

Virginia & Jeff Errick,
615 Foul Bay Rd.
Victoria BC V8S 4H2

RECEIVED

APR 25 2017

re: Development Plan DPV00021

Dear Mayor and City Councillors,

We live at and own 615 Foul Bay, a neighbouring property of the proposed development of 515 Foul Bay Rd. We share a 240 foot (74 meter) property line.

Overall, this plan does not conform with the City or the Gonzales Neighbourhood Plans. Queen Anne Heights is a large lot neighbourhood which supports heritage Garry Oaks, Arbutus and Douglas Fir tree canopies.

The 1.2 acre property has many protected mature Garry Oaks, other large trees, flowering trees and bushes. It is situated high on the hill with exposed rock outcroppings. Many of those trees will be chopped down because of the size and shape of the new houses proposed for the site. All of the remaining specimen trees, growing close to the new houses and driveways will be canopy pruned. The heritage canopy will not remain.

Even with no basements there will be blasting on this rocky site that will negatively effect the remaining trees.

The development proposal does not conform to the R1-G zoning and the developer is seeking variances for height and setbacks for all 3 houses, instead of going through rezoning.

The new houses are not ground-oriented structures. They are tall, square, two story buildings. The 3 1/2 story McClure mansion is 10 m. tall and they are asking for 8 m. for the new houses with flat roofs.

Although there is over an acre of land, the minimum 7.5 meter setbacks for building walls with windows to habitable rooms have not been observed adjacent to the neighbouring properties.

The regulations exist to protect privacy, green space, the integrity of a character neighbourhood and to minimize negative impacts with immediate neighbours.

Our main issues with the proposed development are the preservation of our trees, shading created by the new buildings and our privacy. The houses are too tall, too large and too close the property lines to insure that any of our criteria be met.

Currently there are garages and sheds between the mansion, driveway and our property line. When they are removed we will be exposed to the activities and the car lights from 515 because of the lack of screening on their side of the property line.

Our main screening from this development is a row of 5 mature evergreens and a mature Garry Oak (all growing on 615 property along the property line). We fear for their survival because the proposed setbacks are insufficient to protect these trees. Even though we are depending on saving these trees for privacy, there is a proposed area of pavement right up to the property line, a new driveway and a new garage on the tree roots.

Recent blasting done on the south side of our property to develop Chadwick Place, resulted in the death of one large Cedar which cost us \$2500 to remove and replant new smaller trees, with less privacy.

There will be only one small screening tree on the 515 property to screen House B & C from 615. All other trees and bushes will be removed.

The exposed bedrock located in proposed lot C is on both sides of the fence. The developer expects all screening to be planted on our 615 property at our expense.

We are also very concerned about this project because the developer has indicated he may not be building the houses. We don't know who will insure that the Arborists plans are followed or if these will be the actual building plans without more variances applied for in the future. Our only protection is to have the zoning bylaws observed.

Thank you for your consideration,



Noraye Fjeldstad

From: Alec Johnston
Sent: Wednesday, May 31, 2017 1:52 PM
To: Noraye Fjeldstad
Subject: FW: Trees in Danger

Just double checking that this one was added to the correspondence file for 515 Foul Bay Road...

Thanks,

From: Brian Sikstrom
Sent: December 7, 2016 1:41 PM
To: Noraye Fjeldstad <NFjeldstad@victoria.ca>
Cc: Alec Johnston <ajohnston@victoria.ca>
Subject: FW: Trees in Danger

Hi, Noraye:

Can we make sure this email gets to Council members when it goes to C of W.

From: Virginia Errick [REDACTED]
Sent: Wednesday, December 07, 2016 12:32 PM
To: planandzone@fairfieldcommunity.ca
Cc: Brian Sikstrom <bsikstrom@victoria.ca>; Chris Coleman (Councillor) <ccoleman@victoria.ca>; Karen Ayers <[REDACTED]>; Jeff Errick <[REDACTED]>
Subject: Trees in Danger

Dear Neighbourhood Committee,

We are neighbours of the proposed development of 515 Foul Bay Rd and have lived at 615 Foul Bay Rd for the past 13 years.

Our property line runs along the east side of the 515 property.

Upon reviewing the Development Proposal for 515 Foul Bay, we believe the developer is ignoring the R1-G panhandle regulations.

Our top concern is protecting the 6 very large trees on the border between 615 and 515 Foul Bay Road.

Situated on our property very close to the border line are 4 (75 year old) Monterrey Cypress, one large Red Cedar and one large old Gerry Oak.

The Arborist Report by Jeremy Gye shows the root systems of these trees extending at least 8 meters into the proposed development.

On the Variance table provided by the developer, they are asking for a 1.83 meter setback for the left side of lot C. This is way too close to the tree trunks and would very likely kill all six trees.

We do not think the developer should be given a variance for the setback (on our property line) for the house and garage on lot C.

The R1-G zone should be preserved. This is not a 5000 sq. ft. lot in Fairfield. It is a 1.2 acre panhandle lot in Queen Anne Heights. We strongly believe that Development Plan DPV00021 should respect the 7.5 meter minimum setback for habitable rooms.

We expect the developer to do everything possible (fencing) to avoid driving over the setback area with heavy equipment or blasting the root systems.

Lastly, we can't determine how high they are asking to build this house. There are inconsistencies in the measurements on the plans and the variance chart. We cannot tell what the finished elevations of the houses will be because the corner heights are only partially listed.

Thank you for your consideration,

Jeff and Virginia Errick
615 Foul Bay Rd.
Victoria BC V8S-4H2

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Jan. 21, 2017

Councillor Chris Coleman
Councillor Pam Madoff
City of Victoria

Re: Proposed development of 515 Foul Bay Road, Victoria

We are residents of 549 Foul Bay Road, Victoria, which is located in the Queen Anne Heights/Foul Bay/Gonzales Hill area of the city. We understand that a revised development proposal, dated Dec. 22, 2016, has been submitted to the City of Victoria for 515 Foul Bay Road. This property sits directly to the east of our immediate neighbour (see picture below of view from our dining room window, looking up towards 515 Foul Bay Road).



A number of variances have been proposed for this development, which we would like to raise concerns over. Focusing on Lot A, which lies closest to our property, specific concerns include:

- The height of the proposal: This lot already sits ~5 m above the properties immediately to the west. The maximum house height (7.8 m) is 2.8 m above the maximum set out in the Panhandle Lot Regulation, and includes two rather than the one storey allowed under the regulation.
- Second floor patio: The proposal includes a second floor balcony. While not a "roof deck" per se, which is not allowed under the Panhandle Lot Regulation, it is the equivalent given the allowable residential building maximum of one storey and associated impacts on neighbours.
- Proximity to property lines: A variance is requested for the left side yard setback (3.74m). This is 50% of the Panhandle Lot Regulation minimum setback of 7.5 m. On such a large property (1.2 acres), it seems inconceivable why proposed development should be pushed up against property lines.

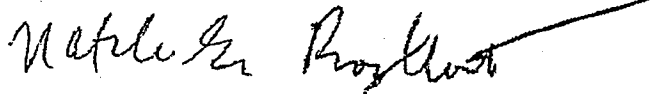
We also understand that in the process of developing the site, a number of mature trees will be removed, and that there is no guarantee that the landscape plans will be adhered to or implemented in the end. This is a particular concern given the value of the Garry Oak landscape in the Queen Anne Heights area (which was highlighted in the Gonzales Neighbourhood Community Plan (source:

<http://www.victoria.ca/assets/Departments/Planning~Development/Development~Services/Documents/neighbourhoods-gonzales-plan.pdf>).

While we appreciate that ongoing development is a healthy part of any neighbourhood, we would expect that it be done in a manner consistent with the established vision of the neighbourhood, that preserves the unique Garry Oak landscape that we all value, and in a manner that respects the rights of neighbours, which we would hope the City's zoning regulations reflect and the City duly considers in its development decisions.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Natalie & Roy Hourston", with a long horizontal flourish extending to the right.

Natalie Suzuki and Roy Hourston



June 1, 2017

Mayor and Council
City of Victoria

Re: 515 Foul Bay development application

We are the owners of the adjacent property, Abkhazi Garden. We understand that the City is considering approval of several deviations for the property at 515 Foul Bay. The draft Gonzales Neighbourhood Plan stipulates that added housing fits the neighbourhood's character and that neighbourhood ecosystems be protected.

We support the application to designate the main house a heritage building. We support the use of permeable materials for the driveway and parking areas. We encourage careful house design to maximize the retention of Garry Oaks and mature trees, and that consideration be given to the impact on neighbour's privacy and viewlines when siting new structures. Within Abkhazi Garden, a main feature is the lack of visible buildings and every effort has been made to ensure fencing and screening is adequate to protect the privacy of our neighbours.

Areas of concern include the number of deviations being sought, which include increased height, and relaxation of setbacks. We urge our elected representatives to protect the standards that exist to ensure proper buffers between existing and new dwellings.

Thank you for considering our comments.

A handwritten signature in cursive script, appearing to read "Cathy Armstrong".

Cathy Armstrong
Executive Director

Cc CALUC

Board of Directors: Britony Penn • Frances Pugh
Mél Lehan • Fred Newhouse • Lori Roster • Fran Sloan Salas • Tom Watson

PO Box 50054, RPO Fairfield Plaza, Victoria, BC V8S 5L8
Phone: 250-479-8053 Fax: 250-744-2251 conservancy.bc.ca

From: Val Hignett [REDACTED]

Sent: Thursday, December 22, 2016 2:15 PM

To: Lisa Helps (Mayor) <mayer@victoria.ca>; Marianne Alto (Councillor) <MAalto@victoria.ca>; Chris Coleman (Councillor) <ccoleman@victoria.ca>; Ben Isitt (Councillor) <BIsitt@victoria.ca>; Jeremy Loveday (Councillor) <jloveday@victoria.ca>; Margaret Lucas (Councillor) <mlucas@victoria.ca>; Pam Madoff (Councillor) <pmadoff@victoria.ca>; Charlayne Thornton-Joe (Councillor) <cth Thornton-Joe@victoria.ca>; joe@victoria.ca; Geoff Young (Councillor) <gyoung@victoria.ca>; Geoff Young (Councillor) <gyoung@victoria.ca>; Brian Sikstrom <bsikstrom@victoria.ca>

Subject: 515 Foul Bay Road Development

This is to express my concern over the development of the 515 Foul Bay property by Alpha developments. The plans now with city hall are very different than what was presented to the neighbours at the architect office. A new series of variances (25-30) dealing with house sizes and set backs to neighbouring homes are different from what we led to believe.

Our adjacent property at 511 Foul Bay Rd. has an easement established in 1961 at the driveway entry in favor of 515 for access and utilities. We at 511 use a small portion of the 515 driveway for access to our carport. We have requested an easement from the new owners and have twice been refused. We are very uneasy as our access may be compromised by whoever buys the developments. Also, in looking at the current plans the property appears to be quite flat whereas it is very rocky topography. We wonder just how much blasting will occur and will it affect the Gary Oak ecosystem where the Gary Oaks grow into the bedrock. Does this fit with the pan handle lot specifications? This issue must be addressed by council and planning.

Thank you for your time, Valerie Hignett and Michael Fenger, 511 Foul Bay Rd.



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www.avast.com

Lacey Maxwell

From: Karen Ayers <[REDACTED]>
Sent: June 4, 2017 5:44 PM
To: Victoria Mayor and Council; Councillors
Cc: planandzone@fairfieldcommunity.ca; Alec Johnston
Subject: 515 Foul Bay Road - Panhandle Lot Development

Dear Mayor and City Council,

I am writing to register my opposition to the panhandle lot subdivision proposed for 515 Foul Bay Road.

515 Foul Bay is a 1.2 acre property, with a Maclure heritage home of just under 10,000 square feet, currently divided into 5 rental units. The home is set on a hill in Queen Anne Heights, in a mature Garry Oak woodland with many rock outcrops and other natural features. There are seven neighbouring properties immediately adjacent, including Abkhazi Gardens.

Queen Anne Heights is characterized by large lots, heritage character, mature tree canopy and open space, and these are attributes which the Official Community Plan and Gonzales Neighbourhood Plan seeks to protect and enhance for future generations. The Official Community Plan as it relates to Gonzales commits to “maintain and enhance neighbourhood character including the heritage character of buildings, landscapes, and streetscapes”.

This proposal does not maintain or enhance neighbourhood character. Under this proposal, the heritage character of the landscape will be destroyed. Many Garry Oaks, other mature trees, shrubs, and dense vegetation will be removed, resulting in the loss of the tree canopy and green space in general for the neighbourhood. Blasting will be required for at least 2 of the 3 houses, which will destroy rock outcrops and natural features, and impact not only the 515 trees, but also those immediately over the property line on adjacent properties.

The current Gonzales Neighbourhood Plan recommends City Council exclude panhandle and small lot subdivisions from the Queen Anne Heights/Foul Bay/Gonzales Hill area, to preserve the large lot character, natural features and open space. The new draft Neighbourhood Plan similarly states that panhandle lot subdivisions are not supported in the Queen Anne Heights/Foul Bay/Gonzales Hill area.

It is clear that this development proposal is not consistent with the OCP as it relates to Gonzales, or with the current or proposed Gonzales Neighbourhood Plan.

As this would be a panhandle lot subdivision, the Schedule H Panhandle Lot regulations apply. Those regulations exist to protect the privacy, green space and integrity of neighbourhoods and, per the OCP, to ensure that developments are compatible with immediate neighbours and the surrounding neighbourhood character.

The applicant is asking for 17 variances, to increase the number of storeys, building height and to significantly reduce building setbacks. The application does not respect, rather it essentially ignores the panhandle lot regulations. The regulations allow a residential building height maximum of 5.0 metres, which is an appropriate height in a development which imposes upon neighbouring homes and yards. The applicant is requesting building heights of up to 7.9 metres. The regulations require a setback of 7.5 metres (to habitable rooms); the application is asking for setbacks as low as 0.69 metres. The plan for 3 contemporary homes is not compatible with the existing heritage house or neighbouring properties, and the increased size and height, and reduced setbacks will seriously encroach on neighbours privacy, light, and the use and enjoyment of our properties.

The applicant has not consulted with neighbours in a forthright manner, or addressed our concerns in any meaningful way. The applicant held a neighbours meeting, however much of the information communicated, for example the size of the proposed homes, setbacks, number of trees to be removed and blasting required, was false and misleading. By way of example, the proposed houses were described as between 1600 and 2000 square feet, and setbacks would meet City requirements with one minor exception. Once we were able to review the application on the City's website, neighbours learned the houses were close to 3000 square feet, with none of the setback requirements being met. Consultation with neighbours based on false and misleading information does not constitute consultation.

Due to the high number of variances being requested, and hearing of neighbourhood concerns, the Fairfield Gonzales CALUC subsequently offered to hold a meeting with neighbours and the developer. No CALUC meeting was held, in part because the developer would not commit to attend. The applicant has been clear that as a developer his objective is to maximize profit, and there have been no discussions of what might be a reasonable balance if this development is to proceed.

I would also note that Council's decision on this application will set precedent and direction for the future of the many large lots in this area. Many of us have been approached by developers wanting to purchase our properties, and both the neighbourhood and the development community are watching the outcome of this application with a high degree of interest.

We have bylaws, regulations and neighbourhood plans in Victoria to protect the integrity of neighbourhoods, the natural environment and quality of life of the residents. Residents need to be confident that the City's policies and rules are respected, and that site specific applications which do not substantially comply will not be permitted. As such, I urge you to reject this application, as it does not conform to the OCP, the Gonzales Neighbourhood Plan (current or proposed), or the Panhandle Lot regulations.

If Council decides to consider development of this site, I would request that the applicant be directed to reduce the size of the houses and otherwise scale back the proposal to address neighbourhood concerns, and to more substantially comply with the City's regulations intended to protect the privacy, green space and integrity of our neighbourhoods.

Thank you for your time and consideration.

Karen Ayers

613 Foul Bay Road



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