From:	Carolina Ashe <
Sent:	Tuesday, September 20, 2022 1:54 PM
То:	Public Hearings; Lisa Helps (Mayor); Stephen Andrew (Councillor); Ben Isitt (Councillor); Charlayne Thornton-Joe (Councillor); Geoff Young (Councillor); Marianne Alto (Councillor); Sarah Potts (Councillor); Sharmarke Dubow (Councillor); Jeremy Loveday (Councillor)
Subject:	Please do not approve proposal for 902 Foul Bay Road

Dear Mayor and Council,

I am writing to ask you to send the building proposal for 902 Foul Bay Road back to the developers for reconsideration.

We are in the midst of a changing climate. It has been shown that mature trees play a key role in cooling cities, and thus protecting the health and quality of life of its residents. If this proposal goes forward, the environmental damage resulting from the removal of numerous large, mature trees will be felt for decades to come.

It is possible to densify without incurring the large-scale tree loss and environmental damage that would result with this proposal. Neighbours in the surrounding area have put forward ideas that would strike a better balance between increased housing and environmental protection. Please say "no" to this proposal, and ask city planners and the developer to incorporate neighbourhood recommendations into their plans.

Carolina Ashe 7-949 Pemberton Road Victoria

Victoria Mayor and Council Wednesday, September 21, 2022 9:50 AM Public Hearings FW: 902 Foul Bay Road

From: Grace Golightly Sent: September 20, 2022 10:23 PM To: Victoria Mayor and Council <mayorandcouncil@victoria.ca> Subject: Re: 902 Foul Bay Road

Dear mayor and council members,

Recently I read about how the Tampa, FL city council forced a developer to cut his planned development in half, so that two large mature trees (over 80 cm DBH) could be kept alive.

One of the reasons was that the developer knew the city's policy to protect such large trees when he bought the property, could have bought something else instead, and was able to alter his plans (even though of course he doesn't want to).

I think a similar situation exists at 902 Foul Bay Road. The developers bought it knowing the trees were considered heritage trees, and that there was a covenant on the property. They also could alter their plans to make a smaller footprint to allow some of the trees to remain, since most are around the periphery.

I've heard several councils talk about the need for balance, but the balance seems totally one-sided -- it is always to remove the trees.

We all know this development will not create affordable housing.

"Tampa rejects developers' plan to take down South Tampa grand oaks": <u>https://www.fox13news.com/news/tampa-rejects-developers-plan-to-take-down-south-tampa-grand-oaks</u>

Thank you for reading this and for your consideration.

Sincerely,

Grace Golightly

Marc-Antoine Dufault Tuesday, September 20, 2022 7:08 PM Public Hearings Support of 902 Foul Bay Road

Dear Mayor and Councillors,

I am writing to you today to support the residential project at 902 Foul Bay Road.

This project will provide 18 residential units in a neighbourhood that currently lacks housing diversity. These townhomes will also likely be more affordable than new single-family dwellings that would have been built on this lot if it had been subdivided.

The architectural quality of this project is also remarkable. DAU has done an incredible job in creating such a cohesive scheme for this development. The materiality and scale will greatly enhance the neighbourhood character of Gonzales. The darker colour scheme is appropriate for this heavily treed lot, the townhouses will seamlessly integrate with their lush surroundings.

Furthermore, more families will be able to enjoy this beautiful part of town once this project is completed, adding vibrancy to the area.

I also appreciate the low amount of car parking stalls, leaving more space for greenery on the site. Car ownership should not be encouraged in such a compact city. Transit and car share programs are the most sustainable transportation alternatives for a greener future.

We don't have the luxury to reject such a well considered project while we are currently in a housing crisis. I would encourage the mayor and city council to approve this project as soon as possible.

Best,

Marc-Antoine Dufault 2103 Fernwood Road Victoria BC

Marc-Antoine Dufault

From: Sent: To: Subject: Attachments: Victoria Mayor and Council Wednesday, September 21, 2022 9:50 AM Public Hearings FW: 902 Foul Bay Rd. and one more thing... 902 Foul Bay Rd Letter to Council.docx

From: Pamela Copley
Sent: September 20, 2022 3:54 PM
To: Victoria Mayor and Council <mayorandcouncil@victoria.ca>
Subject: 902 Foul Bay Rd. and one more thing...

Mayor Helps (Lisa) and Members of Council,

Please find attached a copy of the letter I have asked to be included in Thursday's public hearing package. Apologies if you have already seen it. Whatever your decision on this matter, I am certain it will be made with the community's best interests in mind, as always.

May I also take this opportunity to extend best wishes to each of you who is running in the upcoming municipal election and to thank all of you for your hard work and dedication to community service. From my own time on Oak Bay Council I am well aware of the important but often under-appreciated job you do. And to those who are moving on, some of whom I have had the privilege of working with, may you enjoy a well-deserved rest or a new adventure and challenge if that is your choice.

With sincere thanks, Pam Copley

Sent from Mail for Windows

September 18, 2022

Dear Mayor Helps and Members of Council,

I am writing to express my support for the proposed development at 902 Foul Bay Rd. I live within a few blocks of the site and have been following the process over the past year or more.

My response to the proposal has remained positive overall from the outset for several reasons;

- The project is an innovative example of gentle densification within an established residential neighbourhood,
- The price range proposed makes the units as close to affordable as anything in the vicinity, especially with the four below market rate units,
- Given the number of units proposed, the footprint is quite modest, ensuring a significant amount of useable and greenspace on site,
- The D'Ambrosio Architecture and Urbanism design promises to be a well-conceived, quality built and attractive addition to the neighbourhood, with many sustainable features,
- It aligns with several key Victoria Climate Plan objectives to promote car-lite lifestyles, including its proximity to public transit and walkability to community amenities,
- And most important, it would provide a desperately needed housing choice for those with moderate incomes including first time home buyers, young families, and seniors, who may be long-time residents or new to Victoria.

I've heard the concerns expressed by some neighbours in the immediate area, many having already been addressed by Heritage Advisory, City staff or the developer, Aryze. The well-researched, comprehensive March 2021 article in the Capital Daily also served to clarify common misunderstandings regarding restrictive land use covenants and Heritage Designation. As a former Policy Analyst with the Provincial Heritage Branch I am well aware of how poorly understood these tools can be.

It is a fact that greater Victoria is experiencing an ongoing housing crisis. Our adult children, among so many others, are struggling to find decent, moderately–priced housing in the community where they grew up and now hope to raise their own children in their hometown. Housing prices, predominantly single family, remain high while supply is an ongoing challenge. Something has to change!

The Save the Trees signs on streets in the neighbourhood have been placed there by opponents to this development. There is no argument - we need both. But providing well-constructed and designed alternatives to single family homes that increase supply, diversity and relative affordability within established residential neighborhoods like ours enabling a mixed demographic with a range of incomes to stay in the city, is to my mind top priority. As aptly stated in the January 2021 TC editorial, " If not at 902 Foul Bay, then where?"

Respectfully yours,

Pam Copley, 1925 Brighton Avenue

Victoria Mayor and Council Wednesday, September 21, 2022 9:51 AM Public Hearings FW: Proposed development at 902 Foul Bay -- letter to city council

From: Victoria Mayor and Council <mayorandcouncil@victoria.ca>
Sent: September 20, 2022 7:55 AM
To: Victoria Mayor and Council <mayorandcouncil@victoria.ca>
Subject: Fw: Proposed development at 902 Foul Bay -- letter to city council

From: Craig Robert Rosario Sent: September 16, 2022 2:50 PM To: Lisa Helps (Mayor) <<u>LHelps@victoria.ca</u>>; Councillors Cc: Robert Peterson Subject: Re: Proposed development at 902 Foul Bay -- letter to city council

Dear outgoing Mayor and City Councillors,

For the purposes of the public hearing about 902 Foul Bay, we would reiterate the points made in our email below dated December 3, 2021. We remain opposed to the proposed development for the reasons set out in that email.

Furthermore, we firmly believe that the decision about 902 Foul Bay should be postponed so that the new council can consider it. That is exactly what council did with the so-called "Missing Middle" initiative. For the same reasons, the current council should recognize that its term is almost up and that the decision about 902 Foul Bay is much more appropriately left to the new council.

Whatever decision is made, whether by this council or the new council, we hope the decision is in the best interests of the city's residents rather than the best interests of the developer.

Thank you, Craig Rosario and Robert Peterson 932 Foul Bay Rd Victoria BC

From: Craig Robert Rosario
Sent: December 3, 2021 2:22 PM
To: mayor@victoria.ca <mayor@victoria.ca>;
Subject: Proposed development at 902 Foul Bay -- letter to city council

Dear Mayor Helps and City Councillors,

We live at 932 Foul Bay Road (our backyard is located in the City of Victoria). We are very concerned about the proposed development at 902 Foul Bay Road.

The developer has one goal: to extract as much profit as possible from the lot without concern for the density of the neighbourhood or the mature trees on the lot. We hope that our city council will not assist the developer in realizing their profit-centred goal.

If the developer was truly concerned about affordable housing, they would not be proposing to build this development on some of the most expensive land on the Island.

Size and height of the project

The development is proposed to be two, 3.5 story buildings, with 18 units comprised of 16 three-bedroom and 2 one-bedroom units. The proposed density and height of the development is inconsistent with the neighbourhood. We would prefer to see a more balanced development for the lot that respects the neighbourhood where it is located.

<u>Trees</u>

29 trees are slated to be removed including two 100-year old iconic Copper Beech trees, and seven protected Garry Oaks.

Although the developer plans on planting trees, the loss of tree canopy will be dramatic. There are three Garry Oaks proposed to be replanted around the bike shed, but they will not reach a mature height for 60+ years.

Recently in a letter to the community the developer acknowledged that the loss of trees a was a concern for neighbours, and that their replanting scheme had "fallen short for some residents in the community".

Affordability

The developer initially promoted the project as an "affordable" one, and claimed the tree removal was for this objective and to meet requirements of the BC Housing Affordable Home Ownership Plan (AHOP). At the CALUC meeting (Community Development engagement) in December 2020, the developer admitted the project is not affordable but more affordable than a \$2M "average" newly built, single-family home in Fairfield-Gonzales. As of June 2021, Aryze has abandoned the BC Housing AHOP scheme, rebranding the project as *"Attainable"*. They will be selling 4 units (2 - one bedroom and 2 - three bedroom units) at 10-15% "below market" and the rest at the "market value". We estimate, based upon construction costs and what Aryze sold their units at Rhodo for, that price will likely be over \$900,000.

When considering the proposed development, city council should not be under any illusion that it will produce affordable housing.

Thank you for considering our concerns about the proposed development.

Yours sincerely, Craig Rosario and Robert Peterson 932 Foul Bay Road Victoria BC V8S 4H8

Victoria Mayor and Council Wednesday, September 21, 2022 9:50 AM Public Hearings FW: 902 Foul Bay development

From: Virginia Erick Sent: September 20, 2022 1:00 PM

To: Victoria Mayor and Council <mayorandcouncil@victoria.ca>; Public Hearings <PublicHearings@victoria.ca> Subject: 902 Foul Bay development

Dear Mayor and Council,

A time of climate crisis and housing insecurity is not the time to pit one issue against the other. The mature tree canopy is necessary and so is more affordable housing.

The buildings and driveway have too much lot coverage and are badly placed in this development proposal.

There is too much mature tree removal and too much canopy loss.

The units are not affordable.

There are other more sympathetic ways for redevelopment to occur. With centrally located buildings on this property, tree loss will be reduced and densification can be achieved.

Please, vote against this development plan for 902 Foul Bay Road.

Virginia Errick 615 Foul Bay Rd. Sent from my iPad

Victoria Mayor and Council Wednesday, September 21, 2022 10:32 AM Public Hearings FW: 902 foul bay road

From: Clifford C Sent: September 21, 2022 9:56 AM To: Victoria Mayor and Council <mayorandcouncil@victoria.ca> Subject: 902 foul bay road

Dear Mayor and Council Members,

I am writing in support of the 902 foul bay road development going to a public hearing on thursday. This development will add much needed stock of 3+ bedroom housing that is suitable for families. I hope to start a family in Victoria within the next 2-4 years and these types of homes will give me and my partner more options to stay in Victoria. Both of us have above average paying jobs but still have no chance of owning a detached family home in this city but missing middle housing like 902 foul bay will be much closer to a price range we can afford. Many similar developments such as the one on Washington street in the Burnside Gorge neighborhood have been approved by council in the past and I hope those decisions have set the precedent for this decision.

I have been disheartened by the strong opposition to this development by a small handful of neighbors. This type of development will not only bring many homes to the area but also add much needed character and diversity to an area of the city that has seen flat or negative population growth over the past 10-20 years.

Regards,

Cliff Childs Fairfield resident

Daphne Thomas Wednesday, September 21, 2022 8:26 AM Public Hearings Fwd: 902 Foul Bay Road

Resending in the event my letter was not received intact on Sunday, Sept 18, 2022.

----- Forwarded message ------

From: **Daphne Thomas** < Date: Sun, Sep 18, 2022 at 9:24 PM Subject: 902 Foul Bay Road To: <<u>publichearings@victoria.ca</u>>

Dear Mayor and Council.

Re: 902 Foul Bay Road

Neighbourhood

The Redfern neighbourhood of Fairfield/Gonzales is a folksy and rustic community more akin to the working class and island living than the bourgeois. A street scan reveals DIY maintenance projects and food gardens rather than pretentious manicured landscapes and workspaces of licensed contractors. Clothing hangs on a makeshift line to dry in one front yard. Children's bikes lean on raised flower beds and a low ramp for a wheelchair at another. Sunflowers and wildflowers pepper the ground throughout the neighbourhood in late summer. The demographic is the type that gets displaced when neighbourhoods upscale beyond the means of long-standing residents - who move to communities with longer commutes. Unfortunately, some of these residents are seniors on fixed incomes who are in danger of getting outpriced, thus relocating away from hospitals and diagnostic services when they need them most.

Zoning and Affordability

The property is zoned for single-family housing. Whether a townhouse or an SFH is built here, neither housing type will be affordable/attainable to most Victoria residents when wealthy inbound professionals and retirees arrive every day from other provinces. The developer claims the project will promote trickle-down economics, and those new townhomes will open rentals up for the less wealthy. However, the gentrification of middle-class neighbourhoods such as Fairfield/Gonzales proves the opposite occurs. Studies have shown that prosperity trickles up, thus only benefitting the rich.

Designation and Covenant

The park-like assembly of several Garry oaks and other mature trees at 902 Foul Bay, a corner lot, is a striking centrepiece of the neighbourhood. The property is protected by a triple Heritage Designation for:

- 1. The heritage house (burned to the ground under suspicious circumstances).
- 2. Land and trees.
- 3. Stonewall

And a conservation covenant for the land (inhabited by many 100-year-old bylaw-protected trees).

There was clearly a desire by prior occupants at 902 Foul Bay to protect the urban tree canopy. And while the B.C. government rightfully amended the Land Title Act in 1978 to declare racist covenants (excluded non-white families) void, a conservation covenant is a tool which helps protect biodiverse areas against rapid development.

Undoubtedly, a world where human lives are put before the lives of all other species results in dire consequences.

Housing Crisis

The assumption that the logical solution is for a profiteer to build million-dollar townhomes will solve a housing crisis leaves a significant gap in logic. There's no difference between the settler-colonists of yesterday commodifying nature for profit and this new era of market-driven fundamentalists. The developer has a history of preaching to dissolve rules of zoning to undermine colonial attitudes, only to carry on with colonial concepts of private property ownership. This could be viewed as exploitation.

Biodiversity and Sprawl

As of 2008, more people live in cities than in the countryside for the first time in human history. Researchers say there are two paths forward. One is toward the gradual decay of the fragile relationship between humans and the rest of the natural world; the other is the rise of nature-rich cities. New research has suggested that instead of warring against sprawl, planners and environmentalists should recognize how green spaces of private properties in a city can provide the affordability and sustainability we need. Conserving the mature tree canopy in Victoria is more essential than ever for combating the city's climate crisis and biodiversity loss. For example, a raven or an owl cannot nest in a 10ft tall replacement tree. These birds vanish. Additionally, the community gets nothing for unlocking the property rights at 902 Foul Bay or any affordability for this middle-class neighbourhood.

Supporters

If supporters of the 902 Foul Bay proposal (requesting extreme variances for increased height and hardscaping) genuinely wanted to protect against urban sprawl, they would join the petition to the Mayor and Council of the City of Langford for a tree protection bylaw. Of the region's 13 municipalities, Langford is the only one not to have a tree protection bylaw.

Climate Crisis

Scientists predict that the 6th mass extinction is well underway, causing irreversible damage to Earth. Over the next few decades, vast portions of the planet will be rendered uninhabitable by millions of climate refugees escaping storms and fire. It is time to design our way back into nature.

Reconciliation

With adjustments to the proposal, the property owner, developer, architect, and landscape architect behind the 902 Foul Bay proposal have the potential to add densification, maintain the mature tree canopy as a community amenity, and win back the trust of the neighbourhoods in which they operate.

Daphne Thomas Gonzales/Fairfield

Isa Milman Wednesday, September 21, 2022 11:54 AM Public Hearings Re: 902 Foul Bay Rd

City Council Submission September 21, 2022

Re: 902 Foul Bay Rd.

My husband's grandfather, David Tait, had the beautiful house built in 1911, in preparation for his marriage to Emily Johnston. Their first child, Shelagh, was born in the house. Shelagh was my husband's mother. What remains of them is loving memory: my husband, Robert McConnell, his mother, his grandparents. Even the house itself. What remains? The trees that David Tait planted. The copper beeches, especially.

As the great poet Mary Oliver wrote, "the trees are turning their own bodies into pillars of light, are giving off the rich fragrance of cinnamon and fulfillment..." Yes, we are finite, yet the trees we plant, if we are fortunate enough to plant them, continue long after we have left this world.

A Jewish teaching says "to save a life is to save a world." Please, let's save the life of the trees, the pillars of light that we need more than ever in our darkening world.

Isa Milman 1029 Pakington St. Victoria BC V8V 3A2 On Wed, Sep 21, 2022 at 8:32 AM Isa Milman wrote: Please see my attached submission. Thank you. Isa Milman --Afterlight: In search of poetry, history, and home Finalist, National Jewish Book Awards available through bookstores and online: Afterlight: In search of poetry, history, and home Finalist, National Jewish Book Awards available through bookstores and online:

Isa Milman

City Council Submission September 21, 2022

Re: 902 Foul Bay Rd.

My husband's grandfather, David Tait, had the beautiful house built in 1911, in preparation for his marriage to Emily Johnston. Their first child, Shelagh, was born in the house. Shelagh was my husband's mother. What remains of them is loving memory: my husband, Robert McConnell, his mother, his grandparents. Even the house itself. What remains? The trees that David Tait planted. The copper beeches, especially.

As the great poet Mary Oliver wrote, "the trees are turning their own bodies into pillars of light, are giving off the rich fragrance of cinnamon and fulfillment…" Yes, we are finite, yet the trees we plant, if we are fortunate enough to plant them, continue long after we have left this world.

A Jewish teaching says "to save a life is to save a world." Please, let's save the life of the trees, the pillars of light that we need more than ever in our darkening world.

Isa Milman 1029 Pakington St. Victoria BC V8V 3A2

Janette Nation Wednesday, September 21, 2022 1:15 PM Public Hearings 902 Foul Bay Road - Public Hearing 22 September 2022

I am opposed to the proposed development at 902 Foul Bay Road

Reasons:

1. The developer, which has been a strong proponent of the Missing Middle, promotes densification as a means of making available affordable housing. We all know that no new strata development at 902 Foul Bay Road could ever be described as affordable to, or even attainable by the younger people who have been persuaded, or may I say duped into thinking this to be a result.

2. The developer touts the treed environment for this development but we all know that the environment will consist of saplings and lots of buildings. It will take decades to restore the extensive, mature tree canopies that the developer wishes to remove, so it can make more profit. If the City were to allow the removal of that number of mature and protected trees, it would make a mockery of the tree preservation bylaws. We are not talking about 1 or even 2 trees that happen to be in the middle of the lot.

3. Insufficient parking is proposed. Whereas it might be a nice thought that people are going to use a bicycle in favour of a vehicle, most people do have at least one car even if they ride a bike. Looking to the future, there will be an uptake of EVs. If the proposal for 3 bedroom units is meant to appeal to families, then not to provide adequate parking just increases the congestion of cars parked on the roadway. Each unit should have at least one parking space plus space for visitors, which could be achieved if there were not so many units.

4. If the neighbours are not opposed to a development that breaches the restrictive covenant, a single attractive building that preserves the trees would be more acceptable. It would mean less profit for the developer but surely we need to leave the dense developments, and lack of greenery, to the downtown core and main roadways, or specific areas that were formerly industrial such as Vic West and the Songhees, not a suburban area of single-family dwellings. There are many new condos available in Victoria. Do we need more at the expense of neighbourhood amenities?

5. I have heard of people associated with the developer being aggressive towards opponents of the development. I hope I don't also end up with hate mail. Such tactics are disgusting. Planning and controls are what ensure Victoria continues to be a beautiful city with greenspace and trees. The reality is, people who would like to live here, cannot continue to believe that developers, and the Council acquiescing to dense development, will make it possible. If a developer were planning to build housing co-ops or rental buildings, that might be a different matter but they don't, because it is not sufficiently profitable.

Thank you,

J. Nation Rockland Resident

From:	LP
Sent:	Wednesday, September 21, 2022 12:23 PM
То:	Public Hearings; Victoria Mayor and Council; Ben Isitt (Councillor); Geoff Young
	(Councillor); Charlayne Thornton-Joe (Councillor); Jeremy Loveday (Councillor);
	Marianne Alto (Councillor); Sharmarke Dubow (Councillor); Lisa Helps (Mayor); Stephen
	Andrew (Councillor); Sarah Potts (Councillor)
Subject:	902 Foul Bay Road
-	

Dear Mayor and Council,

Although, I understand that a developer's behaviour should not influence council's decisions on projects, I respectfully ask that you not reward a developer that has been calculating and misleading, has created conflict in the neighbourhood, and who seems to see our neighbourhood and homes as nothing more than a commodity.

I am **<u>opposed</u>** to the 902 Foul Bay development for the following reasons:

Between July 2018 and fall 2019, the developer had preliminary conversations with BC Housing (AHOP) about an "affordable" townhouse project, but:

• he did not provide the requested material to AHOP, nor did he pursue the idea beyond the initial conversations.

• However, he did begin <u>promoting</u> the development as an <u>AHOP project</u>, including speaking with media, gathering support from those convinced they would be able to buy, having CALUC meetings, and applying to the city for <u>extra density based on the need to make the development 100% AHOP</u>.

- In articles and social media, the developer made several claims including there would be:
 - no down payment,
 - units would sell at a discounted price, and,
 - When participants sold the unit, they would only pay AHOP 10% of the selling price.

None of these claims were true. The developer either knew this information was misleading or was not familiar with the program and should not have been commenting at all.

When AHOP became aware of the comments, the concerns were addressed with the developer.

Unfortunately, the damage had already been done as many had been convinced that the project could benefit them. The developer and his misinformed supporters then began to attack anyone in the neighbourhood that opposed the project with accusations of being "NIMBYs." This has created terrible conflict in the neighbourhood that may not be repairable.

In June 2021, the developer informed the city that he would need to <u>"pivot" from an "affordable" proposal to an</u> <u>"attainable" one</u>. Although the developer could have reduced the percentage of AHOP units (to <100%), he switched to <u>offering a carrot of "below-market</u>" units (we suspected this would happen). The reasons the developer cited for the switch were:

• the 2020 election (*no conceivable impact on the project whatsoever*),

• the length of approval times (*likely reasons for delays include misinformation being provided at the CALUC, staff having to request changes repeatedly, the developer suing neighbours to have a covenant removed*),

• offsite improvements (*there were little to none*), and

• "lack of direction from AHOP" (*the developer did not pursue the plan beyond some preliminary conversations in 2019*).

Given that the affordable townhouses' suggested selling prices were \$900,000, we can assume that the "pivot" on the part of the developer will result in eventual selling prices of, at least, that amount. Therefore, even units at 20% "below-market" would still be quite profitable, and a small amount of lost profit to make so much more on the rest of the project.

Given the history of the project, one can not help but wonder if the developer always intended to <u>"pivot"</u> and was simply using AHOP as <u>leverage for support</u> for added density. Perhaps, after recalculating, he determined it would be more lucrative to not pursue any amount of "affordable" units with AHOP as there would be more profit in throwing in some small "below-market" units – much the same as the Rhodo on Fairfield.

Sadly, the 902 Foul Bay development proposal has been an exercise in "smoke and mirrors", and once again, the developer has blamed neighbours for the delays and created an environment where residents who have been misled have been pitted against neighbours with legitimate concerns about this development.

Please do not reward the developer for this behaviour.

Sincerely,

Lynn Phillips