

[REDACTED]

From: Rebecca Haynes [REDACTED]
Sent: Thursday, July 15, 2021 9:09 AM
To: Public Hearings
Subject: Re: Development Permit with Variances No. 00080

Hello,

I am writing to strongly oppose the above application.

1. The request for comments and the variances requested are contained in documents written in a manner which is technical and opaque for the average citizen like myself who may wish to make comment. The Council has a duty to express itself in plain language if it truly seeks feedback in good faith.
2. The Council has not given due regard to the increases in traffic flow across the Bay Street bridge and the dangers presented to both pedestrians and drivers. Compounding this issue Council has failed to adequately assess the additional impact of the Harris Green development into its assessment.
3. Council's determination to turn this area into a high density megalopolis has not been matched by adequate community planning of essential health or social care services. This lack of local provision extends across all age groups. I myself have to travel a considerable distance to be serviced by a General Practitioner.
4. The development height of 6 floors is too high and again Council has failed to demonstrate due diligence in assessing this impact on local residents and its impact on quality of life.
5. Considering this is being proposed for land which is traditionally First Nations, and considering the right of ownership in historical context is obscure, I would raise the question of whether Council has made adequate attempts to solicit First Nations concurrence.

In short , due diligence and the Council's fiduciary responsibilities have neither been assessed or met in the above application.

In the current disillusionment with so called democratic processes I have little optimism that my single plaintive voice will either be heard or acted on.

Respectfully submitted,
Rebecca Haynes,
Apt. 216, 767, Tyee Road
Victoria
V9A OG5

Strata Council**Horizon at the Railyards EPS 4365**

767 Tyee Road & 770 Central Spur Road
Victoria, BC V9A 0G7

July 15 2021

Mayor and Council

City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

Re: 701 Tyee Road: Development Permit with Variance Application No. 00080

Dear Mayor and Council,

We write in support of the above noted application. Thank you for the opportunity to provide comments.

As the elected representatives of the Horizon at the Railyards EPS 4365 phases 1 and 2 strata corporation, to which this final phase (which we will refer to as “phase 3” in this letter) will be added when it is complete, we have a vested interest in its completion.

Despite our overall support for this application, we wish to raise several issues.

1. Construction Laydown Area

We note that a brief discussion at the Committee of the Whole meeting (June 3 2021) raised the issue of the construction laydown area for phase 3 construction, and that a suggestion was made that the City might ask the developer to complete the Bridges Park and Tot Lot immediately, using the south end of Central Spur Road as a construction laydown area. While staff responded that this request would run contrary to current agreements and permits, we wish to add that such a proposal would cause a significant disruption to current residents.

2. Adjacent Public Realm Amenities

We greatly appreciate the public realm amenities that have been included in the Railyards Master Development Agreement (MDA; amended March 16 2016). While we understand that this opportunity for public comment is restricted to Application No. 00080 (701 Tyee Road), the contiguous and coterminous public realm amenities are integral to its completion and, we believe, within scope of this meeting. In any event, we wish to note our concerns here.

2.1. Bridges Park + Tot Lot

With respect to Bridges Park and the Tot Lot, we wish to confirm that the City will be wholly responsible for these public amenities. This includes the area between the southmost property line and Bay Street, and any other public areas not within the property line of EPS 4365

We note that the report from staff (re: "Development Permit with Variances Application No. 00080 for 701 Tyee Road (Railyards)", from Karen Hoese, Director, Sustainable Planning and Community Development, dated May 20 2021 - hereinafter referred to as "the May 20 2021 report") confirms that "The City has already committed to the maintenance of these amenities and the costs associated with this will be brought forward for consideration with future budget discussions once it is built."

This commitment is appreciated. We trust that the City will provide appropriate service levels for maintenance of these public areas. We also expect that the City anticipates possible security risks associated with these areas. There is significant traffic on this section of the Galloping Goose trail and we anticipate that Bridges Park and the Tot Lot will also be popular amenities in this area.

Other than our general concern for the appropriate maintenance and security of these amenities, we have no specific input as to the design of Bridges Park and the Tot Lot at this time.

2.2. Pedestrian/Cycling Pathways

The pedestrian and cycling pathway linking the southern termination of Central Spur Road with the Galloping Goose trail is a valuable public realm amenity. As this transects Bridges Park and lies wholly outside the property line for EPS 4365, we again wish to confirm (as above in item #2) that the City will be wholly responsible for this public amenity. Our observation with respect to the City's demonstrated commitment to these maintenance responsibilities is reiterated here.

While this pathway is not within the EPS 4356 property line, we wish to raise for Council's future consideration the issue of mixing cycling and pedestrian traffic, especially as the anticipated cycling traffic will be contiguous with the Tot Lot and that pedestrians will need to cross the Galloping Goose cycling lanes to access the pathway. Possible amendments to consider include protective fencing around the Tot Lot to ensure child safety.

2.3. Victoria West Entry Plaza/Park

We note that this welcoming plaza (alternatively referred to as a 'park' in the MDA), while a welcome (pardon the pun) public realm amenity, is almost wholly coterminous with the future EPS 4365 property. We understand that this confirms the 2016 amendments to the MDA. Nonetheless, we would appreciate knowing from the City

what its expectations are with respect to the maintenance and governance of a public realm amenity lying almost wholly within private property. This seems to us to represent a not insignificant responsibility that has been imposed upon our strata corporation without these costs being considered.

Additionally, the process by which the welcoming plaza has been sited in the current application area causes us to note that at no point have we been consulted in this planning. The May 20 2021 report states at p. 4 that "on March 4, 2021, the application was referred for a 30-day comment period to the Victoria West CALUC." We were not aware of this comment period having occurred. Further, we note that at no point did the *Advisory Design Panel*, the *Victoria West Community Association Land Use Committee*, nor the City of Victoria consult with the EPS 4365 Strata Council. These oversights lead us to request that we be included in future similar consultations.

3. Rental Restrictions

We note that the May 20 2021 report confirms that the "the applicant has voluntarily agreed to enter into a Housing Agreement to ensure that no restrictions are placed on the rental of dwelling units." We observe from the notice of public hearing that this refers to Bylaw No. 19-052 ("Housing Agreement (701 Tyee Road) Bylaw (2019)") which Council is considering along with this proposal.

We want to ensure that Council understands that our bylaws restrict "short-term rentals" for periods of under 30 days (please see the attached by-laws at "Division 8 – Short Term Rental", section 31, pp. 10-11). As such, we trust that Council appreciates that phase 3 dwelling units will face the same rental privileges and restrictions as dwelling units in phases 1 and 2 (as noted in clause D of Bylaw No. 19-052).

The above points set out our principal concerns with respect to this application and its contiguous and coterminous impacts.

Thank you again for this opportunity to provide our concerns in writing. We also look forward to the opportunity to briefly highlight these concerns orally at the July 15 2021 Public Hearing.

Respectfully,

Strata Council - Horizon at the Railyards EPS 4365

Per:



Justin Longo
Strata Council President (2021)

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Division 8 – Short Term Rental

- 31** (1) For the purposes of this bylaw “short term rental” means:
- (a) the use of all or a part of a strata lot for the accommodation of persons including but not limited to travellers and the vacationing public for periods of under 30 days, and without limitation includes vacation rentals, executive rentals, boarding, hostel use, hotel and motel use, and bed and breakfast accommodation;
 - (b) and includes situations involving any of the uses set out in subsection (1)(a) where a license is granted or a rental agreement is entered into for a period of longer than 30 days, where the occupant under the license agreement or tenant under the rental agreement occupies the strata lot for less than 30 days; but
 - (c) does not include the accommodation of visitors without receipt of remuneration.
- (2) Owners, occupants and tenants may not:

- (a) rent, lease, or provide a license of occupancy to all or any part of their strata lot for use as a short term rental; or
 - (b) market, list, offer or advertise all or any part of their strata lot as being available for use as a short term rental.
- (3) Notwithstanding bylaw 23 or any other bylaw pertaining to fines, where an owner, occupant or tenant violates subsection (2)(a) of this bylaw, the Council may fine the owner of the strata lot up to \$1,000.00 or such higher amount as then permitted under the Strata Property Regulation, for each night the strata lot is used as a short term rental.
- (4) Notwithstanding bylaw 23 or any other bylaw pertaining to fines, where an owner, occupant or tenant violates subsection (2)(b) of this bylaw, the Council may fine the owner of the strata lot up to \$200.00 or such higher amount as then permitted under the Strata Property Regulation, for each time the strata lot is advertised or marketed as being available for use as a short term rental