

Mr. Karl Robertson
President,
Empressa Properties

May 17, 2016

Via email: [REDACTED]

Re: Proposed Condominium Project at 1120, 1124 and 1128 Burdett Ave, Victoria BC

Dear Mr. Robertson,

Thank you for taking the time to meet with myself and a small group of neighbors on Saturday March 19, 2016 regarding the above noted proposed development. We appreciate you taking the time to provide more details and background on your project for those of us that live on Burdett and in the surrounding neighborhood.

Many of us, like my wife and I who have lived on Burdett for 24 years, are pleased to see the interest in our street and your stated desire to enhance the community. The three houses at 1120-28 Burdett form the entrance to our neighborhood. We believe that improvements to those properties can be made that will be both beneficial to the neighborhood and profitable to you as a developer.

However, after meeting with us to show us your plans and to hear our comments and concerns, it appears that you intend to ignore the opinion of the community and force your vision for the neighborhood on to those of us who have lived and paid taxes in this neighborhood for many decades. As stated during our meeting, the community believes that contrary to your statements, the size and massing, density, height, building setbacks (front, rear and sides), and off-street parking of your proposed development are not in keeping with the desires of the community or the Official Community Plan (OCP).

During our meeting you repeatedly stated that a 4 story building is already allowed under the current zoning and that the OCP calls for 4 to 6 story multi-unit residential buildings on this site. We believe that you have misinterpreted and or selectively taken sections of the zoning requirements and OCP out of context to convince the community that this is a fait accompli and that there is no point in opposing your plans for the site.

This is further reinforced by your statements that you have been working with the city to develop your plans for the site and this is what the city wants and is directing you to build. This is completely contrary to the current zoning and OCP and is not what the community wants or needs.

It is also noteworthy that until our meeting of March 19, 2016 you had not spoken to a single resident of Burdett Ave with regard to your development to obtain any community feedback or suggestions.

The current zoning of 1120, 1124 and half of 1128 is R1-B single family zoning and the remaining half of 1128 is zoned R3-AM-1. The OCP designates the three lots as Urban Residential. These lots are directly across the street from lots that are zoned R1-B Single family

and designated as Traditional Residential in the OCP. It should also be noted that aside from the apartment building located at 825 Cook Street and the rear parking lot for that building, the entire south side of the 1100 block of Burdett Ave is zoned R1-B single family and designated Traditional Residential by the OCP.

As such the 3 lots located at 1120-28 Burdett Ave function as a transition from the Urban Residential designation to the Traditional Residential Area and the size, height, mass, setbacks etc should reflect this transition. This can only be accomplished by increasing the setbacks and stepping down in size from the max envisioned for an urban residential area to approximate that of the Traditional Residential area. Your proposed development provides no transition between the two land designations, nor does it recognize the traditional single family homes and designated heritage homes directly opposite.

The R1-B zoning currently present on 2.5 of the 3 lots allows for a maximum of 2 story residential buildings not 4. The R3-AM-1 zoning present on 0.5 of one of the 3 lots does allow for buildings up to 4 stories, however, the max permissible height is 12m and this zoning also requires a minimum front set back of 10.5 m for this height.

As noted in your Development Proposal Community Meeting Notice, you are asking for variance relaxation on height as well as front, sides and rear set back but no details including measurements were provided in the notice. Although I do not recall the exact proposed side and rear set back I believe the renderings quickly flashed up on a screen at the community meeting show a proposed height of approx. 15 m and a front set back of only 7.5 m. The current R3-AM-1 zone, which is applicable to the eastern most half of 1128 Burdett, restricts buildings to 1 or 2 storeys where the front set back is only 7.5M as you have proposed. For a 4 story building with a maximum height of 12 m, the current zoning requires a minimum front set back of 10.5 m. As such although you claim your building is only 4 stories, at 15 m tall it is actually the height of a 5 story building and you are only proposing to provide the required setback for a 1 to 2 story building.

As for the OCP, Section 6: Land Management and Development, Figure 8: Urban Place Guidelines, states that the built form for Urban Residential designated property shall be:

“Attached and detached buildings up to Three Storeys.

Low-rise and mid-rise multi-unit buildings up to approximately six storeys.”

It also lists the Uses as:

“Ground-oriented multi-unit residential.

House conversions.

Low to mid rise multi-unit residential.

Low to mid-rise mixed-use along arterial and secondary arterial roads.

Home occupations.

Visitor accommodations along Gorge Road and in pre-existing locations.”

As such, a mid-rise multi-unit residential building is only one of the potential built form and uses envisioned for a property designated as Urban Residential in the OCP. This built form and use is a broad-based vision for Urban Residential in general across the city as a whole and does not take any specific factors about the site and its location/orientation within the Urban Residential designation area into account. In fact Section 6.3 clearly states:

“While the designations described in policy 6.1 and Figure 8 establish the general pattern of land use, it is the Zoning Bylaw that regulates the specific uses and density of development that are permitted to occur on the land. Within each designation, there will be a range of uses, densities and built forms. Decisions about the use, density and scale of building for an individual site will be based on site-specific evaluations of proposed developments in relation to the site, block and local area context and will include, but not be limited to consideration of:

6.3.1 Consistency of proposal with all relevant policies within the OCP;

6.3.2 City policies; and

6.3.3 Local area plans.”

As such section 6.3.1 and 6.3.3 would indicate that Section 21: Neighborhood Directions of the OCP must be taken into consideration when determining decisions about use, density and scale of building for an individual site. This is contrary to your opinion that, because a 4 to 5 story building is one of many possible built forms that may be permitted on your site, that it should automatically be approved.

The Vision for Fairfield in the citywide context, as stated in the OCP indicates that the majority of the multi-family housing stock be located in the western portion of the neighborhood. Fairfield is bound by Douglas Street to the West and St Charles to the east with Cook Street forming the natural boundary between East and West. 1120-28 Burdett is located on the East side of Cook Street and is therefore not in the area envisioned for any significant portion of multi-family housing stock in the community and therefore does not justify approval of a 4 to 5 story building.

The Neighborhood Directions section of the OCP also indicates the vision for Fairfield is as a transition from the Downtown Core Area to established Traditional Residential areas. As noted earlier above, the property directly across the street from 1128 Burdett is designated as traditional residential as are the rest of the properties that front on to Burdett street east of that. A transition from the urban Core Area to Traditional Residential Area would suggest a gradual stepping down in height, density, and mass as well as improved setbacks as you move across the Urban Residential Area from Core to Traditional Land Use Area.

Your proposed development provides none of this required transition and in fact proposes to place a building with the greatest density, height, and massing as well as the smallest setback contemplated in the Urban Residential land designation at the extreme edge of that designation, directly abutting a traditional residential area with much lower density, height, and massing.

Section 6.3.3 local area plans would also indicate that the City of Victoria’s Suburban Neighborhood, Excerpts Relating to Fairfield Report also needs to be considered and complied with during any rezoning or change in land use.

The three lots at 1120, 1124 and 1128 are identified in that report as being in the Conservation and General Residential Area. The policy developed in that report states:

“CONSERVATION AND GENERAL RESIDENTIAL AREAS

- (1) Conserve heritage buildings and traditional residential streetscapes (architecture and landscaping).*
- (2) Maintain viable population levels within the capacity of established public services (schools, parks, utilities and bus routes).*
- (3) Encourage improvement in the quality and lifespan of existing housing stock.*
- (4) Adapt existing housing stock to meet the varied social and economic needs of residents (duplex, apartment, boarding, rooming, housekeeping apartments, rest homes and child care).*
- (5) Consider rezoning in instances of deteriorated housing and undeveloped land, where infill development or redevelopment is appropriate, e.g. small lot single family dwellings, duplexes and small scale townhouses.”*

Based on this policy, the existing traditional residential streetscape should be maintained by conversion of the existing housing stock to meet the needs of the residents, or possibly redeveloped with duplexes or small scale townhouses. This policy does not appear to support or allow the demolition of existing traditional residential buildings or the redevelopment of the site with a condominium building that requires new site specific zoning or variances for height, front, rear and side setbacks, parking, and traffic volumes as identified on your community meeting notice.

The vision as stated in section 21.5.4 of the OCP would suggest that the site is more suited for a smaller development such as ground-oriented Multi-unit residential uses based on house conversions and/or attached or detached buildings of two or three stories with a TFSR of 1.2 or less - not the TFSR1.8 you are proposing.

It should be noted that even where a property in an Urban Residential Area is not abutting or close to a Traditional Residential Area, the city has not always allowed the developer to construct the max size building allowed in an Urban Residential Area.

Where such a property is located next to designated heritage or older single family homes a more reasonable approach is to step the max size and massing down to act as a transition and buffer for these remaining heritage buildings. This also provides a more varied interesting street scape and livability factor than what would be present if all the buildings besides the historic homes were constructed to the max allowable size and built form for a given land designation.

For example, 1020 Richardson Street is in the western portion of Fairfield where the neighborhood vision is for a significant portion of Fairfield’s multi-family housing stock to be located. Although the site is in an Urban Residential Area and the majority of the other properties in that block had 4 story multi-residential buildings on them there were two properties

on the street with older historic single-family homes. The city therefore approved a two-storey town house development on the property which is a better fit for the street. Other similar examples include 451 Chester Street, 1011&1017 Pakington and 1137 Meares.

The vision for the Fairfield neighborhood as stated in section 21.5.5 of the OCP includes: *“Residential Character with mature streetscapes, historic homes and landscapes, continuous shoreline”* In addition the strategic directions outlined in section 21.6.1 of the OCP is to *“maintain and enhance established character areas.”* Your proposal includes the demolition of 3 older homes built in 1926, 1928 and 1930 and the removal of several large trees that contribute significantly to the residential character, mature streetscape, historic homes and landscape fabric of our street.

The proposed replacement building is a modern condo finished in white stucco with cedar accents which clashes with the turn of the century houses that line the south side of the street including two Designated Heritage homes. As such your proposal does not meet the vision or strategic direction for the area outlined in the OCP. Preservation of the existing homes via a House Conversion such as recent developments at 710 and 720 Linden Ave, 1120 and 1145 McClure street and 523 Trutch street or incorporation of the buildings in an attached low rise development of 2 to 3 stories would be more in keeping with the stated vision of the OCP.

Alternately, a sensitive row house development such as that found at 451 Chester street, which is also designated as Urban residential and surrounded by a mix of multi-unit residential buildings and traditional single family homes, would also blend in well with the streetscapes, and historic homes located on Burdett Ave.

On several occasions you have stated that the OCP calls for and the City wants increased density in the urban residual area. However, the strategic direction for the neighborhood outlined in section 21.6.6 of the OCP actually states: *“Maintain neighborhood population to ensure to support the viability of community and commercial services and schools.”* At present there are 3 single family dwellings at 1120-28 Burdett Ave and one of these appears to have been converted to a triplex for a total of 5 residences. Your proposal to add 37 condo units would overpower the entrance to the neighborhood, and increase the number of residential units on the subject site by over 700%. We are not out rightly opposed to any increased density, and in fact are supportive of a modest well-planned increase in density on Burdett and the surrounding streets. However, while a modest increase in density may be desirable what you are proposing for this block of Burdett Ave is not modest and does not conform to 21.6.6 of the OCP.

In addition to non-conformance with the existing zoning and land use designation in the OCP, we have concerns with several other factors of your development.

The triplex and 2 single-family residences on the subject site are currently part of the Neighborhood's much needed rental stock. During our meeting you claimed that 37 units were needed to insure the affordability of the neighborhood. However, we understand that all of the units proposed will be sold at full market value with no retention of any of the rental units. Rental units are often the only way many families or individuals can afford to live in the Fairfield area and removing 5 units of rental stock from the area will not improve but actually decrease the affordability.

Two rental buildings (915 and 955 Cook Street) and two strata condominium buildings (1115 and 1149 Rockland) directly abut the subject 3 lots on Burdett Ave. 915 and 955 Cook Street have approx. 24 units with eastern exposures that currently enjoy morning light and views of the residential area to the east. Although these buildings are 4 floors like your proposed development they are only approx. 11 m in height and have a rear set back of 10.5 m compared to your proposed 15 m in height and (TBC) m rear set back. 1115 Rockland has 6 units with direct southern exposure and 1149 Rockland has 8 units with direct Western exposure that have significant views, light and passive solar heating in winter months. Again, like the buildings on Cook Street, although these buildings are 4 floors they are only approx. 11.2 m and 11.9 m in height respectively compared to your proposed 15 m.

If built as proposed, your building will completely block or impact the views, light, solar heat gain and privacy of 38 residential units in these 4 buildings. The rental buildings on Cook and the individual strata units on Rockland were purchased for their location, views, light and privacy and blocking or compromising these features will negatively impact the rental and or resale value of these 38 units. For most people, the purchase of a home is the largest most important investment of their life and to allow the profit of one developer to take precedent over the individual investment of 14 home owners and two Multi-unit residential rental building owners would reflect extremely poorly on our society.

Based on the above we hope that you will reconsider your approach to the redevelopment of 1120, 1124 and 1128 Burdett to reflect the needs and desires of the community. There are numerous examples of redevelopment in the Fairfield neighborhood mentioned above that provide transition from higher density to traditional residential densities and that have been financially successful for the developer.

Many of these developments such as, 710 and 720 Linden, 1120 and 1145 McClure, 523 Trutch, 451 Chester and 1020 Richardson were supported by the community at rezoning and development meetings. We believe that a similar development proposal for 1120 -28 Burdett would also be supported by the community and would be a win – win for all parties.

Sincerely,

Tim Stemp
1153 and 1143/1145 Burdett Ave

cc. Mayor, **Lisa Helps**, Councillor, **Marianne Alto**, Councillor, **Chris Coleman**
Councillor, **Ben Isitt**, Councillor **Jeremy Loveday**, Councillor **Margaret Lucas**
Councillor **Pamela Madoff**, Councillor **Charlayne Thornton-Joe**, Councillor **Geoff Young**

Charlotte Wain, Senior Planner, Development Services

The **109 signatures** on the attached **11 pages** are from residents of Burdett Ave., Rockland Ave., Linden Avenue and McClure Ave. who agree with the above opinion and urge Mayor and Council to reject the proposed development at 1120, 1124 & 1128 in its current form.