

[REDACTED]

From: Victoria Mayor and Council
Sent: January 16, 2024 12:06 PM
To: Public Hearings
Subject: FW: 1737 Rockland Avenue (Panhandle Lot): REZ00755 and Heritage Designation Application No. 000195
Attachments: RNA_LUC_1737Rockland_2024.docx

[REDACTED]

She/Her
Protocol and Correspondence Coordinator
City of Victoria
1 Centennial Square, Victoria, BC V8W 1P6



The City of Victoria is located on the homelands of the Songhees and Esquimalt People

From: Phil Calvert [REDACTED]
Sent: Wednesday, January 10, 2024 7:31 PM
To: Victoria Mayor and Council <mayorandcouncil@victoria.ca>
Cc: Marianne Alto (Mayor) <MAlto@victoria.ca>; Marg Gardiner (Councillor) <mgardiner@victoria.ca>; Chris Coleman (Councillor) <ccoleman@victoria.ca>; Stephen Hammond (Councillor) <shammond@victoria.ca>; Susan Kim (Councillor) <skim@victoria.ca>; Dorrien Thompson <DThompson@victoria.ca>; Jeremy Caradonna (Councillor) <jcaradonna@victoria.ca>; Matt Dell (Councillor) <mdell@victoria.ca>; Krista Loughton (Councillor) <kloughton@victoria.ca>
Subject: 1737 Rockland Avenue (Panhandle Lot): REZ00755 and Heritage Designation Application No. 000195

Dear Mayor and Council,

The Land Use Committee of the Rockland Neighbourhood Association has some concerns about this application. We ask Council to reject this application in its current form because of its lack of adequate justification for exemptions to zoning regulation, and because it includes plans for the unnecessary removal of healthy, protected trees, which would have an impact on local biodiversity.

Please see the attached letter.

Sincerely,
Phil Calvert
Co-Chair, RNA Land Use Committee



Dear Mayor and Council:

January 10, 2024

1737 Rockland Avenue (Panhandle Lot): REZ00755 and Heritage Designation Application No. 000195

We ask Council to reject this application in its current form because of its lack of adequate justification for exemptions to zoning regulation, and because it includes plans for the unnecessary removal of healthy, protected trees, which would have an impact on local biodiversity.

Exemptions to Height and Restrictions for Panhandle Lots:

<https://www.victoria.ca/assets/Departments/Planning~Development/Development~Services/Zoning/Bylaws/Schedule%20A.pdf>

- Zoning regulations for panhandle lots (less than 10% of its perimeter adjoining a street and/or partly consists of a panhandle driveway) are set out in Schedule H of the city's zoning bylaws. *The applicant is requesting exemptions to Sections 3(a) and 4(a) of this Schedule to allow for greater height and greatly reduced setbacks, without providing any valid justification for these exemptions.*
- The adjacent developed property at 928 Richmond Road (1735 Rockland Avenue), also a panhandle lot, made similar requests in the past, but was denied. *In the interests of equity, and with respect to the environment, it is only fitting that the current application be treated in the same manner.*

Tree Protection:

- The applicant claimed they had approvals for felling trees during a meeting with neighbours and the land use committee on June 11, 2020. Illegal tree removals occurred, and were subject to enforcement, subsequently tickets were issued, and paid by the applicant.
- The applicant now proposes the removal of five healthy mature bylaw protected trees (#136, #137, #138, #139 #140) for a proposed driveway and Building B. Notably, these trees support an array of urban species including ravens and owls.
- We urge Council to adhere to the goals of the "Urban Forest Management" sections 10.14.1, 10.14.2, and 10.14.3 of the *Official Community Plan*, which protects urban biodiversity and ecosystem health. In this context, we ask that the envelope of Building B be reduced by a few metres to comply with current zoning.

Council's decisions on zoning should reflect the objectives of the *UBCM Resolutions for Supporting Biodiversity in Local Communities*. Efforts to protect biodiversity at the municipal level have exponential impact for the ability to educate current and future residents (and applicants) and their children by encouraging a stewardship ethic for generations to come.

We also ask the Council to consider the past conduct of this applicant concerning tree preservation and compliance.

Sincerely,
RNA Land Use Committee
Phil Calvert, co-chair. Carollyne Yardley, co-chair.

From: Chris Thomson [REDACTED]
Sent: January 21, 2024 11:21 AM
To: Legislative Services email
Cc: Jennifer Thomson
Subject: 1737 rockland development
Attachments: 1737 Rockland - Letter from the Neighbours.pdf

Dear Mayor and Councillors,

We are writing to you regarding the development application for 1737 Rockland Avenue, which is being considered by City Council on January 25.

Firstly, we would like to register our disappointment regarding the lack of public hearing for this application:

- While we certainly understand the need to expedite development reviews, what we heard during the Committee of the Whole Meeting on June 29, 2023, was that the Council placed significant weight on the public hearing and viewed it as an important part of the process for this specific application. We find the lack of opportunity for the public to engage on this application surprising, especially given the number of neighbouring homes directly impacted by the proposed variances.
- We are confused regarding the rationale for the prohibition of a public hearing for this application. The Public Notice posted refers to Section 464(3) of the Local Government Act as the grounds to forego a public hearing. The referenced section does not exist in the Act available online:

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/r15001_14

Secondly, we would like to ensure Council members are clear that the applicant has made no further changes or compromises to the application presented in June 2023. As you may recall, a letter was submitted by a group of (9) neighbours directly surrounding the proposed development. We put forth what were, in our collective minds, reasonable suggestions to improve the proposal. As a group, we recognize the need for densification in Victoria, but consider some of the aspects of the current plan to be, in one Councillor's words, "overreach".

We have attached the letter previously submitted to Council by the group of neighbours. At the risk of re-stating our previous communications, our key issues with the plan as submitted are summarized below:

Key Issue	Proposal	Response from Applicant
Privacy	Requested the proposed setback of 1.5m be increased (the applicant is requesting a variance from 7.5m) Requested mature trees be added to address	No changes to the plan or application

	overlook issues related to height variances	
Site Runoff	Requested an engineering assessment to ensure no excessive runoff impacts to neighbouring properties due to property slope and the extensive hardscape being proposed	No commitment to an assessment, no changes to the plan or application
Trees	Requested the applicant retain existing trees (avoid root zones, adjust design to retain bylaw protected trees)	To changes to the plan or application

To reiterate, we support densification in Victoria. We also understand the challenges associated with developing these types of properties. Given that we will not be heard in person, our hope is that Council will re-consider our collective letter, the impact to existing homeowners of the variances requested, and agree that with some engagement from the applicant and modest tweaks to the plan, significant improvements can be made to this proposal which will benefit all parties and send the desired signal to future developers.

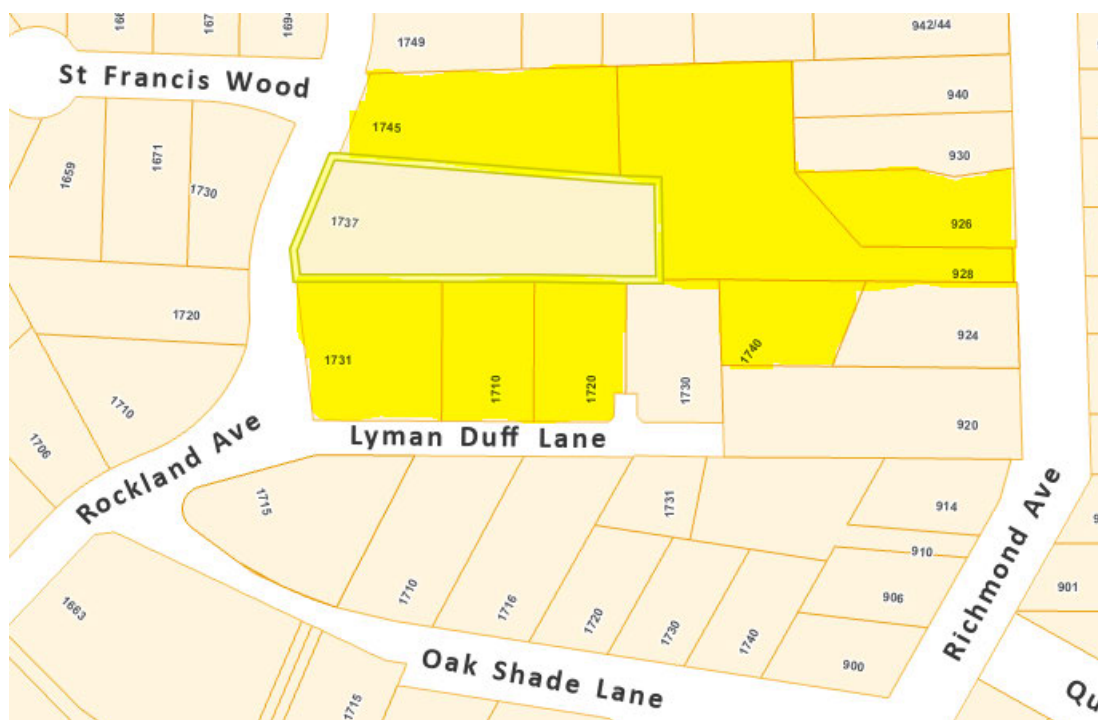
Thank you for your consideration.

Chris and Jennifer Thomson
928 Richmond Ave

Subject: 1737 Rockland - Letter from the Neighbours
Date: Tuesday, June 20, 2023 at 11:08:36 AM Pacific Daylight Saving Time
From: David McWalter
To: mayorandcouncil@victoria.ca
CC: Patrick Carroll, Bob June, Carollyne Yardley, Emma McWalter, Kim Carlton, Judy Carlton, David Gordon, Vince & Jennifer Bennet, Jennifer Bennett, [REDACTED], [REDACTED], Grant Townsend, George Dundas, Brent Bitz, Jennifer Thomson, Chris Thomson, Susan Wynne-Hughes
Attachments: image.png

Dear Mayor and Councillors,

We are writing to you today regarding the planned subdivision and infill development at 1737 Rockland Avenue. Collectively, we represent virtually all of the surrounding properties that are impacted by this proposed development, as shown in the figure below. It is our hope that with a unified message, Council will give appropriate consideration to our comments, which we believe to be balanced and reasonable.



- First and foremost, we understand the need for densification in Victoria, and believe this is a suitable site for an infill development.
- We also recognize the challenges inherent in developing a long, narrow, multi-tiered, and sloped lot such as this. It is likely part of the reason this proposal is asking for variances to all of the key metrics in the existing zoning such as height, setbacks, floor area, # of storeys, etc. While we understand that some variances are reasonable in this situation, we also believe some of these variances can be avoided through thoughtful design improvements without any negative impact to the City's housing policy objectives or the Proponent's profitability.

- We have identified three (3) key issues for Council which we believe can be improved in this proposal. It is our hope that if Council chooses to support this proposal in principle, that it will also require the Proponent to address these specific issues as a condition of that support.
- **Key issue #1 - privacy**
 - Building B will overlook 928 Richmond to the north, and will be located 1.5 m from the north property line. Building B is proposed to be significantly taller than the existing house located there, resulting in an imposing structure only 1.5 m away from the front yard. *We propose that the north setback is increased to lessen the impact on the neighbour to the northeast. We believe this can be accommodated by reducing the interior setbacks between Buildings A & B.*
 - Building B will overlook 928 Richmond to the east. *We propose that the privacy screening to the east be improved in order to minimize the impact of this much taller proposed building that will overlook the neighbour's home. We propose that the 4 proposed Stewartia trees on the eastern edge of the landscape plan be of sufficient maturity, height (min. 10 feet tall), and coverage to ensure Building B's rear windows do not have visibility into the neighbour's bedroom and master bathroom windows.*
 - Building B will overlook 1720 Lyman Duff Lane to the south. The Proponent has offered to improve privacy by planting a screening tree on the north side of 1720 Lyman Duff. The design also calls for screening trees on the south side of 1737 Rockland (Replacement Trees #10-14). *We propose that these trees are of sufficient maturity, height (min. 10 feet tall), and coverage so that privacy can be improved in the near-term rather than a number of years in future (which would be the case if small, immature trees were planted).*
- **Key issue #2 - site runoff**
 - We are concerned that the transformation of this backyard landscape into two new houses with associated hardscapes (driveways, patios, etc.) will result in site runoff onto all neighbouring properties to the south (Lyman Duff) and east (Richmond). The site naturally slopes down towards its neighbours, and with bedrock near the surface everywhere it is likely that construction will substantially change the way the water flows over land. *We request that the proponent complete an engineering assessment of potential site runoff, and implement recommended measures into the design. We also request that, if any excessive runoff impacts neighbouring properties after construction, the landscape deposit held by the City - or any other appropriate mechanism - is utilized to remedy the problem to the satisfaction of the City and the impacted neighbours.*
- **Key issue #3 - trees**
 - At 1710 Lyman Duff Lane, there are two large, bylaw protected trees on the north side of the property near the shared fence with 1737 Rockland (labelled OP2 & OP3 on the plans). Building A is proposed to be sited next to the root zone for these trees, with a proposed utility ROW running through the root zone and an outdoor patio proposed over top of the root zone. *We request that the proponent is required to take whatever measures are necessary in order to protect these significant trees during construction to ensure the roots are not damaged. For example, that could include an environmental monitor on site at all times during any excavation in that part of the proposed development.*
 - At 1745 Rockland, there are several large trees along the shared boundary with 1737 Rockland (labelled #136-141 on the plans). Those trees are proposed to be

removed as part of this development. We believe that with thoughtful design improvements, the removal of these trees is not necessary and can be accommodated within this development without impacting any of the City's housing policy objectives. *We request that the proponent retains these bylaw protected trees along the north property line, and adjusts the design to accommodate them. We also request that the proponent remove the invasive ivy currently being allowed to grow on the trees, and remove suspended broken limbs hanging over 1745 Rockland but only accessible from 1737 Rockland.*

Thanks for your consideration of these issues.

Sincerely,

George Dundas & Grant Townsend, 1-928 Richmond Ave
Brent Bitz, 2-928 Richmond Ave
Chris & Jennifer Thomson, 3-928 Richmond Ave
Sue Wynne-Hughes, 926 Richmond Ave
Rene & Kirsten Marion, 1745 Rockland Ave
David Gordon, 1731 Rockland Ave
Kim & Judy Carlton, 1710 Lyman Duff Lane
David & Emma McWalter, 1720 Lyman Duff Lane
Vince & Jennifer Bennett, 1740 Lyman Duff Lane

Mayor Marianne Alto and Councillors
1 Centennial Square
Victoria, B.C. V8W 1P6

Prior to the June 2023 committee of the whole meeting, the contiguous neighbours of 1737 Rockland sent a letter to Mayor and Council outlining some concerns about our proposal. I personally reached out to all nine who signed that letter and met with all those who got back to me, providing an opportunity for further discussion. A detailed written response was sent to all the neighbours summarizing our conversation and decisions. At the end of the day, I believe I was able to satisfy their concerns.

This letter is dense in its detail, but I wanted to show Mayor and Council I have been thorough and diligent in my connections with these neighbours.

Key Issue #1 - Privacy

- 1. Neighbour Concern:** Building B will overlook 928 Richmond to the north, and will be located 1.5 m from the north property line. Building B is proposed to be significantly taller than the existing house located there, resulting in an imposing structure only 1.5 m away from the front yard. *We propose that the north setback is increased to lessen the impact on the neighbour to the northeast. We believe this can be accommodated by reducing the interior setbacks between Buildings A & B.*

Applicant Response: Reducing the interior setback between buildings A and B does not increase the north setback. The only way to increase this setback is reduce the entire size of the home even further, or to pull the building toward the south, both of which were explored and determined not to be viable for the following reasons.

- a) Reducing the size of the home.

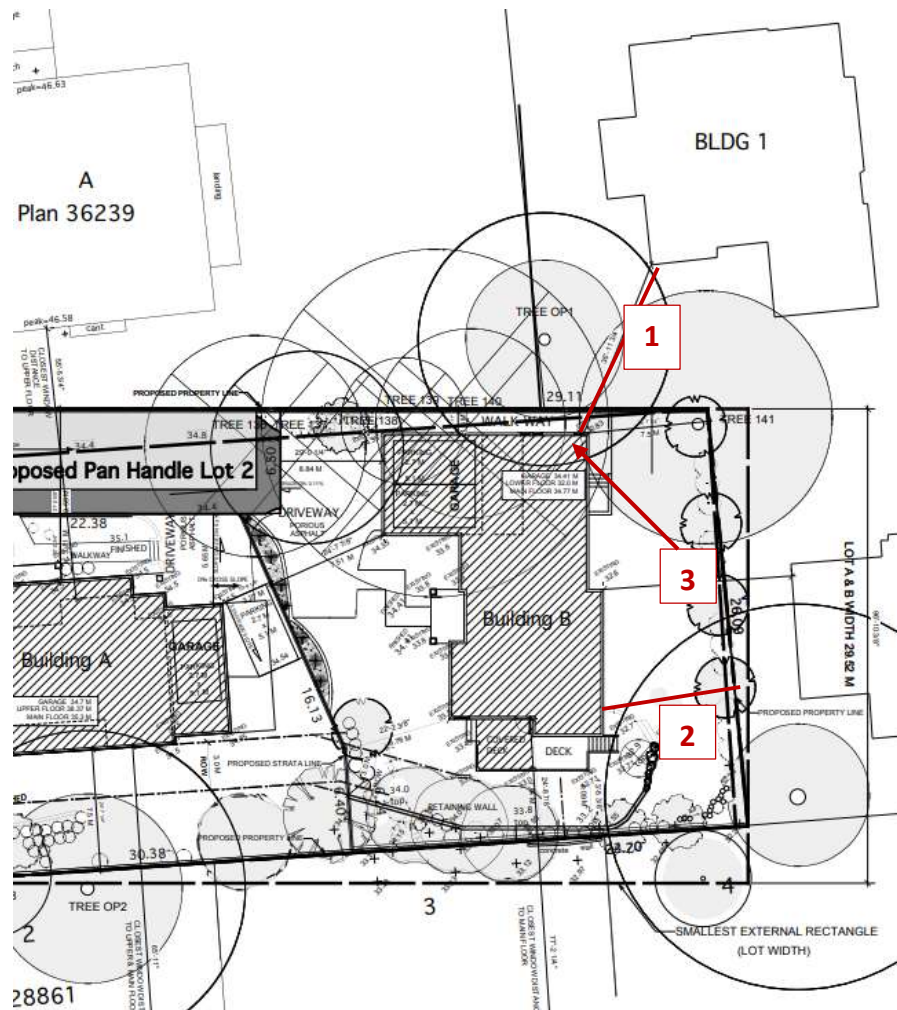
In the revised proposal, Building B was redesigned and the size reduced so the south set back could be increased to align with policy and provide further privacy to the south neighbour. Reducing the size of the home further to create a larger north setback means I cannot create a workable access for the driveway and garage to this home. It would also result in the loss of the suite and therefore an additional housing opportunity. As well, it imposes challenges to the design for main floor living and aging in place.

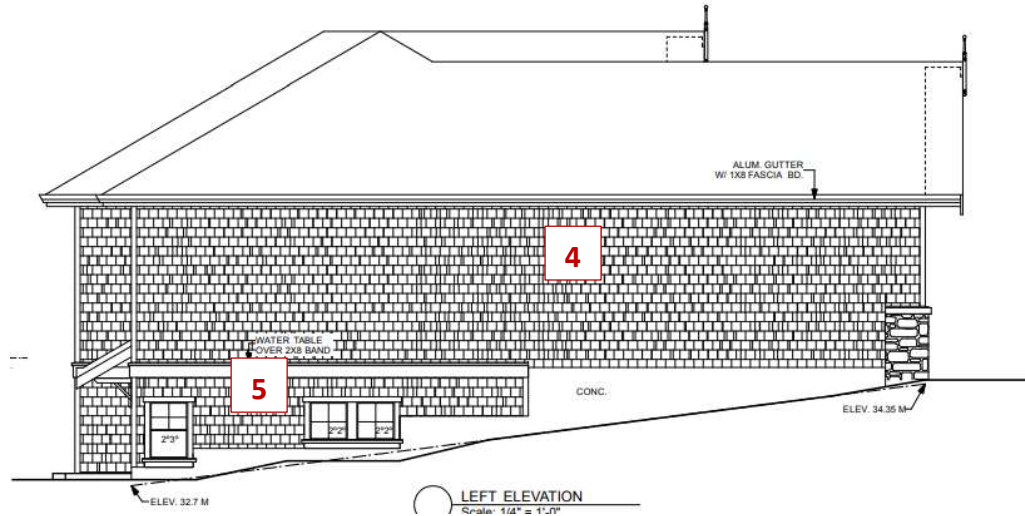
- b) Pulling the building to the south would negate the change made to meet policy and to increase privacy for the south neighbour. In the revised proposal the south setback was increased from 4m to 7.5m. Increasing the south setback made sense because the deck and outdoor living for building B is on this side which has more of a privacy impact for the south neighbour.

During the redesign we did review the north setback to ensure privacy and note the following with respect to siting and design features in consideration of the north neighbour. *(The following are illustrated on diagrams below these comments.)*

- The actual distance between building B and the front corner of 928 Richmond (BLDG1) is large at 11.3m (#1). Notice building B is not in front of or adjacent either BLDG1 or the other neighbor (Plan A).
- Building B was moved forward an additional 2.5m creating a 7.5m rear yard setback (#2), which effectively moved the house further away from BLDG1. This setback now aligns with policy.
- By moving the house forward there is now only a very small portion (10') of building B that is actually adjacent BLDG1's corner front yard. (#3).
- The second elevation diagram shows there are no upper windows on our building (#4). This was intentional to ensure privacy.
- There will be a 6' privacy fence that will completely obscure the lower floor windows (#5).

I also offered this neighbour a tree or other landscaping in their yard for further privacy.





2. **Neighbour Concern:** Building B will overlook 928 Richmond to the east. *We propose that the privacy screening to the east is improved in order to minimize the impact of this much taller proposed building that will overlook the neighbour's home. We propose that the 4 proposed Stewartia trees on the eastern edge of the landscape plan be of sufficient maturity, height (min. 10 feet tall), and coverage to ensure Building B's rear windows do not have visibility into the neighbour's bedroom and master bathroom windows.*

Applicant Response. Privacy concerns were mitigated for the east (rear) neighbour in the revised plan by moving building B forward by 2.5m. The rear setback now aligns with policy at 7.5m. There is a 1.8m fence plus four trees planned along the east property line to further enhance privacy. These trees could be more mature in nature. Also of note, the existing home has very few windows on this side and a very large mature tree on their property adds to their own privacy.



3. **Neighbour Concern:** Building B will overlook 1720 Lyman Duff Lane to the south. The Proponent has offered to improve privacy by planting a screening tree on the north side of 1720 Lyman Duff. The design also calls for screening trees on the south side of 1737 Rockland (Replacement Trees #10-14). *We propose that these trees are of sufficient maturity, height (min. 10 feet tall), and coverage so that privacy can be improved in the near-term rather than a number of years in future (which would be the case if small, immature trees were planted).*

Applicant Response. We have made great efforts to improve the privacy for the neighbour at 1720 Lyman Duff. The most recent submission increased the setback adjacent their property (south) to 7.5m. This required a complete redesign of the home. As well, there are three birch trees proposed in the plan on the south border for privacy.

In ongoing conversations with this neighbour I agreed to further enhance their privacy by:

- planting a tree on their property in a location suitable to them.
- increasing the height of the fence to 2.4 meters along our property lines. This triggered a variance in the application, one which I am happy to put forward to satisfy the neighbour request.

At this time, the neighbour has indicated they recognize the efforts made and would no longer speak against the application.

Key Issue #2 - Site Runoff

1. **Neighbour Concern:** We are concerned that the transformation of this backyard landscape into two new houses with associated hardscapes (driveways, patios, etc.) will result in site runoff onto all neighbouring properties to the south (Lyman Duff) and east (Richmond). The site naturally slopes down towards its neighbours, and with bedrock near the surface everywhere it is likely that construction will substantially change the way the water flows over land. *We request that the proponent complete an engineering assessment of potential site runoff, and implement recommended measures into the design. We also request that, if any excessive runoff impacts neighbouring properties after construction, the landscape deposit held by the City is utilized to remedy the problem to the satisfaction.*

Applicant Response (from the civil engineer). The current plan shows storm drain connections for each lot. During the building permit phase, area drain locations will be part of the detailed design. This is an improvement over the existing conditions where water runs off of the exposed bedrock and is not captured by the municipal drain. We do not anticipate any nuisance due to increased runoff, and the opposite is actually expected, ie. an improvement.

I spoke with the neighbour who raised this concern and they were satisfied with this response.

Key issue #3 - Trees

1. **Neighbour Concern:** At 1710 Lyman Duff Lane, there are two large, bylaw protected trees on the north side of the property near the shared fence with 1737 Rockland (labelled OP2 & OP3 on the plans). Building A is proposed to be sited next to the root zone for these trees, with a proposed utility ROW running through the root zone and an outdoor patio proposed over top of the root zone. *We request that the proponent is required to take whatever measures are necessary in order to protect these significant trees during construction to ensure the roots are not damaged. For example, that could include an environmental monitor on site at all times during any excavation in that part of the proposed development.*

Applicant Response. Protection measures are covered in the tree protection plan submitted by a professional arborist and vetted/approved by the city. The tree protection plan will be followed during any construction.

2. **Neighbour Concern:** At 1745 Rockland, there are several large trees along the shared boundary with 1737 Rockland (labelled #136-141 on the plans). Those trees are proposed to be removed as part of this development. We believe that with thoughtful design improvements, the removal of these trees is not necessary and can be accommodated within this development without impacting any of the City's housing policy objectives. *We request that the proponent retains these bylaw protected trees along the north property line, and adjusts the design to accommodate them. We also request that the proponent removes the invasive ivy currently being allowed to grow on the trees, and removes suspended broken limbs hanging over 1745 Rockland but only accessible from 1737 Rockland.*

Applicant Response. With this resubmission we were able to retain two additional protected trees that in our previous submission were slated for removal, one of which is tree #141. Trees 136 to 140 must be removed as per the arborist report for regrading of the driveway. Most of these trees are in fair to poor condition.

As noted in the arborist report there are 22 protected trees associated with this proposal, 5 of which are slated for removal. Tree replacement requires 10 trees to be incorporated into the design (plus an additional 6 replacements for trees removed previously), for a total of 16. We will be introducing 27 new trees with this proposal.

We are happy to work on the trees with respect to pruning, maintenance, or removal as per approved plans from the City.

Summary

The original application submission for this proposal was submitted in November 2020. At that time townhouses were contemplated for this site. In conversations with city planners, including the heritage expert at the time, it was felt to be a bridge too far given the city policy this proposal would be compared against would be a Panhandle lot infill. What was felt to be more reasonable is the proposal you see before you for two single family dwellings.

Over these past several years the pressure to provide more housing, specifically attainable housing has greatly increased. Understandably council may be looking at this application with a different lens today. I recognize single family homes such as these will not be attainable to all, however they will be attainable to some. As one councillor noted in the previous committee of the whole meeting, *millionaires do have to live somewhere and if we don't give them something highly attractive they remain in homes that are more attainable to others.*

Another important point in support of single family homes over townhouses, is the desire of the contiguous neighbours. In the beginning many were against even two homes here and felt there should only be one, single level home. Introducing four or five townhouses certainly would have been an uphill battle and would have left neighbours very unhappy.

Throughout this process, I have spent a significant amount of time working together with the neighbours and modifying our proposal to satisfy various concerns. We have now arrived at a solution that is agreeable to the majority of the neighbours - one that will provide additional housing in a respectful way and one that protects a beautiful heritage asset for the City and its residents.

I thank you for your careful consideration of our application and of the efforts made to find a reasonable middle ground proposal for all.

Sincerely,

Kim Colpman, Applicant

[REDACTED]

From: Susan Wynne-Hughes [REDACTED]
Sent: January 22, 2024 3:07 PM
To: Legislative Services email
Subject: 1737 Rockland

Dear Mayor and Councillors,

Having been a signatory to the letter sent to you by David McWalter and fellow neighbours in June 2023 I would just like to reiterate the following:

While it is understood that development is inevitable in Victoria, in this case there are numerous variances being requested which are not in the interest of all the surrounding neighbours (and signatories to the previously mentioned letter) and indeed only in the interest of the developer. With this in mind I would like to underline the following requests:

1. That building B setbacks to the north should be increased by reducing interior setbacks between building A and B.
2. That privacy screening from building B be improved.
3. That mature trees be planted between Building B and Lynam Duff neighbours.
4. That an engineering assessment on site runoff is essential and following that measures be taken to stop any potential run off which may be detected.
5. That existing trees and roots be protected during construction to ensure they are not damaged.
6. That by law protected trees along the North property line be maintained and that the design be adjusted to fulfill this.

These requests take into account the preservation of trees which is a unique aspect of the Rockland area as well as considering the importance of protecting the basic privacy of all parties involved. It seems to me that we surrounding neighbours have submitted very reasonable requests and it is to be hoped that the mayor and council take account of these requests when deciding on the variances.

Submitted with respect,

Susan Wynne-Hughes
926 Richmond Ave.
Victoria V8S3Z3