conversion developments are respectful of the design of adjacent properties and provide a good fit with the overall neighbourhood;”

The proposed development is not consistent with (a) or (b) for a number of reasons. Many are technical breaches of the Guidelines or involve the use of incentives and allowances that should not be granted as the development doesn’t meet the criteria or, while meeting certain criteria, shouldn’t be allowed the incentive or allowance for being outside the intent of the guidelines in other respects.

Specific examples include:

- the character house is not being retained and restored to its original character as viewed from the street as required by Guideline 2.2; This non-compliance should negate the availability of various incentives including those for conditional floor area, MCD and infill;
- the additions to the character house are not subordinate to the retained character house as seen from the street as required by Guideline 2.3;
- rather than the infill being subordinate to the existing character house as generally required by Guideline 4.2, the reverse is proposed;
- the proposed infill and raised existing character house are not respectful of our adjacent property or the properties of others as generally required by Guideline 4.2, as indicated below;

- the design, size and height of the infill building unduly detracts from the character and pattern of development of the neighbourhood so as not to meet the requirement of Guideline 4.2.1. This is an example of using an incentive, available to locate an infill other than behind the character house, in a manner not contemplated by nor in conformity with that intended for large sites pursuant to the Guidelines. Yes, strictly speaking a front or side yard infill building may be considered on large sites. But this allowance must surely be limited to an infill still being subordinate to the character house and there being a very large area in front of or beside the character house on which to located the infill. This is not the case with the subject property. The proposed development reverses the roles by moving and turning the character house. Then the character house is raised and enlarged and a large “dominant” infill is built at the front of the property. The infill dominates with an FSR more than double that of the character house and a roof height six feet above the character house. This results in a huge two building compound, like nothing else in our neighbourhood, and certainly not maintaining the form and character of the original character house. Also, of course, the proposed placing of the infill and original character house violates Guideline 2.3;
- the proposed infill is over 6,500 square feet when it should not exceed 0.25 FSR (2,885 square feet) or 2,000 square feet pursuant to Guideline 4.22;
- the height of the infill is almost 35 feet when it is not to exceed 25 feet pursuant to Guideline 4.2.4

The proposed structures tower above almost every other house in the neighbourhood.. s.22(1)

windows of the structures s.22(1)

s.22(1)

This will seriously impact our enjoyment of our property.

s.22(1)

s.22(1)

buildings.

Also of concern to us is the proximity of the driveway of 5595 Mackenzie Street s.22(1)

s.22(1)

property. The driveway is so close to the property line as to put the beech tree and hedge at great risk of damage or death from excavation during the development. This situation should be looked at by the appropriate City department to ensure the sustainability of the tree and hedge.

The creation of strata titles is of concern in that the purchasers of these units at market price will in all likelihood have one or two cars. There is only parking on one side of Mackenzie Street from 39th Avenue to 41st Avenue. Parking is already difficult. The proposed development is for 5 titled units ranging from approximately 871 square feet to 2,560 square feet. The onsite parking is for 3 cars in garages, but there could be 10 cars. There may be some on site uncovered parking for 2 cars, but we couldn't see them on the plan given the scale. Also, we are not clear whether there is the possibility of rental units being carved out of any of these titled units, potentially bringing the number of families living in the development up to 8 and an additional increase in parking needs.

When one looks at the plan on page A-02 of K. Henry's design, the miniscule amount of lawn relative to structures and pavement is underwhelming. This appears to be out of synch with this neighbourhood and not in compliance with the intention of Guideline 12.

In conclusion, we are not opposed to an increase in density in our neighbourhood, if a development is in accordance with the applicable laws and guidelines and is appropriate in character and size for the neighbourhood. As presently constituted, the proposed development is not.

Sincerely,

s.22(1)



From: s.22(1)
To: "Sharif, Dorsai" <Dorsai.Sharif@vancouver.ca>
s.22(1)
CC: "Isaac, Katherine" <Katherine.Isaac@vancouver.ca>
"Choi, Nicole" <Nicole.Choi@vancouver.ca>
s.22(1)
Date: 10/18/2019 12:25:49 PM
Subject: RE: 5595 Mackenzie Street - DP-2019-00401

Good afternoon Dorsai,

Thank you for your email advising s.22(1) that the City will be attending to examine our concerns about s.22(1) Ensuring the protection of these trees is absolutely *critical* to the health/welfare of the trees, not to mention our privacy. The trees must be protected.

Please let me know if you s.22(1) and of course, it will be provided for this purpose. s.22(1)
s.22(1)

Thank you and we look forward to hearing back from you regarding your assessment at your earliest convenience.

s.22(1)

s.22(1)

s.22(1)

From: Sharif, Dorsai [mailto:Dorsai.Sharif@vancouver.ca]
Sent: October 18, 2019 9:22 AM
To: s.22(1)
Cc: Isaac, Katherine <Katherine.Isaac@vancouver.ca>; Choi, Nicole <Nicole.Choi@vancouver.ca>
Subject: 5595 Mackenzie Street - DP-2019-00401

Hello s.22(1)

I am writing to you to let you know that your emails and concerns have come to our attention and is on top priority for us to resolve at this early stages of review.

We will review the existing condition and proposed design, s.22(1) inspected by our staff today and get back to you as soon as we have the results.

Thank you for your patience,
Dorsai

Regards,

Landscape Development Planner
Planning, Urban Design & Sustainability | City of Vancouver
515 West 10th Avenue, Vancouver BC V5Z 4A8
t 604.871.6533

From: s.22(1)

To: "Choi, Nicole" <Nicole.Choi@vancouver.ca>

"Mackinnon, Stuart" <Stuart.Mackinnon@vancouver.ca>

"Kelley, Gil" <Gil.Kelley@vancouver.ca>

"Bromley, Malcolm" <Malcolm.Bromley@vancouver.ca>

"City Engineer" <CityEngineer@vancouver.ca>

CC: s.22(1)

Date: 10/8/2019 2:25:42 PM

Subject: Re: 5595 Mackenzie Street DP -2019-00401

RE: 5595 MACKENZIE STREET

Development application : DP-2019-00401

I am the s.22(1) and I support the below email sent by s.22(1) raising some questions/issues and concerns regarding the application of the development permit (DP-2019-00401).

I would also like to add that although the tall tree (not sure but I think it is a Fir tree) is on the neighbour's property of 2939 West 40th Avenue, it provides beauty and greenery for the entire neighbourhood. As such any developments that threatens the health and longevity of that tree should be a concern to the City of Vancouver planning department (Green city?), parks board and the entire neighbourhood of 40th avenue, Carnarvon street and Mackenzie street.

We appreciate a formal response soon.

Sincerely

s.22(1)

On Tue, 8 Oct 2019 at 08:53, s.22(1) wrote:

ATTENTION:
CITY OF VANCOUVER
DIRECTOR OF PLANNING

With reference to the above Development Application I have the following concerns and I expect the City of Vancouver to reply to this email and provide written assurances based on credible geological and other relevant studies.

s.22(1) of the property at 5595 Mackenzie street. It is a well known fact that the water table below this easement is high and any development that affects the current underground water flow will force the water to change direction at the expense of neighboring properties.

In addition, there is a tall healthy tree located on the property s.22(1) and west of the home at 5595 Mackenzie street. Any ground works required to meet the needs of the proposed development may impact on the stability of the tall healthy tree and create a life threatening risk to us and other neighbors.

Please reply to this email asap.

A copy of my email and your anticipated reply will be forwarded to my insurance for the records.

Sincerely

s.22(1)

s.22(1)

s.22(1)

From: s.22(1)
To: "Molaro, Anita" <anita.molaro@vancouver.ca>
"Choi, Nicole" <Nicole.Choi@vancouver.ca>
CC: s.22(1)
Date: 10/17/2019 11:17:53 AM
Subject: RE: Opposition To Proposed Development Application DP-2019-00401 (5595 Mackenzie Street)

Good morning Ms. Molaro,

Thank you for your prompt response; much appreciated. Thank you also for advising that you have forwarded my email to the appropriate persons.

I would ask that you kindly request that both Mr. Olinek and Mr. Greer please provide me with written confirmation of receipt of my emails/attachments – s.22(1) but a paper trail is critical in these circumstances, to ensure that our voices are confirmed to be heard. Alternatively, I am happy to email them directly if you are able to provide me their email addresses (I expect they are similar to yours? First name and last name separated by a “.” @ Vancouver.ca).

Thank you in advance and please advise,

s.22(1)

s.22(1)

s.22(1)

From: Molaro, Anita [mailto:anita.molaro@vancouver.ca]
Sent: October 17, 2019 11:13 AM
To: s.22(1) Choi, Nicole <Nicole.Choi@vancouver.ca>
Cc: s.22(1)
Subject: RE: Opposition To Proposed Development Application DP-2019-00401 (5595 Mackenzie Street)

Good Morning s.22(1)

I am no longer in the Planning Department and have forwarded your email onto the senior planning staff, Jason Olinek and John Greer for their attention.

Regards,

Anita G Molaro Architect
Assistant Director of Real Estate
REFM – City of Vancouver

E: anita.molaro@vancouver.ca
T: 604.871.6479

From: s.22(1)
Sent: Thursday, October 17, 2019 10:56 AM
To: Molaro, Anita; Choi, Nicole
Cc: s.22(1)
Subject: Opposition To Proposed Development Application DP-2019-00401 (5595 Mackenzie Street)
Importance: High

Good morning Ms. Molaro and Ms. Choi,
I am following up from my email sent to your attention on October 11, 2019 (below). *Note: I have removed Mr. Chen's name per his request.*

Please be advised that in addition to my original email (my submissions opposing the proposed Development) and attachment (a letter prepared by Architect, Mr. Stefan Wiedemann), I have taken the liberty of including an additional attachment for your consideration – two aerial maps of the neighbourhood and surrounding streets impacted by the proposed Development (which as you will see, contains a multitude of signatures marked on each person's respective home).

Given the urgency regarding this matter (the deadline for opposition submissions is slated for tomorrow, October 18), I wish to ensure that you have in fact, received a copy of my two emails (dated October 11 and today's date), along with my 2 attachments (Mr. Wiedemann's letter and the (two) aerial maps). Kindly *confirm* receipt of my submissions and attachments, as I wish to have written confirmation please, that these materials were not only received by you/the City in a timely manner, but also, will be placed before the appropriate committee/board, for proper consideration.

Thank you in advance and I look forward to your response,

s.22(1)

s.22(1)

s.22(1)

From: s.22(1)
Sent: October 11, 2019 7:54 AM
To: 'tony.chen@vancouver.ca' <tony.chen@vancouver.ca>; 'anita.molaro@vancouver.ca' <anita.molaro@vancouver.ca>; 'nicole.choi@vancouver.ca' <nicole.choi@vancouver.ca>
Cc: s.22(1)
Subject: Opposition To Proposed Development Application DP-2019-00401 (5595 Mackenzie Street)

Good morning Mr. Chen, Ms. Molaro, and Ms. Choi,

I understand that you are the Heads of the Department of Planning for the City of Vancouver; hence this email

to your attention. Please be advised that I received your contact information from s.22(1) concerning the proposed development at 5595 Mackenzie Street (the "Proposed Development") – s.22(1).

INTRODUCTION:

s.22(1) are strongly opposed to the Proposed Development. s.22(1) because he is in a much stronger and knowledgeable position s.22(1) to not only understand the plans of the Proposed Development, but moreover, to be able to properly critique it. s.22(1) Mr. Weidmann's services, s.22(1) he analyze the plans and related materials pertaining to the Proposed Development. s.22(1)

More to the point, s.22(1) Mr. Wiedemann s.22(1) all of the issues and concerns relating to the Proposed Development, and why it should *not* be approved. Please find attached Mr. Wiedemann's letter for your review. Notably, Mr. Wiedemann's letter systematically outlines the multitude of issues relating to the Proposed Development, along with corresponding City "rules/laws" that are being grossly *contravened*.

In short, I think it important to note that Mr. Weidmann was "shocked" (his words) that the Proposed Development has made it as far as it has, given the sheer number of breaches that are present; which he concludes offends the City's own Charter, bylaws, and rules/guidelines. Rather than restate the issues here, I respectfully urge you to please read and consider the attached letter that Mr. Wiedemann s.22(1) s.22(1).

In addition to what Mr. Wiedemann has to say about the "legal" issues, s.22(1) would like to add our own concerns for your consideration, please; they are as follows:

1) SIZE OF THE INFILL HOME:

Mr. Weidmann tells us that in light of the FSR of the lot size, the infill home can be no more than 2000 sq. feet; yet the Proposed Development of the infill residence calls for 6553 square feet (*an increase of some 327% over what is permitted*). Understandably, this will create a monstrous eye sore – s.22(1) s.22(1) and cramping an already overused street. I say "eye sore", because Mr. Wiedemann brought to our attention that although the infill home is required to be at the rear of the property, the Proposed Development has the infill home at the *front*; eroding the "flow" of the other character homes situated within this old fashioned neighbourhood.

2) LOSS OF THE EXISTING CHARACTER HOME:

The current home situated at 5595 is a lovely character home, which we understand to have been built prior to 1940. It sits far back from the roadside, with a beautiful large front lawn. Like most character homes in Kerrisdale, it is reflective of a community based neighbourhood; calm and welcoming. The Proposed Development however, intends to not only move the character home to the backyard (hiding it from sight), but in doing so, the character home's position is being replaced with the infill home which is slated to be moved much closer to the sidewalk than where the character home used to sit; diminishing the frontal placement "flow" of the other homes on this block.

The Proposed Development has also turned the character home 180 degrees, such that it will be facing the *rear* of the infill; meaning the back of the character home will face West 40th Avenue. When you add to this the fact that there is no entrance from 40th (which the back of the property looks onto), and the whole purpose behind retention of the character home, is completely *lost* – no one will see the front! What is the point in enacting guidelines to "protect" such homes, if they can simply be ignored as it appears the Proposed Development is attempting to do.

3) NO PARKING:

The Proposed Development is seeking to have *five units* (despite only apparently being eligible to have four units given the size of the lot). Our understanding is that for each unit, a parking stall is required; yet the Proposed Development is calling for only 3 parking spots. As you are undoubtedly aware, Mackenzie Street has

rows of houses on both sides of the street, yet parking is available on only one side. Moreover, parking is a premium because s.22(1) and many who take the bus park their vehicles out front of our homes, to then take the bus. In fact, s.22(1) for contravening the parking bylaw by leaving their unattended vehicles s.22(1)

s.22(1) I cannot remember a time where there was ample room to park – it is always busy.

That said, adding all those units of people *without sufficient parking stalls to accommodate* their vehicles, will make an already untenable situation, that much worse. When you add the fact that the City recently *removed* much of the parking along 41st and this is seemingly a recipe for disaster. I expect the taxpayer would be none too pleased to learn that bylaw parking enforcement personnel are spending all their time here ticketing offenders – which is what will happen in order to “protect” our ability to park in front of our own home, with so many more people needing to use parking space that simply isn’t available.

There is also a safety issue; adding more people and more vehicles, equates to more traffic. Given the number of children on this Street, as well as this area in general (ie – Kerrisdale Elementary is s.22(1) and more traffic translates to the unfortunate possibility of more accidents. There is already so much congestion on Mackenzie as it is (the Street often backs up in the mornings and at the end of the day from 39th to 41st), that the addition of so many more cars, will only add to the bottleneck and trouble with parking.

4) NOISE LEVELS:

The addition of five units (each with the possibility of a number of persons per unit), will understandably raise the noise levels well above what this quiet neighbourhood is not only accustomed to, but also, should be entitled to expect.

5) TREES IN DANGER & PRIVACY LOST:

s.22(1)

s.22(1)

s.22(1)

Simply stated, s.22(1)

because the

s.22(1)

s.22(1)

Needless to say, we s.22(1)

for

these stated reasons and beyond.

The Proposed Development has referred to s.22(1) in what we believe may be an effort to perhaps attempt to remove and/or possibly damage the s.22(1), without fear of legal reprisal; this is particularly so as Mr. Wiedemann explained to us that the excavation is so close to the root ball of s.22(1), that they will (likely) be significantly impacted absent proper protection. Given Bylaw 9958 however, it is clear that many of s.22(1) are actually *trees* and therefore, afforded protection by law. I say this because Mr. Wiedemann encouraged s.22(1) to go out and s.22(1)

s.22(1)

assessment of s.22(1)

(I have already sent an email to them requesting s.22(1)

s.22(1)

are in fact TREES, because many of them measure over the 20 centimeter cut-off, at over 1.4 meters above the ground.

In short, according to what has been explained to us by Mr. Wiedemann, as well as our understanding of the City bylaw referenced above, many of these “hedges” are legally designated TREES and therefore, required to be protected (*subject to a permit to remove a healthy tree*). That said, our understanding is that any effort to encroach upon s.22(1), not provide them the necessary protection required by law, and/or willful blindness and/or intention to damage (the roots of) these trees caused by the Proposed Development, is a not only a serious infraction (considering the hefty fines involved), but more importantly, deemed *impermissible and therefore unlawful*, by the City.

Understandably, s.22(1) are not experts in this area, nor do we purport to be; we instead rely on our tax paid dollars to ensure that the City ensure the continued protection of the health, welfare, and safety of our TREES, as well as our privacy – affording the necessary protection from the pitfalls of the Proposed Development.

6) THE NEIGHBOURHOOD:

Mackenzie Street and those on West 40th are a close group of neighbours. We communicate with each other. We look out for each other. And we care about the look, feel, and comfort of our neighbours and neighbourhood. Needless to say, my understanding is that your Department has already received a number of oppositions to the Proposed Development and I expect you will receive more.

7) CONCLUSION:

As made clear from Mr. Wiedemann's letter along with our comments above, s.22(1) are strongly opposed to the Proposed Development. We kindly request that the City and you, the Directors of Planning please consider the issues, contraventions, and infringements on our property rights caused by the Proposed Development as well as its internal issues, and put the Proposed Development to an end; or at the very least, direct it to conform to the rules, bylaws, guidelines, and Charter of the City of Vancouver.

s.22(1) thank you all in advance for considering our package of submissions, and we very much look forward to hearing back from you/your Department at your earliest convenience.

s.22(1)

s.22(1)

s.22(1)

From: s.22(1)
To: "Isaac, Katherine" <Katherine.Isaac@vancouver.ca>
CC: "Choi, Nicole" <Nicole.Choi@vancouver.ca>
"Tomono, Takashi" <Takashi.Tomono@vancouver.ca>

s.22(1)

Date: 10/22/2019 3:33:22 PM

Subject: RE: s.22(1) ackenzie Street -
OPPOSITION - TREE CONCERNS

Good afternoon Ms. Isaac,

I am following up from our previous correspondence (below – dated October 17th), in which you were kind enough to advise that your colleague, “Takashi” would be following up with a response s.22(1), regarding our concerns about s.22(1) Mackenzie Street and the proposed development home s.22(1) 5593 Mackenzie Street.

Unfortunately, as of today’s date, I have not yet received a response. As such, I would greatly appreciate an update concerning our cedar trees – *thank you in advance*.

s.22(1)

s.22(1)

s.22(1)

From s.22(1)
Sent: October 17, 2019 11:21 AM
To: 'Isaac, Katherine' <Katherine.Isaac@vancouver.ca>
Cc: 'Choi, Nicole' <Nicole.Choi@vancouver.ca>; s.22(1) 'Tomono, Takashi' <Takashi.Tomono@vancouver.ca>; s.22(1)
Subject: RE: Proposed Development Application (DP-2019-00401) - 5595 Mackenzie Street - OPPOSITION - TREE CONCERNS

Good morning Ms. Isaac,

Thank you for your prompt response. I look forward to hearing from your colleague, Mr. Tomono tomorrow.

Best,

s.22(1)

PS ☐ *please note that I have removed Ms. Molaro from this email string, as she responded to me advising that she is no longer with the planning Department (instead, she kindly advises that she forwarded my email to Mr. Jason Olinek and Mr. John Greer).*

s.22(1)

s.22(1)

From: Isaac, Katherine [<mailto:Katherine.Isaac@vancouver.ca>]

Sent: October 17, 2019 11:13 AM

To: s.22(1)

Cc: Molaro, Anita <anita.molaro@vancouver.ca>; Choi, Nicole <Nicole.Choi@vancouver.ca>; s.22(1)

s.22(1) Tomono, Takashi <Takashi.Tomono@vancouver.ca>

Subject: Re: Proposed Development Application (DP-2019-00401) - 5595 Mackenzie Street - OPPOSITION - TREE CONCERNS

Thank you for your email s.22(1) My staff member, Takashi, cc'd here, is currently following up on your Enquiry and we will be responding to you tomorrow, thank you, Katherine

Sent from my iPhone

On Oct 17, 2019, at 11:10 AM, s.22(1) wrote:

Good morning Ms. Isaac,
I am following up from my email sent to your attention on October 10, 2019 (*please see below*).

Given the urgency regarding this matter (the deadline for opposition submissions is slated for tomorrow, October 18), I wish to ensure that you have in fact, received a copy of my email and attached photos outlining our concerns.

Kindly *confirm* receipt of my previous submissions and attachments (various photographs), as I wish to have written confirmation please, that these materials were not only received by you/the City in a timely manner, but also, will be investigated by your department given what is at stake (the health/well-being of our trees).

Given the tremendous impact that our trees now face, I also respectfully believe that these concerns should be shared with the appropriate committee/board, for proper consideration regarding this Proposed Development. As such, I have taken the liberty of cc'ing the appropriate persons – Ms. Anita Molaro and Ms. Nicole Choi.

Thank you in advance and I look forward to your written confirmation/response.

s.22(1)

s.22(1)

From: s.22(1)
Sent: October 10, 2019 9:49 AM
To: Katherine.Isaac@vancouver.ca
Cc: s.22(1)
s.22(1)

Subject: Proposed Development Application (DP-2019-00401) - 5595 Mackenzie Street - OPPOSITION - TREE CONCERNS
Importance: High

Good morning Ms. Isaac,
I understand that you are the head of the City Landscape Department. Please be advised that I received your contact information s.22(1) Mr. Stefan Wiedemann who I understand spoke with you (yesterday), concerning the proposed development at 5595 Mackenzie (the "Development") – s.22(1)

INTRODUCTION:

I am reaching out because s.22(1) Mr. Wiedemann to analyze the Proposed Development (given our opposition to it), he not only discovered multiple infractions, but also, he strongly suggested that we contact you/your department immediately, to voice our grave concerns regarding the Proposed Development with respect to our cedars (Mr. Wiedemann's words that: "...the foundation/excavation undermining the mature hedge on the property line. Ms. Isaac said that she would have her staff look into it and that she completely understands our concerns.")

I write to you following up from your telephone conversation with Mr. Wiedemann, to pass along some critical information regarding s.22(1) (the turn of phrase specifically used by the Proposed Development); as this description is believed to be an inaccurate characterization, given the measurement of many of s.22(1) (discussed below). I say this because Mr. Wiedemann advised us that in order to be considered a tree (versus a hedge), pursuant to Bylaw 9958, if a tree has a diameter of 20 centimeters or greater, measured at 1.4 metres above the ground, it is considered a tree and therefore, protected.

MEASUREMENT (hedge versus tree):

Mr. Wiedemann encouraged s.22(1) – to go out and s.22(1)
s.22(1) (which I can tell you are at least s.22(1)
s.22(1) Proposed Development; s.22(1)
s.22(1) – subject to your department's
independent assessment of her numbers – the results are critical, because a s.22(1)
s.22(1) came in at well over the 20 centimetre "cut off" (please see the attached photographs for examples).

In short, according to what has been explained to us by Mr. Wiedemann, as well as our understanding of the City bylaw referenced above, many of s.22(1) are in fact legally considered to be TREES and therefore, are required to be protected (subject to a permit to remove a healthy tree).

PROTECTED TREE ZONES

As an aside, we also wish to respectfully draw your Department's attention to the current plans provided by the Proposed Development (*attached for ease of reference*). You will note that while the plans illustrate various "circles" designating tree protection (s.22(1) [REDACTED])

s.22(1) [REDACTED]

s.22(1) [REDACTED]

[REDACTED] the infill house as well as the character home being moved to the rear, *encroach* into two of these protected zones. How is this permissible? Our hope is that your department will come and investigate and as such, when measuring our s.22(1) [REDACTED] that they will also ensure that these trees are properly protected.

CONCLUSION:

Subject to your department's analysis, it is our understanding that the measurement results of the cedar trees, coupled with the requirements of the Bylaw, means that these s.22(1) [REDACTED] are in fact TREES; any effort to encroach upon them, not provide them the necessary protection required by law, and/or willful blindness and/or intention to damage (the roots of) these trees caused by the Proposed Development, is a not only a serious infraction (considering the hefty fines involved), but more importantly, deemed *impermissible and therefore unlawful*, by the City.

Understandably, s.22(1) [REDACTED] are not the experts, nor do we purport to be; hence this email to you /your department – seeking your input and (hopefully) protection regarding our healthy cedar trees. As a lawyer and thus someone who meticulously documents my concerns, I took Mr. Wiedemann's advice to reach out to you, such that you/your department can properly inspect our concerns – ensuring that the health, welfare, and safety of these TREES, as well as our privacy, is properly protected from the Proposed Development.

s.22(1) [REDACTED] very much look forward to hearing back from you/your department at your earliest convenience and scheduling a convenient time for a member of your Department to kindly attend as soon as possible (as the deadline for submissions re: opposition to the Proposed Development, is October 18th). s.22(1) [REDACTED] available given the pressing nature of these concerns.

Thank you in advance for your consideration of our concerns and for protecting our cedars!

s.22(1) [REDACTED]

s.22(1) [REDACTED]

s.22(1) [REDACTED]

<image0.jpeg>

<image1.jpeg>

<image2.jpeg>

<image3.jpeg>

<image4.jpeg>

From: s.22(1)
To: "Choi, Nicole" <Nicole.Choi@vancouver.ca>
"Chen, Tony" <tony.chen@vancouver.ca>
"Molaro, Anita" <anita.molaro@vancouver.ca>
CC: s.22(1)
Date: 10/18/2019 12:51:36 AM
Subject: Re: Proposed Development Application Opposition - 5595 Mackenzie Street

We are very concerned about this proposed development for the following reasons:

Parking - Now that 41st Avenue has created the **bus access only lane** there are more people parking in the alley between 40th and 41st between Carnarvon and MacKenzie Street.

Increase in noise and traffic - There are already noise and traffic concerns with vehicles using the alley between 41st and 40th Avenues to avoid traffic on 41st Avenue between Mackenzie and Carnarvon Streets.

Safety - Children walking and riding bicycles to and from Kerrisdale Elementary School along the alley will be at greater risk.

Sincerely,

s.22(1)



From: s.22(1)
To: "Choi, Nicole" <Nicole.Choi@vancouver.ca>
"Mackinnon, Stuart" <Stuart.Mackinnon@vancouver.ca>
"Kelley, Gil" <Gil.Kelley@vancouver.ca>
"Bromley, Malcolm" <Malcolm.Bromley@vancouver.ca>
"City Engineer" <CityEngineer@vancouver.ca>

CC: s.22(1)

Date: 10/8/2019 10:52:54 PM

Subject: Re[2]: 5595 Mackenzie Street DP -2019-00401

**ATTENTION:
CITY OF VANCOUVER AND ALL OF THE ABOVE**

Please address the issues raised in the below emails.

**I am not interested in the views of the developer and of his architect, engineer and the like but in what the City and its planners and Directors have to say.
I will be waiting in anticipation.**

s.22(1)

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

From: "s.22(1)"
To: nicole.choi@vancouver.ca; stuart.mackinnon@vancouver.ca; gil.kelley@vancouver.ca;
malcolm.bromley@vancouver.ca; cityengineer@vancouver.ca

Cc: s.22(1)

s.22(1)

Sent: 10/8/2019 2:25:42 PM

Subject: Re: 5595 Mackenzie Street DP -2019-00401

RE: 5595 MACKENZIE STREET
Development application : DP-2019-00401

I am the s.22(1), and I support the below email sent by s.22(1), raising some questions/issues and concerns regarding the application of the development permit (DP-2019-00401).

I would also like to add that although the tall tree (not sure but I think it is a Fir tree) is on the neighbour's property of 2939 West 40th Avenue, it provides beauty and greenery for the entire neighbourhood. As such any developments that threatens the health and longevity of that tree should be a concern to the City of Vancouver planning department (Green city?), parks board and the entire neighbourhood of 40th avenue, Carnarvon street and Mackenzie street.

We appreciate a formal response soon.

Sincerely

s.22(1)

On Tue, 8 Oct 2019 at 08:53, s.22(1) wrote:

ATTENTION:
CITY OF VANCOUVER
DIRECTOR OF PLANNING

With reference to the above Development Application I have the following concerns and I expect the City of Vancouver to reply to this email and provide written assurances based on credible geological and other relevant studies.

s.22(1) of the property at 5595 Mackenzie street. It is a well known fact that the water table below this easement is high and any development that affects the current underground water flow will force the water to change direction at the expense of neighboring properties.

In addition, there is a tall healthy tree located on the property s.22(1) and west of the home at 5595 Mackenzie street. Any ground works required to meet the needs of the proposed development may impact on the stability of the tall healthy tree and create a life threatening risk to us and other neighbors.

Please reply to this email asap.

A copy of my email and your anticipated reply will be forwarded to my insurance for the records.

Sincerely

s.22(1)

s.22(1)

s.22(1)

">>>>

From: s.22(1)
To: "Choi, Nicole" <Nicole.Choi@vancouver.ca>
CC: anita.molaxo@vancouver.ca
"Chen, Tony" <tony.chen@vancouver.ca>
Date: 10/17/2019 11:56:21 AM
Subject: Re proposal at 5595 Mackenzie

Development Application DP-2019-00401
Proposed development of the property at 5595 MacKenzie Street, Vancouver

Dear Sir/Madame,

s.22(1)

We have lived at this address since s.22(1)

s.22(1)

where they could play in a safe environment and

where we were able to know our neighbours and their families and watch over all our children playing.

Walking around our neighbourhood it is delightful to see so many children playing in the cul-de-sac safely once again.

We are extremely upset and disheartened at the proposed development at the end of our street with little or no prior consultation with our neighbourhood and community.

This development would have a huge negative impact on our street and our neighbours and would change the character of our existing neighbourhood for a developer.

We did not support or vote for the the last Vancouver city council as they were not interested in our neighbourhoods or communities but intent on pushing their pro development agenda with no regard to the people in their communities.

This seems to be another pro development agenda and from what I have been observing of the developments in our area this will not be affordable housing but caters to investors and only the wealthy. This does not address the housing affordability issue for the people who work and live in Vancouver.

We strongly oppose this application in our neighbourhood and recommend you read the Wiedemann Architectural report. We did and are appalled that this proposal was even allowed a consideration.

Sincerely,

s.22(1)

From: s.22(1)

To: "Choi, Nicole" <Nicole.Choi@vancouver.ca>

"Chen, Tony" <tony.chen@vancouver.ca>

"Molaro, Anita" <anita.molaro@vancouver.ca>

Date: 10/17/2019 9:54:38 PM

Subject: Response to Notice of Development Application 5595 Mackenzie St DP-2019-00401

Attachments: 2019-10-17 letter re Development Application DP-2019-00401.pdf

Enclosed please find my letter dated October 17, 2019, in respect of the above-noted development application. Please confirm receipt of this email.

Regards,

s.22(1)

s.22(1)









s.22(1)

October 17, 2019

City of Vancouver
Development Permits Department
453 West 12th Ave.
Vancouver, British Columbia
V5Y 1V4

Attention: Nicole Choi, Project Coordinator
Tony Chen, Director of Planning
Anita Molaro, Director of Planning

Re: Notice of Development Application, 5595 Mackenzie Street, DP-2019-00401

Dear Sir/Madam:

Background

s.22(1) have reviewed the above application and are vehemently opposed to the proposal.

By way of background, s.22(1)

s.22(1)

s.22(1)

s.22
(1)

5595 Mackenzie. We would seriously
s.22(1) hence the City's decision on the application is very important.

At the outset, the purchase of 5595 Mackenzie and the proposal are indicative of the horrific problem that exists in Vancouver: properties continue to be treated as

commodities instead of homes. It is clear that 5595 Mackenzie was purchased as a speculative transaction and the proposal, if approved, will help drive up the value of land in Vancouver, putting upward pressure on land prices and making ownership of homes unaffordable. On one hand, the City pretends to do something about this problem but, on the other, applications of this nature when approved are a step backwards. s.22(1)

s.22(1) and sees first hand the havoc wreaked by the affordability problems. As a family, we have sat on the side-lines, waiting for the market to normalize and for affordability to return.

The Proposal Ignores West 40th Avenue

The design rationale dated April 25, 2019 contains a lot of fluff and all but ignores the impact of the proposal on 40th Avenue. It is important to emphasize that there is no lane behind 5595 Mackenzie and no one should pretend that the proposed relocation of the existing dwelling to the back of the property is a "laneway" home. It is not. The so-called character house or MCD is enormous and would exceed, when completed, more than 3,000 sq. ft.

That the application ignores 40th Avenue is illustrated by the absence of any street photos depicting the property from 40th Avenue. Such images would demonstrate that 40th Avenue is unique in the sense that it contains a dead-end cul-de-sac and is situated immediately to the east of the Kerrisdale Elementary School located on Carnarvon. There are three defining features, the cul-de-sac, the large tree located on 2939 40th Avenue (immediately behind 5595 Mackenzie) and the school.

The large tree on 2939 40th Avenue defines the neighbourhood. It is a historic remnant that must be preserved and protected. I note also that the drawings included with the application seem to suggest that the tree is not located on 2939 40th Avenue, but it is.

The cul-de-sac locks in 40th Avenue to the east and reduces available parking space since there is no parking in its radius and, as such, there is no parking in front of three

homes (2939, 2945 and 2946 40th Avenue). Moreover, the school puts immense pressure on the already constrained parking and, at various hours during the school day, creates a gridlock. There is not enough space in the neighbourhood to accommodate all the vehicles related to the school and the residents of 40th Avenue. There is also no real enforcement of the parking regulations. All of this leads to the inexorable conclusion that the proposed path from 5595 Mackenzie to the cul-de-sac will put more pressure on the parking situation on 40th Avenue. This is certain because the proposal, in the first place, has inadequate parking for five dwellings. Plus, the many residents that would occupy the five proposed units will have numerous vehicles and will be drawn to parking on 40th Avenue (why else the footpath?).

The Absence of a Lane

It is a well-known fact amongst the neighbourhood that water flows naturally underground along the rear of 5595 Mackenzie and s.22(1)

This is apparent since both s.22(1)

s.22(1) even when it is not raining. The relocation of the exiting house on 5595 Mackenzie to the rear of the property will put further pressure on this water flow. Moreover, there is no realistic way to establish a lane behind 5595 Mackenzie, under the circumstances. The application should not proceed further until this issue is studied carefully by appropriate City officials and professionals.

The Proposed Application to Undergo a Re-Zoning Application

I am shocked that the proposed application has proceeded this far. The scope of the proposal, with five units and two large structures, will radically alter the neighbourhood which is comprised of, and surrounded by, single family dwellings and the odd basement suite. This begs the question of why the application is not a re-zoning application since it seems to be a de facto re-zoning of 5595 Mackenzie.

In all of the circumstances, I reiterate my opposition to the proposed application. It is unusual and gives me pause about whether the application is not being sufficiently scrutinized by the City.

Included with this letter will be several photos taken recently on 40th Avenue, attempting to depict the neighbourhood from the west of 5595 Mackenzie since it is apparent that the owner and architect have deliberately ignored the community behind 5595 Mackenzie.

s.22(1) Regards

