

Laura M Dempsey
204-964 Heywood Avenue
Victoria, BC V8V 2Y5

January 22, 2021

Mayor and Council of Victoria (publichearings@victoria.ca)
Fairfield Neighbourhood Liaison Councilor Ben Isitt (bisitt@victoria.ca)
James Bay Neighbourhood Liaison Councilor Stephen Andrew (stephen.andrew@victoria.ca)

**956 Heywood Avenue Proposed Development
Council Meeting- January 28, 2021**

Dear Mayor and Council:

I am the resident owner of Suite 204, 964 Heywood Avenue. I have lived at Villa Royale for over twenty years. My building is located to the south of 956 Heywood Avenue.

This letter is further to my letter addressed to Mayor and Council dated December 15, 2018, a copy of which forms part of the public record. There have been minimal changes to the development plan since that date.

I am writing again to voice my opposition to the proposed development and request that Mayor and Council do not grant the Development Permit with Variances.

The current proposal does not fit into the present landscape and community of this area. Heywood Avenue which forms the eastern boundary of Beacon Hill Park is primarily a residential neighbourhood with a mixture of individual houses, townhouses and low-rise apartment buildings.

The design of the proposed development plan with its six condominium suites, above-ground parking and a rooftop deck would be better suited in an urban downtown city environment and not our residential neighbourhood bordering Victoria's premier park, Beacon Hill Park.

The proposed height of the new building at 14.81 meters or 48.6 feet will cause the complex to tower over and dwarf its two neighbouring four storey apartment buildings at 964 Heywood Avenue and 909 Pendergast Street.

The proposed height is much higher than the two newest developments in this area cited by the developer- 1014 Park Blvd (12.1 meters) and 986 Heywood (14.28 meters).

These buildings and their location and orientation to their neighbours are not similar to the present proposal and should not become the benchmark for future development.

The proposal seeks to utilize almost every square foot of the property with no regard for green space, gardens or lawns- solely to maximize profits.

Laura M Dempsey
204-964 Heywood Avenue
Victoria, BC V8V 2Y5

The building will restrict and unduly limit light and views for its north and south facing neighbours at 964 Heywood Avenue and 909 Pendergast Street.

The proposed side and rear setback allowances have been reduced by almost 7 meters or over 22 feet, contrary to the recommendation of the Advisory Design Panel in January 2020 which advocated “*consideration of the minimum side yard setbacks affecting livability to the neighbours.*”

The developer has countered that increasing the side setback allowances would “*negatively impact the livability of the proposed dwellings*”- which is *developer-speak* for saying that the strata units could not be priced at the premium offering that would bring maximum profits to the developer- thereby ignoring the livability of its neighbours who were there first.

The lot itself, which now contains one residential home, set well back from the street with a driveway to the street, is just too small to accommodate such a large development. It would be more suitable for a modest duplex or multi-family 4-unit strata development and not a luxury six-unit condo development.

Despite the developer’s statement, the proposed building will not provide affordable housing for Victoria residents, but will be just another million-dollar luxury condo development to add to the already crowded market.

Merely putting in place a Housing Restriction Agreement prohibiting the future Strata Council from denying rentals in the building will do nothing to ease the affordable housing crisis in Victoria. Monthly rental costs for a million dollar plus condo will exceed the budget for almost all but the richest of Victoria’s residents.

Similarly, requiring the Developer to purchase a car-share membership for each strata unit will not reduce car traffic and emissions as each strata unit will also receive one underground parking space. Perhaps if all on-site parking were eliminated, the car-share membership would be needed and much more valuable.

In closing, I would like to reiterate my opposition to the proposed development.

Thank you, Mayor and Council, for your anticipated consideration of the neighbourhood’s wishes and the best interests of our community.

Yours truly,

Laura Dempsey

[REDACTED]

From: Laura D [REDACTED]
Sent: January 23, 2021 7:35 PM
To: Public Hearings
Cc: Ben Isitt (Councillor); Stephen Andrew (Councillor)
Subject: 956 Heywood Proposed Development- Council Meeting- January 28, 2021
Attachments: Letter to Council-Jan 2021.docx

Dear Mayor and Council,

Attached please find my letter opposing the granting of a Development Permit with Variances regarding 956 Heywood Avenue.

Thank you, Mayor and Council for your anticipated consideration of the neighbourhood's wishes and the best interests of our community.

Yours truly,

Laura Dempsey

[REDACTED]

From: Rosanne Dahl [REDACTED]
Sent: January 24, 2021 6:22 PM
To: Public Hearings
Subject: Proposed Changes to 956 Heywood Ave

Dear Council Members

As a resident of 964 Heywood, I am forwarding to you my comments regarding the Development Permit with Variances Application No. 00126 for 956 Heywood Ave.

Regarding the variances I am particularly opposed to the reduction of side setbacks from 7.71 metres to 1.37 meters (building)and .93 (window screens). This new proposed variance would leave 4.49 feet between the buildings, roughly the width of a hallway. There are 12 interior units facing the north side of 964 Heywood that only have light exposure in this direction. These are units 106, 107, 108, 206, 207, 208, 306, 307, 308, 406, 407 and 408. These units have no other sources of natural light within, besides this exposure to the north. There are balconies on the second, third and fourth floors. Needless to say, the emotional and psychological impact of losing the one and only source of natural light within a suite is immeasurable. With only a space of 4.49 feet between these units and the new construction, these tenants will not access a single ray of light to grow their balcony gardens or indeed, to cheer their hearts. They will exist in complete shadow of 956 Heywood and not only will they lose their light, but they will also lose any sense of privacy with neighbours in such close proximity. The mental health, safety and well being of these residents is a strong argument against this proposed variance. At the very least, it appears inhumane and unconscionable. I believe it is the duty of us all to uphold the well being of our neighbours when circumstances threaten to impinge on their freedom to live peacefully and healthfully within their own homes. Council members I strongly urge you to please vote no for this proposed variance.

Sincerely
Rosanne Dahl

[REDACTED]

From: David Coffey [REDACTED]
Sent: January 24, 2021 5:47 PM
To: Public Hearings
Subject: 956 Heywood Ave.

January 24, 2021

To Whom It May Concern,

This message is to convey to the Council of the City of Victoria our opposition to the Development Permit with Variances Application No. 00126 by Aryze Development and Construction.

1. We APPROVE of the parking plan that includes no underground parking but rather, six spaces on the ground level with no visitor space.
2. We DISAPPROVE of the increase in height of the new building. Residents of 964 Heywood Ave. who live on the north side of the building will lose their northern and northwestern views of Beacon Hill Park. The residents of 909 Pendergast St. who live on the south side of the building will lose their southern and southwestern views of Beacon Hill Park. Residents of 909 Pendergast St. will also lose the majority of their natural light source during the day due to the height of the new building as originally proposed. Adding more height is worse.
3. We STRONGLY OPPOSE increasing the site coverage from 30% to 64%. That will put the entire exterior of the new building FAR TOO CLOSE to the property lines and, ESPECIALLY, to Heywood Ave. on the west side of the new building, which would be the front of the new building.

Thank you for your consideration.

Respectfully,
David Coffey
409-909 Pendergast St.
Victoria, BC V8V 2W7
and
Niall Maloney
401-909 Pendergast St.
Victoria, BC V8V 2W7

[REDACTED]

From: Rob Thompson [REDACTED]
Sent: January 24, 2021 8:00 PM
To: Public Hearings
Cc: Rob Thompson
Subject: Input: 956 Heywood variances application No. 00126

Dear Victoria City Council,

I'm very concerned about the development permit variance proposals at 956 Heywood Avenue. I am strongly opposed to the variances, especially the increased height, the reduced setbacks on all sides, killing the mature tree, and particularly increasing the site coverage to 64% from 30%. This is far too much. I'm opposed because of the extremely negative impact the variances will have on the quality of life and privacy for the neighbouring building residents who directly face the property. Very simply, the variances would put the FRONT of our units far too close to the new building and do not respect the neighbours' quality of life.

I live in 909 Pendergast and face south toward the 956 Heywood property. My home would be significantly and negatively impacted by the variances.

The proposed variances would negatively impact our quality of life in numerous ways. For many of us in the neighbouring two buildings, this is our main living space. Most of us do not have side windows; we do not have front yards, backyards or patios, or a rooftop. We do not have large units. Most residents have living spaces with windows and balconies which face one way only, from the north or south onto the 956 Heywood property. This is the most important and most loved part of our homes, the front. For many of us, it's why we live in these homes. The proposed variances would place the new building extremely close to our only living space so that our residences would be only a few metres away from the side of the new building. Specifically, the proposed development would significantly reduce our privacy, light and view. We would be looking directly at the wall or into the windows of the new building, and we do not have the option of looking a different way or out a different window. It is worth emphasizing that Aryze's claim is highly misleading that this 956 Heywood development is just like other recent nearby developments on Heywood and Park; there is a huge difference because in this case, the FRONT of most of our units face north and south directly onto the property, not the sides.

Also the removal of the mature evergreen tree at the very back of the property is not listed as a variance. This tree is also part of our living space; it is not just private property and it also adds to our quality of life. Why is the removal of this tree not listed as a variance? I understand that cutting mature trees also require a variance or a permit from the City. If the building were kept to the 30% site coverage as the bylaw stipulates, then the tree could remain living at the back of the property for all residents to enjoy.

I am in favour of increasing densification in our city and also densification of the 956 Heywood property. I am not opposed to a development on the property; rather I look forward to seeing a development proposal which is sensitive and respectful of the neighbouring residents and the neighbourhood. The current development proposal and variance requests are neither sensitive nor respectful. I urge you to adhere to the existing bylaws which allows 30% site coverage on this property.

Sincerely,

Rob Thompson
406 – 909 Pendergast Street
Victoria, BC, V8V 2W7

[REDACTED]

From: Sheila Hodgkinson [REDACTED]
Sent: January 24, 2021 10:41 AM
To: Public Hearings
Cc: [REDACTED]
Subject: proposed development of building between 964 Heywood and 909 Pendergast.

To: Victoria Council.

With regard to the building proposed for between 964 Heywood Avenue and 909 Pendergast. I have written before about this proposed development and I am still amazed. you would sentence the occupants on either side of this vanity project to dark, no sunshine at all, and extreme variances from the guidelines for Fairfield .

I request that you re-visit this application for an unwelcome building (which only houses 6 millionaires I believe) Do you not think it unconscionable to allow a building to block not only light, but replace it with a narrow space and a wall to look at. One side will lose all light on top of everything else ! and the other also looks at a wall after these people have looked at open space for years, (and may have bought with that in mind) I hope as a council you realise you are bowing to moneyed interest ,allowing money to ride ramshackle over everyone else. There is no other reason for the existence of this new building whose design ALSO shows complete disregard for the sidewalk space along Heywood Avenue. Please re- consider this application as an aberration, which would plunge many people into a dark and very different environment.

The applicants could redesign this uncompromising building into several small units, Observing one street over from Pendergast, some small units have been built in a 'comparable space ' which fit in and deprive no;-one of their original choice.

Thank you for considering this point of view. Six families in this design should not be allowed to change life for so many other people.

Sheila Hodgkinson..
(local resident)

Sent from my iPad

[REDACTED]

From: anne cuthbert [REDACTED]
Sent: January 25, 2021 10:14 AM
To: Public Hearings
Subject: 956 Heywood Avenue

Dear sir or madam,

The proposed apartment building at 956 Heywood Avenue is too big in both height and area.

It will be so close to the boundary of the lot it will encroach on the neighbours' space, inhibiting the full enjoyment of their property.

It will also reduce the potential resale value of any apartment facing it.

Yours truly,
Anne Cuthbert
408-964 Heywood Avenue

From: [REDACTED]
To: [Public Hearings](#)
Subject: RE: Development Permit with Variances Application No DPV00126
Date: January 25, 2021 3:52:16 PM

To Mayor and Council, City of Victoria:
RE: Development Permit with Variances Application No DPV00126

The development at 956 Heywood would be constructed in the lot immediately between buildings at 909 Pendergast and 964 Heywood. There are 32 suites in those multi-unit buildings that *directly face* the proposed construction at close range, roughly 9-15 meters away. 24 of those 32 suites have their *only* visual link to the outside world passing through the development site via the living room glass door. This is a plea for help from the city decision-makers and an attempt to raise awareness about the impact of factors at their discretion. This is not a request to stop the development, but rather to make the zoning requirements rational and fair.

The requested zoning variances, while to the obvious potential benefit of the developer and the six new suite owners, come *wholly at the expense of* the adjacent residents in the Pendergast and Heywood buildings. The more the existing zoning requirements are eased, the more negative impact to the adjacent residences - perfectly illustrating the concepts of “zero sum” and “not fair”.

The neighbouring buildings on Heywood and Pendergast conform to the zoning requirements. In the current development application, some proposed zoning variances from R3-AM-2 would have a major negative impact on the neighbouring buildings:

- **Side setback: required 7.71 M, to 1.37 M, an 82% reduction**
- **Front setback: required 10.5 M, to 6.63 M, a 37% reduction**
- **Site coverage: required 30%, to 64%, a 213% increase**
- **Height: required 12 M to 13M, an 8% increase**

Each councillor making this decision might consider how they would feel if a construction went up adjacent to their residence, only a few meters away from their living room - a construction that nearly obliterates their connection to and view of their surroundings including light, sky, and nature. That's the proposed fate of many of the Pendergast/Heywood residents.

If there was ever an application that required the zoning restrictions be adhered

to at a minimum, this is it. If the developer were required to adhere to the zoning requirements as the adjacent buildings do, they could and would do so albeit at possibly some decline in their profit margin. It's not fair for those living adjacent to bear this cost to their quality of life and property value.

Dave Marshall, 306-964 Heywood Ave, Victoria, BC V8V 2Y5

From: [REDACTED]
To: [Public Hearings](#)
Subject: Development Permit with Variances Application No. 00126
Date: January 26, 2021 12:11:41 PM

Dear Mayor and Councillors,

Thank you for the opportunity to provide public comment on the proposal for 956 Heywood Ave.

I am strongly opposed to the proposed development for the following reasons.

This proposal is far too massive for the relatively small lot. The zoning is for 30% site coverage and the proposed 64% is more than double that, which I feel is ridiculous.

It in no way respects the zoning and instead asks for so many variances as to make the requirements to follow what is set out for zoning as useless.

Perhaps most importantly it would drastically alter the livability of the residents of the adjacent neighbouring buildings in a hugely negative way. It would take away privacy. The slatted sliding screens on the proposed building could be left open 24/7 meaning that they do not allow for privacy.

The proposed side set backs of 1.37 meters are far too close to the property line. The City's Advisory Design Panel indicated that the side setbacks were not appropriate and the developer replied that this could not be changed. In my opinion it could not be changed to something appropriate as the proposal in itself is not appropriate.

There are 32 units in the adjacent buildings (16 from each) which face directly to 956 Heywood and another 16 units (8 from each) which face the property on a diagonal. That is a total of 48 units where the residents would have their livability so overwhelmingly affected in such a dramatically negative way! It would be largely devastating for these units as their balconies face the property.

I live in the adjacent building at 964 Heywood and look to 956 Heywood Ave. When I look out my bedroom window I can see sky, trees, birds, a small house and the building on the other side of the lot which is at a respectable distance.

When I imagine the proposal, I realize that all I would see looking out that window would be a narrow strip of sky at the top of a building which would be staring me directly in my face. I have living room, dining room/kitchen and bedroom windows and a balcony which face 956 Heywood.

Other main concerns would be the lack of light for both adjacent buildings and the shadowing which would impact 909 Pendergast.

The height would dominate the adjacent buildings. The developer has compared the height in their drawings to the lounge on the top of 964 Heywood which is unfair as that lounge is small and setback so as to hardly be noticed from a street view. 909 Pendergast is to the north and on a downward grade from 956 Heywood and would be largely overpowered with the proposed height and the building mass.

The front setback of the building where I live is 11.35 metres. The proposal disregards the zoning for 956 Heywood of 10.50 metres and instead proposes 6.63 metres which means that building would jut out far beyond the adjacent buildings.

Please consider the negative effects this proposal would have on the neighbourhood and particularly on the residents in the adjacent buildings.

Please vote to oppose this proposal.

Thank you.

Joan Halvorsen
305-964 Heywood Ave
Victoria BC V8V 2Y5

From: [REDACTED]
To: [Public Hearings: Victoria Mayor and Council: Alec Johnston](#)
Subject: Development at 956 Heywood Avenue
Date: January 25, 2021 8:11:24 PM

Hello,

I am writing with regards to the application for a 4 storey multiple unit dwelling at 956 Heywood Avenue. I am concerned about the lack of affordable housing in this previously livable neighborhood. I recently learned that these units will be luxury units, NOT affordable housing units. This luxury housing will be located between two buildings which appear to be largely rentals, some of the last affordable units remaining within walking distance from downtown victoria. This is an important neighborhood for providing peaceful living for workers of the downtown core, and I am shocked that council is considering approving increasing the density of UNAFFORDABLE living space. This practice will only help to INCREASE the cost of living in this neighborhood, and will not provide housing for those who need it most. The vulnerable citizens of Victoria are who we should be prioritizing. Fixed income, no income, low income, middle income and students have a decreasing quality of life in Victoria, while student and communal housing is rezoned for luxury units. I understand that the building developer has stated that "working professionals" and people from the neighbourhood who are downsizing will be served by this development. I do not believe that council will agree that those people downsizing from the sale of million dollar homes in James Bay and Fairfield, or people with six figure incomes are those most in need of housing options.

If luxury units are to be developed here, it would be more beneficial for the neighbourhood, citizenry and for the priorities of council to NOT increase our high-income housing density, but encourage the development of a duplex or fourplex that actually follows the bylaws surrounding coverage and setback for development in this neighbourhood.

Finally, it appears this development will require the loss of a significant spruce tree, and the loss of a number of fruit trees, without space in the building plans for any replacement, pushing our canopy cover and urban forest even further down the list of priorities.

I urge council to reconsider the addition of this luxury multi unit dwelling, in favour of EITHER high density LOW INCOME housing, or low density luxury units which respect the zoning, coverage, height and setback rules. I would support changing the rules to benefit those in need of housing. I do not support granting these changes to further the interests of developers and high income earners, and I am surprised council is considering granting this application. Please reconsider the implications of this development. Please reconsider the priorities here. Please do not grant exemptions and changes for the sole purpose of profit, at the expense of the affordability, ecological integrity and cultural values of this beautiful and diverse neighbourhood.

Miles Albu
[REDACTED]

[REDACTED]

From: Robin & Maureen Applewhaite [REDACTED]
Sent: January 25, 2021 9:16 AM
To: Public Hearings
Subject: 956 Heywood

Dear Sir/Madam:

As close neighbours of 956 Heywood, I have the following concerns about this development:

- 956 Heywood seems a very small area to shoe-horn in a 4 storey building, particularly with the variances as listed reducing the setbacks to such a small amount of uncovered land.
- Reducing the parking stalls from 9 to 6 and 1 visitor parking to zero is definitely problematic - there is now generally no empty parking space on Heywood at present - where are the residents and visitors going to park?
- I feel for the immediate neighbours as the new building's windows will peer directly into their bedrooms as the building is so close to them. If this building is approved, I would hope that the architect/builder will consider placing "piano windows" on the south side of the new building. This type of window, placed directly below the ceiling, allows light but not direct viewing of the neighbours next door.

Yours truly,

Maureen Applewhaite
907 Oliphant Avenue
Victoria, B.C.

From: [REDACTED]
To: [Public Hearings](#)
Subject: 956 Heywood Ave Development application 00126
Date: January 26, 2021 12:19:23 PM

I am a resident of 964 Heywood and I am vehemently opposed to the proposed development of 956 Heywood.

To put it simply it is an oversized building crammed into a very tiny lot.

The drawings submitted by the Developer do not accurately reflect the enormity of the building and its impact on the many residents of the two adjacent buildings.

I respectfully request you study the photo taken from my unit in 964 Heywood Ave looking across at the existing home, its lot and 909 Pendergast.

The shot was taken from the 3rd floor of Heywood and because of the grade it lines up with the 4th floor of Pendergast. The proposed development exceeds the height of Heywood but towers over Pendergast!

There are 48 units in the 2 buildings that face 956 Heywood. Of those there are 32 units that the sole source of window is facing the proposed project. Again look at the picture and imagine what many people will face.

The side and back setbacks proposed are a little over 1 meter. Ironically less than COVID protocol! Note the fence in the photo. Picture in your mind looking out the window and facing that massive wall extending above and beyond.

In addition the front juts way past the 2 existing buildings.

This is not about a "view". It is about a very serious degradation of quality of life for my friends and neighbors. I believe this goes against the spirit of the Charter of Rights and Freedoms.

The 6 very wealthy condo purchasers of 956 Heywood who can afford the \$1 million plus will have wonderful views of Beacon Hill Park in their front rooms and decks but for many of my neighbors they will suffer a claustrophobic feeling and this as we are suffering through COVID times and it's impact on our freedoms.

In economics terms I believe this is a very unfair distribution of wealth. There will be no doubt a devaluation for existing unit holders in 2 buildings. For some that I have talked to this is their main asset! The developers will be enriched. The 6 new unit holders will have a sizable asset. They are the winners here not my fellow leaseholders.



This massive structure does not fit into our neighborhood and I sincerely believe it will be very detrimental to the health and well being of many of my neighbors.

I implore you to vote AGAINST this proposal.

Ron Mahoney
Resident of 964 Heywood and Neighbour to 909 Pendergast

Sent from Ron's iPhone