

Janice Appleby

From: Deb Linehan [REDACTED]
Sent: Tuesday, Apr 15, 2014 11:32 PM
To: Janice Appleby; Helen Cain; Alison Meyer
Cc: Pam Madoff (Councillor)
Subject: FW: Meeting April 17 Updated information Development application #00380 62 Cambridge St.
Attachments: opposition 62 Cambridge St. development.docx; John Sommerstad 1150 Woodstock.pdf; Rose Sommerstad.pdf; Debora Linehan (Sommerstad) 1150 Woodstock Ave.pdf; Wayne Sommerstad 1150 Woodstock Ave.JPG

Dear city planning and land use committee,

Included here are the petitions of the 3 owners and 1 resident at 1150 Woodstock Ave. Please revise city council package for meeting this Thursday, April 17th. As noted in our previous communication, 1150 Woodstock Ave was omitted from the petition. Based on recent inclusions of opposed votes, we calculate at least 59% opposed. Revisions noted in table below, based on counting votes per person. We also note the approved signed petitions for 85 Cambridge were not included in the package. If you do not have this documentation, we suggest those votes should be removed.

Please acknowledge receipt and current status of the meeting package

Many thanks

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

From: Deb Linehan [mailto:[REDACTED]]
Sent: April 14, 2014 11:45 PM
To: 'pmadoff@victoria.ca'; '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'
Cc: 'hcain@victoria.ca'; 'dday@victoria.ca'
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 (4)		Not even included on applicants list and there are 3 owners and 1 resident 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	(2) votes		Are there 2 rental units in this house or 2 owners? Changed to opposed
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 April 14	11	6		65% approved 35% opposed (at minimum)
Revision	9	13		41% approved

April 15				59% opposed (at minimum)
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From: Deb Linehan [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
[REDACTED]

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

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. Victoria

to the following Small Lot Zone: R-1S2

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) Rose 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:

Letter submitted to city council and city planning department

April 15, 2014

Date

Rose Sommerstad
Signature

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

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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

SMALL LOT HOUSE REZONING PETITION

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

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(print name)

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Please review the plans and indicate the following:

NAME: (please print) John 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:

Letter submitted to city council and city planning department

April 15, 2014

Date


Signature

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. Victoria

to the following Small Lot Zone: R-1S2

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) Debora 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:

Letter submitted to city council and city planning department

April 15, 2014

Date


Signature