

Pamela Martin

From: Sara MacKenzie <[REDACTED]>
Sent: December 10, 2020 11:20 AM
To: Public Hearings
Subject: New build on Tolmie Ave (1023)

To whom it may concern,

I writing to support the the potential build of 1023 Tolmie Ave. There is a meeting tonight regarding the proposed build however, I will not be able to attend. I live 2 houses over and I believe the development will be great for our neighborhood. I have young children and we are hopeful that with all the new houses being built, we will have a greater community for young families.

Thanks for your time,

Sara

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Dear Victoria City Council Members and Mayor Helps,

As concerned residents, neighbours and property owners of Fifth St. and Tolmie Ave; we continue to be opposed to the proposed development permit with variance No. 00097 and the concurrent rezoning application #REZ00672 for 1023 Tolmie Ave. in Victoria, BC. The details are as follows:

Zoning Regulation Bylaw, Amendment Bylaw (No. 1227) No. 20-064:

To rezone the land known as 1023 Tolmie Avenue from the R1-B Zone, Single Family Dwelling District, to the R1-S1 Zone, Restricted Small Lot (One Storey) District, to subdivide the property and construct a new single family dwelling to the south of the existing building.

New Zone: R1-S1 Zone, Restricted Small Lot (One Storey) District

Legal Description: PID: 002-482-631, Lot E, Section 4, Victoria District, Plan 1526

Existing Zone: R1-B Zone, Single Family Dwelling District

We respectfully request that said application be denied as ***the community still does not support this project*** and there is an attached petition of signatures in opposition. We continue to oppose the redevelopment for the same reasons stated at the original July 9th meeting, as well as two new ones:

- 1) **New - The Developer failed to discuss the project and any changes with the community after the meeting on July 9th, 2020.**
 - 2) **New - The new plans submitted on July 20th, 2020 now include the removal of a tree from city property to accommodate the already significant by-law variances needed to start the project that are in direct contradiction of the Zoning Regulation Bylaw (No. 80-159) for the City of Victoria.**
 - 3) **The neighbourhood does not support this project now, or in 2009 when it was originally brought forward.**
 - 4) **The stated reason for the development being to increase the City's housing stock is tenuous at best.**
-

- 1) **New - The Developer failed to discuss the project and any changes with the community after the meeting on July 9th, 2020.**

This is the second council meeting for the proposed the development at 1023 Tolmie, the first took place July 9th earlier this year. We do not feel the developer has done their due diligence in regards to communicating with the community as Council requested they do before resubmitting any plans.

During the meeting on July 9th, Council heard from Mr. Portal, Mr. Angrove, members of our community and reviewed all of the documentation both positive and negative in relation to the development in question. Upon review, Councillors Isitt, Young and Dubow came to the conclusion that the project needed to be re-evaluated due to the amount of community concern. However, rather than completely denying the permit, they felt the developer should reach out to the residents to collect feedback and input before returning to planning and resubmitting any new or updated plans.

We understand that Council has held multiple meetings since the one in question, because of that we've included the pertinent Minutes of said meeting for reference at the end of this document, as well as highlighted excerpts below that are particularly relevant: See **Figure 1**

Figure 1:

Mayor Helps closed the public hearing at 7:55 p.m.

Moved By Mayor Helps
Seconded By Councillor Alto

That the following bylaw **be given third reading:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1227) No. 20-064

Council discussed the following:

- *Consideration of sending the application back to staff, due to concerns relating to the proposed setbacks.*

Motion to refer:

Moved By Councillor Isitt
Seconded By Councillor Dubow

That this matter be referred back to staff to work with the applicant to address the setback on the south of the lot.

Council discussed the following:

- *That further work is needed to have this application be a better fit with the neighbouring properties.*

Amendment:

Moved By Councillor Isitt
Seconded By Councillor Dubow

That the motion be amended as follows:

That this matter be referred back to staff to work with the applicant to address concerns expressed by nearby residents related to setbacks ~~the setback on the south of the lot.~~

CARRIED UNANIMOUSLY

On the main motion as amended:

That this matter be referred back to staff to work with the applicant to address concerns expressed by nearby residents related to setbacks.

FOR (6): Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young
OPPOSED (2): Mayor Helps, and Councillor Alto

CARRIED (6 to 2)

Attached to this document is the original petition of opposition from the surrounding community that was submitted to Council for the July 9th meeting. As of writing this letter on Dec. 7th, the highlighted fifteen of eighteen names have not been contacted by the Developer and/or owner of the property to discuss their thoughts or concerns with the proposed development. See *Figure 2*

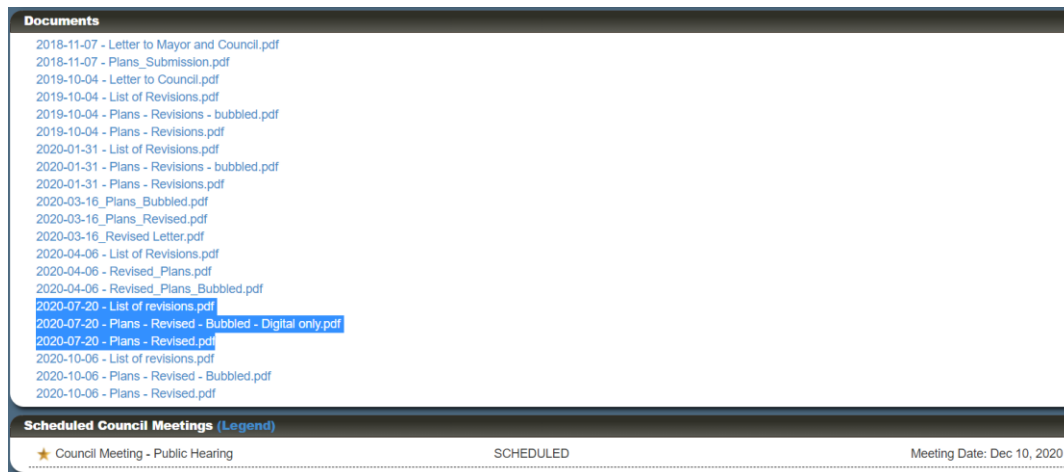
Figure 2:

Neighbours opposed to the proposed development permit with variance No. 00097 and the concurrent rezoning application #REZ00672 for 1023 Tolmie Ave. in Victoria, BC.

| <u>Name</u> | <u>Address</u> | <u>Contact Info</u> |
|------------------|-----------------|---------------------|
| Doris McLean | 3161 Fifth St | |
| Lynn Nguyen | 3176 Fifth St | |
| Chris Brierley | 3176 Fifth St | |
| Catherine Raig | 3180 Fifth St. | |
| John Garvey | 3180 Fifth St. | |
| TRAV SHORT | 1009 TOLMIE AVE | |
| 1 Gauthier | 4145 Fifth St | |
| B. Koenig | 3131 Fifth St | |
| Matt Garvey | 3180 Fifth St | |
| Wendy Carmichael | 3136 Fifth St. | |
| Paul Parent | 3125 Fifth St | |
| Alison Gaveau | 3140 Fifth St. | |
| Dan Long | 3140 Fifth St | |
| Jim MacEachern | 3155 Fifth St. | |
| Andrei Badulescu | 3148 Fifth St. | |
| Barry Murphy | 3150 Fifth St | |
| Margie van Aum | 3115 Fifth St | |
| Ned Peller | 3107 Fifth St | |
| | | |

Furthermore, as per the [City of Victoria Development Tracker](#), the revisions to the proposed plans were submitted on July 20th, 2020. This is only eleven days after the Council meeting on July 9th which leads us to believe that not only did the Developer not contact anyone from the community for their input, they never intended to despite Councillor Isitt's, Young's and Dubow's recommendation. See **Figure 3**

Figure 3:



- 2) **New – The new plans submitted on July 20th, 2020 now include the removal of a tree from city property to accommodate the new driveway. This is on top of the already significant by-law variances needed to start the project that are in direct contradiction of Zoning Regulation Bylaw (No. 80-159) for the City of Victoria.**

As per the revised plans submitted to the City on Oct. 6th, 2020 there is tree slated for removal from the city boulevard to make room for the proposed driveway. As per the [2020-10-06 - List of revisions.pdf](#) submitted by the developer, it is item number **18** and is marked in the accompanying plans as such in large red numbers. See **Figures 4/5** on page 5.

There are also multiple variances applied for that are significant. Said variances are highlighted in red:

| Setbacks (in meters) | Proposed New House | R1-S1 Standard |
|-------------------------------|---------------------------|--|
| Front (Fifth Street) | 4.3 to house; 3.4 to deck | 6.0 |
| Projection - Stairs (max) | 2.3 | 2.5 (max)(1.7m max height) |
| Projection - Porch roof (max) | 3.1 | 1.6 |
| Rear | 4.6 | 6.0 |
| Side (north) | 1.5*** | 1.5 (non-habitable) 2.4 (habitable) |
| Side (south) | 3.1 | |

***Although the **Side (north)** value for the Proposed New House is 1.5m, subsequently the **Rear Setback** for the Existing House becomes **1.5m**. This is significantly less than the minimum 6.0m needed for a **Rear Setback**. Technically it is even lower than the 2.4m minimum setback for a side yard for any portion of a dwelling used for habitable space and which has a window, which the Existing House does.

5

[illegible]

3) The neighbourhood does not support this project now, or in 2009 when it was originally brought forward.

This proposal was made once before in 2009 and was not completed due to the surrounding community not being onboard. The community continues to oppose it even 10 years later as you can see by the petition. See **Figure 2** on page 3

4) The stated reason for the development being to increase the City's housing stock is tenuous at best.

The stated reason for pursuing this development as per the initial plans and letters submitted for this proposal Nov. 7th, 2018 is *"the creation of one additional single-family dwelling by maximizing the use of a limited supply of land is a small, yet important contribution to increasing the City's housing stock."*

Since November of 2018 there isn't a single mention in any of these letters or plans that makes mention of the approved and active development happening across the street in the lots spanning 1025 to 1075 Tolmie Ave. where eight new houses are being built, four of which are complete. Also at the time of writing this opposition letter, zero of the four completed houses have been successfully sold.

We have tried to find documentation of said development at 1025-75 Tolmie Ave. on the City's development tracker, but unfortunately have been unable to locate anything on it. This development has demolished the four houses in said lots and is in the process of building eight new ones in the same space. Furthermore, they have added three new driveway entrances on Fifth St. which was previously open street parking. These have dramatically cut down the amount of parking available. These new driveway entrances on the east side of the street are directly across from driveway entrance for the proposed new house at 1023 Tolmie Ave. See **Figures 6/7**

Figure 6: Four completed houses which are *still* for sale



Figure 7: Three new driveway entrances which were previously free curb parking



Furthermore, approximately 50 meters away, across the street in the municipality of Saanich, there is an \$11,000,000 BC Housing development being built at 3200 Linwood Ave breaking ground in 2021. This consists of a 5-floor building with 97 new apartments at the corner of Linwood Ave. and Tolmie Ave. Plans can also be seen at: <https://www.saanich.ca/EN/main/local-government/development-applications/active-development-applications/saanich-core.html> for info on said development, file #'s DPR00680 and REZ00584 respectively. See *Figures 8, 9, 10*

Figure 8: 3200 Linwood, north side of Tolmie Ave.



In conclusion, we the residents of both Fifth St. and Tolmie Ave. respectfully oppose both the rezoning application and development permit for 1023 Tolmie Ave. Again, we aren't against change or progress, in fact we're very supportive of well thought-out urban development.

That being said, we feel that forcing one more house into a small lot that requires multiple and significant bylaw variances, too essentially "squeeze it in", on a corner where eight new houses and a 97 unit apartment complex are already being built is not considered "well thought-out". The addition of this house will affect the street, sidewalk, neighbouring houses and the overall look of the neighbourhood far more negatively than one more single storey house will benefit it.

Thank you very much for your time and consideration,

Concerned residents of Tolmie Ave. and Fifth St.

Doris McLennan

Lynn Nguyen

Chris Brieley

Catharine Raig

John Garvey

Trav Short

I. Bautist

G. Lewberg

Matt Garvey

Wendy Carmichael

Luy Parent

Alison Gareau

Dan Levy

S. MacEachen

Andrei Badulesik

Patrick Murphy

Mark VanAum

Neil Pollen

Below are the relevant Minutes from the July 9th, 2020 Victoria City Council Meeting, first 6 pages:



MINUTES - VICTORIA CITY COUNCIL

July 9, 2020, 6:30 P.M.

Council Chambers, City Hall, 1 Centennial Square

The City of Victoria is located on the homelands of the Songhees and Esquimalt People
Due to the COVID-19 Pandemic, public access to City Hall is not permitted. This meeting
may be viewed on the City's webcast at www.victoria.ca.

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Dubow,
Councillor Isitt, Councillor Thornton-Joe, and Councillor Young

PRESENT
ELECTRONICALLY: Councillor Loveday and Councillor Potts

STAFF PRESENT: J. Jenkyns - City Manager, C. Coates - City Clerk, T. Soulliere -
Director of Parks, Recreation & Facilities, T. Zworski - City Solicitor,
K. Hoese - Director of Sustainable Planning and Community
Development, P. Bellefontaine - Acting Director of Engineering and
Public Works, C. Havelka - Deputy City Clerk, C. Mycroft - Manager
of Executive Operations, M. Angrove - Planner, P. Martin - Council
Secretary

A. APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

Moved By Councillor Isitt

Seconded By Councillor Thornton-Joe

That the agenda be approved as amended.

Amendment:

Moved By Councillor Alto

Seconded By Councillor Dubow

That the agenda be amended to add Lynn MacDonald, David & Janet Sime, Jack
Gaston, and John Weir to Section C of the agenda and to add Chuck Salmon, Lynn
Gordon, and Julie Wheaton to Section F of the agenda.

CARRIED UNANIMOUSLY

On the main motion as amended:

CARRIED UNANIMOUSLY

C. REQUESTS TO ADDRESS COUNCIL

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the following speakers be permitted to address Council.

CARRIED UNANIMOUSLY

C.1 Cory Weagant: Homelessness and My Experience in Beacon Hill Park

Shared with Council by video his experience with homelessness and his experience in Beacon Hill Park.

C.2 Lyall Atkinson: Tents

Outlined by telephone why Council should not allow 24 hour camping in Beacon Hill Park.

C.4 Lynn MacDonald: Angle Parking and Bike Lanes

Outlined by telephone concerns relating to the Bicycle Master Plan for Kimta Road and the proposed angle parking.

C.5 David & Janet Sime: Angle Parking and Bike Lanes

Outlined by telephone concerns relating to the Bicycle Master Plan for Paul Kane Place.

C.6 Jack Gaston: Angle Parking and Bike Lanes

Outlined by telephone concerns relating to the Bicycle Master Plan around Paul Kane Place.

C.7 John Weir: Angle Parking and Bike Lanes

Outlined by telephone concerns relating to the Bicycle Master Plan for Kimta Road and the proposed angle parking.

E. PUBLIC AND STATUTORY HEARINGS

Councillor Young withdrew from the meeting at 7:02 p.m. due to a past non-pecuniary conflict of interest with the following item, as his cousin used to live close to the subject property and had recused himself in the past.

E.1 1302 Finlayson Street: Rezoning Application No. 00687 and Development Permit with Variances Application No. 000546

Zoning Regulation Bylaw, Amendment Bylaw (No. 1224) No. 20-051:

To rezone the land known as 1302 Finlayson Street from the R1-B Zone, Single Family Dwelling District, to the R1-S2 Zone, Restricted Small Lot (Two Storey) District on the north portion of the property extending approximately 17 metres from the northern boundary, and the R1-S17, Finlayson Small Lot (Two Storey) District on the south portion of the property extending approximately 19.4 metres from the southern boundary, in order to subdivide and construct a new single family dwelling to the north of the existing building.

Development Permit Application:

The Council of the City of Victoria will also consider issuing a development permit for the land known as 1302 Finlayson Street, in Development Permit Area 15A: Intensive Residential – Small Lot, for the purposes of approving the exterior design and finishes for the small lot house as well as landscaping.

E.1.a Public Hearing & Consideration of Approval

Michael Angrove (Senior Planner): *Advised that the application is to subdivide the property, retain the existing residential/commercial building and construct a new small lot house on the northern portion of the site.*

Mayor Helps opened the public hearing at 7:06 p.m.

Adrian Brett (Applicant): Provided information regarding the application by video submission.

Council recessed from 7:14 p.m. until 7:19 p.m.

There were no persons present to speak to the proposed bylaw.

Council discussed the following:

- *Why a Heritage Designation was not brought forward with this application.*

Mayor Helps closed the public hearing at 7:21 p.m.

Moved By Councillor Alto

Seconded By Councillor Potts

That the following bylaw **be given third reading:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1224) No. 20-051

CARRIED UNANIMOUSLY

Moved By Councillor Alto

Seconded By Councillor Dubow

That the following bylaw **be adopted:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1224) No. 20-051

CARRIED UNANIMOUSLY

Moved By Councillor Alto

Seconded By Councillor Dubow

That Council authorize the issuance of Development Permit with Variances Application No. 000546 for 1302 Finlayson Street, in accordance with:

1. Plans date stamped May 3, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the front yard setback from 6.0m to 2.0m (Lot A)
 - ii. reduce the rear yard setback from 6.0m to 4.63m to the building and to 3.43m to the steps (Lot A)
 - iii. reduce the side yard setback on Finlayson Street from 6.0m to 0.51 m (Lot B)
 - iv. increase the site coverage from 40% to 47.99% (Lot B).
3. Revised plans, to the satisfaction of the Director of Sustainable Planning and Community Development, that address the asymmetry of the second-floor north facade windows and the width of the exterior railing supports.
4. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY

Councillor Young returned to the meeting at 7:23 p.m.

E.2 1023 Tolmie Avenue: Rezoning Application No. 00672 and Development Permit with Variances Application No. 00097

Zoning Regulation Bylaw, Amendment Bylaw (No. 1227) No. 20-064:

To rezone the land known as 1023 Tolmie Avenue from the R1-B Zone, Single Family Dwelling District, to the R1-S1 Zone, Restricted Small Lot (One Storey) District, to subdivide the property and construct a new single family dwelling to the south of the existing building.

Development Permit with Variances Application:

The Council of the City of Victoria will also consider issuing a development permit for the land known as 1023 Tolmie Avenue, in Development Permit Area 15A: Intensive Residential – Small Lot for the purposes of approving the exterior design and finishes for the small lot house as well as landscaping.

E.2.a Public Hearing & Consideration of Approval:

Michael Angrove (Senior Planner): *Advised that the application is to subdivide the lot into two small lots and construct a new small lot house on the southern portion of the lot.*

Mayor Helps opened the public hearing at 7:27 p.m.

Vincent Portal (Applicant): Provided information regarding the application by telephone presentation.

Doris McLennan (Fifth Street) (Telephone): Expressed concerns with the application due to the size of the proposed building and its close proximity to a neighbouring house.

Matt Garvey (Fifth Street) (Video Submission): Expressed concerns with the application due to the proposed setbacks.

Council recessed from 7:45 p.m. until 7:50 p.m.

Council discussed the following:

- *The reasoning behind the proposed setbacks.*

Mayor Helps closed the public hearing at 7:55 p.m.

Moved By Mayor Helps

Seconded By Councillor Alto

That the following bylaw **be given third reading:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1227) No. 20-064

Council discussed the following:

- *Consideration of sending the application back to staff, due to concerns relating to the proposed setbacks.*

Motion to refer:

Moved By Councillor Isitt

Seconded By Councillor Dubow

That this matter be referred back to staff to work with the applicant to address the setback on the south of the lot.

Council discussed the following:

- *That further work is needed to have this application be a better fit with the neighbouring properties.*

Amendment:

Moved By Councillor Isitt

Seconded By Councillor Dubow

That the motion be amended as follows:

That this matter be referred back to staff to work with the applicant to address **concerns expressed by nearby residents related to setbacks** ~~the setback on the south of the lot.~~

CARRIED UNANIMOUSLY

On the main motion as amended:

That this matter be referred back to staff to work with the applicant to address concerns expressed by nearby residents related to setbacks.

FOR (6): Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young
OPPOSED (2): Mayor Helps, and Councillor Alto

CARRIED (6 to 2)

E.3 750 and 780 Summit Street: Development Permit with Variance Application No. 00136

Development Permit with Variances Application:

The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 750 and 780 Summit Avenue in Development Permit Area 7A, Corridors, Douglas Street and Blanshard Street, for purposes of constructing a car storage structure.

E.3.a Opportunity for Public Comment & Consideration of Approval

Michael Angrove (Senior Planner): *Advised that the application is to consider a car storage structure.*

Mayor Helps opened the opportunity for public comment at 8:16 p.m.

Brian Kapuscinski (Applicant): Provided information regarding the application by video submission.

Council recessed from 8:19 p.m. until 8:24 p.m.

There were no persons present to speak to the proposed application.

Council discussed the following:

- *Whether the site will have the capacity for electric vehicles.*

Mayor Helps closed the opportunity for public comment at 8:25 p.m.

Moved By Mayor Helps

Seconded By Councillor Alto

That, subject to the proposed metal panels being reviewed and determined to be to the satisfaction of the Director of Sustainable Planning and Community Development, Council authorize the issuance of Development Permit with Variance Application No. 00136 for 750 and 780 Summit Avenue, in accordance with:

1. Plans date stamped April 14, 2020.