



November 23, 2023

Mayor and Council
 City of Victoria
 1 Centennial Square
 Victoria, BC V8W 1P6

Re: Abkhazi Garden rezoning application

Dear Mayor Alto, Council and Staff:

This letter summarizes the intent of our application to amend the zoning of Abkhazi Garden in order to protect this important community asset for the people of Victoria and further afield.

Primarily following direction outlined by the City Planning Staff (in the appended May 24, 2014 letter from City Staff), our aim is to:

- Downzone the lands at 1964 Fairfield Rd (Lot 1) and 507 Foul Bay Road (Lot 3) from the current 'RK-11 Townhouse District' and 'R1-G Gonzales Single Family Dwelling District' zoning to a site specific zone, and amend the OCP to redesignate the lands from 'Traditional Residential' to a 'Public Facilities, Parks and Open Space' designation.
- Encourage the City to enable the concurrent rezoning application process for 1733-37 Fairfield Road to enable a financial contribution from developers to TLC.
- Strengthen the protection of Abkhazi Garden by expanding the heritage protection to include 507 Foul Bay Road (Lot 3).

Site History & Context

In the year 2000, TLC acquired Abkhazi Garden from the developer who was planning to construct townhouses on the site. The local community supported TLC to raise the necessary funds, and have been actively involved since that time volunteering in support of the Garden as docents, gate greeters, and gardeners.

In 2013 TLC entered a restructuring process to address its debts. At this time Abkhazi Garden was subject to a mortgage, and TLC's creditors were pressing for repayment. These pressures put Abkhazi Garden at risk. TLC's volunteer Board and staff worked tirelessly for four years to extinguish all debt and secure TLC's future, and hence the future of the Garden. TLC's secured creditors were repaid in full. TLC's unsecured creditors were paid in full for debts of \$5,000.00 or less, and the remaining unsecured creditors were repaid 22.5% with a commitment to continue seeking revenue from the sale of densities from Abkhazi Garden for pro rata distribution to these 35 remaining creditors. The financial contribution from the neighbouring development site would be used toward this purpose.



In 2017 TLC, with the support of generous donors, established an endowment held at the Victoria Foundation to support Abkhazi Garden in perpetuity. Over 50 volunteers support the Garden currently.

As the Garden is technically zoned to permit Townhouse development, in 2014 TLC worked with the City of Victoria to establish a process whereby the excess density could be transferred to another site and protect the site against redevelopment for residential use [correspondence with the City is included with the supplementary documents in our application package]. We therefore propose to downzone the Abkhazi Garden site Lot 1 (1964 Fairfield Road) and Lot 3 (507 Foul Bay Road) to reflect the existing use.

Heritage Preservation

In addition to and concurrent with the downzoning, TLC has worked with City staff to register the former home of Nicholas and Peggy Abkhazi as a Heritage designated building, and look to expand the heritage designation to include 507 Foul Bay Road (Lot 3).

Section 3.4 of Victoria's Official Community Plan (OCP) cites *Inclusivity and Accessibility* as core values for the future of our city. Specifically, our ability to "Respect and respond to the perspectives, values and needs of Victoria's many individuals, groups and communities" speaks to these values. In addition, Section 3.8 emphasizes our need to build and maintain *Strong Local Communities*, which "Support and enhance the sense of place and community, and the uniqueness of Victoria's neighbourhoods". As such, Abkhazi Garden exemplifies these core values and is a neighbourhood treasure, nestled within a supportive community, and enjoyed by both locals as well as tourists from around the world who come to Victoria because of its gardens.

In addition, the OCP outlines *Placemaking* as a strategic directive for future growth and vibrancy in our city. As noted in the OCP, "*Victoria is vibrant and attractive with a unique character and sense of place. Victoria's cultural and natural heritage resources are protected and celebrated.*" Through this lens, the Abkhazi Garden is much more than a garden, as it holds a unique and powerful heritage as the former residence of Peggy and Nicholas Abkhazi. Abkhazi Garden has established a strong connection to the Country of Georgia, via the Georgian Ambassador to Canada. These ties resonate ever stronger today as we witness the invasion of Ukraine, or with the Ambassador's recent award of the Medal of Excellence to the TLC for preserving the culture and heritage so unique to Abkhazi Garden.

Further, Section 8 of the Gonzales Neighbourhood Community Plan speaks to *Heritage, Environment and Neighbourhood Features*, and seeks to outline opportunities in which to "*Identify and preserve heritage buildings, landscapes and streetscapes.*" As such, the Abkhazi Garden not only falls within the Proposed Heritage Conservation Area, the former residence of Peggy and Nicholas Abkhazi - a home designed by locally renowned architect John Wade -

retains tremendous heritage significance, therefore it makes sense to apply a Heritage Designation to the property as this move aligns strongly with neighbourhood goals.

Section 8.3.5 of the Gonzales Neighbourhood Plan highlights the importance of exploring ways in which to “*Encourage owners and builders to preserve and maintain, to the extent possible, neighbourhood features such as trees, fences, gardens and rock outcrops.*” Abkhazi Garden encompasses all of these features, in particular highlighting the rocky outcrops that inspired Peggy to purchase the land, and the central feature in the landscaping of the garden, and including a majestic grouping of Garry Oaks.

A comprehensive Maintenance Plan that was recently prepared by Don Luxton and Associates (June 2020) has been submitted to City staff and clearly demonstrates the heritage values and heritage preservation activities planned for the infrastructure. Recent works have included refinishing the hardwood floors and repainting the exteriors with the original heritage colours, supported by a City of Victoria Heritage grant.

With all of the above under consideration, a heritage designation has been registered to Lot 1. We seek to expand the designation to include Lot 3. Lot 3 includes the greenhouse and works area where volunteers spend hours weekly propagating the exotic and native plants featured in the garden.

Parking

Abkhazi Garden has been in operation for 22 years with minimal disruption to the neighbours, and during this time the handful of instances of minor conflict between visitors parking off-site and neighbours have been dealt with and resolved immediately or have been avoided altogether.

Specifically, volunteers to the garden successfully manage to avoid parking related issues with the neighbours as they are well informed of appropriate street parking and actively pass this knowledge on to visitors. Volunteers and the Teahouse operator also successfully avoid obstruction and noise related issues or concerns regarding idling tour buses, as they actively engage with both the bus companies and tour guides and inform them of appropriate places to park or load guests. To date we are proud to say we have always been able to respond promptly and respectfully to neighbour concerns.

Furthermore, on June 3rd and 4th of this year the Abkhazi Garden Site Manager completed an informal survey of the surrounding neighbourhood in an effort to seek input from neighbouring properties in regards to visitor parking and identify any concerns with how the Abkhazi Garden manages this.

Parking Survey

Site Manager and Volunteer Coordinator, Cherie Miltimore went door to door with the Abkhazi Garden parking survey along Fairfield Road from Foul Bay Road to Queen Anne, Shotbolt Road and Foul Bay Road from Shotbolt to Fairfield Road. In total, Cherie visited 34 homes along Fairfield Road (16), Shotbolt Rd (13) and Foul Bay Road (5), where she collected 24 direct responses at the door or by email, and left surveys in 10 remaining mailboxes from which we are still awaiting a response.

Details of this survey, including neighbour comments have been included with the supplementary documentation accompanying this application. However, a summary of the survey results are as follows:

- Out of 24 responses received, 15 (over 62%) residents had no issue with the current on-street parking for Abkhazi Garden.
- Of the 9 respondents who had any concerns with the parking situation at Abkhazi Garden, none of the residents had issues with Abkhazi Garden providing no on-site car parking. Instead, these residents were primarily concerned with traffic from vehicles and buses loading/unloading and temporarily waiting to transport visitors. These concerns could be easily resolved through a handful of traffic calming measures, as well as designating a temporary loading zone(s) along Fairfield Road.

Parking Demand & Alternative Transportation Initiatives

Due to land and space constraints, there is no ability to provide on site car parking to the general public. However, this has never posed an issue to the Abkhazi Garden operations because the vast majority of our staff, volunteers, and visitors, bike, bus, or use alternative means to access the garden. Therefore, the demand for on-site vehicle parking has, and is expected to remain, extremely low.

This makes sense as the site is located on a key transit route connecting the Downtown, Fairfield and Oak Bay Avenue commercial districts via Fairfield Rd and Foul Bay Rd, and these transportation corridors are very cycling and pedestrian friendly.

In addition, we have noticed that the number of visitors arriving at the Garden by car-free modes of transport has steadily increased in recent years, as our patrons are becoming increasingly concerned with climate change (especially since experiencing local weather anomalies such as the recent heat dome or uptick in frequency and severity of regional forest fires). Therefore, we would expect demand for car-free transportation alternatives to increase even further with the addition of on and off-site infrastructure improvements that better cater to the needs and concerns of the people visiting the Garden.

Though the TLC has already installed a bike stand on site to accommodate bicycle parking for up to 6 volunteers and guests, it is regularly utilized to full capacity, so we would like to expand this bicycle parking infrastructure to 14 (some hanging). In addition, to encourage green



transportation, TLC has committed to instituting a new program to provide free bus passes for our staff and volunteers.

Considering all of the above, we feel that the shifting demands towards car-free transportation options, as well as the long history of the operation of Abkhazi Garden clearly demonstrates that parking needs have been adequately addressed. Therefore there is no plan for future additions of car parking as this move would not increase visitation to the garden or teahouse, and is not aligned with the climate leadership initiatives of the TLC or many of our visitors.

Green Building Features

Considering that the Abkhazi Garden Teahouse is a small restaurant/retail space with low energy requirements, the majority of our sustainability initiatives stem from our landscape management practices. As such, our Head Gardener has worked hard to cultivate drought resistant plantings which help minimize our water needs.

One prime example of this was our initiative to re-seed all grass lawn areas with native, drought tolerant, grasses to reduce irrigation requirements. In addition, a water collection system has been installed to supplement the water needs of the plant propagation program [side note: this program also provides significant revenues via plant sales to support the maintenance costs of the garden]. The irrigation system also incorporates state of the art heads to control water output and minimize wastage.

Other sustainable landscaping practices include: the introduction of more permeable surfaces for pathways and driveway to improve water retention and reduce run off, as well as an extensive on-site organic waste and composting system which recycles valuable minerals and nutrients back into the garden.

Collectively, our minimal water and resource requirements, as well as a plethora of sustainable landscaping practices, ensure that the Abkhazi Garden operates with a low carbon footprint.

Conclusion

In summary, the Abkhazi Garden is so much more than a beautiful greenspace. It is a treasured neighbourhood amenity with a rich back story and historic significance, and deserves to be protected from future development so that it can be preserved and enjoyed for generations to come.

“Downzoning” the Garden lands to remove the maximum available buildable density, as well as redesignating them in the OCP from ‘Traditional Residential’ to a Public Facilities, Parks and Open Space’, would not only establish a designation more congruent with the Garden’s use, it would also create a necessary layer of protection in perpetuity.



That being said, the unused density from these lands does have value and we feel that rather than losing this value entirely through the rezoning process, we encourage the City to consider allowing a portion of this unused density to effectively be sold to another more appropriate site. Despite density transfers being a common practice in other BC municipalities and cities around the world, we acknowledge that the City of Victoria does not have a system in place to support this. However, the City may be able to accomplish this through a parallel rezoning application which is permitted under Section 904 of the Local Government Act.

In this case we are proposing to accomplish the above, and are submitting this application to be considered in tandem with Aryze Development's rezoning application for their proposed development of 1733, 1735, and 1737 Fairfield Rd.

Lastly, we understand that rezoning the Abkhazi Garden lands may trigger requests from City Staff to provide additional on-site parking, per the Zoning Regulation Bylaws. However, for the reasons outlined above, demand for on-site car parking has remained extremely low throughout our 22+ years of operations, and our zero on-site parking practices have had little to no impact on our neighbours during this period. At the same time, we are noticing a steadily increasing demand to accommodate car-free transportation alternatives such as on-site bicycle parking. For these reasons, we are seeking to continue with our existing parking availability to enable us to preserve existing green space and divert resources away from car-parking infrastructure towards the car-free transportation initiatives outlined above.

In closing, we would like to thank you for your time and consideration of this application.

Kind regards,

Dianna Stenberg
Executive Director
TLC The Land Conservancy of BC

We acknowledge and respect the $l\acute{a}k^{w}\acute{a}n$ peoples on whose traditional territory we live and work and the Songhees, Esquimalt and $W\acute{S}\acute{A}N\acute{E}\acute{C}$ peoples whose historical relationships with the land continue to this day.