

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Peter Waldbauer
(print name), am conducting the petition requirements for the

property located at 62 Cambridge St.

to the following Small Lot Zone: R1S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) LUCIA DEWCB (see note above)

ADDRESS: 85 CAMBRIDGE ST VICTORIA BC V8N 1A7

Are you the registered owner? Yes ☐ No ☒

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

13 Feb 14
Date

[Signature]
Signature

Planning & Land Use
Standing Committee

APR 17 2014

Late Item# 2

Page# 30 A

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Peter Waldbauer
(print name), am conducting the petition requirements for the

property located at 62 Cambridge St.

to the following Small Lot Zone: R1S2

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Please review the plans and indicate the following:

NAME: (please print) Justin Levesque (see note above)

ADDRESS: 85 Cambridge St.

Are you the registered owner? Yes ☐ No ☒

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

2/13/14
Date

[Signature]
Signature

Planning & Land Use Standing Committee	
APR 17 2014	
Late Item#	2
Page#	303

Janice Appleby

From: Helen Cain
Sent: Tuesday, Apr 15, 2014 11:54 AM
To: Janice Appleby
Cc: Derek Reimer [REDACTED]
Subject: FW: More petitions -- 62 Cambridge
Attachments: IMG.jpg; IMG_0001.jpg

Hi Derek,

I've forwarding your e-mail to Legislative Services.

Helen Cain

From: Derek Reimer [mailto:[REDACTED]]
Sent: Tuesday, Apr 15, 2014 11:15 AM
To: Helen Cain
Cc: Pam Madoff (Councillor); Geoff Young (Councillor)
Subject: More petitions -- 62 Cambridge

Helen:

Attached are two petitions regarding the small lot rezoning proposal at 62 Cambridge. They are from Giles and Leslie Hoya at 50 Cambridge.

They are changing their votes from supporting to opposed.

They say that they had signed their support based on misinformation provided by the developer who told them that we (Derek Reimer and Maxine Charlesworth) were "pleased" with his proposal. We are not pleased and never have been. He also told them that the building had been moved back from our property line and this is not true. Despite having options to relocate this proposed building away from our property line it is still just 5 feet away with the eaves only 2 feet from our property.

With these new petitions the level of support from immediately adjacent properties is now only 2 of 10 (20%).

This proposal does not have and never has had widespread support from the neighbours or the community.

- Derek Reimer

Planning & Land Use Standing Committee	
APR 17 2014	
Late Item#	2
Page#	30 C

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

PETER WALDHUBER, am conducting the petition requirements for the
(print name)

property located at 62 CAMBRIDGE ST

to the following Small Lot Zone: R1-S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) GILES HOGAN (see note above)

ADDRESS: 50 CAMBRIDGE ST.

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☐ I support the application.

☒ I am opposed to the application.

Comments:

TO BE A GOOD NEIGHBOUR, THE
HOUSE PROPOSED NEEDS TO BE
SITTED FURTHER FROM HIS
NORTHERN NEIGHBOUR.

15 APRIL
Date

[Signature]
Signature

Planning & Land Use
Standing Committee

APR 17 2014

Late Item#

2

Page#

30D

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

~~Leslie Hogya~~ ^{Peter Weisbr} ^{LPH}, am conducting the petition requirements for the
(print name)

SMI property located at 52 Cambridge St
to the following Small Lot Zone: R152

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Leslie Hogya (see note above)

ADDRESS: 50 Cambridge St

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☐ I support the application.

☒ I am opposed to the application.

changed my support

Comments:

I am NOT opposed to a "small"
house on this lot.

I am opposed to the size of
house & how close it is to
neighbors NORTH side property

15 April 2014
Date

Les R Hogya
Signature

Planning & Land Use
Standing Committee

APR 17 2014

Late Item#

2

Page#

30E

Janice Appleby

From: Helen Cain
Sent: Tuesday, Apr 15, 2014 1:57 PM
To: Janice Appleby
Subject: FW: Opposition to proposed development at 62 Cambridge St
Attachments: Opposition62Cambridge.pdf

Hi Janice,

In a series of e-mails to follow, I'm forwarding everything that I've received from neighbours and other members of the public related to REZ 62 Cambridge Street.

Helen

-----Original Message-----

From: jveran [mailto:]
Sent: Monday, Apr 14, 2014 1:59 PM
To: Pam Madoff (Councillor); Helen Cain; Deborah Day
Subject: Re: Opposition to proposed development at 62 Cambridge St

Dear Ms. Madoff, Cain and Day,

Our neighbours informed us that the City does not have on file our petition against the proposed development at 62 Cambridge St. This is disappointing because we have repeatedly stated our opposition. Please see the attached letter that we sent twice to Councillor Madoff. Could you confirm that our vote against this project is properly accounted for?

Sincerely,

Jean-Pierre Veran and Marie-Josée Lepage
1147 Faithful St, Victoria BC

----- Original Message -----

From: "Jean-Pierre Véran" < >
To: "Pam Madoff" <pmadoff@victoria.ca>
Sent: Tuesday, February 25, 2014 7:00:46 AM
Subject: Re: Opposition to proposed development at 62 Cambridge St

Dear Ms. Madoff,

We noticed the "Land Use Application" sign at 62 Cambridge St, and wanted to remind you that we do not support the current development proposal. We would be grateful if you could help us make sure that the committees reviewing this proposal are aware of our concerns. I have attached the letter I sent you after the Sep 2012 community meeting, which summarizes our concerns.

Thanks a lot!

Jean-Pierre Véran and Marie-Josée Lepage
1147 Faithful St

On 2012-10-29, at 11:56 AM, Pam Madoff (Councillor) wrote:

> Thank you very much for your e-mail and the attached letter. I have been contacted by a number of neighbours and have also made a visit to the site to better understand the context of the proposal.

>
> The input that I have received from the neighbours has been most helpful and will greatly assist in my consideration of the proposal - should it advance to Council.
>
> Please do not hesitate to contact me if you have any questions in the future, specific to process, etc.
>
> Best regards,
> Pamela Madoff
> -----
> Sent from my BlackBerry Wireless Handheld
>
>
> ----- Original Message -----
> From: Jean-Pierre Véran [redacted]
> Sent: Sunday, October 28, 2012 10:44 PM
> To: Pam Madoff (Councillor)
> Subject: Opposition to proposed development at 62 Cambridge St
>
> Dear Ms Madoff,
>
> Please find attached a letter stating our opposition to the proposed development at 62 Cambridge St. We will send a signed copy to your City Hall office shortly. We thank you in advance for your help in resolving this issue that is causing significant worries to us and to our neighbours.
>
> Sincerely,
>
> Jean-Pierre Véran and Marie-Josée Lepage
> 1147 Faithful St
>
>

Janice Appleby

From: Helen Cain
Sent: Tuesday, Apr 15, 2014 1:57 PM
To: Janice Appleby
Subject: FW: 62 Cambridge -- Small Lot Rezoning Petitions

From: Derek Reimer [redacted]
Sent: Monday, Apr 14, 2014 4:09 PM
To: Pam Madoff (Councillor)
Cc: Helen Cain
Subject: 62 Cambridge -- Small Lot Rezoning Petitions

Dear Councillor Madoff:

You asked for some additional information about the Small Lot Rezoning Petitions for 62 Cambridge St.

The numbers reported in the petition summary are a gross misrepresentation of the facts about neighbourhood support for this project.

There are ten adjoining properties:

1147 and 1149 Faithful
50, 53, 57, 77, 81 and 85 Cambridge
1150 and 1150 Woodstock

The developer has double, triple -- and in one case quintuple -- counted for properties where he has support but for properties where multiple residents are opposed only one vote has been recorded. He has also counted as "Neutral" several properties that have consistently opposed his proposal. I suspect he has deliberately let some opposing petitions become stale dated. Finally, he has completely ignored the Sommerstads, next door neighbours who are unalterably opposed to his plan. He has not even included them in his list of neighbouring properties.

The true situation, counting one vote for each property is 6 Opposed, 3 Support, and 1 Neutral. The details are as follows:

Opposed (6):

1147 Faithful (the petition lists them as Neutral but these people have always been opposed; you have received several letters from these people stating their opposition)

1149 Faithful

85 Cambridge (formerly a supporter who says in her petition that her former support was "bullied" and that she has in fact always been opposed)

81 Cambridge (listed by the developer as Neutral but who but has always been strongly opposed; "refreshed" her petition today)

77 Cambridge

1150 Woodstock (the Sommerstads, next door neighbours and opposed since Day One but unaccountably left off the petition by the developer)

Support (3)

57 Cambridge (back and forth, back and forth, but most recently supporters)

50 Cambridge (a couple; counted by the developer as 2 votes)

1145 Woodstock (a rental property where I have never been able to find anyone home but counted as five votes by the developer)

Neutral/No vote/Expired

53 Cambridge (the owners assured me in mid-March that they would be submitting a Neutral petition directly to the Planning Department; they are currently out of town so I cannot confirm that they did this; in any event, not included by the developer)

The developer also lists two supporters at 85 Cambridge but there are no supporting petitions. These may be former tenants who no longer live there -- or maybe they have been simply “made up”. Even if the developer is able to produce the signed petitions this would only have a marginal impact on the numbers.

The developer also included 48 Cambridge as Neutral in his count. This is not really an adjoining property but rather a duplex further down Cambridge St. In any event, a Neutral vote will have little impact on the overall picture and no document was produced by the developer.

Using “normal” statistics and a standard basis for counting (i.e., one vote per property) support for the current proposal is 30% (3 out of 10), 60% opposed (6 out of 10) with 10% Neutral. This is a far cry the 79% claimed by the developer using “funny math” and nowhere near the 75% required in the Rezoning policy.

I want to add two points:

First, I am very disappointed that the Planning staff has made no attempt to confirm the accuracy of the developer’s claims regarding the level of neighbourhood and community support. It is very poor practice to ask City Council to make decisions based on bad information.

Second, this proposal clearly does not have a satisfactory level of support as defined in the City’s Small Lot Rezoning policy and the low level of support shows that no “substantial consensus” exists. The policy states this consensus is a precondition of advancing to a public hearing. The application has not met important preconditions and it should NOT go to a public hearing at this time. **Any suggestion to send this proposal to a public hearing is premature and should be rejected as per City policy.**

- Derek Reimer

Janice Appleby

From: Helen Cain
Sent: Tuesday, Apr 15, 2014 1:58 PM
To: Janice Appleby
Subject: FW: opposition to development 62 Cambridge St.

From: Alison Meyer
Sent: Monday, Apr 14, 2014 4:31 PM
To: Helen Cain
Subject: FW: opposition to development 62 Cambridge St.

From: Pam Madoff (Councillor)
Sent: Monday, Apr 14, 2014 4:16 PM
To: Alison Meyer
Subject: Fw: opposition to development 62 Cambridge St.

FYI

From: Pam Madoff (Councillor)
Sent: Monday, April 14, 2014 04:15 PM
To: 'dlr47@shaw.ca' [REDACTED]
Subject: Re: opposition to development 62 Cambridge St.

Hello, Derek. Yes, I did receive this letter. I will forward to staff.

Pamela

From: Derek Reimer [REDACTED]
Sent: Monday, April 14, 2014 02:23 PM
To: Pam Madoff (Councillor)
Cc: Helen Cain; Deb Linehan <[REDACTED]>; Wayne Sommerstad [REDACTED]; Rose Sommerstad [REDACTED]
Subject: Fw: opposition to development 62 Cambridge St.

Pam:

Please confirm that you received this letter from the Sommerstad Family on February 20, 2014.

I can find no mention of it in the agenda package for April 18th and it contains a lot of relevant information. For example, it contains far better information about shading and privacy impacts of the proposed development than the Planning Department report that somehow concludes that a two story building less than five feet from our south property line would have "no shading" impact on our back yard. If you consider that for even a moment you can see how ridiculous a statement it is.

You also received a letter from Jean-Pierre Veran and Marie Lepage that is not included in the package.

- Derek Reimer

From: Deb Linehan
Sent: Thursday, February 20, 2014 1:04 AM
To: 'Derek Reimer' ; 'Wayne Sommerstad'
Cc: [REDACTED]
Subject: FW: opposition to development 62 Cambridge St.

From: Deb Linehan [mailto:[REDACTED]]
Sent: February 20, 2014 12:47 AM
To: 'pmadoff@victoria.ca'
Cc: 'mayor@victoria.ca'; 'malto@victoria.ca'; 'ccoleman@victoria.ca'; 'sgudgeon@victoria.ca'; 'lhelps@victoria.ca'; 'bisitt@victoria.ca'; 'cth Thornton-joe@victoria.ca'; 'gyoung@victoria.ca'
Subject: opposition to development 62 Cambridge St.

Dear honorable mayor and council,

I am writing to oppose the development proposal at 62 Cambridge St. My family owns the adjoining property at 1150 Woodstock Ave.

A meeting of the Fairfield Community Association was held in Sept. 2012, at which time substantial opposition was expressed by neighbours.

Recently, a proposal was put forth by the developer that the City of Victoria planning department staff has recommended be declined.

Refer

Planning and land use committee meeting January 23rd.

<https://victoria.civicweb.net/FileStorage/A2B698924B954A87B846E0A84100C0F0-Rezoning%20-%2000380%20DP%20with%20Variance%20for%2062%20Cambridge.pdf>

It is our understanding that council may overturn the planning department recommendation in favor of a public hearing. The reasons for our opposition of a public hearing and also the development itself are outlined in the attached letter. I will also submit hard copies to city hall.

Many thanks for your consideration,

Deb Linehan
(250) 514-9054

Janice Appleby

From: Helen Cain
Sent: Tuesday, Apr 15, 2014 1:58 PM
To: Janice Appleby
Subject: FW: 62 Cambridge St. - rezoning petition
Attachments: IMG.jpg

From: Derek Reimer [mailto:dlr47@shaw.ca]
Sent: Monday, Apr 14, 2014 5:17 PM
To: Helen Cain
Cc: Pam Madoff (Councillor)
Subject: 62 Cambridge St. - rezoning petition

Helen:

Attached is a Small Lot House Rezoning Petition from [REDACTED] Cambridge St.

On the developer's most recent summary of petitions she is listed as "Neutral". In fact, she has always been opposed to this development and I suspect that the developer "forgot" to refresh this petition.

It is **one of three** opposing petitions that he forgot to refresh (see also 1150 Woodstock and 1147 Faithful). I note that he did manage to refresh a couple of supporting petitions.

I expect that this petition will be included as an addendum to Thursday's agenda package. If for some reason this will not be the case I hope you will advise me of the reasons.

- Derek Reimer

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Rita Waldhuber (print name), am conducting the petition requirements for the

property located at 62 Cambridge St

to the following Small Lot Zone: R152

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) [REDACTED] (see note above)

ADDRESS: [REDACTED] Cambridge

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

- ☐ I support the application.
☒ I am opposed to the application.

Comments:

by per my earlier concerns
- House too large
- Too close to property line of 1449 Faithful
- parking is already a problem on street
NB I have always been opposed to this development.

2014-04-14
Date

[REDACTED]
Signature
[REDACTED] Cambridge St.

Janice Appleby

From: Ming Moodrey
Sent: Tuesday, Apr 15, 2014 1:03 PM
To: Janice Appleby
Subject: FW: Meeting April 17 Updated information Development 62 Cambridge St. - FWD From Mayor - to Mayor & Council
Attachments: opposition 62 Cambridge St. development.docx

Ming Moodrey
Corporate Administration Secretary
Department of Legislative and Corporate Services
City of Victoria
1 Centennial Square, Victoria BC V8W 1P6

T 250.361.0346 F 250.361.0348



From: Pam Delaney **On Behalf Of** Mayor (Dean Fortin)
Sent: Tuesday, Apr 15, 2014 1:00 PM
To: Ming Moodrey
Cc: Linda Rains
Subject: FW: Meeting April 17 Updated information Development 62 Cambridge St. - FWD From Mayor - to Mayor & Council

From: Deb Linehan [mailto:████████████████████]
Sent: Monday, Apr 14, 2014 11:45 PM
To: Pam Madoff (Councillor); Mayor (Dean Fortin); Marianne Alto; Chris Coleman (Councillor); Shellie Gudgeon; Lisa Helps; Ben Isitt; Charlayne Thornton-Joe (Councillor); Geoff Young (Councillor)
Cc: Helen Cain; Deborah Day
Subject: FW: Meeting April 17 Updated information Development 62 Cambridge St.

Dear honourable mayor and council:

It comes to our late attention that an agenda item has been set for you this coming April 17th to approve a public hearing for the development at 62 Cambridge. We are surprised, as we have had no communication on the matter. In reviewing the package that you received we would like to point out some errors. In addition, we would like to have some clarification on the protocol of completing a petition as it appears this petition inconsistently counts votes. The table below represents in black font (submitted) and in red font (corrections) plus other questions noted next.

For instance:

Our home at 1150 Woodstock Ave. (adjoining to 62 Cambridge) was **not even included** in the petition votes. Our letters were not included in the package (most recent attached here again). This letter includes a shading analysis which stands in opposition of the applicants proposal. Two other opposing neighbours are listed as neutral in error and not counted in the vote. Section 4.4 notes the applicant is responsible for refreshing all votes that are over 6 months old. The petition appears to ignore the status of opposing votes.

It also seems odd that some properties have multiple votes for owners/renters. Are votes counted by unit or number of people? For example, does the home at 1145 Woodstock Ave. have 4 rental units in it or 4 renters? In this petition, opposing votes get 1 vote regardless of number of occupants.

Section 4.4 states "Satisfactory support is considered to be support in writing for the project by 75% of the neighbours." Regardless of the strange accounting of votes that appears stacked against the opposed, there is still not 75% consensus.

In summary, we are quite dismayed at the lack of transparency and the inaccurate communication. As homeowners, we do not feel well represented in the push towards this development.

Deb Linehan (owner 1150 Woodstock Ave.)
(250) 514-9054

Address	In favor	Opposed	Neutral	Notes
1147 Faithful		1 vote (2)	x	A letter is on file signed by both owners opposing, former petition signed in opposition. Applicant is obligated to update
1149 Faithful		1 vote (2)		Should this count two votes like 50 Cambridge?
1150 Woodstock Ave		No vote was included (3)		Not even included on applicants list and there are 3 owners opposed.
1145 Woodstock	5 votes			One owner and 4 tenants? Are there 4 rental units in this house? Is that legal?
48 Cambridge			x	Not qualified as adjacent property
50 Cambridge	2 votes			Are there 2 rental units in this house or 2 owners?
57 Cambridge	2 votes			Are there 2 rental units in this house or 2 owners?
77 Cambridge		X (1)		
81 Cambridge		X (1)	x	Has been refreshed as opposed
85 Cambridge		X (1)		
85 Cambridge	2 votes			Are there two rental units in this house or is the two renters?
	11 votes for 4 properties	3 votes Should be 6 Votes	3	
		10 owners		
summary	11	3		79% approved
Revised summary	11	6		65% approved 35% opposed (at minimum)

From: Deb Linehan [mailto:████████████████████]

Sent: February 20, 2014 12:47 AM

To: 'pmadoff@victoria.ca'

Cc: 'mayor@victoria.ca'; 'malto@victoria.ca'; 'ccoleman@victoria.ca'; 'sgudgeon@victoria.ca'; 'lhelps@victoria.ca'; 'bisitt@victoria.ca'; 'cth Thornton-joe@victoria.ca'; 'gyoung@victoria.ca'

Subject: opposition to development 62 Cambridge St.

Dear honorable mayor and council,

I am writing to oppose the development proposal at 62 Cambridge St. My family owns the adjoining property at 1150 Woodstock Ave.

A meeting of the Fairfield Community Association was held in Sept. 2012, at which time substantial opposition was expressed by neighbours.

Recently, a proposal was put forth by the developer that the City of Victoria planning department staff has recommended be declined.

Refer

Planning and land use committee meeting January 23rd.

<https://victoria.civicweb.net/FileStorage/A2B698924B954A87B846E0A84100C0F0-Rezoning%20-%2000380%20DP%20with%20Variance%20for%2062%20Cambridge.pdf>

It is our understanding that council may overturn the planning department recommendation in favor of a public hearing. The reasons for our opposition of a public hearing and also the development itself are outlined in the attached letter. I will also submit hard copies to city hall.

Many thanks for your consideration,

Deb Linehan
████████████████████

City of Victoria

Councillor Pamela Madoff

c/o 1 Centennial Square

Victoria, BC V8W 1P6

Feb 20, 2014

Dear Ms. Madoff,

Re: 62 Cambridge St. – Proposed development

We are the owners of the adjacent property on the west side. Our address is 1150 Woodstock Ave.

We object to this rezoning and development for the following reasons.

1. **Planning recommendation.** The proposal was *rejected* by the City of Victoria planning department. Notwithstanding the recommended decline, we understand that city council is still contemplating a public hearing on the matter.
2. **New and old variances.** The two houses will have many variances. The existing house has 5 variances from the R1-B standard, including *height and floor area*, all of which have now been accepted as legal. The new house would have 2 variances (*setback and total floor area*) from the R1-S2 standard. We object to the overall size of the project.
3. **Enforcement.** The existing house has been an “illegal” triplex for many years and the city seemed unable to remedy this. While the present owner states that he will maintain this house as single family with an approved secondary suite from here on, there are no

guarantees that this will always be the case. This is not to suggest that Peter Waldhuber intends to do this, but this property could be sold and the new owner could. And again, the city would probably not enforce the zoning restrictions for this property. Then there would be 4 families on the property.

4. **Traffic and parking.** The second house would add to traffic and parking concerns for the street, which is already very congested.
5. **Neighbourhood support.** The small lot house rezoning policy (October 14, 2004) rule allows 10 neighbours to “vote” on this particular proposal. With reference to the polling of neighbours as to ascertain their acceptance of the development, the favourable responses have been from residences some distance away. Two are from around the corner on a different street and do not have a direct line of sight to the proposed new house. *They will not even be able to see it.* It would seem to me that the adjoining properties should have a greater say than those who are far away and without the approval of all of the adjoining properties, the required 75% approval will never be attained.

If the required 75% approval rule is disregarded by the city, then three new neighbours have been added to those objecting, one of which will be affected by the shading in the morning.

6. **Shading.** The shading analysis done by a third party landscaping contractor is very misleading. We would like to know if the analysis was commissioned and paid for by the developer. The profile was obtained for high noon on the 21st day of July. The contractor probably meant to use June 21 when the sun is at its maximum height, but the difference between these dates is small as the sun’s declination changes very little as the sun slowly

drifts through its solstice. To make a point through exaggeration, *even the Empire State building would not have a shade profile if the sun was directly overhead.* A more meaningful shade profile would be one done in the winter months when it is cold and damp. This is when the sun's warmth is really appreciated. Also, the submitted shade profile is shown with an elevated property profile and the *neighbouring property is omitted so you do not see the extent of the shade.*

To provide a true picture of the shading on Derek Reimer's property *and* our property, I have provided some alternative dates and times. Using noon to reveal the shading on Derek's property, one date is December 21, when the sun is at its lowest, and the other dates are November 1, March 1, July 21 and June 21. Then another profile uses 10 am on the same dates to reveal the shading on our property on Woodstock Ave. See attached appendix for the calculations.

At noon on December 21 the length of the noon shadow is 69.60 feet, on November 1 it is 45.029 feet and on March 1 it is 33.623 feet. **This not only covers Derek's back yard but his house as well.**

At 10 am on December 21, the shadow reaches 104.247 feet across **our** back yard *and* adjoining neighbour's back yard. On November 1 the shadow reaches 56.923 feet and on March 1, the shadow reaches 47.464 feet. Of course, by noon, it is not so bad for us but then it is Derek's problem again.

7. **Privacy.** Streets and houses are built so that the houses are in line and their respective back yards are also in line. This provided the maximum amount of view, privacy and enjoyment of your property. The proposed new 2 story development destroys that configuration as it is in line with and overlooking our back yard. It is bad enough that the

existing house on 62 Cambridge is a 3 story and over height, let alone add another house on the property.

8. **Deviation from the stated principles of the Small Lot House Rezoning Policy of October, 2004.** The policy guidelines stress the importance of “shadowing, privacy, sunlight and air space... and seasonal sun angles” (section 3.1 of strategies); and relates to the “privacy, landscaping, sunlight, view and parking” (section 4.2 of neighbours’ values). The small lot house design guidelines stress the importance of “...preventing the overshadowing of existing yards...” and maintaining privacy and significant views for the neighbours” (section 3.1).

In conclusion, I doubt any of you would want a 24 foot structure up against your back fence and neither do we. We have owned this property for about 35 years and I think Derek has also. It would be devastating to see the city agree to the destruction of the ambiance and enjoyment of what we have called home for so long.

Yours truly,

The Sommerstad family

Deb Linehan

Wayne Sommerstad

Rose Sommerstad

Appendix 1 – Calculation of shading for different times and dates

What is really required for accurate calculation of shading is the sun's elevation. The formula for the sun's elevation at solar noon is 90 degrees less the latitude of the proposed house plus the sun's declination for that time and date. The tangent of the elevation is obtained through tables. Then the height of the proposed house is divided by the tangent to obtain the length of the shadow.

The exact latitude and longitude of the proposed house is 48.4095 degrees north and 123.3552 degrees west, which was obtained from Google Maps. Solar noon is 12:14 pm. The height of the house is 22.83 feet (6.96m).

Calculations are as follows:

Shadowing effect on Dereck Reimer's property – 1149 Faithful St.			
Solar noon on date	Elevation	Tangent	Length of shadow (ft)
June 21	65.03 degrees	2.147	10.63
July 21	61.93	1.875	12.176
Nov 1	26.87	0.507	45.029
Dec 21	18.15	0.328	69.60
March 1	34.16	0.679	33.623
Shadowing effect on Sommerstad property – 1150 Woodstock Ave.			
10 a.m. on date	Elevation	Tangent	Length of shadow (ft)
June 21	53.46	1.350	16.911
July 21	50.38	1.208	18.899
Nov 1	21.86	0.401	56.932
Dec 21	12.35	0.219	104.247
March 1	25.67	0.481	47.464

Janice Appleby

From: Helen Cain
Sent: Tuesday, Apr 15, 2014 2:00 PM
To: Janice Appleby
Subject: FW: More petitions -- 62 Cambridge
Attachments: IMG.jpg; IMG_0001.jpg

From: Derek Reimer [REDACTED]
Sent: Tuesday, Apr 15, 2014 11:15 AM
To: Helen Cain
Cc: Pam Madoff (Councillor); Geoff Young (Councillor)
Subject: More petitions -- 62 Cambridge

Helen:

Attached are two petitions regarding the small lot rezoning proposal at 62 Cambridge. They are from Giles and Leslie Hoya at 50 Cambridge.

They are changing their votes from supporting to opposed.

They say that they had signed their support based on misinformation provided by the developer who told them that we (Derek Reimer and Maxine Charlesworth) were "pleased" with his proposal. We are not pleased and never have been. He also told them that the building had been moved back from our property line and this is not true. Despite having options to relocate this proposed building away from our property line it is still just 5 feet away with the eaves only 2 feet from our property.

With these new petitions the level of support from immediately adjacent properties is now only 2 of 10 (20%).

This proposal does not have and never has had widespread support from the neighbours or the community.

- Derek Reimer

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

PETER WALDHUBER, am conducting the petition requirements for the
(print name)

property located at 62 CAMBRIDGE ST

to the following Small Lot Zone: R1-S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) GILLES HOGYK (see note above)

ADDRESS: 50 CAMBRIDGE ST.

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☐ I support the application.

☒ I am opposed to the application.

Comments:

TO BE A GOOD NEIGHBOUR, THE
HOUSE PROPOSED NEEDS TO BE
SITTED FURTHER FROM HIS
NORTHERN NEIGHBOUR.

15 APRIL
Date


Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

~~Leslie Hogya~~ ^{Peter Weisbr} ^{Ltd}, am conducting the petition requirements for the
(print name)

SMI property located at 52 Cambridge St
to the following Small Lot Zone: R152

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Leslie Hogya (see note above)

ADDRESS: 50 Cambridge St

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☐ I support the application.

☒ I am opposed to the application.

changed my support

Comments:

I am NOT opposed to a "small"
house on this lot.

I am opposed to the size of
house - how close it is to
neighbors NORTH side property

15 April 2014
Date

Les R Hogya
Signature

Janice Appleby

From: Helen Cain
Sent: Tuesday, Apr 15, 2014 2:00 PM
To: Janice Appleby
Subject: FW: Rezoning application for 62 Cambridge St.

-----Original Message-----

From: Wayne Sommerstad [mailto:wayne.sommerstad@cityofvictoria.ca]
Sent: Tuesday, Apr 15, 2014 10:59 AM
To: Helen Cain
Cc: Deborah Day; Alison Meyer
Subject: Rezoning application for 62 Cambridge St.

City of Victoria
Planning and Development

Attn: Helen Cain, Deb Day, Allison Meyer

Dear Helen and Deb,

Re: Application to rezone 62 Cambridge St.

I am a joint owner of 1150 Woodstock Ave, which an adjoining property to 62 Cambridge.

A previous application for this property rezoning did not receive the planning department's approval and apparently a new submission has been filed.

One problem with the new submission is the counting of neighbourhood supporters. There are 10 eligible houses but the number of voters as swelled to much more than that. Furthermore, it seems that those who do not support the application have been somehow been counted as supporters.

To avoid any careless conclusions, some serious independent empirical evidence of the true vote is required. The best remedy is a vote conducted by city employees. I am not sure how independent you are from influence or pressure by city councilors but a city vote would go a long way towards avoiding any future legal challenges to decisions made regarding this development.

Regards,

Wayne Sommerstad

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Peter Waldhuber

(print name)

, am conducting the petition requirements for the property located at 62 Cambridge St.

to the following Small Lot Zone: R1S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) WAYNE SOMMERSTAD (see note above)

ADDRESS: 1150 WOODSTOCK AVE

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☐ I support the application.

☒ I am opposed to the application.

Comments:

As 1150 Woodstock is a legal duplex, do I
get a vote on both 1150a Woodstock + 1150b Woodstock?

Apr 15 / 2014
Date

Wayne Sommerstad
Signature