

To the Mayor and Council,

I am writing to express my opposition to the proposed development proposal at **1276 Gladstone Road**. I have two objections:

**1) Parking:** The proposed development provides no parking for residents. While I consider the relaxation of parking requirements to be a welcome step in moving Victoria towards a low-car-use city, we are still some way from this goal. People still need to travel beyond their neighborhoods for work, to access services, and to find affordable groceries. Households with children and people with disabilities also face barriers to cycling and public transit. Inter-regional transport is also often slow and impractical.

It is simply not realistic to expect 18 households to live in contemporary Victoria without cars. A 2017 CRD Household Travel Survey found that half of households have at least one vehicle per occupant. This means the proposed development is likely to add somewhere between 12 and 23 cars to existing on-street parking on Gladstone Avenue and Fernwood Road: two congested streets with narrow sidewalks.

At the eastern end of Gladstone Avenue, there will be more turning in the space before the square, creating further hazards for pedestrians and cyclists on this busy thoroughfare.

**2) Affordability:** The proposal does not provide any affordable housing. It appears that these units will be rented at market rates to maximise profitability for the owners.

Overall, this application appears as a somewhat cynical attempt to use the recent relaxation of parking requirements to put the largest possible building on a small site. The benefits will go to the owners and developers while the negative effects will be born by the community.

In order to support this proposal, I would need to see: 1) Provision of parking to avoid adding more cars and congestion to Gladstone Avenue and Fernwood Road. 2) A commitment to providing affordable housing units for a significant time period.

Regards,

Simon Harding

2016 Fernwood Road.

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# 1276 GLADSTONE AVENUE PROPOSAL

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August 8, 2023

To all concerned,

The proposal at 1276 Gladstone Street has recently come to my attention and I am quite struck by the covetous use of space and disregard to the surrounding community.

Too big and too dense- Four storeys, a meter from all property lines, 18 apartments and a bakery? Seems an obnoxious amount of action on a double lot. The noise of 30+ tenants, garbage, pets and around the clock activity of a bakery are all major concerns.

Parking- This area is already parking challenged with a theatre, school and many old homes having limited to no parking. To think that everyone will ride bikes or take transit is a nice idea but completely unrealistic, especially with a commercial business in the front.

Green spaces- Although this proposal includes zero green space it is surrounded by gardens and trees, many of which will be affected greatly if not destroyed by this looming development that will block sunlight and disrupt existing root systems.

Affordable housing- I am an advocate for affordable housing and in full support of the 158 unit building currently being erected down the block. This proposal is trying to sell itself as affordable and sustainable and all the other buzz words but reeks of the capitalist principals that are not what Fernwood is about.

Maintenance- The existing property has never struck me as a place that has had much care and attention. A development of this size will not only be very expensive to build but also to maintain. I fear a cheaply constructed building with minimal maintenance.

As our small community of Fernwood experiences its eminent growth spurt I can only hope that we move forward with a graceful tone that continues to complements the charm we have built and appreciated about this neighbourhood.

Sincerely yours,



Cristina Woods

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**From:** Leia Mango [REDACTED]  
**Sent:** Wednesday, August 9, 2023 7:40 AM  
**To:** Engagement-External <engage@victoria.ca>  
**Subject:** Re: Thank you for completing 1276 Gladstone Avenue

I'm resending this so it's easier to read.  
Thank you

### **1276 Gladstone Proposal**

I have lived in a co-operative community within the community of Fernwood for 33 years. Many of us here living in the 22 units at Springridge have been here longer. We understand change and the need for it. We have the advantage of understanding first hand what community is and what it can offer when cooperating with inclusivity and benefits us all.

### **1276 Gladstone Proposal**

I have lived in a co-operative community within the community of Fernwood for 33 years. Many of us here living in the 22 units at Springridge have been here longer. We understand change and the need for it. We have the advantage of understanding first hand what community is and what it can offer when cooperating with inclusivity and benefits us all.

**Density** - in this location has already made much adjustment with homes being purchased, renovated, promised to be family dwellings, and then flipped for financial gain forgetting about people. Trust is required within and for community intention. We have been adjusting to garbage smells, bright lights glaring and noise factors causing us to remind neighbours we live here too. We have 156 housing development under construction across the street that will house many tenants so we don't really need this particular area to offer more.

**Visually** - The design, if those bricks are available, is a monolithic block wall and will certainly be that from my yard. Sunlight will be blocked covering the view and flourishing garden from my living room space. The building is too big for this space and won't blend in. Create a design that does, less stories, less square. Beautify or at least actually blend in with the neighbourhood.

**Sound** - after the construction noise and dust which we have been living with for several years already there will be fans, heat pumps and sounds of both business and housing. Build smaller scale housing.

**Air Quality** - many of us no longer use scented products like Tide and Fleecy from dryer vents because we live in close proximity to others. We can't have a say in what neighbours do. This may seem petty until you or one of your children is reactive to chemical smells. Garbage rot directly on our property line with very little space to breathe. I wonder how much garbage there will be for all those living there. How will it be stored and collected?

**Adjustment**- Our neighbourhood is going through a huge adjustment period and after construction there will be a huge influx of people, cars and traffic. We need time to adjust to ours in our neighbour and in our home environments. It

is a fantasy and marketing proposal but not realistic that families will all ride bikes in the rain or have only visitors that cycle. Parking needs to be provided. As well known parking has been an issue in this neighbourhood for sometime.

**Balance** - A good balance of space and density, greenery and concrete is needed. Fernwood is overbalanced in our required needs for housing density.

Suggestions - Im happy this is step one of the plan. Build with less height and brick, include space and greenery in-between so there is airflow and light not just for neighbours but those living there. Just like our bodies where there is contraction and no flow, breakdown and disease occur and is not optimal healthy living.

Let the neighbourhood have some time and space to see how we all do with this new 159 unit development. What about creating this one third of the size proposed with more room to breath, air space, less density. There may not be as much financial profit for you but that will balance with an authentic community contribution where it can benefit us all.

Instead of creating a politically correct proposal showing you care why not really care.

On Jul 26, 2023, at 1:19 PM, City of Victoria Engagement <[support@engagementhq.com](mailto:support@engagementhq.com)> wrote:

Hi,

Thanks for completing the survey.

Your responses are listed below.

**What is your position on this proposal?**

Other (please specify) - opposing original proposal and offering suggestions

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**Comments (optional)**

I have lived in a co-operative community within the community of Fernwood for 33 years. Many of us here living in the 22 units at Springridge have been here longer. We understand change and the need for it. We have the advantage of understanding first hand what community is and what it can offer when cooperating with inclusivity and benefits us all. Density - in this location has already made much adjustment with homes being purchased, renovated, promised to be family dwellings, and then flipped for financial gain forgetting about people. Trust is required within and for community intention. We have been adjusting to garbage smells, bright lights glaring and noise factors causing us to remind neighbours we live here too. We have 156 housing development under construction across the street that will house many tenants so we don't really need this particular area to offer more. Visually - The design, if those bricks are available, is a monolithic block wall and will certainly be that from my yard. Sunlight will be blocked covering the view and flourishing garden from my living room space. The building is too big for this space and won't blend in. Create a design that does, less stories, less square. Beautify or at least actually blend in with the neighbourhood. Sound - after the construction noise and dust which we have been living with for several years already there will be fans, heat pumps and sounds of both business and housing. Build smaller scale housing. Air Quality - many of us no longer use scented products like Tide and Fleecy from dryer vents because we live in close proximity to others. We can't have a say in what neighbours do. This may seem petty until you or one of your children is reactive

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**Your Full Name**

Leia Mango

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**Your Street Address**

5-1275 Pembroke Steet

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**Your email address (optional)**

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Thanks again

Have Your Say

To ►

- **Development Services**
  - **City of Victoria**
  - **The developers**
  - **CALUC**
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**Re: rezoning and development proposal for 1276 Gladstone Avenue**

**Folder #: CLC00414**

**Development tracker link:**

<https://tender.victoria.ca/WebApps/OurCity/Prospero/Details.aspx?folderNumber=CLC00414>

Feedback submission date: August 8, 2023

PDF of this document available here.

PDF of **petition attached below**, or can be found [here](#).

## **Introduction**

**This is an appeal to reject zoning changes and the development proposal at 1276 & 1278 Gladstone Avenue** (1276 Gladstone, hereafter). This appeal details why this proposal is not appropriate for a number of reasons, which include scale, housing equity, neighbourhood-planning compliance, and other considerations.

From the outset, I have to acknowledge that this is a long document; however, we are discussing a proposal that will affect dramatically the surrounding neighbourhood properties and many existing, longtime residents. So, it is my hope that this document is read as intended, which is to do the feedback process justice, an opportunity that one hopes has the capacity to provide a sober second thought during a critical development period in ləkʷəŋən Territory and Fernwood's history.

I will use examples from The City of Victoria's "Fernwood Village Design Guidelines" (FVDG), the "Fernwood Community Plan" (FCP), and other related documents to show the many ways in which the developers' (Tonny Kiptoo and Ashley Kiptoo) proposal fails to meet

many key criteria for maintaining “the character that led to the Village’s designation in the first place” (FDGV, 5).

The FVDG calls for “well designed new construction that is sensitive to the historic character, form and scale of the Village and its surroundings,” and understandably calls for any new developments “to *enhance* [my emphasis] what makes this place special” (5). For those living immediately around 1276 Gladstone, the developers’ proposal detracts from and diminishes the living and neighbourhood experiences of those around it.

Foremost among the proposal’s shortcomings is its failure to recognize the intrinsic connections between the appropriate design for the appropriate place. While the frontage of the proposal “is for a three-storey (plus roof deck)” (Colin Harper Architect, Letter to Mayor and Council, 1), the proposal has not accounted for the consequences for the adjacent properties to the northwest, north, northeast, and east. This design will in relative terms be in some cases closer to 5 storeys. This last point is particularly important because a salient reason this proposal has so many people against it (**see attached petition**) is its scale.

## **Impositions of scale and proximity**

Simply put, this development is too big for the neighbouring buildings and surrounding properties. What the images in the development plans fail to show is that 1276 Gladstone is on a rise, especially relative to the properties immediately to the north and east of the lot. The “Rear Yard Elevation” rendering on page 27 of the “2023-07-25 - Plans\_Revisions” document presents a distorted and disproportionate mockup of the space.

Here is the plan’s rendering of the rearward property’s view:

### REAR YARD ELEVATION



This view is neither proportionally correct nor visually accurate. Granted, this is a mockup, but it goes without saying that these mockups are critical to non-experts being able to visualize as accurately as possible how a architects intend a design to blend into the surrounding area—to distort the visual is to distort the capacity for fulsome decision making, and therefore distort the capacity for fairness in the proposal-discussion process.

What is presented, next, is a height-adjusted mockup that uses the proposal's own images to show something closer to accuracy for what the development would look like for the properties to the northwest, north, and east. Note that the roofline caused by the vertical roof extensions, required for doorways to the roof, creates what is in effect, in terms of shading and sightlines, an additional storey.





Note that the image above also shows that 1276 Gladstone property is toward the top of a rise. Our co-op housing unit (which sits directly to the east, or left, in the above image) has a backyard that sits roughly 2-2.5m (6-8') below average grade on the 1276 Gladstone lot. The units to our east are also built into a depression, such that the last unit in our fourplex is another 2m down.



As proud as we are of our small gardens and food growing spaces, we already often joke that it's like trying to farm at the bottom of a well. A four storey building would look to us more like a 5 storey building, and the addition of the vertical extensions of the roof make this build visually closer to 6 storeys.



All of this loss of afternoon light would affect our capacity to continue to grow our own food, maintain carbon-capturing garden spaces, and transition to power independence through solar power, something our co-op has intended to do in the years ahead, with our fourplex as the intended test-case, as we have south-facing roofs.

The current design, for us and the surrounding neighbours, ignores a fundamental intent and objective of the FNP, which is to “Ensure homes of all types have sufficient access to sunlight, fresh air, privacy, open spaces, and other amenities that support livability” (64).

The development would also block for many neighbours a cherished and valuable siteline to the Belfry Theatre. The FDGV notes, in section “2.2 Character Defining Elements,” that one of the core “character-defining elements” governing the design guidelines is to acknowledge the importance for views of the Belfry, noting that “Views of the Belfry Theatre’s spire [serve] as a landmark, focal point and visual terminus” for the surrounding neighbourhood (FDGV, 7).

The development as proposed would terminate the Belfry view for a significant number of surrounding properties, as shown in the following diagram.

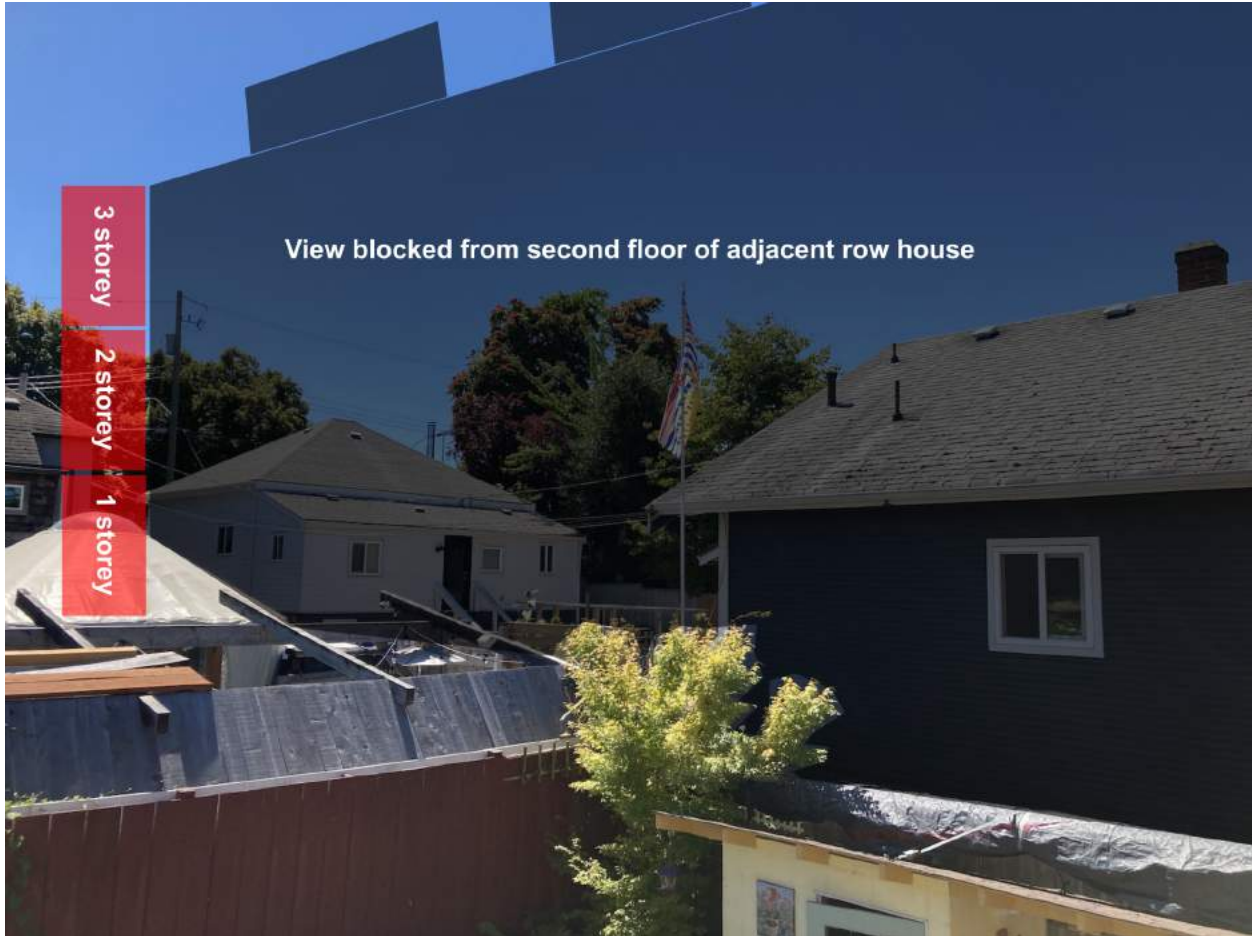


The close proximity of the development will have a dramatic effect on the immediate properties and people, altering fundamentally the look and feel of these existing spaces. These changes are particularly acute for all the nearby properties.

Our fourplex's western wall, for example, sits 2m from the lot line. The developers' plan, which proposes 1m side-lot setbacks narrows this already small gap to the adjacent building even further. Furthermore, these setbacks will be decreased toward the rear of the property line.



We already feel the lighting loss and presence of the current building, and an additional height, like that of the proposed development, will loom over us and our neighbour's properties.



Note, again, that the natural slope of the land is such that toward the rear of the property, the height increases significantly, relative to the surrounding properties, effectively blocking the view to the west entirely for many existing residents.



The developers state that the “building is designed with sensitivity to context, and builds upon, without replication or mimicry the character of Fernwood village, through a contemporary application of brick and storefront glazing;” however, the side-cladding of the building is shown as what one assumes is painted black corrugated steel, which is not in keeping with the designs called for in the FDGV. Moreover, the thermal collection from this material will increase the temperature of the surrounding area, which will affect growing conditions and comfort for the nearby residents.

Indeed, the Colin Harper Architech’s “Letter to Mayor and Council” includes a note about installing “Canopies to reduce solar gain in summer months,” presumably because this is a significant design concern. Put another way, the frontage gestures towards design compliance, but the majority of the building does not.

What is perhaps the most perplexing aspect of the plan’s scale is that the “2023-07-25 - Plans\_Revisions.pdf” document contains guidelines intended specifically to manage appropriate scale.

## OCP SMALL URBAN VILLAGE - URBAN PLACE GUIDELINES

Designation	Built Form	Place Character Features	Uses	Density
Small Urban Village	<p>Single and attached buildings up to two storeys.</p> <p>Low-rise multi-unit buildings up to approximately three storeys including rowhouses and apartments, freestanding commercial and mixed-use buildings.</p> <p>Mixed-use buildings up to approximately four storeys on arterial and secondary arterial roads.</p> <p>Buildings of four and five storeys may be considered at Fairfield Plaza Village and other Small Urban Villages as indicated in local area plans for the advancement of plan objectives, depending on site conditions and context.</p> <p>Buildings of up to four storeys may be considered at sites that front onto Fairfield Road within Five Points Village.</p>	<p>Ground-oriented commercial and community services reinforce the sidewalk.</p> <p>One to three storey building facades define the street wall.</p> <p>Variable landscaping, boulevard and street tree planting.</p> <p>Rear yard off-street parking.</p> <p>Public green space or square.</p> <p>For Fairfield Plaza Village, refer to place character features identified in the Fairfield Neighbourhood Plan.</p>	<p>Low-rise multi-unit residential and mixed-use.</p> <p>Commercial.</p> <p>Home occupations.</p> <p>Live/work.</p>	<p>Total floor space ratios ranging up to approximately 1.5:1.</p> <p>Total floor space ratios up to approximately 2:1 along arterial and secondary arterial roads.</p> <p>Total floor space ratio up to approximately 2:1 may be considered in Fairfield Plaza Village for advancement of plan objectives.</p> <p>Total floor space ratio up to 2:1 may be considered within Five Points Village, at sites that front onto Fairfield Road.</p>

Note that in the second column, the Guidelines specify “low-rise” buildings of “up to approximately three storeys.” This same column notes that “Buildings of four and five storeys may be considered [...] depending on site conditions and context,” and it is clear that the context for the developer’s plans need to be reconsidered in light of the fact that the majority of the building’s scale is dramatically disproportionate and overwhelming to the surrounding buildings and properties.

To underscore the necessity for developments to attend to matters of scale, page 19 of the FCP literally highlights that any new developments “provide diverse living options at neighbourly scales, including through the retention of character homes through conversion.”

This final quote also opens a window of opportunity, one which I will discuss more below, that the developers ignored either by intention or oversight: they could have proposed a lift the 1276 Gladstone house in order to add another storey, and to add infill housing in the form of a garden suite/carriage home, thus increasing housing density, retaining local character and sitelines, retaining green spaces, and keeping within an appropriate and reasonable neighbourly scale. However, what we are presented with is a design that appears to maximize rental density over liveable scale considerations.



Page 50 of the FNP encourages “housing that is designed to be livable and complement its surroundings,” and the developers’ design does not appropriately complement its surroundings, which are a mix of small scale and cluster homes, with green spaces between and around each residence.

As the following overlay image shows, the developers’ design is disproportionate to the surrounding properties. Its setbacks and height dominate the lot and its surroundings.



Moreover, its use of “stamped concrete” paths as a perimeter and its side and rear walls of black, corrugated steel do little to humanize its design, which appears in contrast to the property’s current character of unique homes as overtly industrial, something more in keeping with storing objects than housing people.

## Environmental considerations

### Dog feces and garbage

Another proximity concern arises with the design’s placement of the dog wash station and the garbage collection areas. As to the former, we have to consider a scenario in which 18 dogs (one per unit) are using a dogwash station multiple times per day, and dumping dog-feces bags into nearby garbage containers. This presents both noise (barking) and smell problems for the surrounding neighbours.

The same is true of garbage containers, which could (the “2023-07-25 - Plans\_Revisions” does not define this) contain both residential garbage (roughly 25-40 people, depending on renter density) and commercial garbage (garbage from the proposed bakery). Consider, too, that both the dog wash station and the garbage area would sit directly across from a neighbouring unit’s bedroom windows. Further, longtime residents of this neighbourhood know that Fernwood has struggled with a rat problem for many years, and all three of the aforementioned features present vermin risks in their own right.

## Carbon-capture loss

The Lawn Institute (yes, this organization actually exists), reports that “grasses can accumulate and deposit carbon into the soil by approximately one-half ton of carbon per acre year for 30 to 40 years,” and that even urban lawns can sequester “between 200 and 1,800 lbs of carbon per acre per year” (see <https://www.thelawninstitute.org/environmental-benefits/carbon-sequestration>). 1276 Gladstone would lose this sequestration capacity (and removing the lawn would release the captured carbon), as it has both a back lawn and lawn and garden spaces between the existing houses.

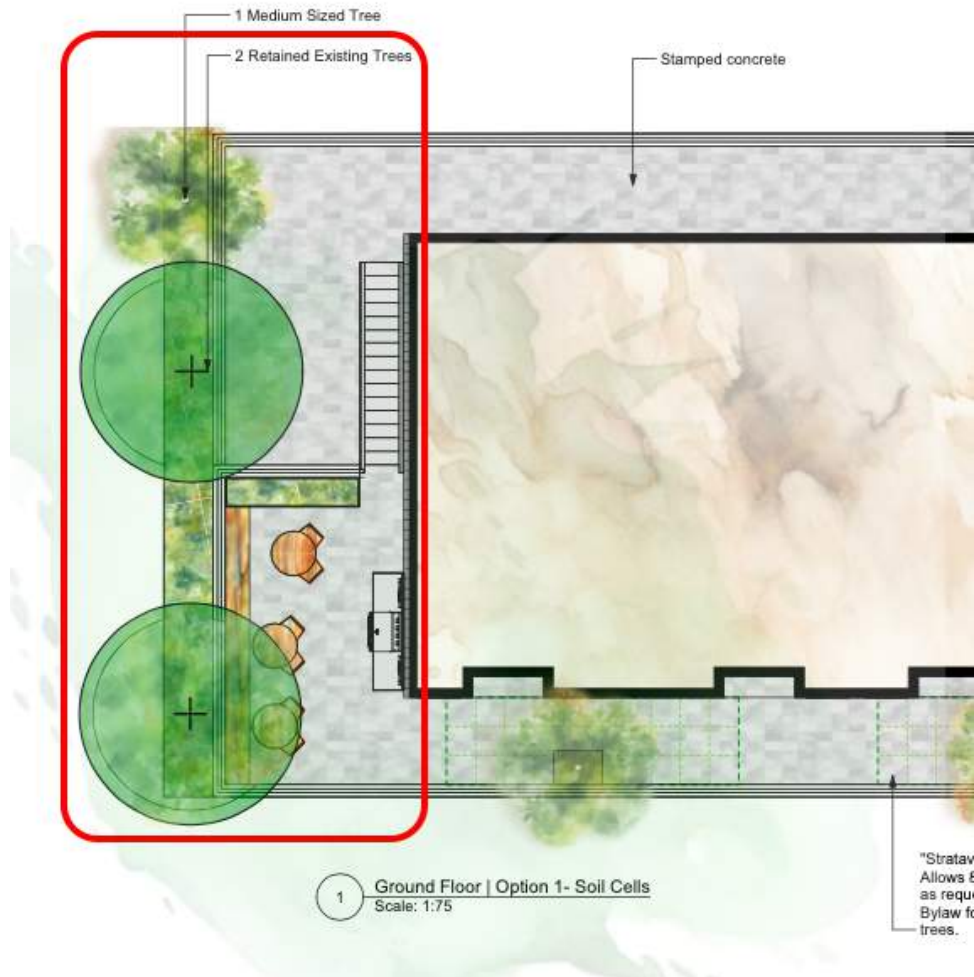




The design submitted by the developers does not list the tonnage of concrete required for the apartment building's foundation. Even popular media is beginning to understand more fully the environmental costs of concrete—a 2019 *Guardian* article went so far as to call it “the most destructive material on Earth” (see <https://www.theguardian.com/cities/2019/feb/25/concrete-the-most-destructive-material-on-earth>).

Page 31 of the design plan notes the inclusion of “4-Proposed Vine Maple trees,” and the term *proposed* should be emphasized, as the property to the west already has established tall trees, and so any new trees would not grow in the location suggested due to both shade and root competition.

Page 31 of the design plan also indicates the retention of existing trees, suggesting that these trees are part of the development property, as seen in the following image:



This aspect of the plan is very troubling as it suggests that the retained trees would remain, at the developer's behest, as part of the overall design consideration. In other words, the developers are leveraging this aspect of the current space to create a narrative of green-space concern. However, this is a misrepresentation on two fronts.

First, the trees in the design are not on the 1276 Gladstone property: they are on the other side of the 1276 Gladstone property line (and fence) and are maintained and owned by Spring Ridge Coop (see image below). Second, the notion of "retaining" these trees fails to account for their gradual demise due to loss of light and the root disturbances caused by digging a foundation only 1m back from the lot line, as proposed.



Finally, and in a broader environmental context, the “Summary Letter” mentions “Only native and adapted vegetation,” and “Drought tolerant vegetation,” but given the scale of the building, relative to the lot line, these additions can hardly make up for the carbon-sequestration maintained by the existing greenspaces on the 1276 Gladstone lot.

It is laudable that the developers are considering the addition of vegetation, but what they present could be considered Wonder Bread logic because it expunges existing ecological nutrition already in place, adds a paucity of additives, and suggests this reduction has some kind of equivalency with the original.

At a time when the mantra of “reduce, reuse, recycle” is front of mind for many, it is more important than ever to marry design and sustainability. Consider that the developers will be removing two well-maintained and recently fully renovated homes, which is itself an environmental cost because these houses will have to either be demolished or shipped elsewhere.

## **Light pollution**

A World Economic Forum report from 2022 relates that light pollution is a serious health concern for people and wildlife. The report sites studies that point to the negative health effects of artificial light, which include increased risks for “obesity, sleep disorders, depression, diabetes, breast cancer, and more” (see <https://www.weforum.org/agenda/2022/06/light-pollution-health-climate>). In the case of

the adjacent properties, the lightscape, including lights from residential windows, spot and path lighting, and other lights, would increase dramatically, especially since the building's height is more than double the height of the surrounding houses.

Lighting from this development, especially at night, will alter fundamentally the environment, comfort, and health of the people in the surrounding houses. Many buildings are using LED lights, for understandable reasons to do with power conservation and cost; however, these LED lights are often blue-spectrum lights, "which are thought to be the most disruptive" (weforum.org).

## **Woodsmoke and monoxide risk for new residents**

In the 22 co-op units near 1276 Gladstone, the vast majority burn wood as their primary heat source. All the co-op wood stoves are professionally cleaned annually and well maintained, but they still produce smoke during the burning season, which generally begins in September and ends in early June, depending on seasonal variability.

Generally, the smoke is not a problem because the houses surrounding the co-op are all approximately the same height. I point this out as a concern because any windows above two storeys, especially given the proposed development's close proximity to nearby buildings, will inevitably experience consistent smoke pollution. It goes without saying that this is far from ideal for the health and well being of the building's residents.

We had planned to transition to solar assist heating, with the co-op row house to the east of the 1276 Gladstone property as a proof of concept, but the shade resulting from the proposed design would mean that peak sunlight in the summer would cease at roughly 3:00 PM and shoulder-season light would end at roughly 1:00 PM, making the installation both cost- and power-ineffective.

## **Design alternatives**

The Summary Letter notes that the developers intend to supply "Victoria's Missing Middle housing stock," which the Housing Strategy Annual Review 2022 defines as those earning over \$85,000 annually. This same review defines Missing Middle Housing as follows in a footnote on page 7:

homes that are somewhere between a higher-density apartment and a single-family home, often missing from residential communities. Townhouses and houseplexes (duplexes, triplexes, etc.) are common forms of missing middle housing. House conversions and smaller apartment buildings can also be considered part of the missing middle, as well as secondary suites and garden suites when accessory to other missing middle housing forms.

It would appear that the developers focused on the “smaller apartment buildings” aspect of these examples and, arguably, at the cost of viable alternative solutions. The developers can supply the Missing Middle Stock, build a neighbour-considerate design in terms of scale and proximity, minimize their environmental footprint, and still make for-profit housing if they lift the house at 1276 Gladstone and build a carriage home between the two existing buildings.

Page 64 of the FNP, under the heading of “Neighbourliness,” states that designers should “Ensure new buildings are good neighbours within streets and public spaces, and transition sensitively to existing and future buildings next door.”

Take the following, recent build, which is on the corner lot of Ridge Road and Pembroke Street. This lot is significantly smaller than the 1276 Gladstone property and yet the designers and builders found an innovative way to increase housing density, maintain look and feel, and minimize the skyline disruption by lifting the main house (fronting Pembroke St.) and building a carriage home toward the back of the lot.

Prior to this refresh, the building appeared to be in need of care, and neighbours observed over the course of months as the builders raised and renovated this existing home. This is an example of good development in that it sees existing housing as an *asset*, not landfill.



I entreat the developers to consider alternative approaches to working with what is already in place. This approach saves tremendous costs, environmentally and financially, and would encourage a unique design, something Fernwood has the fortune of encouraging by virtue of its quirky design and architectural history, and the City's expressed celebration of this aspect of Fernwood's character: "Its unique and human scaled heritage buildings and eclectic mix of restaurant patios, shops, arts and culture venues and organizations" (FVDG, 4)

In closing of this section, I would ask the City and the developers to consider this important passage in the FNP: "To encourage a variety of housing options throughout the community and consider small scale commercial on a case-by-case basis in appropriate locations." I



have shown some ways of many in which the developers' proposal is neither small scale nor appropriate in this particular case.

Please reject the developers' proposal. In overall terms, it is not in keeping with "Well designed new construction that is sensitive to the historic character, form and scale of the Village and its surroundings," and it does little to "enhance what makes this place special" (FVDG, 5).

## **Additional considerations**

Thus far, this appeal has emphasized what I see as the salient reasons to reject the developers' plan, at least in its current form. I have also proposed alternative design options that could make for a better fit in a number of ways.

What follows is a list of concerns and considerations for the developers and the city to address. Each could produce its own fulsome analysis, but for the sake of brevity in an already long piece, I will provide them as a brief list.

### ***Lack of parking and ableism?***

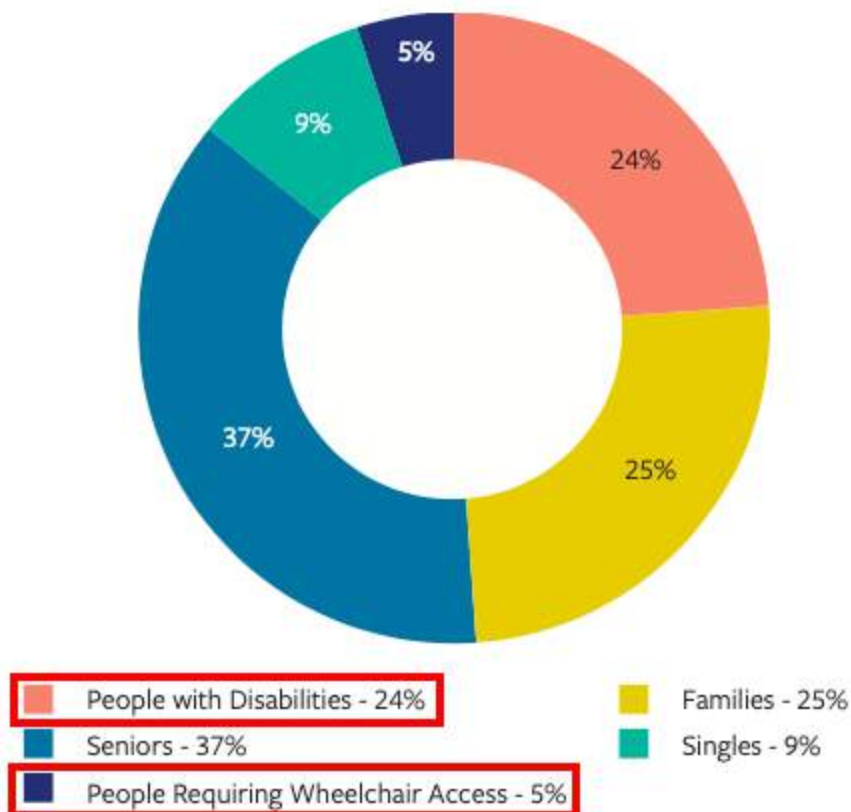
Parking is already an infamous problem in Fernwood. None of the developers' documents mention that Fernwood Square and the surrounding blocks are subject to regular and overwhelming parking pressure due to Belfry Theatre attendees and during the school year, when students, teachers, and staff at Vic High increase traffic and parking needs dramatically on Gladstone Avenue.

As a lifelong cyclist, I would appreciate the bike parking spaces in the design, but I have friends and family with disabilities and mobility issues, and they in turn have educated me on the need for timely emergency vehicle access, as well as the benefit of having close-proximity access to their residences. By removing underground and nearby parking for residents, this design could be seen as ableist.

I was pleased to see the acknowledgement of accessibility in the Summary Letter, which states that "ground floor units are designed as adaptable dwelling units to provide inclusive housing options to those with disabilities," but the design speaks only to the interiors of the units. The deep setbacks at the front of the property and the absence of parking diminish significantly the accessibility friendliness of this design.

I flag this ableism-in-design concern because page 25 of the City's own "Housing Strategy Annual Review 2022" notes numbers from BC Housing to indicate that, by proportion, the combination of people with disabilities and those who require wheelchair access in need of housing actually *outnumber* families.

**FIGURE 11: Households on BC Housing Waitlist for Non-Market Housing in Victoria, December 2022**



The developers' Summary Letter states that the current design is for a "residential unit-mix," comprising "6 studio units, 4 one-bedroom units, 2 two-bedroom units and 6 three-bedroom units." At the recent development proposal meeting, the developers noted the critical need for family housing, and while this is certainly true, and perhaps always has been for every growing city, there is arguably a more pressing need for *accessible* housing.

Please consider these accessibility needs in light of the alternative presented here, that is, for a garden suite, or similar solution. The City already acknowledges some advantages provided by garden suites, with respect to accessibility, noting that "These types of dwellings provide housing with a front door to easily access the street, access to green space and offer additional rental units that are not available in the primary rental market" (Housing Strategy Annual Review 2022, 48).

Finally, page 10 of the FNP places the following desire at the top of the list of its "Guiding Principles and Objectives:" "1. Advancing equity, diversity, and inclusion." The developers' design appears to miss the mark on this critical consideration.

## ***Undue population burden?***

The CRD's "Caledonia" development is well underway, and is roughly 200m away from 1276 Gladstone property.



The Caledonia development is for 158 units, which will increase Fernwood's population dramatically. It will also increase foot, bike, vehicle, commercial and other traffic in the area. We cannot know exactly what effects will result in this population increase in an already dense neighbourhood.

It seems reasonable, in light of imminent increase to population, to suggest that the city consider a temporary (5-10 years) construction moratorium on medium to large scale developments until the outcomes of this population increase can be absorbed and better understood. I acknowledge the need for housing, but housing stock is only one part of a longterm, healthy-neighbourhood housing strategy.

The FNP reports, under the "Community Make-up" heading, that Fernwood is currently "home to close to 10,000 residents in over 5,000 households," and that this "neighbourhood has the highest total number of family households, household types and age of residents is quite diverse – with a mix of families, seniors, youth, couples, and singles" (13). In light of this existing housing diversity, the mixed residency design proposed by the developers could be interpreted as the least needed type of housing Fernwood requires at this time.

Conversely, the City's Housing Strategy Annual Review 2022 notes that "unit affordability targets" are lagging behind at 31 percent for those earning \$55,000 median income (33). The proposed development is intended for incomes of \$85,000, which is arguably missing the mark for City's broader housing objectives.

### ***Is this Missing Middle design missing something?***

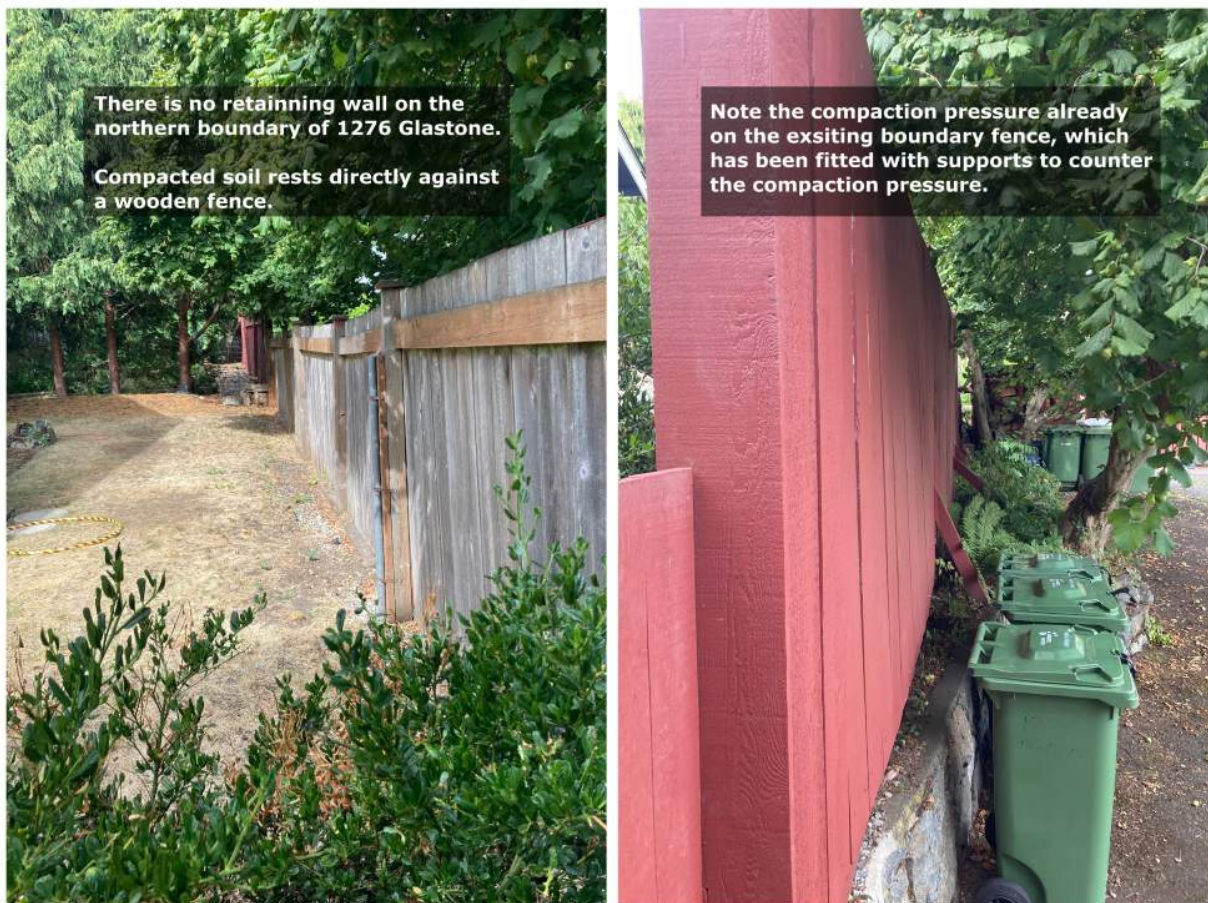
The FNP reports, under a heading of "Housing Choice," that a key objective for new housing is to "Create opportunities to add a mix of housing in and near the village that supports people of different incomes, lifestyles, and household types" (26). As it stands, this "rental housing" (Summary Letter) development would contribute to a housing target that is already exceeding expectations. The Housing Strategy Annual Review 2022 places market housing rental progress at 68 percent, while affordable rental housing targets lag "slower than we'd like" at 48 percent. Certainly, Missing Middle housing has a place in broader housing discussions, but affordable housing is simply a more pressing concern at this time in Fernwood.

People with the financial means (85K+/year) and mobility have the option to purchase and rent in multiple housing markets, which low-income people do not. The developers have an opportunity to make a mixed income building a reality, or to make a housing co-op (a well proven approach to housing and financial security for a broad range of incomes). Instead, the market rent housing they propose merely continues the rental category of the property's existing rental model.

### ***Drainage and compaction?***

To reiterate, 1276 Gladstone sits toward the top of a rise. Currently, the lawn and green spaces absorb a significant volume of rain run-off, minimizing downstream effects on soil erosion, soil compaction, and sewer run-off. The developers plan to install a concrete perimeter and will presumably have to dig to hardpan to lay the building's foundation. How will the extra weight of this building affect surrounding stability? Where will the increase in water run-off be directed? Is the current retaining wall between 1276 Gladstone and 1275 Pembroke capable of withstanding increased compaction loads?





These geostability issues are crucial to consider in a seismically active region.

## Concluding considerations

Wholistic development takes into account sustainability and is guided by more than financial and housing trends: it accounts for equitable access to shade during a clearly changing climate; it accounts for sunlight for solar power potential and growing cycles for urban food production, and the greenhouse gas emissions in its construction. Wholistic design considers the health effects not just of a building's tenants but also the surrounding properties and existing people. Wholistic "development patterns are the key to sustainability" ([Steffen Lehmann and Gaëll Mainguy](#), 34).

This appeal is intended to encourage the developers to look more deeply into the nuances associated with their design and the dramatic outcomes it could have for the livability of the surrounding neighbours. Consider, first and foremost, the lived experience of an apartment building built right next to your current house, one that would significantly reduce light to gardens, increase noise and light pollution, and introduce barking dogs and garbage containers next to everyday living spaces. It is not nimbyism to want to see appropriate, considered, human-scale design, nor to protect a long-worked-for harmony in

one's permanent home and favourite neighbourhood. Nor is it nimbyism to have serious concerns about the geostabilization consequences of a development of this scale.

To the City, I encourage you to continue to examine narratives of inevitability around the housing question, to pause when needed to use approaches already codified in your development principles that "new development is dependent upon site size, orientation, and context," and notably that "Achievable densities may be limited by the ability to adhere to good urban design principles" (FNP, 27). I believe that the 1276 Gladstone rezoning and development is wanting in enough areas to be inappropriate urban design.

Please see the attached petition of signatures in support of rejecting the 1276 Gladstone proposal and development.

Thank you.

Kim Shortreed  
Spring Ridge Co-op Housing Association  
[kimsshortreed@gmail.com](mailto:kimsshortreed@gmail.com)

## To the City of Victoria Council

We, the undersigned, declare our support for this petition:

To reject the proposal put forward by Ashley Kiptoo and Tonny Kiptoo to change the zoning of the subject property, 1276 & 1278 Gladstone Ave., for new mixed-use building with commercial retail and 18 new rental homes.

Dated 23<sup>rd</sup> day of July, 2023.

Petition prepared by Kim Shortreed (kss@uvic.ca) and Jillian Player, Spring Ridge Coop, 1275 Pembroke St, Victoria, V8T1J7

Date	First & last name	Address	Signature
July 23'23	Jillian Player	4-1275 Pembroke St	
July 23/2023	Kim Shortreed	4-1275 Pembroke St.	
July 23/2023	Leia Mingo	5-1275 Pembroke	
July 23/2023	Rob Carmichael	9/1275 Pembroke	
July 23/2023	Shane Johnson	#8-1275 Pembroke St	
July 23/2023	Angela Moran	#1-1275 Pembroke St	
July 23/2023	Avleen Dhaliwal	#1278 Gladstone	
July 23/2023	Shannon Craig	1270 Gladstone	
July 24/23	Rana Miller	6-1275 Pembroke St	



Date	First & last name	Address	Signature
July 25/23	Carolyn Boyce	#3 1275 Pembroke St Vie BC	
July 25/23	TONY SPRACKETT	1263A Pembrokes	
July 25/23	Megaa Hale	1263 Pembroke St	
July 25/23	Jesse McNelly	1255A Pembroke St.	
July 25/23	CORINNE MAH	1281 Pembroke St	
July 25/23	Arnie Lade	1275 Pembroke St Victoria BC	
July 25/23	Larissa Stodie	1275 Pembroke Victoria	
July 25/23	Genmit Goster	1269 Pembroke	
July 25/23	Diane Lade	1275 Pembroke	
Aug 2/23	CRISTINA WOODS	1265 Pembroke St	
Aug 8/23	SHARON MAN	1253A Pembroke St	
Aug 8/23	JANARITA Dowson	1261A Pembroke St	



## FERNWOOD COMMUNITY ASSOCIATION

August 18, 2023

Attention: [developmentservices@victoria.ca](mailto:developmentservices@victoria.ca)

Regarding: 1276/78 Gladstone Avenue Rezoning Official Pre-Application Community Feedback

Dear Mayor and Council;

As you know, Tonny and Ashley Kiptoo have submitted rezoning pre-application for the property at 1276/78 Gladstone Avenue, where they propose to build a 4-storey mixed use building with ground floor commercial and 18 units of market rental.

The Fernwood Community Association Land Use Committee (LUC) held an Official Community Meeting for this pre-application on July 25, 2023, and the City's community forum was closed to comments on August 10, 2023. We are writing this letter to summarize the feedback received.

Details of the feedback received are appended to this letter. Due to the request for site specific zoning, in addition to a summary of comments received through all sources during the community consultation for this proposal, the FCA Land Use Committee has also undertaken a review of various aspects of the proposal compared to the Fernwood Neighbourhood Plan and Urban Residential Multiple Dwelling District Bylaws. This review is incorporated into the summary.

These comments are offered in the spirit of encouraging the developer to be a good neighbour and to proceed with thoughtful consideration as to how their proposed project will fit into the existing neighbourhood, as well as how it may affect those living in proximity.

Should you wish to discuss these comments further, please contact Soma or Jan at [fernwoodlanduse@gmail.com](mailto:fernwoodlanduse@gmail.com).

Yours sincerely,  
Soma Morse and Jan Firstbrook  
Co-Chairs Fernwood Community Association Land Use Committee

/send to [caluc@victoria.ca](mailto:caluc@victoria.ca)



## **Comments on the Proposed Rezoning / Development at 1276/78 Gladstone Avenue**

### **Sources of Information**

The themes reported here emerged from:

- The Official CALUC meeting with Tonny and Ashley Kiptoo on July 25, 2023 (approximately 35 attendees)
- Comments provided from Fernwood residents<sup>1</sup> to the City of Victoria through the Engage Victoria online form (36-7=29)
- Letters to Mayor and Council on which LUC was cc'd (2)
- Email directly to the LUC (1)

At the Official CALUC meeting sentiment was evenly split. The LUC's reading of the Engage Victoria Feedback varies from what has been presented by Development Services. First, while it is of interest that respondents from outside a neighbourhood would support a development project, it is the LUCs perspective that community engagement needs to emphasize local neighbourhood responses and for this reason we have not included responses from outside Fernwood in our tallies. Second, the LUC combined 'oppose' responses with 'other' responses as it provides in our opinion, a more accurate gauge of support for the current proposal.

In this context, responses via the Engage Victoria Feedback forms were weighted slightly more in favour, with 59% in support and 41% against. Any duplicated responses were only included once. The LUC also received two emails not in favour and one email with feedback but no indication regarding level of support.

At this juncture the Fernwood LUC would like to point out and recognize that there is considerable community support for this proposal. We also recognize that our summary emphasizes many of the less supportive community perspectives. In our opinion it is by addressing the areas of most contention and effectively managing change that an even greater degree of support for the project can be attained.

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<sup>1</sup> A total of 36 responses were received via the Engage Victoria Feedback Form. However, 7 of these responses have not been included in our summary as they are from outside the Fernwood neighbourhood.



## **Summary of Supportive Comments**

The main themes of positive responses were the provision of rental housing including family-friendly, rental housing in an amazing neighbourhood with nearby schools and transportation. For these respondents the lack of parking and focus on bicycles is viewed as a positive attribute and the possible option of having a bakery on the main floor was a welcome addition to Fernwood.

People also wrote and spoke positively about having a local owner/developer who lives in and cares about the neighbourhood and is a responsive landlord. Others wrote about supporting the project despite feeling a sense of construction fatigue with ongoing projects adjacent to Gladstone Avenue. Tenant displacement was not considered an issue as options would be provided for the tenants of the three 2-bedroom units presently occupied on the site.

## **Summary of Key Concerns**

The majority of community feedback shared the perspective that there is a need for greater density and more housing. For those respondents opposing the current proposal, major areas of concern include the following and are subsequently addressed:

1. Impact on neighbouring homes and future residents of 1276/78 Gladstone Ave - Design, Massing & Form, Height & Setbacks and Greenspace;
2. Environmental Considerations - Community, Climate and Structural
3. Lack of affordable rentals
4. Lack of parking and traffic planning; and
5. Concerns regarding Commercial Use

### **1a. Impact of proposal on Neighbouring Homes & Future Residents of 1276/78**

**Gladstone Ave.:** In general neighbours voiced concerns that the current proposal is by their definition not a great fit for the neighbourhood, for future residents of 1276/78 Gladstone as well as noting impact on the adjacent neighbours and on the 22 units of co-op housing to the north. At both the official PreCALUC and in the Engage Victoria feedback forms, neighbours expressed a preference for a project smaller in scale and density; a form and finish that more sensitively transitions to adjacent buildings and key historic buildings in the Fernwood Square; setbacks, massing and design that considers livability and human scale including air flow and light, environment and sanitation, and



homes with more access to green space as well as parking for emergencies, aging in place and accessibility. At the community meeting, adjacent neighbours noted that a shade study was not provided and would have been a useful tool for examining the impact of the height of the proposed project on neighbouring properties and evaluating potential modifications to setbacks, massing, form and orientation. In addition, it was suggested that this proposal be put on hold until the impact of the CRD's Caledonia project in the neighbourhood has been realized.

**1b. Design, massing and form:** While some neighbours felt that the design with a brick facade complemented Fernwood's style others communicated that the brick facade was too massive in scale, suggesting a smaller-scale development would not only be a more appropriate fit, but would also provide a more human-scale development and greater livability. Some commentators noted that they would approve of the proposal with modifications, such as including stepping the storeys. Neighbours also pointed out that building heights, densities and design could more sensitively transition to and mitigate impacts on adjacent properties.

**1c. Height & Setbacks:** The adjacent neighbours remarked that the drawing does not accurately depict the true height being proposed in the project. Due to the slope of the site and surrounding properties, it appears that the height of the proposed building rises to 4/5 stories high on the north side and 3 stories to the south. In addition the roof top patios and vertical roof extensions add extra height. In the current proposal setbacks on the west side are 0 metres at the first level and 2 metres at the second level. On the east side, a 2 metre setback has been proposed. Neighbours are concerned with the impact of these extreme setbacks both visually and environmentally. In examining community response around height and setbacks, the LUC finds that neighbours had three main areas of concern.

1. A lack of privacy resulting from building close to the property line with roof top space overlooking neighbouring yards. The design has 1 to 2 metre setbacks at upper levels with windows and roof top patios looking out on all properties.
2. Increased shade impacting gardens and food security. Neighbours with vegetable gardens were concerned that the height of the proposed building coupled with the small setbacks will reduce their sun exposure and ability to grown food, thus impacting food security.
3. Lack of sensitive transition between proposed building and existing neighbourhood.



**1d. Greenspace:** Community feedback also emphasized a general lack of green space in the proposal, noting in particular the small amount of communal green space for as many as 40 residents. Others noted the family friendly aspect of the proposal and questioned the sufficiency of play areas for children residing in the proposed building.

*Fernwood Neighbourhood Plan Review:*

The Fernwood Neighbourhood Plan promotes a “human scale” of development as well as promoting “livability” and “neighbourliness” (p. 64). Housing design includes principles such as visual interest, a sense of being welcoming, amenities to support livability, and sensitive transitions.

*Urban Residential Multiple Dwelling District (URDDM) Bylaws Review*

The proposal at 1276/78 Gladstone is for site specific zoning, which does not have specific guidelines. As part of this response the LUC reviewed the Urban Residential Multiple Dwelling District (URDDM) Bylaws which sets out a maximum site coverage of 30% for 3-4 storey (FSR 0.9:1 – 1.2:1) and not more than 40% site coverage maximum at greater FSR / increased storeys. The current proposal cites 69% site coverage. Based on URDDM, it appears the site coverage is too great for the lot and open site space insufficient, considering the family-friendly focus of the proposal.

**2a. Environmental Considerations – Community:** Adjacent neighbours raised a number of environmental considerations, including various forms of undesirable pollution including noise from heat pumps and other services often located on rooftops, early hours and deliveries needed to operate a bakery and external night-time lighting. One commentator suggested soft, downward-facing, night-time lighting. Residential waste management is another environmental issue raised by many of the responses. The garbage bins for 18 units are to be located at the back of the property which is difficult to access with no laneway. Feedback on residential management suggested moving the proposed garbage area to a more easily accessed area closer to the front of the building.

**2b. Environmental Considerations - Climate:** Another environmental issue raised by adjacent neighbours is heat island effect and stress on local vegetation brought about from site coverage, the amount of impermeable concrete and use of three-storey black corrugated steel finishing just a metre or two from adjacent properties. Community feedback suggested the use of other less heat-conductive materials and finishes on the building envelope, reducing site coverage and increasing soft-scaping.



While trees are often considered landscaping, we include them here as part of the environmental considerations related to climate. Although there are no existing trees on the property site, the property at the western boundary has a lush border of trees and perennials. As noted by community feedback, the northern border of the proposed site is adjacent to the housing co-op which has 2 mature hazelnut trees. Concerns noted include narrow setbacks and concrete walls adversely impacting the neighbouring trees of both properties and disturbing critical root zones. Others commented that the proposed landscape plan could be more robust generally and in particular the section on new tree plantings. Community feedback regarding this area of the proposal suggests:

1. Neighbouring trees adjacent to westerly and northerly lot lines need protection and require an arborist report to determine impact.
2. Review of landscape plan to better support new tree plantings.

*Fernwood Neighbourhood Plan Review:*

The FNP states on page 58 that “the urban forest is highly valued and Fernwood residents would like to ensure trees and green spaces are a priority when new development occurs” and creating sunny, welcoming, walkable green and leafy public streets is part of the plan (p. 640).

**2c. Environmental Considerations - Structural/Civil:** Of major concern to adjacent neighbours to the north is that the proposed development is located on a significant slope and the impact on structural integrity and drainage both on and adjacent to the site. The design includes a basement level with the majority of the site being below ground concrete, surrounded by impermeable stamped concrete. Community feedback in this area noted existing storm water issues to the north as well as raising the question of sufficient site servicing for sewer and suggests three points:

1. A geological study is needed to assess impact on the stability of the site and the impact on storm water drainage. This is most pertinent for the 4 units of co-op housing situated up to 8’ below ground and located adjacent to the northeast of the proposed build site and where a 4’ retaining wall is located.
2. The proposal could more fully address the management of storm water drainage per STEP 3 guidelines via the provision of rain gardens and permeable landscaping.
3. Sewer upgrades may be necessary.



**3. Affordability:** While most respondents appreciated the availability of rental units, much feedback emphasized that the proposal offers market rentals only. Several people noted that given the density proposed affordable rental should be included or unit density decreased.

**4. Parking and traffic planning:** No provision for any parking is provided in the design for approximately 40 residents. Neighbours expressed the following concerns regarding parking and vehicle traffic:

1. The design does not provide accessibility options for disabled residents or visitors to park at the site.
2. Emergency vehicles will only have one access point to enter Gladstone Ave., with limited turning space.
3. Available parking is already at a premium on Gladstone Ave., with overflow affecting neighbouring streets including Pembroke St., add to that 158 units of CRHC housing being built on Gladstone Ave.

The LUC is in a position to point out that SD 61 has plans to build a daycare as part of the upgrade to Victoria High School on the north side of that property close to the Belfry Theatre. Traffic planning is needed for this proposal but also between it, and other concurrent projects, including Vic High and Caledonia Project (CRHC Housing).

**5. Commercial Use:** A number of Fernwood neighbours were very supportive of a bakery being established in their neighbourhood. However, a number of adjacent residents identified concerns with a commercial enterprise located in an area with restricted parking for truck deliveries and without any laneway access. In addition, community feedback raised concerns regarding large vehicle access required for waste and recycling services. This suggests:

1. The need for practical services planning and communication of that plan to residents.



*Dear Mayor and Council,*

*I have lived in Fernwood for over 50 years and have been a member of Spring Ridge Co-operative Housing association for over 41 years.*

*I love my neighbourhood and am distressed over the proposed development for 1276/78 Gladstone Ave.*

*I am in complete agreement with Springridge members Kim Shorted and Larissa Stendie and ask that you take their letters with an open and serious mind.*

*I realize that there is a need for housing and that there will be more changes happening in Fernwood as this is already underway.*

*But this proposal has no beauty or anything that is exciting or valuable for the neighbourhood.*

*No parking for such an extensive build, a dog wash station, a bakery. Not thought out for respect to anything other than greed. No green space. Did they consider there is a stream underground.*

*Sounds like a disaster. Not to mention the loss of green space, the garbage, the fans and truck delivery and pick up. 18 more units with scented laundry product. Where we had a few homes there will be 18. The BBQ the lights the traffic. (there will be traffic let's be real)*

*Not to mention where they proposed to put the garbage. No consideration for neighbours.*

*Please work with us, the longstanding Fernwood residents who have expressed their concerns.*

*Thank you for your consideration.*

*Carolyn Boyce*

*1275 Pembroke Street*

**COMMENTS: REZONING AND DEVELOPMENT PERMIT APPLICATION**  
**1276 GLADSTONE AVENUE**

January 10, 2024

Mayor and Council  
City Hall  
1 Centennial Square  
Victoria BC

Dear Mayor and Council,

I am writing to comment and respond to the December 11, 2023 letter sent to me about the Rezoning Development and Permit application at 1276 Gladstone Avenue.

I live at 1275 Pembroke directly north and west of this property. The major concerns sent by me and several of us immediate neighbours do not appear to be addressed. Im going to comment in brief this time and hope to have our requests for adjustments received and responded to.

These concerns basically stem from the proposed size of the building project which will greatly and negatively impact our living. Our property is lower than the grounds of this proposed project. Three stories is more like four. There will be severe reduction of sunlight in our yards and gardens, light pollution from lighting system proposed, noise from heat pumps and garbage right up against our property. There will be a considerable loss in privacy, and more parking issues that already are a neighbourhood issue.

These are only some of the issues but don't begin to address other concerns like water flow and drainage, underground springs, green space and trees. Usually studies done on proposed development are in favour of it so its not a balanced view. There has been no considerations or mention of what could happen geologically when this much construction and building, depth and height and every square foot utilized, is constructed within such a small space.

I understand the need to adjust to change but Im not in favour of excess. The size of this building could be reduced to allow inclusivity, safety and sensitivity of the the neighbouring community. A more reasonable size would not address all of the adjustments that would be required by us but would help considerably.

Sincerely

Leia Mango

5-1275 Pembroke Street Victoria BC V8T 1J7

Dear Mayor and Council and Development Staff:

I am writing with great concern re this proposal and its impact on the immediate neighbouring properties, several of which are part of Spring Ridge Co-operative Housing Association, where I have had the good fortune to be a resident member for the past 35+ years.

Our member, Kim Webb, has gone to a great deal of effort to elucidate the technical points that give rise to the alarm our members are experiencing about the proposal as currently described. I am attaching his document here, and requesting that City please give it the consideration and detailed review that it deserves and the immediate neighbours deserve. Mr. Webb cites numerous examples in his document where the developer has misrepresented the massing, whether by intention or error.

There has yet to be ANY consultation at all with Spring Ridge members since the development was conceived.

The immediately impacted neighbours I have had the opportunity to discuss this with are clear in the recognition that we are in desperate times for new housing, and we are correspondingly unopposed, in principle, to a re-development happening at that site. There is however, uniform agreement that the scope of the current proposal is neither acceptable or respectful to the members of Spring Ridge.

We understand the pressure City is under to take action on the housing crisis, and commend you for taking action on this front. At the same time, we must insist and request that the impacts of this proposal to our community be given serious consideration.

Respectfully,

*Tony Sprackett*  
1263A Pembroke St.  
Victoria, BC V8T 1J6

# To Development Services, City of Victoria Mayor and Council, and Advisory Design Panel members

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**Re: rezoning and development proposal for 1276 Gladstone Avenue**

**Folder #: CLC00414**

**Development tracker link:**

<https://tender.victoria.ca/WebApps/OurCity/Prospero/Details.aspx?folderNumber=R EZ00860>

Feedback submission date: January 10, 2024

PDF of **petition against this proposal** can be found [here](#).

## Introduction

**This is a second appeal** (first appeal attached below) **to reject zoning changes and the development proposal at 1276 & 1278 Gladstone Avenue** (1276 Gladstone, hereafter).

This appeal is written following the [developers' revised plans](#), posted to the City of Victoria's Development Tracker website on 2023-12-13.

As with the first appeal, this document details why this proposal continues to be inappropriate for a number of reasons, some of which the revised plans address in language and minor design tweaks but fails ultimately to make substantive changes in keeping with The City of Victoria's "Fernwood Village Design Guidelines" (FVDG) for "well designed new construction that is sensitive to the historic character, form and scale of the Village and its surroundings" (5).

For those living immediately around 1276 Gladstone, the developers' proposal continues to detract from and diminish the living and neighbourhood experiences of those around it.

## Continued impositions of scale and proximity

This development remains too big for the neighbouring buildings and surrounding properties. The City's own Urban Place Guidelines specify "low-rise" buildings of "up to approximately three storeys" [my emphasis]. Moreover, given the ways in which both development plans strategically employ mockups, it is difficult to gauge the in situ sense of

the development's scale relative to the adjacent properties and buildings. The mockups in both the first and second plans are distorted in different ways.

The reason accurate mockups are critical to examine as part of this process, as noted in the first appeal, is that mockups are critical for non-experts to be able to visualize as accurately as possible how developers intend a design to blend into the surrounding area—to distort the visual is to distort the capacity for fulsome and decision making, and therefore to distort the capacity for fairness in the proposal-discussion process.

Because the building is already over height—at 4 storeys plus roof features that push it to 5 storeys—it is to the developers' benefit to present mockups to council and decision makers that minimize the relative scale of the build. Put another way, the mockups the developers choose to provide create a visual fiction serving the developers' narrative of guideline compliance.

To recap, the first appeal includes the following image for consideration. Here is the first-round plan's rendering of the rearward property's view:

#### REAR YARD ELEVATION



1276 GLADSTONE

**CHA**

25 OF 29

Here is the revised plan's revised mockup, which has clearly attempted to increase the realism of the surrounding buildings, but is nevertheless an inadequate representation of proportions and scale.



#### 4 REAR YARD ELEVATION

As with the first plan, the second mockup creates the illusion of relative decreased scale to the surrounding buildings, which are themselves distorted and misrepresented.

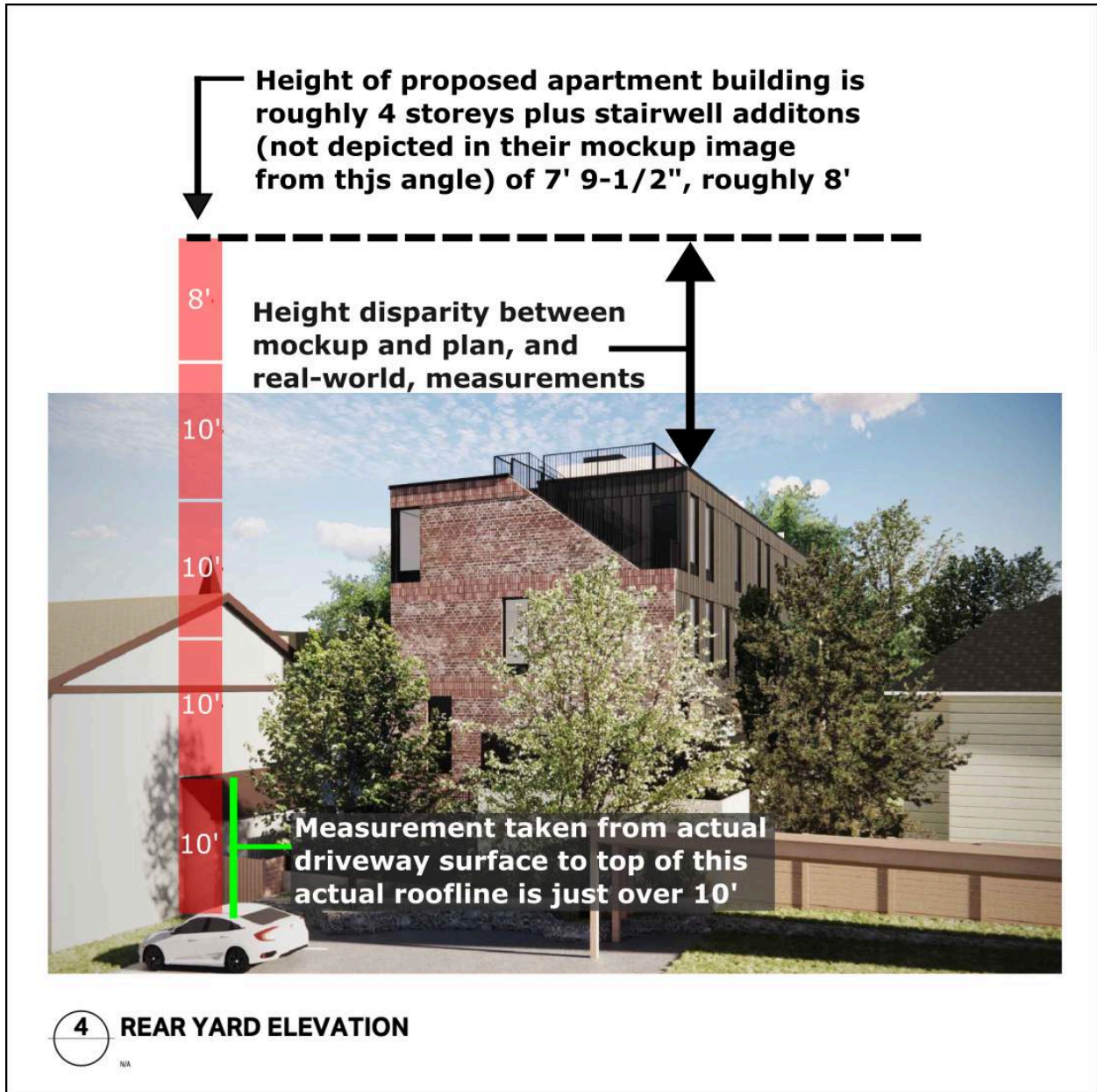
Neither proportionally correct nor visually accurate, this second mockup, as with the first, is either unintentionally inaccurate or intentionally distorted in order to reduce the incongruity of the building's scale within the surrounding landscape and buildings.

The first appeal presents a height-adjusted mockup that uses the proposal's own images to show something closer to accuracy for what the development would look like for the properties to the northwest, north, and east.



Note that the image above also shows that 1276 Gladstone property is toward the top of a rise. Our co-op housing unit (which sits directly to the east, or left, in the above image) has a backyard that sits roughly 2-2.5m (6-8') below average grade on the 1276 Gladstone lot.

Turning to the revised mockup of the same view, the height distortion in the mockup reduces drastically the relative peak of the roof height on the proposed development.



The development proposal's only face-on, north-side mockup image, "South Elevation" (2023-12-13 - Plans\_Revisions.pdf, p, 16), is presented without any surrounding buildings, making it impossible to visualize its scale relative to the surrounding properties:





**2 SOUTH ELEVATION**

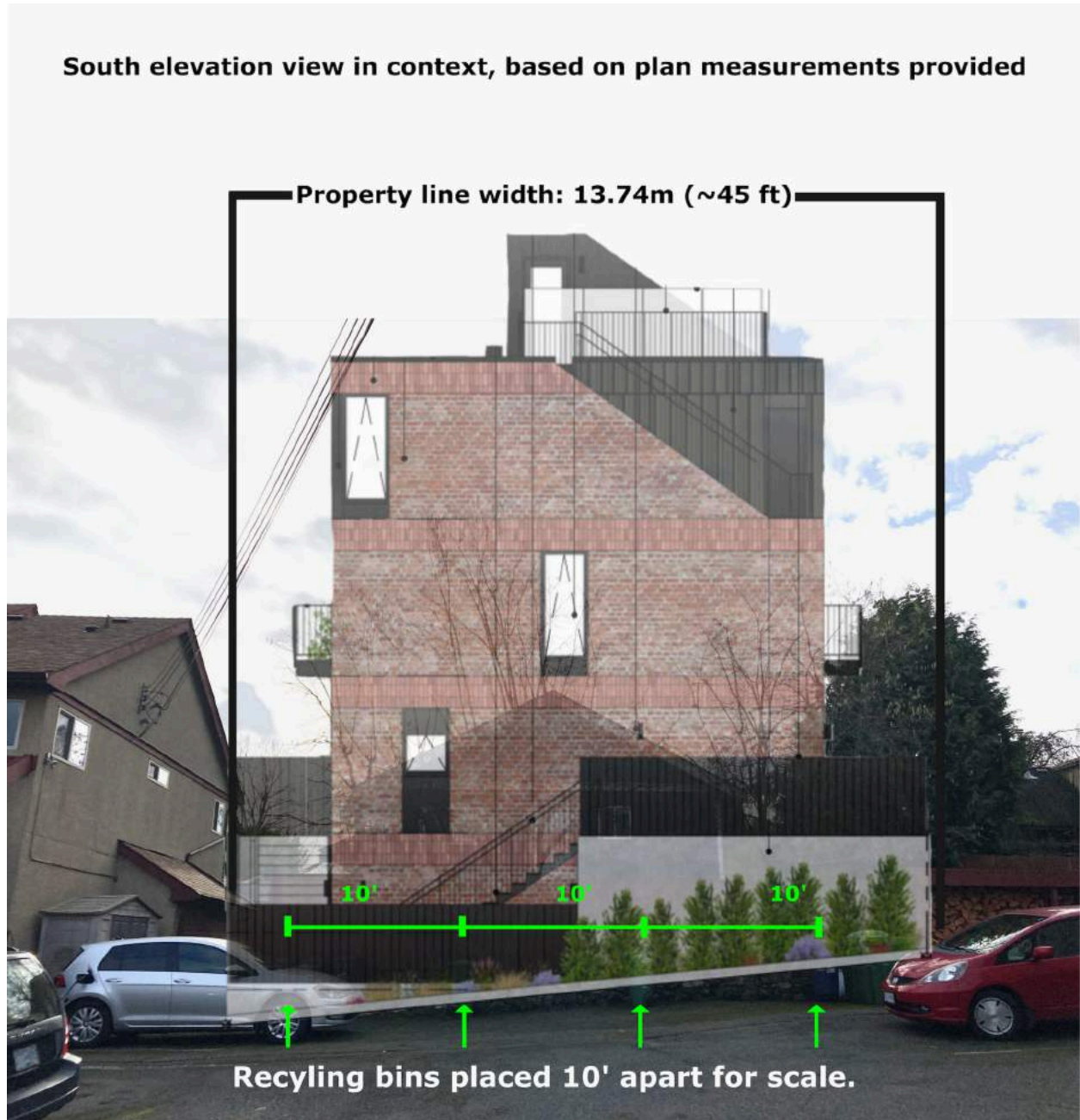
1:75

The “Front Elevation,” or south-side mockup (p. 18), however, does depict the building in context with the surrounding buildings. Showing this view in context makes sense from a persuasion perspective; after all, the front face of the building, at 3 storeys, looks relatively smaller than the south elevation image:



**2 FRONT ELEVATION**

Adjusting for the in-place scale of the northern property line, and using the measurements in the developers' plan, this is a more accurately scaled view of the South Elevation mockup:



Note that the opacity of the south elevation image is adjusted to show the existing house (1278 Gladstone), the roofline of which appears relatively short compared to the house to the east because the 1278 Gladstone sits closer to Gladstone than the proposed building, which pushes to within 1m of the northern property line.

Shown in context, it is clear that the proposed design is too large for the space. The Fernwood Community Plan—the City’s own guideline document for this area—calls for any new developments to “provide diverse living options at **neighbourly scales**, including through the retention of character homes through conversion” (19) [my emphasis].

As mentioned in the first feedback document, the scale of the design it is not in keeping with “Well designed new construction that is sensitive to the historic character, **form and scale** of the Village and its surroundings,” and by removing newly renovated homes with unique character, it does little to “enhance what makes this place special” (FVDG, 5) [my emphasis].

## Responses to initial feedback-responses

The 2023-12-13 - Letter to Mayor and Council.pdf document, “made in response to feedback received during the CALUC preliminary and pre-application meetings,” attempts to address some of the concerns raised in the initial round of feedback.

By and large, the changes proposed by the developers leave a number of unanswered questions and raise a number of serious concerns.

### Environmental bait-and-switch

Page 2 of the Letter to Mayor and Council states the following:

The project proposes to repurpose reclaimed brick from local “unbuilding” companies on the street and rear facades, true to Fernwood’s sustainable recycle culture and environmental consciousness.

In no way can these proposed material choices address the loss of GHG capture in the current lot. And, to suggest that choosing these materials is “sustainable” within the context of demolishing two recently renovated homes is a false equivalency, reflective more of a rhetorical desire to appear environmentally conscious than this development inevitably is.

Furthermore, what commitments are in place to ensure that the builders can find and use reclaimed materials? Will the existing houses be reused or demolished? In relative terms, these latter questions are more pressing environmentally than whether or not the developers choose to buy some reclaimed materials.

Page 4 of the same letter adds that “Omission of parking will reduce Green House gas emissions.” This is a universally applicable statement and does not account for the overall reduction of GHG carbon capture of the current greenspaces on the existing property, nor does this document, or any other submitted, account for the carbon emissions associated with the destruction of the current, renovated buildings, or the carbon emissions of the new build, especially the volume of concrete required in the build, something discussed in more detail in the first appeal.

## Responses fail to address the problem of the building's overall scale

Under a heading entitled "Neighbourhood and Impact" (p. 3), the developers state the following:

The proposed building presents as a three-storey building on the Gladstone Avenue frontage with ground oriented commercial space and rental housing above (and behind), which is typical of the adjacent Fernwood square and provide a harmonious and appropriate extension to Fernwood Village.

The proposed building is four storeys, plus roof extensions, and presents as higher for the neighbours to the east, west, and north. From one view, the building might "present as" three stories, but the majority of the building is 4 storeys with roof additions of nearly 8'. The property grade sits higher than the adjacent properties, which only raises the relative height of the building further. Failure to include this in the "Neighbourhood and Impact" is very troubling, given the effects the scale of this building will have on the surrounding properties.

On page 3, the developers seem to be aware that the building, at four storeys, is not in keeping with the scale of the surrounding neighbourhood:

Although the building is four storeys tall, the street-oriented south façade is only three storeys tall and is in keeping with the character of the nearby Fernwood Square.

Another reading of the above quote is that, in fact, it is *only* the "street-oriented south façade" that is "in keeping with the character of the nearby Fernwood Square." Indeed, looking at the "East Elevation" image (p.15) of the revised plan, it is evident that the majority (roughly three quarters) of the building is *not* in "keeping with the character of the nearby Fernwood Square":



Further, Fernwood Square is only part of the surrounding neighbourhood's character—what of the existing homes affected by the majority of the building's footprint to the north, east and west? To privilege Fernwood Square as the touchstone for the design fails by definition to account for the diverse, aggregate influences and spatial character of the surrounding properties, which are also intrinsic to the Fernwood community.

### **Shaded by omission**

On page four of the 2023-12-13 - Letter to Mayor and Council.pdf, the developers acknowledge “concerns over building height and shade impact” and make the following adjustment to the plan:

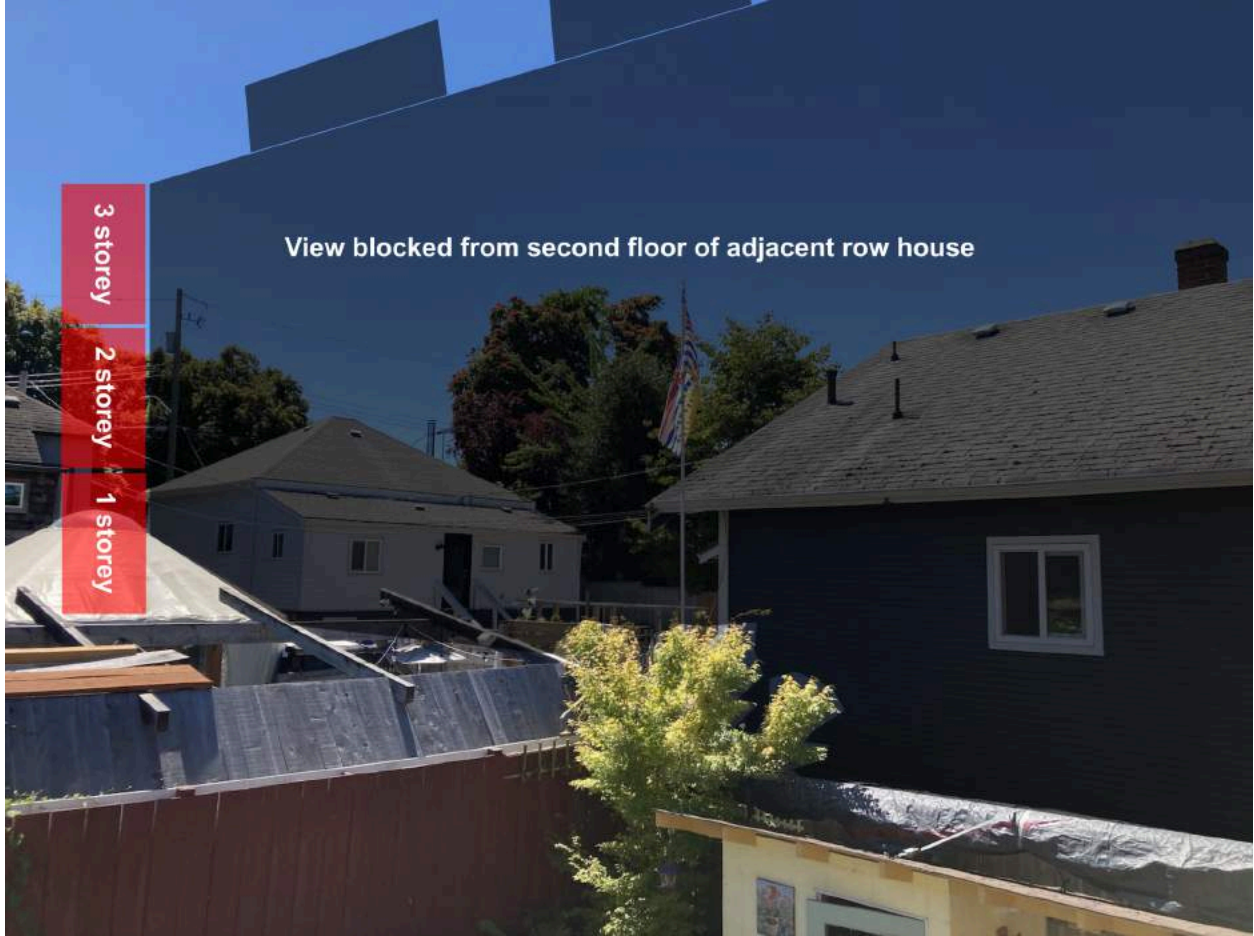
the rooftop access stair closest to the rear yard has been removed and replaced with an exterior stair at L4, resulting in a stepped massing and reduced shade impact on neighbouring properties to the north.

This change is hardly significant, and particularly ineffectual for the buildings to the east and west, those most affected by the shade and privacy impacts of the build. In other words, none of their design changes address the “shade impact” to the east and west.

Moreover, the area directly to the north of the 1276 Gladstone property is a parking lot and therefore has a relatively reduced concern for shade, with the exception of the productive hazelnut trees to the north of the adjacent property (discussed below).



The first appeal includes visualizations of the development's scale, as seen from the yard to the east:







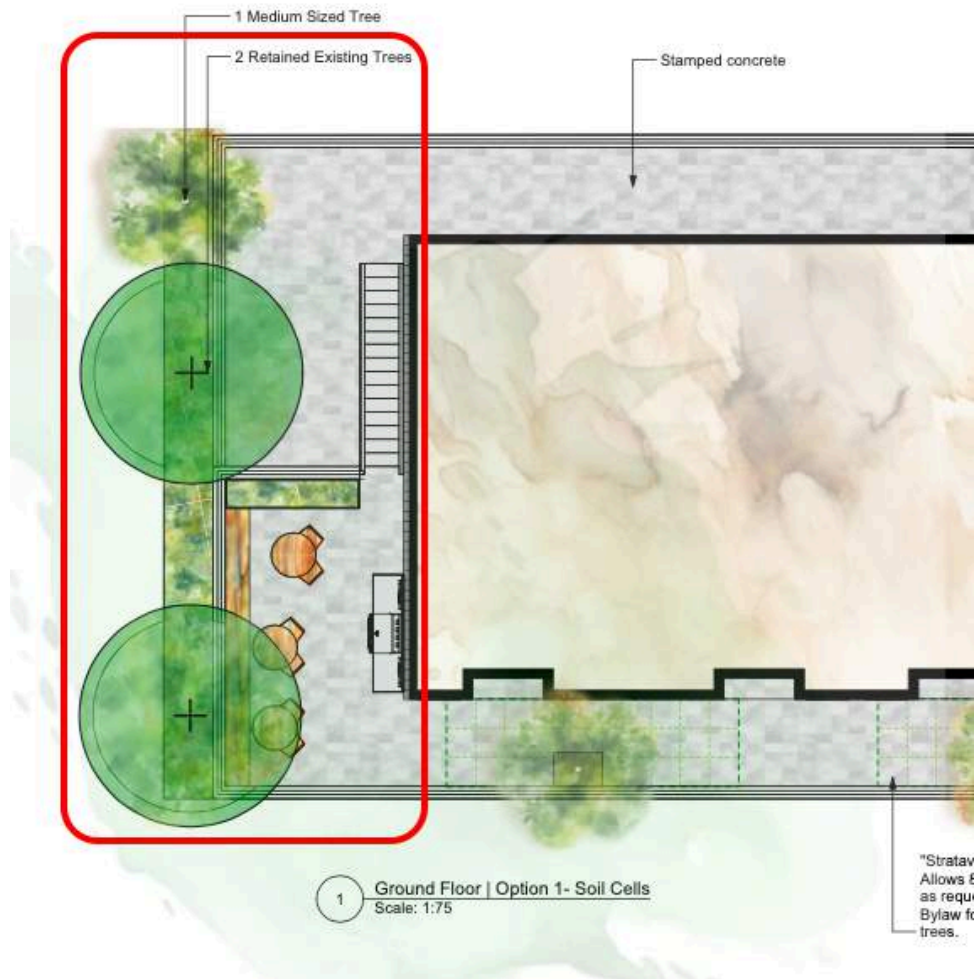
Encouragingly, page four of the 2023-12-13 - Letter to Mayor and Council.pdf attempts to address the imposing scale of the development, but again, only with considerations for the “rear yard”:

To address concerns of a ‘monolithic’ appearance at the rear yard elevation, brick banding has been added to match the street-facing elevation, additional windows have been provided and the façade has been broken up with the introduction of an exterior stair.

The monolithic appearance of the building has more to do with the development’s scale as a whole, not just the building’s aesthetics. And, these proposed changes introduce further concerns for the retention of the existing hazelnut trees on the 175 Pembroke property, as well as structural and engineering challenges.

## Misleading hazelnut tree retention

The first appeal noted that page 31 of the first submitted design plan indicates the retention of existing hazelnut trees, suggesting that these trees are part of the development property, as seen in the following image:



As mentioned in the first appeal, these trees shown in the design are not on the 1276 Gladstone property: they are on the other side of the 1275 Pembroke property, as can be seen in the following image:



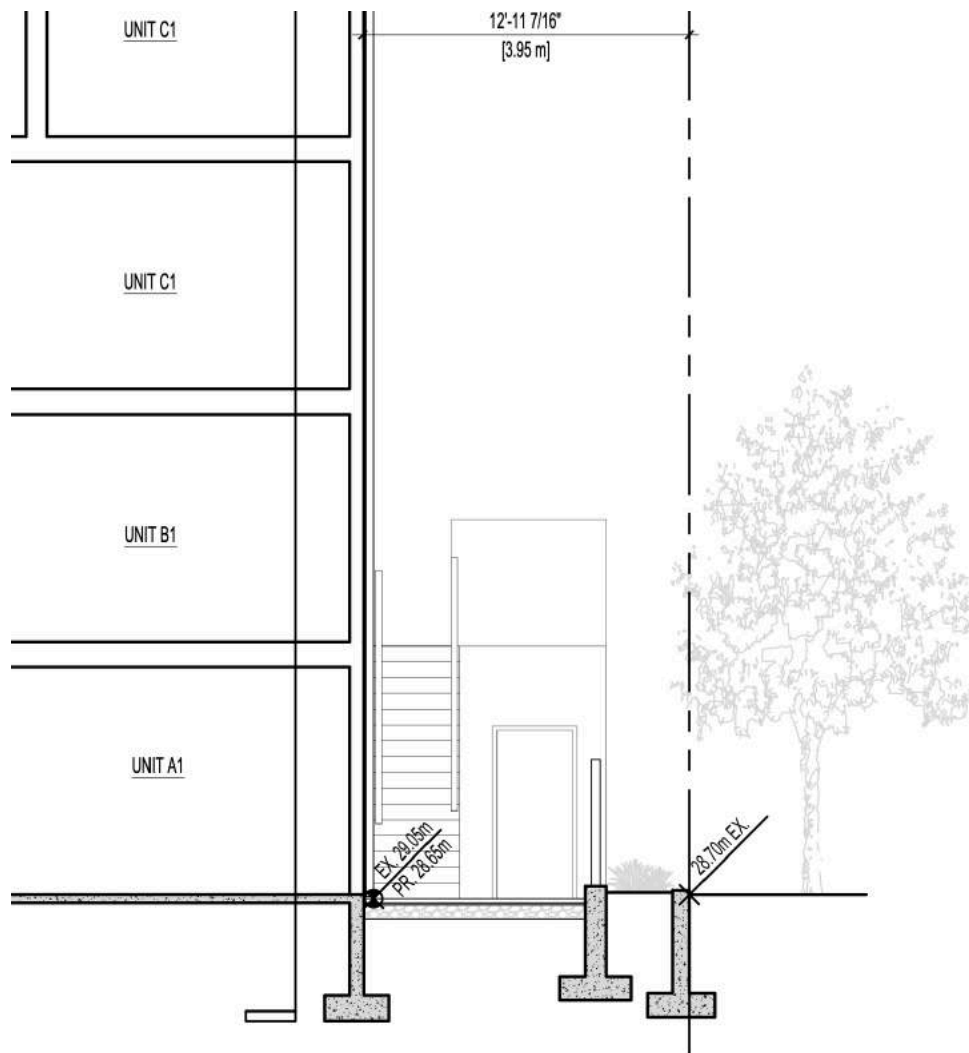
The first appeal noted concerns the building's foundations would affect the roots of these hazelnut trees. The revised design threatens these trees all the more. The concrete walls proposed for the north end of the 1276 Gladstone property will require digging down to hardpan in order to be engineering compliant—as a result of this digging, the roots of the hazelnut trees will be irreparably damaged and the trees will likely die.



4 REAR YARD ELEVATION

Page four of the 2023-12-13 - Letter to Mayor and Council.pdf relates that “An arborist report has been provided as part of the Rezoning/DP application to address concerns over impact to existing trees on the western and northern borders of the site.” But it is unclear as to whether this report occurred prior to the plan’s revisions. Given the changes to the design, a new arborist’s report should be required.

Looking at the architectural drawings, note the proximity of the retaining wall and footings to the symbolic hazelnut tree in the following image:

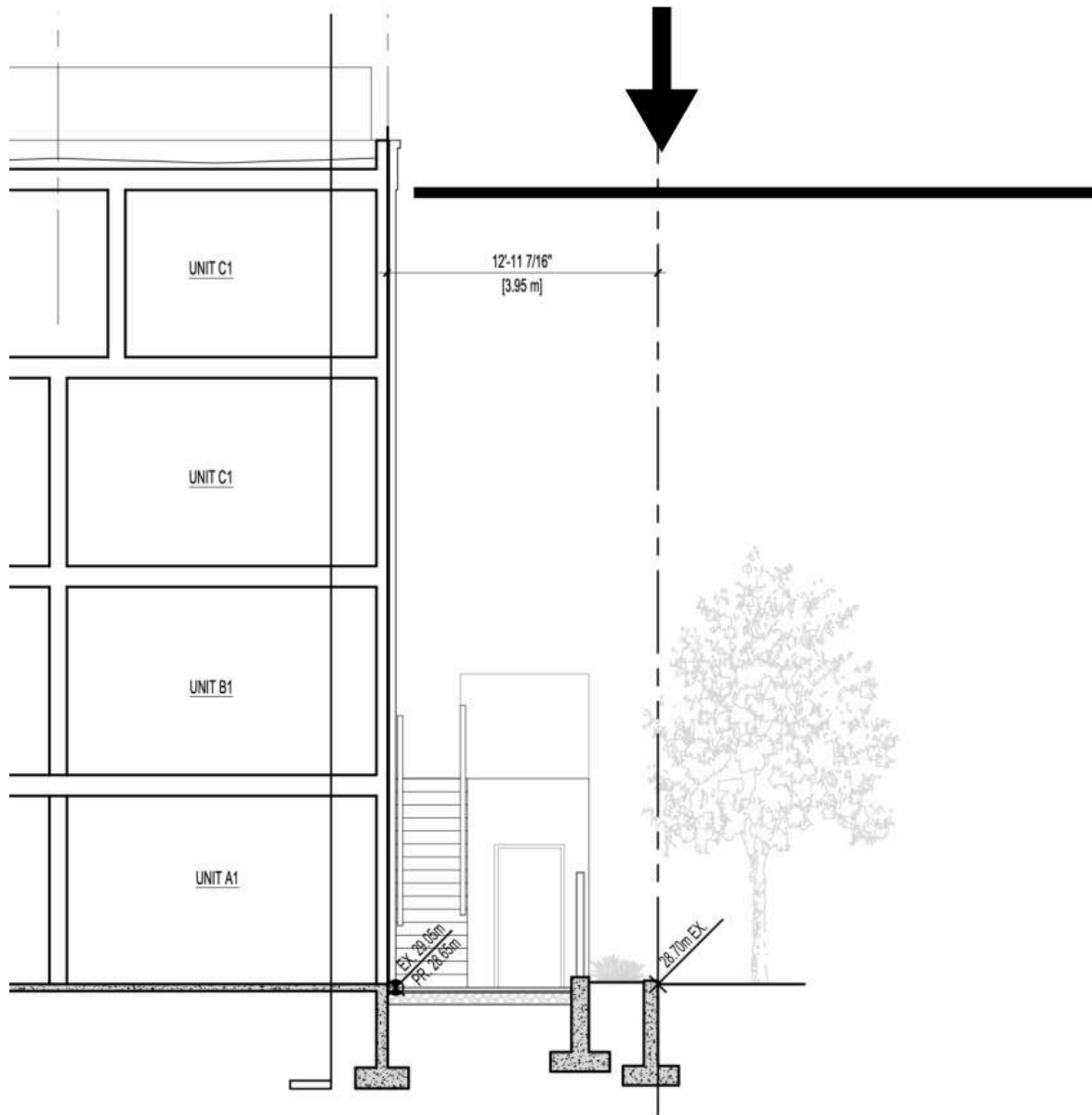


This rendering is concerning, also, because it misrepresents the scale of the trees (there are two, not just one) and their proximity to the northern property line. This is easy enough to correct for with an image of the architectural depiction:



Height-adjusted, the hazelnut tree reaches roughly the fourth floor of the proposed apartment building:

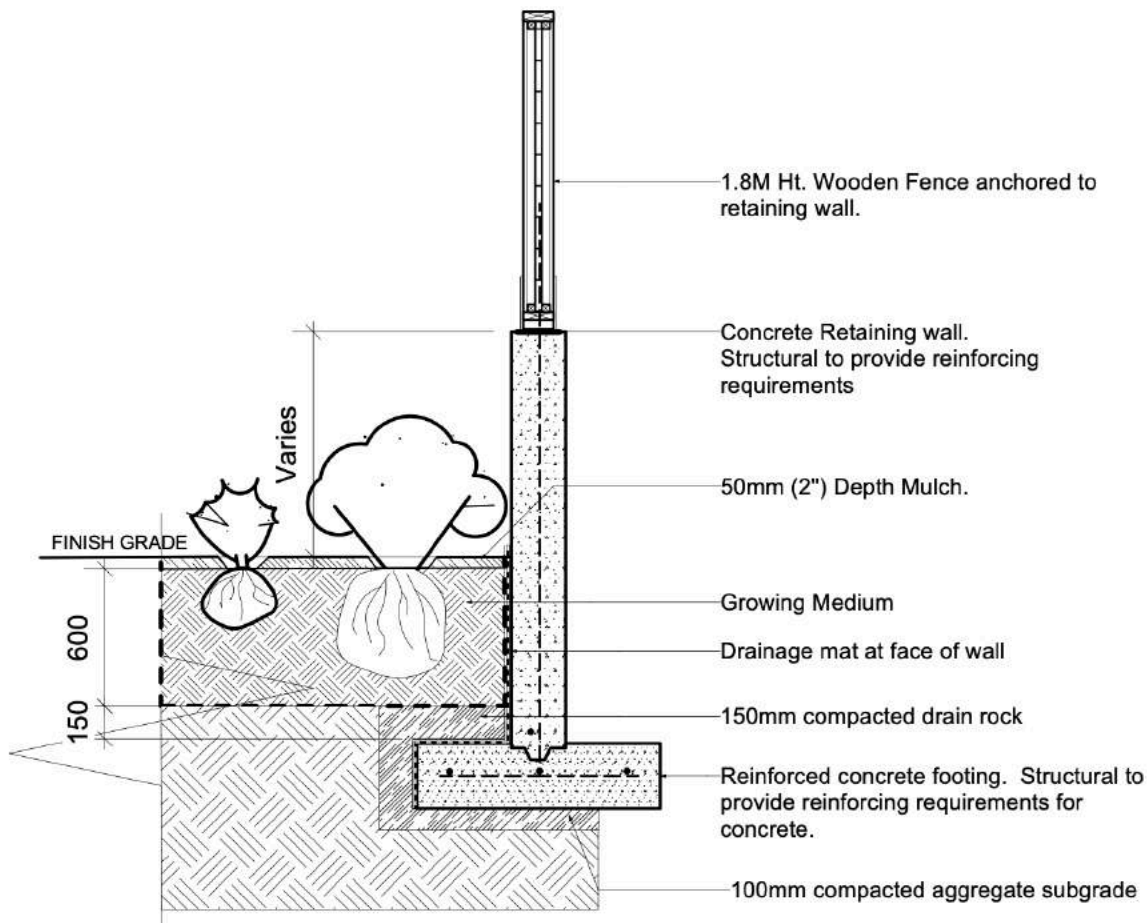
## Approximate tree height line relative to proposed apartment building



From looking more closely at the site, it appears that it is not possible to build the retaining walls without disturbing the tree roots and ultimately destroying these trees. These trees are a living and thriving community asset, and so another arborist's report should be undertaken in light of the design changes.

## Dealing with retaining walls

Page 20 of 2023-12-13 - Plans\_Revisions.pdf indicates a "1.8 m Ht. Cedar Privacy Fence" along the east edge of the property line. This same page shows a design schematic that includes a retaining wall, to which the cedar fence is affixed.



3

### Retaining Wall | 1.8 M Ht. Wooden Fence

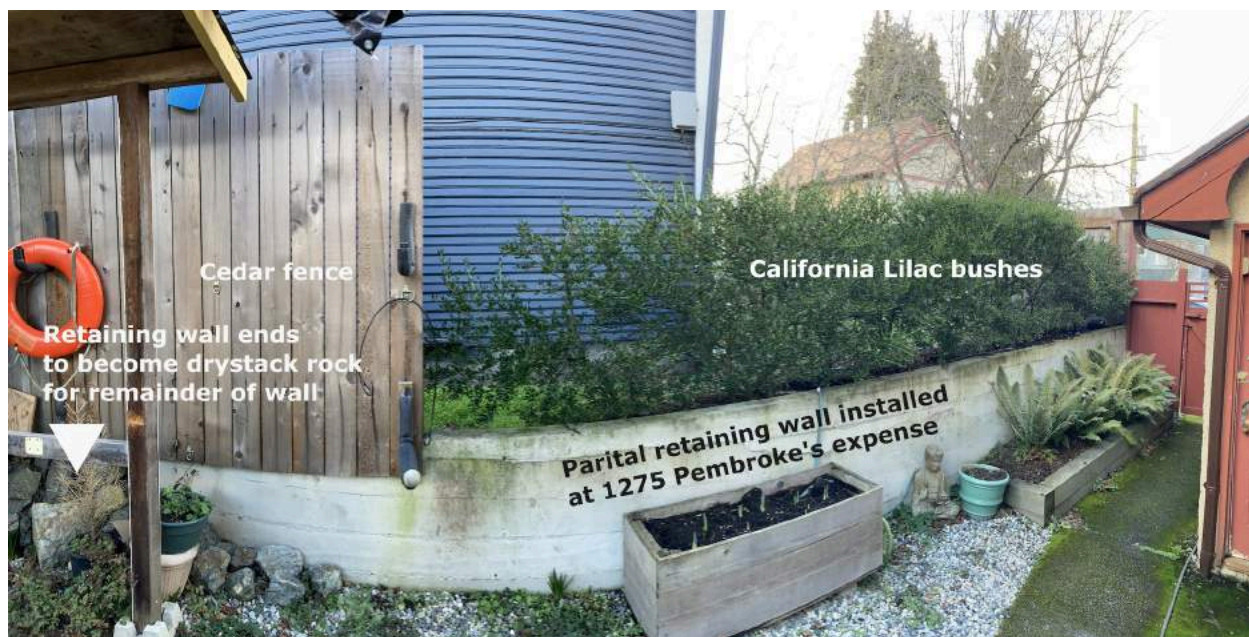
Scale: 1:30

What the plans fail to show is that the eastern run of the property line already has a partial retaining wall and an existing fence, along with California Lilac hedges grown from seedlings over that last four years.

Here is an image of what the eastern run of the property looks like from above:



Here is a closer look at the retaining wall area:



Neither the developers' plans nor the letter to Council indicate what will happen to existing infrastructure. The Spring Ridge Co-op (at unit 4, 1275 Pembroke) paid for this wall to be installed and would need to be consulted were any changes to occur, especially given the destructive nature of the construction required to install a footed retaining wall and fence along the eastern property line of 1276 Gladstone.



## Concluding considerations

It is my sincere hope that Council will read the first appeal and this second appeal document closely in their entirety and consider particularly the natures of the persuasive elements of the developers' 2023-12-13 - Plans\_Revisions.pdf and 2023-12-13 - Letter to Mayor and Council.pdf documents. These documents convey facts, but I have tried to show some of the ways in which these documents convey a narrative—a narrative that ultimately serves the developers' financial wealth.

As much as I am grateful to have some channel of feedback about the 1276 Gladstone development, there is also a sense of disempowerment to creating these documents. Given the multi-level governmental mandate to produce more housing stock, developers appear to possess a disproportionate socioeconomic sway and benefit. It is a developer's vocation to produce documents, plans, and petitions to have their buildings built for their financial profit and livelihood, whereas citizens questioning and critiquing developments gain neither of these benefits.

Certainly, we all have civic responsibilities, rights, and privileges, but what is particularly unsettling is when developers consider themselves as "community builders." Let's not forget in this conversation that the proposal for the 1276/1278 Gladstone development requires two perfectly good houses to be demolished, the tenants displaced, greenspaces paved over, sitelines blocked, gardens shaded, and trees destroyed—from this perspective, it appears more like community destruction than building.

The developers are not proposing co-op, mixed-income, or alternative housing, nor are they considering creative alternatives that use the existing housing stock in novel and interesting ways, something addressed in the first appeal document. They are proposing an apartment building that maximizes rental profit for the size of the lot(s).

It is my hope that the City will reject this application, or, at the very least, see that reducing the scale of the building to a true 3 storeys will strike a balance between developer profits and community consequences.

As before, I point you to the attached petition of signatures in support of rejecting the 1276 Gladstone proposal and development.

Thank you.

Kim Shortreed  
Spring Ridge Co-op Housing Association

[Petition link.](#)


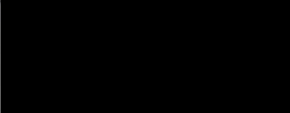
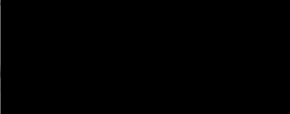
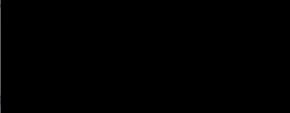
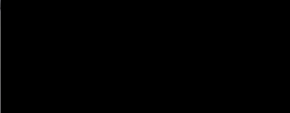
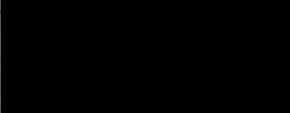
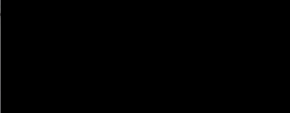
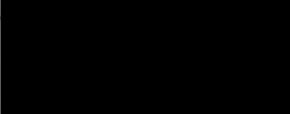
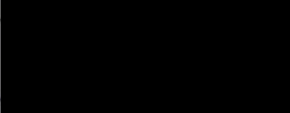
## To the City of Victoria Council

We, the undersigned, declare our support for this petition:

**To reject the proposal put forward by Ashley Kiptoo and Tonny Kiptoo to change the zoning of the subject property, 1276 & 1278 Gladstone Ave., for new mixed-use building with commercial retail and 18 new rental homes.**

Dated 23<sup>rd</sup> day of July, 2023.

Petition prepared by Kim Shortreed (kss@uvic.ca) and Jillian Player, Spring Ridge Coop, 1275 Pembroke St, Victoria, V8T1J7

Date	First & last name	Address	Signature
July 23'23	Jillian Player	4-1275 Pembroke St	
July 23/2023	Kim Shortreed	4-1275 Pembroke St.	
July 23/2023	Leia Mango	5-1275 Pembroke	
July 23/2023	Rob Carmichael	9/1275 Pembroke	
July 23/2023	Shane Johnson	#8-1275 Pembroke St	
July 23/2023	Angela Moran	#1-1275 Pembroke St	
July 23/2023	Avleen Dhaliwal	#1278 Gladstone	
July 23/2023	Shannon Craig	1270 Gladstone	
July 24/23	Rana Miller	6-1275 Pembroke St	

Date	First & last name	Address	Signature
July 25/23	Carolyn Boyce	#3 1275 Pembroke St V.I.C BC	
July 25/23	TONY SPRACKETT	1263A Pembrokes	
July 25/23	Megaa Hale	1263 Pembroke St	
July 25/23	Jesse McNelly	1255A Pembroke St.	
July 25/23	CORINNE MAH	1281 Pembroke St	
July 25/23	Arnie Lade	1275 Pembroke St Victoria BC	
July 25/23	Larissa Steudie	1275 Pembroke Victoria	
July 25/23	Gerrit Goster	1269 Pembroke	
July 25/23	Diane Lade	1275 Pembroke	
Aug 2/23	CRISTINA WOODS	1265 Pembroke St	
Aug 8/23	SHARON MAN	1253A Pembroke St	
Aug 8/23		1261A Pembroke St	

Dear Mayor and Council, and Development Staff,

I am writing in support of the attached document prepared by my neighbour Kim Shortreed. He has thoroughly and graphically described the major issues regarding the scope of this proposal.

I will just sum up one problematic factor, which is that all the attention and focus has been on the southern Gladstone side of the proposed building, with no consideration or discussion of the impact on the eastern, western and northern neighbours. In fact, the latest revisions appear to push the building even closer to the northern property line, threatening our mature productive hazelnut trees, and exacerbating issues of garbage, noise, privacy, etc. The emphasis is placed on the three story profile on Gladstone, while totally ignoring the impact of the actual four stories plus on the northern side, looming over our cooperative, which is on a much lower grade.

Please take a look at the photos provided by Kim, and give some consideration to the immediate neighbours of this proposed development.

Thank you.

Rena Miller

Sent from my iPad

To Sustainable Planning and Development Services of City Victoria, Mayor and Council,

Having reviewed the revised submission for 1276 Gladstone Avenue I am dismayed to see very limited tangible revisions to the overall scope and massing of the project, since the first schematics presented to the CALUC meeting in July, and the rezoning submission submitted in September. The changes are not significant; some technical in nature, and rather inconsequential.

I was optimistic to at least see some stepping back or staggering of the building form to help transition the four storey apartment building to the single family dwellings to the east and west of the subject property, and the townhomes to the North. The revisions that have been made do not prevent the orphaning and overshadowing of 1280 or 1270 Gladstone Ave., and lack transition in scale to residences at 1275 Pembroke Street, which are even lower in terms of grade levels than 1280 and 1270 Gladstone. I realize that the property lies within the Urban Village area of the Fernwood Neighbourhood Plan but do find that the development proposal is not sensitive or responsive to adjacent properties, and not appropriate in scale. As mentioned by other neighbours in recent correspondence, data presented by the developers/their Architect is somewhat skewed or manipulated to present the proposal in a certain light (for example, renderings from the North, are from a birds eye view, not the ground level).

I see the tiny 412.5SF areas of the lowest level unit plans, and wonder how the occupants would escape in the event of a fire, given that there are no egress windows in the bedrooms? I wonder whether the BBQ area at the back of the property is a bit of a token, given that it is minute, and located directed adjacent to the garbage bins and recycling totes... I see the proximity of the proposed footprint and retaining walls to mature trees to the North (Hazelnuts, carefully harvested and cured by residents for eating) and West and wonder what their chance of survival would be. I could go on.

Understanding that the developers are seeking a site specific zoning, the variance requests from the current zone of R2 to allow this site to achieve the density they are seeking, are quite tremendous departures from the current limits of the R2 zoning (i.e. R2's 0.3 Floor Space Ratio, to the proposed 1.52 FSR, a "variance" of 1.22; from R2's Gross Floor Area of 1,420.8SF to the proposed 10,220 SF; from R2's building height max. of 18 feet to the proposed 22.5 feet, etcetera). These are major, major changes.

I do not support the application in its current state. I would hope to see further revisions to the current proposal, and the development more sensitively approached. I understand that neighbourhoods will change,

I support the document submitted by Kim Shortreed, please do read it.

What a hard challenge to balance the pressures from multiple levels of government, and the public, to house the masses and support development, without fragmenting existing dynamic neighbourhoods that work.

Sincerely,

K. Scott

PS Additionally, on Sheet A006 of the current submission in Figure 2 the Streetscape at the bottom of the page, tellingly, the 1275 Pembroke building are completely omitted from the landscape between 1280 and 1298 Gladstone Ave., replaced by a white void and the word "Parking lot", whereas in reality our buildings are very visible from that vantage point, as we are part of this neighbourhood.

It is rather reflective of how we have not had direct consultation with the Developers in relation to this proposal, except for at the July CALUC meeting.

Thank you for your time.

KS

I am writing regarding the proposed housing development at 1276 Gladstone Avenue (folder #CLC00414).

Though I realize the acute need for more housing in Victoria, I feel that the proposed development at 1276 Gladstone Avenue is inappropriate for this area. The neighbourhood consists of mostly houses, including Spring Ridge Housing Cooperative, of which I am a proud member.

The proposed height of the building will have a negative effect on the adjacent properties to the development, especially the loss of sunlight. This will have a negative effect on the plant life of several of the adjacent properties, possibly causing the demise of many plants and trees.

Please reconsider your plans for this development. The proposed height of this building is not appropriate for this neighbourhood.

Sincerely,  
Keith Malcolm  
1279 Pembroke Ave.  
Victoria, BC



January 23, 2024



Grace Lore, MLA  
Victoria-Beacon Hill

**Mayor and Council**

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

Dear Mayor and Council:

As MLA for Victoria-Beacon Hill and as a Fernwood neighbour, I am pleased to write a letter in support of Ashley and Tonny Kiptoo's proposed rental project at 1276 Gladstone.

As we face a housing crisis in our community, we must use all possible tools available to us and pursue creative, innovative, and transformative approaches to the creation of new housing, across the housing spectrum.

Under the Homes for People Action plan, our government is taking strong action, including several bold pieces of legislation during the Fall 2023 legislative session to deliver more homes for people faster.

I am grateful for the City of Victoria being a leader in our province when it comes to collaborative solutions to ensure that every person in our community has a home- such as the introduction of the Missing Middle Housing plan.

**1276 Gladstone will add 18 homes of much needed rental housing in perpetuity so that people will have certainty of a secure home and a vibrant community.**

This includes a mix of studio homes, family sized homes, and homes that are ground level, accessible, and adaptable.

Residents of 1276 Gladstone will have access to a number of amenities such as a common patio area, secure storage, and car share memberships and transit passes for all residents.

The homes are also designed to be zero-carbon and energy-efficient.

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**Victoria - Beacon Hill Constituency Office**

1084 Fort Street  
Victoria, B.C. V8V 3K4

██████████  
██████████

**Legislative Office**

Parliament Buildings

████████████████████  
████████████████████



**1276 Gladstone aligns with work our government has been doing to ensure that more homes are able to be built where they are needed, faster.**

In the Fall 2023 legislative session, our government passed the Housing Statutes (Residential Development) Amendment Act.

This removed barriers to building more small-scale multi-unit homes in areas that previously only allowed single family homes.

It also streamlined the zoning process by requiring regular community consultation and planning upfront rather than on a project-by-project basis so that communities can build homes in line with their projected housing needs and vision for their community with less barriers.

As a sustainable mixed use infill development located near the village square in the heart of Fernwood, 1276 Gladstone already aligns with the local Official Community Plan by supporting the neighbourhood's long-term goals of creating "local-servicing businesses, housing options, and refreshed public spaces".

Again, I am grateful to the City of Victoria continuing to share our government's commitment to ensuring that we are using all the tools available to ensure that every person in our community has a safe and secure home.

1276 Gladstone aligns with this shared commitment and is an example of what is possible when we take bold action to increase the supply and affordability of homes across the housing spectrum.

Sincerely,



Grace Lore  
Member of the Legislative Assembly, Victoria Beacon Hill

Dear Mayor and Council,

I'm writing in support of the rezoning of 1276 Gladstone Ave. I live in the neighbourhood, just on the other side of Vic High on Camosun Street. I attended the CALUC meeting last year, and am excited for this housing to be built.

You already know that the proposal aligns with the OCP and the Fernwood neighbourhood plan, but I understand there is some resistance, there always is, change is hard. We know that we are in dire need of housing, particularly rentals and homes for larger families. This sort of gentle densification is perfect for Fernwood. I love that it is car free. Fernwood is well suited to this, and it's the direction the world needs to go. I also want to say that Tonny and Ashley are lovely neighbours, the ones you are happy to know. They care about Fernwood and the people in it, and they actually live here.

Please vote yes for this proposal. Thank you,

Marianne Unger  
1619 Camosun Street