



# UKRAINIAN CATHOLIC CHURCH OF ST NICHOLAS THE WONDERWORKER

May 4, 2021

Mayor and Council, City of Victoria

**Re: Proposed Development Notice for property at 1105 Caledonia Ave.**

As Chairman of the Parish Council of St. Nicholas the Wonderworker Ukrainian Catholic Church, 1110 Caledonia Avenue, I am writing on behalf of Council members to express our collective concern about the proposed rezoning of the property at 1105 Caledonia Avenue, occupied by Fernwood Coffee, from CR-4 Zone to site specific CR-4 Zone that will "allow a space for limited manufacturing use within (i.e. the use would not exceed 48.5m<sup>2</sup> of 25% of the existing floor space.)"

Historically this property has only permitted CR-4 zoning allowing for the operation of a commercial business that is fronted along Cook Street on the west and Caledonia Avenue on the north. All other properties in the 1100 block of Caledonia Avenue, other than that occupied by St. Nicholas Ukrainian Catholic Church as a place of worship are zoned residential.

While we have no concern about Fernwood Coffee operating commercially as a coffee house establishment that includes eat-in and take out snacks and light lunches we are concerned about the significant noise and traffic volume that is being generated by the use of this premise to roast and manufacture coffee in large quantities. We have already seen an increase in large truck traffic coming to unload manufacturing supplies and pick up finished product to be distributed within and beyond Greater Victoria to other commercial establishments. The trucks either drive into the parking space to the left of the premises where the manufacturing is taking place, located only feet from the home at 1109 Caledonia Ave. or onto Caledonia Avenue itself. While not directly related to this re-zoning proposal we do note that our church community has experienced a significant increase in traffic along Caledonia Ave. by Fernwood Coffee patrons that park along Caledonia in 'residential parking only' spaces or in our parking lot taking up reserved spaces that are rented out on a monthly basis.

We are aware that several other coffee manufacturers have premises in Central Saanich that already are zoned for such an operation. It is our opinion and recommendation that Fernwood Coffee should locate its manufacturing operation to such premises, thereby retaining only its current CR 4 Zoning.

Sincerely,

Alec Rossa,  
Chairman, Parish Council  
St. Nicholas Ukrainian Catholic Church

Attention:

Kristen Atwood, Chair, Fernwood Land Use Committee  
Mayor and Council, City of Victoria  
Jim Handy, Senior Planner - Development Agreements

I am writing on behalf of the residents of the 1100 block of Caledonia Avenue who received the Proposed Development Notice at 1105 Caledonia Avenue.

This invitation is open until Sunday, May 9th.

We received this Notice as we are within 100 - 200 metres of the proposed land use change. This email is from this group comprising the nine lots within this area, some lots with two homes/addresses. See attached Map of No Residents document in the folder.

**We have come together to say NO to the proposed land use change at 1105 Caledonia Avenue.**

This writer, being the most impacted by the change of operations at the Fernwood Coffee Company over the past three years, from never being a small roaster of inhouse and retail coffee according to the bylaws for this site where manufacturing for wholesale distribution of coffee is not allowed, to a full blown wholesale manufacturing plant operating seven days a week, up to 10 hours a day and with shipping and receiving having increased three fold over the past three years. This writer lives right next door to this pop up wholesale manufacturing plant. The Fernwood Coffee Company has exploded in their manufacturing operations in such a small period of time that they are now distributing coffee across the country. This wholesale manufacturing site does not allow for any peace or normalcy to the 1100 block of Caledonia Avenue residents. This writer cannot sit outside on her front lawn without listening to the drones of the machinery. This droning can be heard within my home too, seven days a week, up to 10 hours a day. With the bay doors to this site open most of their operating hours, with ubiquitous gasses rolling off their rooftop all day long, with the steady stream of large vehicles, often left idling, parking all over Caledonia Avenue creating chaos and confusion, not only has the calm of this small residential area been thrown into upward displacement, but our physical and mental health has become severely compromised. Two of our residents have compromised lung issues without the factory in motion and the additional air pollution created from the huge increase in vehicular traffic has had a notable impact on their health.

We have had some discussions around the statement made by the owners that this whole situation was "an agreed mutual oversight" by both the City and the owners. That at the time of the owners acquisition of the property and approval of the business operations, their wholesale manufacturing and distribution arm of their business was somehow

overlooked? The very core of their business. We found this statement made to about 40 participants in a Zoom meeting on March 8th with the Fernwood CALUC, extremely misleading and not in tune with how the City is mandated to conduct business. Consequently, we have been unable to find anyone or any department to support or confirm this announcement. What we did discover and have had to ask ourselves is, that when the businesses resided at 1115 North Park Avenue they were governed by C-1-Zone Limited Commercial District Bylaws. Before, during and after the acquisition of their new location at 1105 Caledonia Avenue which is governed by C-4-Zone Upper Cook Commercial-**Residential** District Bylaws, why was the wholesale manufacturing and distribution of the coffee company not fully disclosed. This is not an oversight, not when you are acquiring a property within a completely different Bylaw zone. This is the time to disclose what the true nature of your business is and this is when you would have realized that your business did not and will not comply with the zoning bylaws that are there to protect all persons and properties involved. This is where you seek guidance from your conveyancing lawyer. I started my inquiry into their exponential growth in May/June of 2019 (quite a while before COVID) as I felt extremely neglected as a neighbour and found I could no longer spend quality time outside on my property and my overall physical and mental health was deteriorating fast while they were operating daily at full throttle. I eventually had to hire a lawyer to gain the acknowledgement that I was right and something was terribly wrong. Now I am the one who is being bullied by distant neighbours, Fernwoodians whose lives go uninterrupted with this large scale manufacturing operation next to us, bullied and being told that my "behaviour is vile" and why this, because the truth has not been spoken and it needs to be. This is why there are laws and. bylaws and they need to be enforced.

We welcome each and everyone of you to join us on any day of the week and see what we are living. Caledonia Avenue is primarily a residential street with a focus on future increased residential density. The development at the east foot of Caledonia Avenue has not begun, this will bring an extended period of construction traffic to the avenue and in the end an additional 150 plus residents. Parking before the Parsonage Cafe/Fernwood Coffee Company was a challenge for residents and their guests, it has now only exacerbated our problem.

Our next project will be to work with the City on how to harness this problem of an average of 40 plus non residential parkers a day (we have actually sat, observed and counted) using our residential street parking as public parking spots. As the weather improves these people are hanging out longer and longer therefore blocking residents and their family and friends from access to their homes. It has even gone so far as some people using the private parking lot behind the Church to park in. This is extremely unfair to the residents and even the other businesses on Cook street and it needs to be addressed. There is currently an empty lot at 1115/1117 Caledonia Avenue in this cache of residents being notified. They have a permit for a 2.5 storey residential qua yet to be built. How are those

developers and future buyers going to stand a chance when they too will be subjected to a seven day a week, 10 hour a day manufacturing operation that releases particulate matter and gasses into the very air we breathe. Coffee roasting VOC's are extremely dangerous to your health and we are being subjected to second hand ones, much like second hand smoke. My windows, my counters and floors are all proof of this debris.

As you will see in some of the responses, residents have chosen to elaborate on their decision to not support this proposal and some you will be seeing for a second time as they have sent them in directly. During this pandemic as well as my time away helping out my 88 year old father, it has obviously been difficult for our group of concerned residents to come together collectively. However, together we stand and together we agree that the non-conforming use of the Fernwood Coffee Company, the large scale, wholesale manufacturing on this site, is inappropriate and completely unacceptable to the residents neighbouring it. Industrial operations belong in industrial zoned areas.

To this end, again, we welcome each and everyone of you to come and spend a morning or an afternoon, any day of the week on Caledonia Avenue and see for yourself what kind of an impact this has had on all of our lives, both indoor and out.

The attached folder contains an area map of the No residents and copy of their No responses.

Thank you for this opportunity to collectively put forward our voices.

Regards,

Marianne Ketchen



## PROPOSED DEVELOPMENT NOTICE

This Notice is an invitation for you to consider a proposed development for the property at:  
1105 Caledonia Ave, Victoria, BC, V8T 1E9 (address)

During the COVID-19 pandemic, development application plans will be posted on the Development Tracker ([victoria.ca/devtracker](http://victoria.ca/devtracker)) as a substitute for the Community Association Land Use Committee (CALUC) Community Meeting.

A Comment Form is provided in order to obtain feedback on the proposal which will be shared with the applicant, CALUC, and City. To access the comment form on the Development Tracker, filter "Pre-Application (CALUC)" applications or search all applications by address. Submit your comments by May 9, 2021 (30 days after plans submitted to City) to allow the applicant to consider revisions in advance of application submission.

*Comment forms submitted by residents or other third parties will include personal email addresses. These email addresses are only for the purpose of the CALUC or applicant to contact individuals regarding their comments. The email addresses must be secure from any other purpose or provided to any third party for any other purpose than described.*

CALUCs are voluntary organizations that operate under the CALUC Terms of Reference as endorsed by Council. Contact information for the CALUC:

Name of CALUC representative: Kristin Atwood, Chair Land Use Committee

Name of CALUC: Fernwood

Phone 250-384-7441

Email fernwoodlanduse@gmail.com

LOCATION OF PROPOSED DEVELOPMENT (Further details provided on reverse)

Royal  
Athletic  
Park

No  
1110

No  
1112

No  
1116

No  
1120

No  
1128

Caledonia Ave

1043

1870

Cook St

1105

1839

1833

No  
1109/11

Vacant  
Lot  
1115/17

No  
1121

No  
1125

You are receiving this notice because you live or own property in the City of Victoria within:

☒ 100 metres of the proposed development or land use change

☐ 200 metres of the proposed development or land use change that also involves an amendment to the Official Community Plan (Land Use Designation or Development Permit Area or Heritage Conservation Area guidelines)

CALUC Chair or Designate Signature: \_\_\_\_\_

Date: March 21, 2021

Applicant Signature: \_\_\_\_\_

Date: March 31, 2021



May 2021

To Whom It May Concern:

As a resident in receipt of the proposed development notice for 1105 Caledonia Avenue, to amend the current zoning to allow the above noted business to carry on with existing wholesale operations, I would like to advise that we DO NOT SUPPORT this proposal.

In consideration of the neighbours and residents of Caledonia Avenue, this wholesale manufacturing plant was not included in the plans of the existing building, which was developed with a city approved plan in 2018. It was at this time and engagement of all concerned and impacted, that the wholesale operations of the Fernwood Coffee Company, then too in contravention of the existing and current 2018 CR-4 Zone-Upper Cook Commercial-Residential District, should have been fully disclosed and discussed. It would not have been accepted as residents of this area do not want an industrial manufacturing operation within its residential limits.

We would request that the wholesale manufacturing operations on this site be relocated to an industrial site that allows for this type of activity.

Thank you.

Name: Cody McEvay  
Karlie Windatt

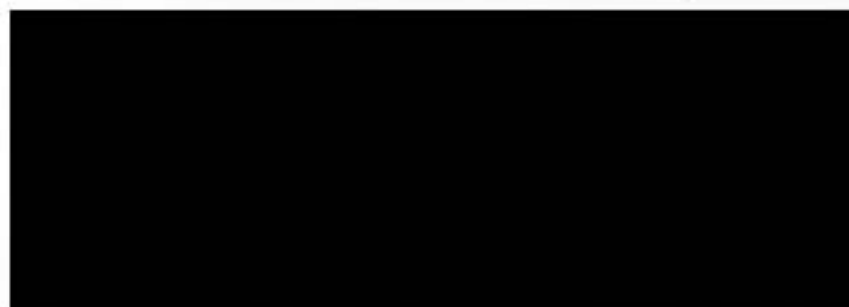


Address: 1109 Caledonia Avenue

Email:



Phone Number:



May 2021

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We would request that the wholesale manufacturing operations on this site be relocated to an industrial site that allows for this type of activity.

Thank you.



Name: Marianne Ketchen

Address: 1111 Caledonia Avenue

Email:



Phone Number:





Marianne Ketchen [REDACTED]

## Non Support Of Proposed Development Notice 1105 Caledonia Avenue Fernwood Coffee Company

Yuriy M Vyshnevskyy [REDACTED]

Tue, Apr 27, 2021 at 11:32 AM

To: Marianne Ketchen [REDACTED]

On Mon, Apr 26, 2021 at 11:58 AM Marianne Ketchen [REDACTED] wrote:  
To Whom It May Concern:

As a resident in receipt of the proposed development notice for 1105 Caledonia Avenue, to amend the current zoning to allow the above noted business to carry on with existing wholesale operations, I would like to advise that we DO NOT SUPPORT this proposal.

In consideration of the neighbours and residents of Caledonia Avenue, this wholesale manufacturing plant was not included in the plans of the existing building, which was developed with a city approved plan in 2018. It was at this time and engagement of all concerned and impacted, that the wholesale operations of the Fernwood Coffee Company, then too in contravention of the existing and current 2018 CR-4 Zone Upper Cook Commercial-Residential District, should have been fully disclosed and discussed. It would not have been accepted as residents of this area do not want an industrial manufacturing operation within its residential limits.

We would request that the wholesale manufacturing operations on this site be relocated to an industrial site that allows for this type of activity.

Thank you.

Name: Yuriy Vyshnevskyy and Hanna Vyshnevskya

Address: 1112 Caledonia Avenue, Victoria, BC V8T 1G1

Email: [REDACTED]

Phone Number: [REDACTED]



From: **stephen roome** [REDACTED]

Date: Wed, Apr 28, 2021 at 11:55 AM

Subject: revamped missive

To: Marianne Ketchen [REDACTED]

Dear Marianne:

I live in 1116 Caledonia in the second floor suite. I have read over your email and thought it over for a while. My conclusion is that the substance of your objections have validity. My personal observations, which result from my having a perfect view of the area of Caledonia in question, would concur with yours that the volume of truck traffic related to the cafe and roasting company is considerable and that it often poses an unacceptable risk to pedestrians, cyclists and motorists. I also witness parking violations of non-residents in the residential parking zones and in no parking zones to the extent of 40-80 per day. I will say that I enjoy the Parsonage Cafe and I know many others do as well as confirmed by their steady flow of customers. I would hope that the cafe remains undisturbed but I can't help but think that maybe the owners of what seems like a moderately substantial coffee production and distribution operation are trying to get more out of this small location than is safe or realistic. These are my impressions. Perhaps some of these issues could be clarified by making available for public scrutiny some of the financial and production information related to the roasting company over the last few years..

At this point in time, I would say that I am against the proposed re-zoning application.

Yours truly,

Stephen Roome

# Non Support Of Proposed Development Notice 1105 Caledonia Avenue Fernwood Coffee Company

May, 2021

To Whom It May Concern:

As a resident in receipt of the proposed development notice for 1105 Caledonia Avenue, to amend the current zoning to allow the above noted business to carry on with existing wholesale operations, I would like to advise that we DO NOT SUPPORT this proposal.

In consideration of the neighbours and residents of Caledonia Avenue, this wholesale manufacturing plant was not included in the plans of the existing building, which was developed with a city approved plan in 2018. It was at this time and engagement of all concerned and impacted, that the wholesale operations of the Fernwood Coffee Company, then too in contravention of the existing and current 2018 CR-4 Zone-Upper Cook Commercial-Residential District, should have been fully disclosed and discussed. It would not have been accepted as residents of this area do not want an industrial manufacturing operation within its residential limits.

We would request that the wholesale manufacturing operations on this site be relocated to an industrial site that allows for this type of activity.

Thank you.

Name(s):

*A. Poupart*  
*Allan Poupart*

Address:

*1120 Caledonia Ave*

Email

[REDACTED]

Phone Number:

[REDACTED]



Marianne Ketchen [Redacted]

Fernwood Coffee Company Letter

alfred cadger [Redacted]  
To: Marianne Ketchen [Redacted]

Thu, Mar 4, 2021 at 6:11 PM

Hi Marianne.....I agree with your opposition to T F C Co new expansion.....they need to divorce the coffee roast and grind from Cook & Caladonia ....its gonna be expensive but it will be the best for many reasons .....best regards  
.....Alf  
[Quoted text hidden]



Marianne Ketchen

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**Fwd: Proposed development at 1105 Caledonia**

1 message

**BOB RUTHERFORD**

To: Marianne Ketchen

Wed, May 5, 2021 at 7:17 PM

Hi Marianne,

I sent this to Fernwood land use. You can include it in your package.

cheers

Bob

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**From:** "bkrutherford"**To:** "fernwoodlanduse"**Sent:** Wednesday, May 5, 2021 7:16:27 PM**Subject:** Proposed development at 1105 Caledonia

Bob and Karen Rutherford

1125 Caledonia

Attn. Kristen Atwood

We are opposed to the change in zoning proposed for 1105 Caledonia. The current non-conforming use at Fernwood Coffee is not appropriate for this residential neighbourhood.

Fernwood Coffee is fine but has also greatly impacted residential parking as it is a destination coffee shop and customers have no respect for resident only parking. The wholesale roasting operation increases the amount of traffic impacting the street.

Also despite the purification unit on the roof of the building when the breeze is from the west, as it often is, the smell of burning coffee beans is strong which Karen finds very distressing (she has stage 3 COPD).

The argument that the business is only viable with the roasting going on seems disingenuous as most of the many coffee shops in town have to buy their beans already roasted and are doing fine. And it appears to me that many of them are not as busy as Fernwood Coffee.

We do not believe that a wholesale coffee roasting business is appropriate for this location.

sincerely

Bob and Karen Rutherford.



Marianne Ketchen

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**Fernwood Coffee Company**

Karl Schanzenbacher

To: Marianne Ketchen &lt;

Cc: 

Wed, Mar 3, 2021 at 10:42 AM

Hi,

You can proxy me as against the rezoning to allow wholesale manufacturing at 1105 Caledonia Avenue. I am not in favor of industrializing our neighborhood. You mentioned enough reasons in your letter.

Also, as I understand your letter, Fernwood Coffee has been wholesale manufacturing for the last three years on a site that is not zoned for this. Do you know why the city has allowed this to continue?

Cheers,

Karl Schanzenbacher  
Resident owner  
1128 Caledonia Avefnue



Dear Mayor and Council,

In addition to all the residents within 200 metres of this rezoning application being vehemently opposed to this application, we would also like to ensure you are aware of some of the real issues that we, living next door to the applicant, are suffering. As no one has made a site visit to our homes, we felt we should bring the site to you as you cannot make decisions of this catastrophic size without being in and a part of the problem that it presents.

We began our communication with bylaws in June of 2019, quite a while before Covid was even a part of our lives. We repeatedly complained about the increase in air quality, white noise, traffic and activity and asked for qualification of their activities, even on a foodsafe level with their manufacturing doors open through their entire production hours allowing for airborne particles to enter their food chain. Eventually we had to hire a lawyer to explore our rights as property owners. It was not until a lawyer was involved that it was revealed that indeed, the owners of this property have been operating illegally ever since they moved in. We are not sure how the city approved this operation within this zoning, unless it was not presented to them above board during the initial application process?

The two attached videos will help you to visualize the amount of ubiquitous off gases being pumped out and off their low roof top, SEVEN DAYS A WEEK, 10-12 HOURS A DAY. No one, who lives in a home, should have to live in it with their windows closed because of the amount of VOC's being expelled into their breathing space.

We do not believe this operation is far enough removed, nor high enough up, from residential properties even without residents who are asthmatics and COPD sufferers.

The videos illustrate the amount of ubiquitous gasses that frolick outside our dining room window, our front yards and those within its combustible range, all day long. This window is the only westerly facing window on our house and it must remain closed during their extended operations to try and reduce the amount of contaminated air within the home.

The increase in traffic, albeit secondary to air quality concerns, is beyond acceptable, with delivery trucks adding to the reduced air quality with most idling in place while loading and unloading, creating chaos by stopping illegally and blocking a through traffic lane. Caledonia Avenue is a public residential street and we are tired of it being held hostage every day for the loading and unloading for a manufacturing facility that does not belong in a commercial and residential area.

There are no customer parking signs on their property as stated in their letter of April 5th, they actually took down the former customer parking only sign. There is no staff bike storage either, it is now dedicated to additional manufacturing storage and houses a freezer

from time to time. Their wish to continue to do business as they have always done is an extremely unfair statement as the first year of their operation did not see mega tonnes of raw coffee beans being delivered weekly, nor was their manufacturing site operating seven days a week, 10 -12 hours a day. They actually did not even work weekends. The manufacturing facility they operate today is for wholesale distribution across Canada, they did not operate like this on North Park nor when they relocated to Caledonia Avenue. This company has monopolized the impacts that Covid has had on most of us and they have expanded their business to a point where it has taken unprecedented ownership of the street, the noise and air quality on the street. It is difficult enough for the residents who have endured the last 18 months of a take out window on the north side of their building that continues to hold the pedestrian walkway hostage also for those of us just wanting to safely get to the corner. How long are they going to keep the extremely profitable take out window in operation while they use the restaurant space for manufacturing overload. Have we not reached that step where they can now invite your customers back inside your restaurant and release the public sidewalk back to the public? We have been a tolerant group of residents, but we are at our tipping point.

With diminishing air quality due to the anticipated long fire season ahead of us, combined with the heavily polluted air within approximately 200 metres of their rooftop afterburner, the City will be putting its residents in an extremely unhealthy living environment should they allow this to continue. A manufacturing operation that increases air pollution, white noise (you can hear their roaster and grinder in our homes and in our yards, seven days a week, 10-12 hours a day) creates chaotic and extremely dangerous traffic situations and operates at full throttle day after day, DOES NOT BELONG ON A RESIDENTIAL STREET. We did not move here to live in dangerous conditions.

"The process of **roasting** green **coffee** beans emits air **pollutants** such as particulate matter, volatile organic compounds and fuel combustion byproducts. In addition, specific toxic compounds such as acrolein, acetaldehyde and formaldehyde are emitted as a **result** of the **coffee roasting** process."

We believe they willingly and knowingly acquired this property hoping the City would continue to not enforce the bylaws that were in place not only on the 1105 Caledonia Avenue site but also on their former 1115 North Park Street site. No one invests that kind of money into a real estate acquisition without completely ensuring the business and continued and expanding business operations are conducive to not only the bylaws governing the site but also in consideration to those who reside or operate in the area prior to such an acquisition. Full disclosure is essential.

The health implications alone are enough to say no to this application and request that the wholesale manufacturing facility be relocated to a site zoned for the health and welfare of all of those within the vicinity of such an operation. We believe the City needs to engage an

independent environmental company to provide written evidence that this environment is safe and healthy for those within its range of impact and a statement from the health authorities that you can produce a human consumed product that has been produced in an environment where there is no control over the airborne contaminants within the manufacturing facility as they bay door is wide open during their long hours of operations.

**"Roasting coffee produces chemicals that, when inhaled, can cause serious, irreversible lung damage. The chemicals are released into the air in greater concentrations when the coffee is ground and during packaging."**

Again, I welcome you to attend to my home and see, smell and hear what is really happening at 1105 Caledonia Avenue before making what we would hope to be an informed and explored decision. I personally, am suffering tremendously from the compromised air quality as I am an asthma sufferer.

We sincerely hope, that the rubber stamp that staff members of this company have already told us has been applied, if so, was done so with water soluble ink and that members of this council seriously look at the health and welfare of the residents in this commercial/residential area who have said NO to this application. The right decision is imperative for all concerned as the long term effects are clearly irreversible on the health and well being of the City's residents.

Sincerely,

Marianne Ketchen  
1111 Caledonia Avenue