

June 16, 2017.

Rockland Neighbourhood Association  
Land Use Committee  
PO Box 5267 Stn B, Victoria BC V8R 6N4

Mayor and Council  
Committee of the Whole  
City of Victoria

Re: Rezoning Application REZ00545, 750 Pemberton Road

Dear Mayor and Council:

The Rockland Neighbourhood Association supports this project going forward to Committee of the Whole. That support is predicated on the fact that 10 rental tenancies will be covenanted and maintained in perpetuity.

Issues that have been brought to our attention that we would appreciate particular attention paid to are.

1. Permanent location of garbage and recycling and that these should not be allowed to migrate to another location on site in the future. Recycling dumping and pick-up is noisy and intrusive.
2. That the refurbishment of the non-conforming coach house be done in a way that is responsive to the neighbours. A rigorous review here will pave the way for the same standard of expectation of all non-conforming requests going forward and make for good neighbors.

It should be noted that this proposal has had ongoing difficulty with the accuracy of the information submitted; addresses, setbacks, surrounding zoning, even the site address as presented at the community meeting and that these discrepancies should not be allowed to influence the outcomes to the detriment of abutting neighbours as the project unfolds.

Regards;  
Bob June, Chair  
RNA LUC

Dear Mayor Helps and City Council

June 20, 2017

**Subject:** 750 Pemberton Road Rezoning Proposal

We are the property owners of the 2 bungalows backing onto the heritage building and meadows at 750 Pemberton Road in the Rockland neighbourhood. Our addresses are 744 Pemberton Road and 730 Pemberton Road. We were recently advised that a rezoning application for Pemberton Meadows was made to increase the density on the site. We drafted this letter to register our objections with Council to this proposal.

The property was purchased, and changed hands September 1, 2015 from relatives of the previous owner for approx. \$2.4 M. The new owners immediately canvassed the current tenants, and a few weeks later the surrounding neighbors, to advise they bought the property with the intention of rezoning and redeveloping the existing green space for single and duplex strata housing. This application is pure speculation and prompted several directly affected neighbors to organize to oppose the rezoning. The following is our reasons why Council should reject this rezoning application.

1. This property was rezoned to increase density significantly a few years ago  
The property was rezoned several years ago to permit the previous owner to operate transient housing rental accommodations. City Council permitted this rezoning to allow the owner to generate increased revenues for ongoing and long-term maintenance of the heritage building and grounds. This rezoning had a rational purpose in that it provided much needed affordable housing. This *spot* rezoning created the ***T-22 Zone Pemberton Transient Accommodation Zone*** with very specific requirements. One of the rezoning requirements specified in T-22 is that *"the area for the new zone have a minimum of 5,380 M<sup>2</sup>"*; which is the area of the site. Because the site currently contains 9 rental units; we believe this a significant requirement, which should continue as the green space on this property is a much needed neighbourhood amenity. The proposal to add 4 more housing units to the site advocates for more single family housing which increases density again from 9 to 13. Visitor parking will have to park on an already crowded public street.
2. Removal of Much Needed Green Space  
When we learned of plans to once again rezone the property the first question we asked ourselves was: *Would this proposed rezoning improve or detract from the site and neighbourhood?* For several reasons we believe the proposal will do more harm than good to the Rockland neighbourhood and City of Victoria tourism. Our primary concern is that it removes active green space from a neighbourhood deficient in active green space. As you are aware the Rockland neighbourhood Plan identifies lack of park space as a significant deficit for the Rockland community. While there are two Institutional Use green spaces properties in the neighbourhood they do not fulfill the recreational needs of "neighbourhood" that the Pemberton Meadows space does. We need places where children can play.

3. Densification

The proposed development would increase the population density on this site for the second time forever removing the “*estate character*” of this area of the neighbourhood. As you are aware a key objective of the Rockland Community Plan is to preserve the estate nature of the neighbourhood and this objective is an essential part of the Rockland Neighbourhood Association Constitution.

The green space proposed for removal is so very integral to the heritage building setting, as well as, the recreational needs of the tenants. In our opinion, and that of our neighbors, the current density of 9 dwelling units on the site, is high enough. Several neighbours believe the community has already supported its fair share of *densification* and that Rockland will soon exceed the 2,000-population growth densification anticipated in the OCP (20,000 people / 10 communities). Any additional density severely compromises the ***estate*** character of the neighbourhood and is inconsistent with several provisions in the Official Community Plan.

4. Accommodating Tax Payers Rather Than Speculators

If you drive through our neighbourhood, currently on the Victoria Sightseeing Tour bus route, you will see that we have upgraded and maintained our properties to a high standard. This is because we believe we are secure in maintaining our property investments and will not see the further desecration of the older properties and green space in the neighbourhood. We hope and trust that elected officials will allow us to continue to enjoy the estate character of our neighbourhood as described in the *Official Community Plan*.

We understand maintaining an “*estate character*” has a cost. The Rockland Neighbourhood is taxed in accordance with the highest classification of property assessment in Victoria because the lots are large and setbacks significant. We pay annually for our *estate* character. Any increase in density that erodes the estate character of a neighbourhood should result in a reduction in the mill rate applied in that neighbourhood. Our privacy is an important byproduct protected by the *estate character* nomenclature and it is our preference to keep it the way it is. We believe it is in the best interests of the City of Victoria to stop the slow destruction of the unique characteristics of heritage neighborhoods through speculative *spot* rezoning.

5. Enhance the Green Space Rather Than Destroy It

We enjoy watching tenants and their extended families using the lovely gardens at the south meadow of the property for picnics, weddings, and birthday parties. Some of the residents enjoy planting their own gardens, as well as sharing in the maintenance of the flowerbeds at the front of the Heritage house. These activities are very complementary to the heritage mansion setting and should continue. Both existing tenants and homeowners in the immediate vicinity selected their residences with the belief this property would retain the estate character of the heritage setting. We would encourage and support more trees planted in the south meadow to ensure the diversity and survival of the Garry Oak ecosystem, not fewer. This property, together with our properties, hosts an environment rich in many species of birds, insects and wildlife. All of these components are important and should remain off limits to redevelopment to enable all to continue to enjoy the natural beauty of our surroundings. We believe protecting the green space at

Pemberton Meadows is paramount to the future enjoyment of property, privacy and lifestyle and that of the tenants and tourists.

It is ironic that City Councils in many capital cities in Canada are seeking to achieve equity in the distribution of green space in their cities by acquiring more. By using *Reserve Fund* revenues, accumulated through their *Provincial Planning Acts* these municipalities are able to acquire additional green space in inner city neighbourhoods deficient in green space. The Rockland neighbourhood however has been experiencing quite the opposite trend. In addition to the replacement of valued older residences, the displacement of invaluable and unique natural ecosystems is a very disconcerting trend to observe for long-term taxpayers. City Council should be expanding and supporting the treasures that older neighbourhoods possess whenever possible.

6. Common Sense Should Prevail

Of course the big question is why?? Why would someone purchase a beautiful property with solid rental revenues and within days of taking possession hire architects to redevelop the green space? Why would a purchaser speculate that City Council would rezone the property once again, just to increase the density of the property? We believe the answers are self-evident.

7. This Type of Housing Does Not Fulfill A Public Need

We have attached two recent articles the Times Colonist (3/10/2015) one which reports on page A-3 the results of a very recent study of the Victoria housing market. It states there is "*an oversupply of high-income market ownership housing....*" the same form of housing proposed in the rezoning densification scheme.

A second article on Page A11 has the title "***Garry Oaks need preservation on a wide scale***" a position we advocate. Please read these articles and we are confident you will agree that the 750 Pemberton Road rezoning proposal does nothing to support the Official Community Plan and indeed is in direct conflict with the stated policy to *preserve the estate character of the Rockland neighbourhood and important vistas*. It also does not fulfill any altruistic public need. Pemberton Meadows is too important an ecosystem and neighbourhood recreational focal point to destroy for a few more single-family dwelling units.

8. Blasting Damage

Perhaps most important to the welfare of the immediate neighbours is the impact of the rock blasting that is scheduled to occur to accommodate foundations for the new housing units. Who will be left to rectify any damage to tree roots and existing foundations? All the property owners in the immediate vicinity of this proposal are retired and cannot afford to finance repairs that may occur from blasting. We cannot afford to hire lawyers to pursue insurance claims which we understand from the literature may be an outcome.

As the approval authority charged with protecting property owners -- *Is it the City's intention to cover costs of any damage?* Are existing home owners expected to pay for damages to trees that will likely suffer a slow death over several years?

We implore you to respect the decision of the past City Council and leave the density as it is; to protect this sensitive green space of which we have so little in this neighbourhood; to protect the way of life: open spaces, sightlines and privacy currently enjoyed by tenants and owners alike, and respect our neighbourhood community planning and community constitutional values. Do not allow the rezoning process to proceed.

Thank you very much in advance for your attention to this matter.

sincerely,

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Debbie and Lawrence Bortoluzzi  
730 Pemberton Road

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Doris Schuh  
744 Pemberton Road