

JULIA FRATE 8451 Seafair Drive Richmond, BC V7C 1X7

TO: Mayor Malcolm Brodie Councillors: Linda Barnes

Cynthia Chen Derek Dang

Evelina Halsey-Brandt Sue Halsey-Brandt Rob Howard

Bill McNulty
Harold Steves

Planning Department: Brian Johnson

Joe Erceg Edwin Lee

Enclosed kindly find the residual responses to the previously forwarded package. These additions bring the total responses to well over 200.

My mailbox has steadily "clicked" away 70 times per day for the past three days as people walked, bicycled and drove to my house to deliver their opinions. I could hear steady interchange of chatter outside my door as people conversed about the issue as they ran into each other.

I always knew we had a sense of community here but even I am blown away by the strength and unity of the opinions by such a diverse group of people. The responses came from every corner of Gilmore Park and Seafair. The responses came from original owners and new comers and all resident adults in between. The responses represent modest householders to average householders to lavish householders.

If there was an unaddressed issue in the flyer, it was the five-year concept. People strongly objected to the notion that this issue might be revisited every five years.

We sincerely request your attention and consideration to our concerns.

Julia Frate

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Kindly find enclosed:

> A two-page flyer delivered to the "Study Area", otherwise known as the Gilmore Park and Seafair subdivisions.

The flyer was printed on Monday, distributed by volunteers on Tuesday and represents the return of between 150 to 200 flyers during Wednesday, Thursday and Friday morning.

> About 150/200 flyers (to date) with 500+ adult names, addresses and signatures, all clearly written and signed.

It is most important to note that perusing the signatories' addresses reveals that 99.9% of the people reside within the specified boundaries (to be differentiated by a meaningless petition comprised of people who could not possibly be interested or connected to our neighbourhood).

All originals have been retained.

The residents wish their opinions, as expressed by the returned forms, to be considered by the twelve recipients of these packages when deciding on the future of our neighbourhood.

JF

JULIA FRATE 8451 SEAFAIR DRIVE, V7C 1X7 604-274-3166

IMPORTANT NOTICE

Regarding Possible Rezoning of Gilmore Park and Seafair

Report on the January 23, 2008 Public Information Open House.

The meeting commenced at 6:00 PM as advertised. Because so many people had left messages on my 274-3166 telephone, I did not have time to help with so many extra letters. People suggested a petition. Minutes prior to the meeting, I quickly put together a petition thinking I could approach those people at the meeting. Arriving at 6:10 PM, I met two disappointed departing groups in the parking lot already going home. The Planning Department had already run out of the seven-page "feed-back" forms. Apparently, only ten or so people were anticipated by the Planning Department. (Congratulations to us!) More forms were printed and distributed one to a household. The second group asked me why I didn't start a petition. I opened my folder and once inside was pretty much overwhelmed by the number of people opposed to any zoning chances and who willingly waited to sign the adhoc petition. Over one hundred letters and signatures were obtained. It should be pointed out that this was not a petition that people would reluctantly sign rather than argue with an aggressive special interest group. This was a spontaneous petition signed by neighbours and residents, all of whom wanted their views heard and the message I heard loud and clear was, "We don't want any zoning changes or lot size changes and the issue starts with the Youngmore and Kelmore streets".

The following day, I read the seven-page feedback form from the Planning Department of the City of Richmond. How disingenuous!!! It is certainly my opinion that the options were intentionally written to be misleading! There was not a single option that included the entire study area advertised by the invitation to the "open house". Option 3 depicted a map of the study area, deceptively omitting the Youngmore and Kelmore streets. A person could easily believe they were agreeing to exclude the entire area and yet the Planning Department could point out that by supporting that option, the residents had in fact supported the recommendation of the Planning Department to allow the subdivision of the five derelict houses and the remainder of the houses on Youngmore and Kelmore.

In the January 29, 2008 edition of the Richmond News, Coun. Bill McNulty is quoted as saying he supports the current rezoning application for the five lots on Youngmore because he wants to see the older homes there replaced by newer homes. It certainly is apparent the owner has deliberately allowed the houses to deteriorate to their current condition. NOTE: The houses could have been repaired or redeveloped at any time in the last twenty years! The area has many new homes, so a new precedent is not at issue with the current zoning. WHY should the owner be rewarded by gaining an exception to the current zoning and established lot sizes that would negatively impact on OUR excellent established neighbourhood???

If you do <u>NOT</u> wish to hand our neighbourhood to developers, have EVERY VOTING PERSON in your household sign the attached form and return it to 8451 Seafair or to 8460 Kelmore before Feb 15, 2008. If you are unable to deliver the form, phone Barry at 278-5639 or Kim at 271-2964. They will collect and deliver the form on your behalf. JF

The following excellent letter to the editor (Richmond News, January 29, 2008) is right on target. Also excellent is a February 7, 2008 letter to the editor in the Richmond Review by S. B. Libbrecht that I do not have room to reprint.

CHOICE WORDS

Public Open Houses Leave Resident Unsatisfied

The Editor,

I strongly object to Richmond Planning Department's current method of conducting public information open houses. (Re: Single Family Lot Size Study Public Information Open house, Scout Hall, Francis Road, January 23, 2008.)

A group of citizens mill about an open space, trying to read and understand a number of printed boards.

A few city staff members (in this evening's example, one staff member) respond to individual questions, while other attendees stand five rows deep unable to hear the question or the response, which satisfies no one.

It does not in any sense represent appropriate communication on important community matters.

When invited to consider community issues, I expect to be well informed by knowledgeable individuals speaking from an appropriate podium with a good sound system.

I expect to hear questions from the attendees, also on a good sound system, so I can consider aspects that have escaped my notice.

Recent planning-related open houses have been lazy exercises, with little effort to initiate informed meaningful community dialogue.

These sessions may allow the Planning Department to suggest they've done their job, but they leave the citizenry ill-informed and frustrated with a critically flawed information process.

L. Bouchard Richmond When any property is listed for sale at the Greater Vancouver Real Estate Board, the Board orders a title search, every time, from the NW Land Titles office. So do the lawyers or notary publics.

These title searches contain notations about rights-of-ways and restrictive covenants.

It is my understanding that this application is the third try by the owner of the five derelict properties on Youngmore, to change the current zoning. The last two applications were unsuccessful because of the "wrap-around" restrictive covenant covering all 19 properties on Youngmore and the south block of Kelmore. The owner has evidently purchased 14 of the 19 restrictive covenants (5 remain intact as 5 owners oppose rezoning), in an effort to overcome the obstacle of the restrictive covenants.

So what has changed?

Real estate agents and lawyers and notary publics are expected to provide their clients with accurate information on these items. If the restrictive covenants are truly of no importance as Ms. Cynthia Lockrey, city hall spokesperson, states in the January 29, 2008 edition of the Richmond News, then please let her advise the British Columbia Real Estate Association so all 17,500 real estate agents can be assured that they are and have been wasting their time and money securing such items for all real estate transactions!

What is a Restrictive Covenant?

Covenant: A written document in which signatories either commit themselves to do a certain thing, to not do a certain thing or in which they agree on a certain set of facts.

Originally, and still today, the term refers to a limitation imposed on real property http://www.duhaime.org/LegalDictionary/R/Realproperty.aspx.

In real property law, a restrictive covenant runs with the land and would be registered against title such that a new owner would have to take the land with the restrictive covenants, subject to a Court striking the restrictive covenant upon application of the landowner.

It is said that the common law does not recognize or enforce restrictive covenants. This is one reason why condominium law was introduced in Canada, to allow land owners some means of privately controlling land use and promoting a "life style."

But restrictive or negative covenants can be enforced under equity. Thus, an 1888 case called Tulk v. Moxhay set down a series of rules that must be met if the restrictive covenant is to be enforced.

- * The covenant must be known by the purchaser before purchase.
- * The covenant must have been made for the protection of the land at the time the covenant was
- The land must be ascertained or ascertainable from the document.
- * It must be intended that the burden was to run with the covenantor's land.
- * The covenant must be negative in substance.
- * The covenant is subject to the general limitations of equity the most important being that it shall not be imposed on a bone fide purchaser without notice.

The means or ending covenants differs from province to province. In British Columbia, the Property Law Act provides a concise list of reasons:

- a. if the covenant has become obsolete by reasons of change in the character of the land;
- b. the reasonable use of the land will be impeded, without practical benefit to others, if the covenant is not canceled;
- c. the covenantee(s) have agreed, expressly or impliedly, to terminate the covenant;
- d. cancellation will not injure the covenantee; or
- e. the covenant is invalid, expired or unenforceable and should be cancelled.

I/WE ATTENDED THE "PUBLIC INFORMATION OPEN HOUSE" AT THE SCOUT HALL ON JANUARY 23, 2008 OR I/WE VIEWED THE MATERIAL ONLINE.

THE SEVEN PAGE "LOT SIZE STUDY FEEDBACK FORM" APPEARED TO BE ARTFULLY DESIGNED TO SUIT THE PLANNING DEPARTMENT. ALTHOUGH YOUNGMORE AND KELMORE WERE INCLUDED IN THE "STUDY AREA" AS ADVERTISED, NO SCENARIO PERMITTED ANY OPTION TO INCLUDE THOSE STREETS WITH THE WHOLE OF THE STUDY AREA.

OPTION 3 WAS PARTICULARLY DISINGENIOUS!

IT IS GLARINGLY OBVIOUS THAT THERE WAS NO WAY ONE COULD ANSWER THE FORM WITH THE RESPONSE:

NO INCURSIONS INTO THE SUBDIVISION AND NO EXCEPTIONS!

THEREFORE, KINDLY ACCEPT THIS FORM AS MY RESPONSE TO THE PLANNING PROPOSAL.

Name	Address	Signature
X	XX	X
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January 23, 2008

Various Concerned Residents of Study Area January 23, 2008 Meeting at Scout Hall C/O Julia Frate 8451 Seafair Drive Richmond, BC, V7C 1X7

> Reference: Single-Family Lot Size Study Wednesday, January 23, 2008

To: City of Richmond C/O Edwin Lee

The undersigned are in strongly in favour of retaining the existing lot sizes in the study area – NO EXCEPTIONS.

Any exceptions will set a precedent to further incursions into this area.

If the purpose of the study is to determine an "official policy" on lot sizes, let it be R1E as indicated on the maps provided currently at the City Hall in Richmond.

Our properties all have a restrictive covenant on them that states each lot is for one single-family residence.

Please be assured that we, the residents, are determined to pay close attention to this issue. We would like the zoning to be such that the five properties do not trigger any further rezoning applications in the future. This is the third application. Enough is enough.

See attached sheet of signatures.

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OPTION 3 WAS PARTICULARLY DISINGENIOUS!

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THEREFORE, KINDLY ACCEPT THIS FORM AS MY RESPONSE TO THE PLANNING PROPOSAL.

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I/WE ATTENDED THE "PUBLIC INFORMATION OPEN HOUSE" AT THE SCOUT HALL ON JANUARY 23, 2008 OR I/WE VIEWED THE MATERIAL ONLINE.

THE SEVEN PAGE "LOT SIZE STUDY FEEDBACK FORM" APPEARED TO BE ARTFULLY DESIGNED TO SUIT THE PLANNING DEPARTMENT. ALTHOUGH YOUNGMORE AND KELMORE WERE INCLUDED IN THE "STUDY AREA" AS ADVERTISED, NO SCENARIO PERMITTED ANY OPTION TO INCLUDE THOSE STREETS WITH THE WHOLE OF THE STUDY AREA.

OPTION 3 WAS PARTICULARLY DISINGENIOUS!

IT IS GLARINGLY OBVIOUS THAT THERE WAS NO WAY ONE COULD ANSWER THE FORM WITH THE RESPONSE:

NO INCURSIONS INTO THE SUBDIVISION AND NO EXCEPTIONS!

THEREFORE, KINDLY ACCEPT THIS FORM AS MY RESPONSE TO THE PLANNING PROPOSAL.

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Name	Address	Signature	
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