



11 August 2019

Re: Folder # REZ00708 (2920 Prior St)

Dear Mayor Helps and members of City of Victoria Council,

We are writing concerning the development proposal to subdivide and re-zone 2920 Prior St, submitted by Neil Street Holdings Ltd (neighbourhood contact: Mr. Humphries). We are the owners and occupiers, for over 20 years, of 2916 Prior Street, the adjacent property to the south. As background, we have discussed the proposed plans face-to-face with Mr Humphries twice. The first was a conceptual discussion and the latter had an early version of his plan. We attended both NAC meetings when this property was on the agenda, and the CALUC meeting.

We understand the need for more housing in Victoria and are generally supportive of densifying the 2920 Prior St lot. However, we have a number of concerns about the proposed subdivision that we outline below (see also an Appendix with detailed comments for your and/or the planning departments information).

• **Three properties on a site with street frontage size equivalent to two small lots**

The proponent is requesting zoning to subdivide 2920 Prior St to produce a small-lot (R1-S2) and a site-specific lot out of an area that is slightly larger than typical lots in the neighbourhood (street frontage is equivalent to two R1-S2 lots (21.4 m)). The proponent points out the existence of "*similar sized width lots over to the east on Blackwood street, as well as the lot directly to the south at 2916 Prior Street (see picture below)*". However, both proposed lots would differ from the neighbourhood norm, in that the R1-S2 lot would not be full length, and there would be a mid-block "pan-handle" style lot with zoning for two structures (house and garden suite). This means a slightly larger than typical lot would host 3 residential structures distributed between the proposed two lots.

The proponent suggests they will retain the existing structures (a >100 year old 75.47 m² house and 64.4 m² garage (70% finished; currently an illegal suite)) on the proposed pan-handle lot, although they note that "*a future owner could instead tear down the existing house (currently in poor shape)*". We agree that the house is in poor shape and that replacement is a likely outcome in the very near future. This means if the submitted proposal is approved, a new house and a new/renovated garden suite are likely to be built on the site specific lot. Addition of one structure (R1-S2 lot) and replacement/renovation of the 2 current structures (site specific lot) would change a lot that has historically had 2 structures with 2 bedrooms (one in each structure) to 3 structures with ~7-10 bedrooms total (3-4 in each house and 1-2 in a renovated/rebuilt garage) – a substantial densification that would have a significant impact on the adjacent properties and the broader neighbourhood in terms of parking, noise, and privacy. We do not support this level of densification. Others in our neighbourhood share our concerns on the proposed densification, as is clear in the minutes of the CALUC meeting.

As we support some densification, we request that Council either:

1. Make the site specific zoning on the pan-handle lot require that if there are replacement structures built on this lot they can either be: (a) a single story home of the same dimensions as the current house and the existing garage, or (b) a two story small-lot zoning home (equivalent to that proposed for the R1-S2 lot (maximum area 79.4 m²)) but with the garage-suite removed, or,
2. Simply subdivide the lot into two full length R1-S2 lots, requiring removal of the illegal garage suite for the proposed development to go ahead. This would be in keeping with

similar lots on Blackwood St and our home to the south, and the character of the neighbourhood.

Either of these options will substantially increase the number of people this lot can accommodate, will be more in keeping with the neighbourhood and will have less impact on the neighbourhood.

• **Proposed new building design and the impact on 2930 Prior street**

The design of the house for the proposed small lot immediately south of 2930 Prior St has 2 stories and a basement, leading to a height that will severely impact the light and views from 2930 Prior St. While the proponents suggest they have been responsive to the concerns of the owners of 2930 this is not our understanding. For example, the owners have requested the house location be shifted towards the street and at the CALUC it was suggested that a property without a basement would fit better into the neighbourhood skyline which has a predominance of bungalows (see Appendix) and dramatically reduce the impact on 2930. Indeed, the proponent states *"We feel this a great location for an infill house as a new owner if they did knock down the existing house, could build a very large house that could hinder the views of all the neighbours to the north"*. However, the proposed house completely removes all southward (Olympic peninsula, downtown) views from the interior of 2930 Prior St based on the architects images shown at the CALUC meeting.

• **Covenants**

Mr Humphries has repeatedly said (at the pre-CALUC NAC meeting, CALUC, privately to us, in this proposal) that he will provide us and the owners of 2930 Prior St with covenants for the structures on both proposed new lots that will specify the nature of future development of these sites (e.g., footprint, placement and height of any replacement/new structures). These documents have not been forthcoming and, as the devil is in the detail, we feel it is essential that all parties involved have adequate time to examine them to ensure they meet expectations and are legally binding. Mr Humphries originally told us he would provide these in advance of the CALUC meeting but subsequently indicated that he needed to wait until after the CALUC (see email text in Appendix). We made two further email requests since the CALUC that have gone unanswered. While the development proposal notes that the neighbours to the north had concerns about the *"language of our proposed covenants"* it does not mention our concerns in this matter. Further, since the covenants have not been shared with us it is unclear why the proponent suggests that they have now addressed these concerns. As this is a significant and outstanding issue, ***we respectfully request that you make any decision to allow sub-division of this property contingent upon an agreement on covenants between the owners of 2930, 2920 and 2916 Prior St.***

In closing, we understand and support the City's interest in densifying our neighbourhoods through small lots and garden suites with the aim of helping families. We do not, however, support having both of these approaches applied to one property that is not substantially larger than others in the neighbourhood and is located in the middle of a block.

Thank you for considering our views on this proposed development.

Sincerely,

Kathryn Gillis and Laurence Coogan (2916 Prior St)

Appendix (Gillis/Coogan letter, re 2920 Prior St proposal)

Comments on Proponents letter of application:

1. The proponents state that *"Based on the circulation of our small lot petition, it appears the proposal has very strong support from almost all the neighbours"*. Firstly, this contrasts with the feedback from the CALUC meeting. Secondly, as we understand it, both the neighbours to the north and ourselves to the south, are not in support of the proposal as it currently stands. Thirdly, the ownership of 2921 has changed since this petition was undertaken (the house was on the market at the time of the petition). Finally, this petition was taken before the details of the proposal were known and we doubt would receive as much support now.

Comments on Architects letter of support:

1. The architects letter of support states "where the massing was in keeping with the 2-3 storey buildings on the street (3.1)." However, the 2900 block of Prior street contain mainly 1 (11) and 1.5 storey (3) buildings with only 2, 2 storey buildings. Indeed, the architects acknowledge that the area is dominated by bungalows as they go on to state that the roof design is in keep with the "historic bungalows of the street and neighbourhood".
2. The architects letter of support states *"The landscape was designed in consultation with both the south and north neighbours with native and drought resistant plants."* However, the input we provided, in person and at the CALUC, was that we did not wish there to be additional planted privacy screening along the southern border of this property. Despite this the proposal includes a Fargesia 'Rufa' privacy screen along the property boundary. Such bamboo will undoubtedly invade our property and we request that if the proposal is allowed to move forward the proponent is required to put in a substantial barrier (e.g. 3 ft deep or more) to prevent this. Similarly, the owners of 2930 Prior St have concerns about proposed planting of maple trees along the northern border, which could obstruct their views.

Email snippets from/to Proponent concerning covenants (in response to our query re their status):

March 29th 2019 (from Mr Humphries): *"Covenants are coming along and will be finalized by a lawyer before the actual CALUC meeting (Which will take place after this pre caluc meeting in April). It's tricky to word it and need lawyer final approval, but almost done. I will provide you with a copy as promised prior to them formally being send to the city as part of the application. Everything we had talked about these covenants is still taking place"*.

May 15th (from Mr Humphries): in response to another request from us concerning the covenants: *"The covenants are more difficult than I thought to provide to you ahead of time as I can't have a lawyer finalize it until after CALUC"*.

After the CALUC meeting we contacted twice Mr Humphris concerning the covenants; thus far he has not responded to our emails:

May 31st (to Mr Humphries): *"Hi Rick, you mentioned last night that you now have draft covenants. It would be great if you could share these with us so we can provide input as you move towards finalizing your proposal. cheers, Laurence"*

June 7th (to Mr Humphries): *"Hi Rick, I'm re-sending this request for the covenants you mentioned at the CALUC last week that you have drafts of. As we've mentioned before, we'd appreciate seeing these sooner than later so we can provide input as you move towards finalizing your proposal. thanks, Laurence"*
