Mayor and Council:

As a neighbour adjacent to 1475 Fort Street this letter is to express my concerns over the process which has taken place with regards to the proposed variances at this property development.

While the actions of Lantern Properties have been put forward in other letters, I feel that a short recap is in order.

When the project was shown to the ADP the developer assured the panel that there had been consultation and that there was a positive response from the neighbours. In fact only one neighbour was actually invited to a presentation. The plans which they were shown were not the same as those going later to the city. Despite expressing concerns (which are ongoing) the neighbours were told that the variances were minor and nothing to worry about. The initial offering to the ADP was based then on a false and incomplete premise.

Subsequent interactions with Lantern have been just as problematic. Any meeting with them has been agreed to with great reluctance on their part and at one point mandated by council. This produced no meaningful dialog as the developer used an on-line platform which allowed the developer to speak but we could only type in questions and have no real interactions. The concessions which have been proposed are cosmetic at best and do not in any substantive way address our concerns regarding privacy issues, setbacks and tree canopy retention.

The fact that the report from city staff expressed concerns over parkade footprint vs tree canopy retention and were informed that Lantern did not want to change their plans and yet staff still recommend moving forward is troubling. This seems to indicate a bias on the part of the planning department in favour of developers. It appears that they are more inclined to push forward projects that are out of scale to the neighbourhood than to adhere to the approved zoning bylaws and Official Community Plan.

Alan Morton

7-949 Pemberton Road

Dear Mayor Helps and Council members,

First, I want to thank you for your consideration of neighbours' concerns at the May 28, 2020 Committee of the Whole meeting in which the proposed apartment block at 1475 Fort Street was considered. I am grateful for the direction you gave to Lantern Properties to meet with us to listen to our concerns.

On September 9, 2020, Lantern Properties hosted an online meeting, at which we shared our concerns, specifically about the extreme variances resulting in an oversized building that would:

1. Impact the privacy of surrounding homes and yards; and
2. Destroy 10 large trees at the perimeter of the property, including the soil, making it impossible for trees of that size to ever grow on the property again.

In response, Lantern made minor changes to their plans, none of which address these concerns:

1. **A slight lowering of building height by 2+ feet from about 47' to 44.5' feet.** The extreme variances on all four sides are still in place. These variances will have a permanent adverse impact on neighbours' privacy on the west, south and east sides.

2. A **shift in location of replacement trees – no plan to retain trees as neighbours requested**
   - Revised plans have eliminated the two trees that were originally proposed for the east side of the property, leaving that side with nothing to buffer the effects of a huge building 10 feet from property line.
   - Three proposed trees on the west side will actually (and problematically) be planted on a neighbouring property, with no plan to ensure the survival of the saplings.
   - A tree and hedge in planters on the south side will never mitigate the effects of a very big and tall building so close to property lines.

   The revised tree replacement plan is no improvement to the old one. It will not mitigate the loss of tree canopy, and the privacy conferred by large, mature trees. Saplings and a hedge will not address the loss of character and ambiance that existing trees provide for the community.

3. **Some changes to perforated screens.** These screens were included in the original plans and will provide more privacy for the renters of the new apartments than surrounding residents. We did not ask for screens and they will not address our concerns.

It was my understanding that your intent in directing Lantern to meet with neighbours was that Lantern would not only listen to us, but make meaningful changes in their plans to accommodate our concerns.

This has not happened.

The current design for 1475 Fort Street would benefit the developer *only*, while the surrounding neighbourhood stands to bear the cost.

Please note that I am not opposed to an apartment building being installed on this property. However, I expect our elected representatives to hold the developer accountable for designing a building that is aligned with setback bylaws, provides respectful and effective transition to lower density housing, and is a good fit with the surrounding neighbourhood.

I believe this is a reasonable expectation. Please vote to send this development back to Lantern Properties for revisions that will address our concerns.

Sincerely,
Carolina Ashe
7-949 Pemberton Road
On the south border of the proposed building at 1475 Fort Street

Dear Mayor and Councillors,

You are probably tired of hearing from us about the proposed development at 1475 Fort Street.

You have heard many times about how it will, *inter alia*:

* require a number of very large bylaw variances that would normally need to be addressed by rezoning, not variance;

* destroy many large trees and replace them with small trees whose combined carbon sink potential is less than that of each of the large trees to be removed, and that will offer minimal habitat for the many birds and other creatures presently who frequent the area;

* replace valuable social housing with up scale rental units that will never be used for social housing;

* very negatively impact the privacy, aesthetics, and property values of a number of close neighbours.

What has spurred me to write one last time is the bald faced way in which the developers claim to have made modifications that address our concerns, and how their claims seem to be accepted by city staff as an adequate response to those concerns.

The sum total of the developer's changes is:

* lowering the height of the building by a little less than 3 feet, but retaining the setback reduction from 10 meters to less than 2 meters from the property line, and about 20 feet from the closest townhouses at 949 Pemberton Road;

*Altering th location of some of the 12 small replacement trees which would replace 10 large, mature shade trees. 5 of the new tees would be in planters;

* Adding a slow growing yew hedge on the south side of the property which will not even reach the height of the existing fence between the properties for several years, and will never be more than 9 feet taller than the fence;

* Adding some "perforated metal screens" which would add to the privacy of the apartments in the new building but would do little if anything to preserve the privacy of the

townhouse owners at 949 Pemberton Road.

The proposed building is simply too big for the lot and it will do nothing to alleviate the shortage of affordable housing in our city.

Caspar Davis & Lorena Mowers
16 - 949 Pemberton Rd.
Victoria

Dear Mayor and Council,

I am writing to comment on the January 14, 2021 "Update on Development Permit with Variances Application No. 00120 for 1475 Fort Street," from The Sustainable Planning and Community Development Department to the Committee of the Whole.

In the following paragraphs I have bolded direct quotes from the report, for emphasis.

Under "Landscaping" (page 4), the report acknowledges that 9 mature trees on the west side of the property **"provide visual screening and add to the character of the area,"** noting that excavation for parking would result in the removal of the trees.

It goes on to say that **"staff have encouraged the applicant to consider reducing the parkade footprint to allow for retention of trees and/or provide better planting conditions for replacement trees that could help mitigate the impact of the site coverage building height and setback variances."**

The importance of tree retention is further stated: **"Retaining trees or adding new trees that can grow to full maturity by having access to greater soil depth would reduce privacy impacts by providing screening and would help to soften the visual appearance of the building,"** and tree retention would also **"help achieve the City's goals of protecting and enhancing the urban tree canopy, which provides ecological services such as wildlife habitat, storm water management and reducing urban heat island effects."**

So in summary, the report:

- Acknowledges the visual impact the setback variances of the proposed building would have on the community
- Repeatedly mentions the importance of large, mature trees to mitigate that impact by providing visual screening that smaller replacement trees cannot provide
- Acknowledges the City's stated goals of protecting and enhancing tree canopy
- Asks the applicant to reduce the parkade size to retain trees

Under "Parking" (Page 5), it is stated that in spite of all these considerations, and the possibility that reduced parking could be allowed, **"the applicant wishes to proceed with the proposed application that includes 26 parking spaces."**

Despite the applicant's unwillingness to pursue this compromise, the report recommends that the application proceed to public comment, citing that **"the applicant has undertaken community consultation in accordance with Council's motion and made modification to the proposal to reduce the impact on adjacent properties."**

This recommendation glosses over its own stated concerns on pages 4 and 5, with what appears to be "boilerplate" wording to justify that recommendation.

Please note that no one from the planning department reached out to the community to ask us if our concerns had been addressed. Therefore, it is unknown how City staff arrived at the conclusion that the minor adjustments put forward by the applicant are sufficient to mitigate the massive problems with this proposal – problems that the report itself so clearly articulated.

Other letters have explained why the minor tweaks offered by the applicant do not begin to address community concerns. However, it notable that even this report points out that one of the modifications offered by the applicant – a tree and hedge in planters on the south side of the building – would be impacted or removed when repairs are made to the parkade roof – totally negating any possible small privacy benefits of this modification!

It appears that Lantern Properties is being rewarded for refusing to do what the planning department asked them to do, and that – in the end - the desire to quickly increase rental stock supersedes all other concerns, no matter how valid those concerns are.

This speaks to systemic problems within the development approval process that result in bias toward the applicant, and barriers to meaningful input from the citizens who stand to be impacted by a development.

I am asking you to consider the problematic nature of this report. The planning department is not speaking for the community surrounding 1475 Fort Street in its assertion that that modifications to the applicant's plans will mitigate the impact of this proposed building.
Please send this application back to Lantern Properties and ask them to put forward a proposal that is in keeping with setback bylaws, that protects the urban forest, and that reflects the input of the neighbouring community.
Carolina Ashe
7-949 Pemberton Road
On the south border of 1475 Fort Street

Good Morning,

I am writing once again re: the proposed construction at 1475 Fort Street

I am appalled that the developer would make a statement to the effect of 'having heard the concerns of the neighbours, they have made changes.' This is untrue. Some minor changes have been made to the plans, but they do not address the concerns of neighbours. Upon reading the numerous letters being sent to Mayor and Council I believe that you will discover a pattern -- the developers have NOT listened, and/or they have NOT responded by directly addressing the concerns expressed.

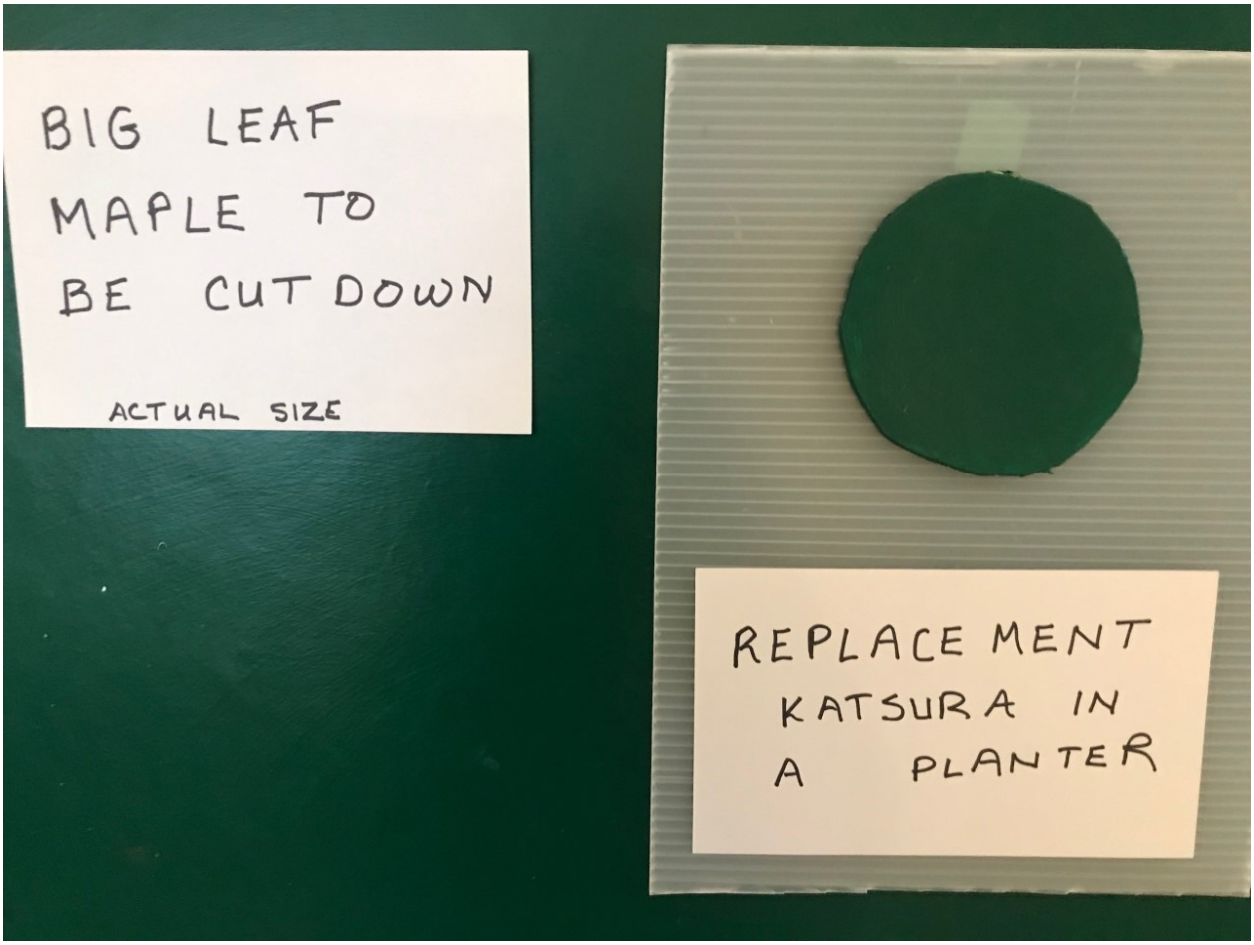
The developers are proposing to build a 4 story building with underground parking with an extremely large footprint (BIG variances) to replace a 3 story building. They repeatedly refer to a "substantial" difference in height between the 1475 site and the existing townhouse complex at 949 Pemberton Road. The difference is definitely NOT a full floor of flats, so that the proposed building will block sky, invade privacy with sight lines and noise.

Another issue that is problematic: the city requesting/suggesting a change, reduce the size of underground parking to save some of the trees on the property; the developer is not making any changes; and the city accepting that response. Are you, as Council, doing more that *talking* about the importance of the city's urban forest? or will you follow through and protect trees when you are able?

There is no doubt that the city needs affordable housing, but this proposed project does NOT address that need, in fact it removes vulnerable persons currently living in the existing building.

Please consider your goals as Council members representing all the citizens of Victoria

Thanking you in advance for reading & considering seriously the concerns of those currently living in the immediate neighbourhood,
Gretchen and Geoffrey Karlebach



Subject: **Tomorrow vote to protect urban forest NOT a parking garage**

Thank you. Jan Firstbrook a member of Community Trees Matter Network

Dear Mayor and Council:

The townhouse complex at 949 Pemberton Road, where I live in Unit 12, is immediately to the south of the proposed development at 1475 Fort Street, so is significantly impacted by the proposed development. Several of my neighbours and I have written to you earlier expressing concern about the scale and design of the proposed new building, which requires removal of several mature trees. We also raised questions about the lack of consultation, and I appreciate the fact that Council sent the proposal back to the developers after the previous CotW meeting for consultation and possible revision.

Now the proposal is coming back to the CotW, I am writing again to state that I do not consider that the views of neighbours on Pemberton Road or St. Charles Street have been sufficiently taken into account, and the modifications to the proposal have been minor and simply do not adequately address the concerns expressed in earlier correspondence and at an online meeting with the developer.

- In my view, in any growing community there MUST be a balance between the pressures of development with the needs of those already living in the vicinity. This balance is normally facilitated by zoning and bylaw regulations, such as set-backs, height limits, etc. We have to assume that these set-back and other regulations have been established not by mere whims of the Council or planning staff, but by some rationale which recognizes **the need to protect existing properties from unacceptable encroachments on their privacy** and amenities.

- We are acutely aware of the urgent need for additional housing in Victoria, and in particular the need for housing for vulnerable populations; and we know that this problem needs to be addressed by both the City and the Province. (We have no problem with VIHA housing for vulnerable people next door to us.) But this should **not** mean that developers and Council can simply ignore and over-ride established bylaws. We understand the need for increased population density, especially along transportation corridors, but putting up such a large apartment building at 1475 Fort Street, excessively close to existing properties on Pemberton Road and St. Charles Street, does not solve existing problems but does create new ones.

- The proposed apartment building at 1475 Fort has far too large a footprint for this site. We understand that developers may apply for variances if their particular proposal needs some adjustment from the existing bylaws, but **the number and particularly the scale of the variances applied for here** seem to prove the point that the proposed building is **JUST TOO BIG FOR THE SITE!**

- We understand that developers may apply for variances if a particular proposal needs some adjustment from the existing bylaws, but **the public needs to be assured that out-of-proportion and unreasonable variance requests will be rejected by the Council.** If allowed to go forward, this proposal would set an extremely bad precedent for other development proposals, suggesting that it is quite acceptable to Council for set-backs and other regulations to be largely ignored. I hope this is not the impression that the Council wishes to give!

- **If the proposal were to be more substantially revised by observing the current set-back and other bylaws, this would not only make the building more acceptable to neighbours, but it would also mitigate the major problem of removing mature trees from the area – an important issue for us which has been addressed by many of the neighbours. We need to preserve the urban tree canopy for environmental as well as aesthetic reasons, and exchanging existing mature trees for new ones which will take years to grow is not only *not* a good option, but could be rendered unnecessary with a smaller building.**

Please vote to send this proposal back to Lantern Properties for much more substantial revisions that will address our concerns in a meaningful way. Thank you for your consideration.

Sincerely,
Vanessa M. Dingley
#12-949 Pemberton Road