

December, 2015

Attention: Victoria City Mayor and Council

Re: Rezoning Application No. 00476 for property known as 1040 Moss Street,
Zoning Regulation Bylaw, Amendment Bylaw (No. 1056) and application to
discharge current land use contract.

Dear Mayor and Council

I regret that I will not be able to attend the public hearing on December 10,
2015 for the Art Gallery rezoning indicated above. However, as a direct
neighbour I do want to have my opinion heard.

This letter is to express that I *do not support the rezoning* for reasons of
increased traffic and the scope, height and design of the project which are all
inappropriate for our quiet residential neighbourhood.

Please consider this letter as the equivalent of my attendance at the public
hearing and let it be known that I am against the rezoning of 1040 Moss Street
and any future changes to the existing land use contract.

Yours sincerely,

Judith Evans

Name

J. Evans

Signature

1070 MOSS ST

Address

Dec 9/15

Date

September 2015

To Mayor Helps and Council

Art Gallery Re-Zoning Should NOT be Approved

The first I heard of this project was the meeting held on January 22, 2015. I understand there were other meetings however myself and several surrounding neighbours were not made aware of them, although I understand art gallery members were invited to them. I then find out the city staff has recommended the rezoning be approved. Apparently the art gallery is planning their closure and projecting construction to start in January 2016 even though there has not even been a public hearing.

It appears there is an agenda to push through the re-zoning and the art gallery 'renovation' project on either the part of city staff or mayor and council. There are other projects that provide revenue and jobs that take much longer to review and approve for public hearing and yet this appears to be fast-tracked for approval.

The message provided by the art gallery is that if you are against this project, it is because you must be against art. This is the message that is coming across loudly and clearly which I find quite disturbing. That response seems rather simplistic and dismissive of concerns.

Perhaps there is not enough due diligence done by staff and the board of directors involved in this project if raising and expressing concerns about serious issues and having them addressed is not acceptable or welcome.

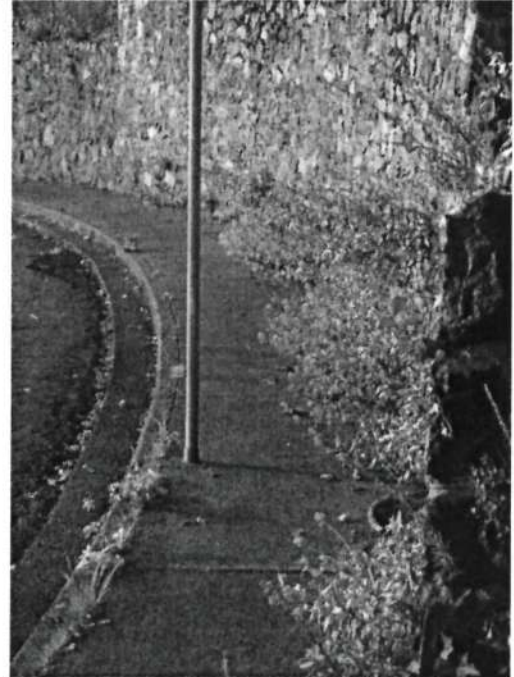
I live across the street from the art gallery at 1252 Wils Spencer Place and have since 2010 and have a bird's eye view of the art gallery. I have read the proposals, the traffic studies, etc and am even more convinced that the rezoning should NOT be approved and the renovation project should NOT be allowed to proceed.

1. The property values of the homes immediately surrounding the art gallery are being negatively affected while this rezoning is being considered and is only going to get worse if this project proceeds. As a tax payer, you've decreased my net worth and I am evaluating moving out of the city of Victoria as this is just one more way I am being hit in the pocket book.
2. Traffic and safety is already an issue in this neighbourhood. Wils Spencer is a narrow street (see attached parking photos) and it is challenging to make left or right turns onto Moss St or onto Wils Spencer. There have been several accidents, one which involved a Canada Post which has a much higher line of sight than most cars. The proposal is to put an entrance and an exit onto Wils Spencer. I'd hate to think there has to be a certain rate of mortality from traffic accidents in this area before traffic safety is considered.
 - a. As it stands now if someone is leaving the art gallery from the Wils Spencer St exit, you cannot actually turn onto the street from Moss and must wait if coming



from Pentrelew. Under the new proposal to have cars both enter and exit onto a narrow street will only work if you plan to turn Wils Spencer into a one-way street as you can't have cars parked on both sides and have two cars driving on the street. Once again causing more traffic safety issues but the fire department is close by to respond to accidents which should keep mortality rates under the acceptable limits for the city.

3. The Fairfield/Rockland neighbourhood has the second highest amount of seniors needing residential care in Greater Victoria, James Bay being the highest. We need a seniors' residence in this neighbourhood, not an expanded art gallery. It's difficult enough to walk on the sidewalks in this neighbourhood single file let alone if one is in a wheelchair, walker or accompanied by a care aide. Additional traffic is only going to make the problem of safety an even greater factor. The art gallery does little to trim the shrubbery from the walls to ensure sidewalks are kept free and clear.



4. Jon Tupper admitted at the Jan meeting that the renovation will not increase revenues or attendance, which begs the question about why they plan to spend \$21M for this project. I understand borrowing against the Spencer Mansion is the latest plan to pay for this project which is even more illogical. They admit that the majority of their visitors come from within 7km of the art gallery which is a pretty small radius to attract visitors.
5. Visitors, Members and Volunteers have declined in the last three years. I don't know where the 250,000 visitors per year figures is derived from as in 2014 visitors was 54,413; 53,946 in 2013 and 60,702 in 2012 which is significantly less than 250,000/year stated in their proposal. Admissions appear to only bring revenues by 5-6%/year and approximately 70% comes from grants, donations, BC gaming and fundraising. Whose future needs are the intended target for this proposed renovation? Government & donors?
6. The design of the proposed renovation does NOT fit the architecture in this neighbourhood. It does not complement the Spencer Mansion and in fact overshadows it. I think it fair to say the previous renovation is far from complementary and the proposed renovation just makes it worse. Mayor Help's description of 'startling' is certainly one of the kinder things that can be said about the design. It may fit the neighbourhoods of Humboldt/Douglas area. Does this neighbourhood really need another coffee shop and meeting spaces?
7. There are three homes on Wils Spencer and an apartment building that will all be affected by the proposed height of the new project which does not meet zoning restrictions. We will lose sunlight and any views we currently have. All of which affect current and future property values and in turn your tax dollars.
8. Parking – it is already an issue in this neighbourhood. The parking study indicates that you can park 11 cars on Wils Spencer on my side of the street. I'm not certain what vehicle measurements they use but the only way 11 cars will fit is if you block off our driveways. The most cars that will fit is 8 so if they only counted 8

cars parked during their studies, it is 100% usage and not the figures they use. I've noticed similar parking discrepancies within the rest of the study. As someone who has dealt with the parking issue for the last five years and not just the times the parking was counted.

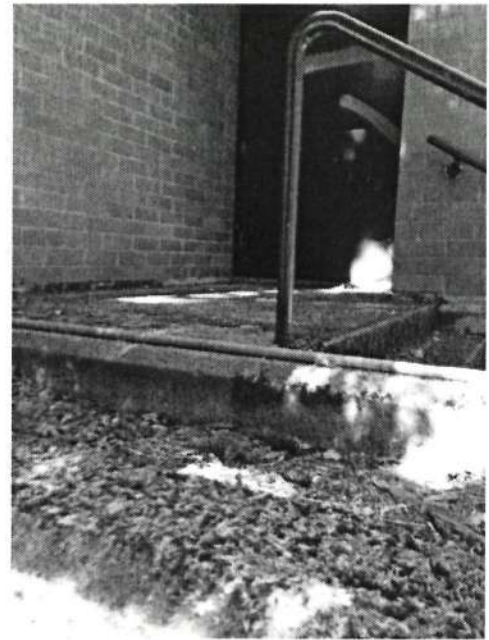
- a. Parking is an issue whenever the art gallery volunteers are at the gallery and every time there is an event. Parking and traffic safety is also an issue twice a day during the school season (Sept-June) when parents park & stop erratically on Moss, Fort and Wils Spencer. Perhaps a traffic study done between 8am-9am and 2:30-3:30pm might be in order. Not to mention all the kids/parents on bikes, skateboards and scooters, this is a safety concern. There are at least two apartment buildings and multi-family homes on Fort St between Pentrelew and Moss St. Those residents do not have sufficient parking at their buildings and end up on the street. As do people who are not residents of this area who work downtown who frequently park on Moss St and Wils Spencer in the Residents only parking. Most of Moss St is not marked as residents only or restricted parking.



Homeowners on Moss St, between Fort and Wils Spencer have complained to the city about this issue but nothing is done about it. As a frequent dog walker, I see them park their cars and walk towards downtown at all times of the day. I've had people park in front of my house, in Residents Only parking, all week and never get ticketed. Granted this is more of an issue from Sept-June than in the summer. Its frustrating leaving for a morning meeting and not being able to find parking on the street where you live two hours later.

- b. The measures the art gallery proposes to use to alleviate these issues have not been employed in the last 5 years. I'm not confident that they will be employed in the future unless the city has some method of ensuring compliance with their proposal. In 5 years, I've yet to see anything addressed by the art gallery about respecting their neighbours and parking, unlike for example the Moss St market or Langham Court Theatre.
- c. Bike storage – I see the art gallery front parking lot and the bike rack daily. The bike rack is only full on the Moss St paint-in during July. The parking lot on average has 8-10 cars of staff members there daily, including the summer. This does not include the staff who park behind the building by the loading bay. Additional bike storage racks are not going to alleviate the parking issues.
- d. The front parking lot on Wils Spencer will increase from 23 spaces plus three additional spots near the entrance of Moss St. The proposal suggests parking will increase from 26 to 28. In fact the 23 spaces on Wils Spencer will remain as-is and the additional spots will be temporary and only available if needed. This is a decrease in parking, not an increase in parking spots.

9. According to the Art Gallery one of the mandates under their constitution is *"to provide and manage facilities for the appreciation and study of the visual arts"*. I think they believe it means only once you enter the doors of the art gallery. The art gallery property and building exterior is not maintained. The landscaping is atrocious. Areas left to go wild that are not fit to use and are actually encroaching onto the city sidewalks around the art gallery. Flowerbeds are not maintained. Garbage is found throughout the landscaping and the property. Is this proper stewardship of their facility and land that was generously donated to them? I do not believe they are going to be better stewards in the future if the rezoning is approved. I frequently pick up the beer bottles and other trash in their front yard because I'm onsite daily with my dog. If they currently do not have the interest, revenues or staff to properly maintain their building and property, how do they plan to do so in the future?



10. As a business owner, most businesses would look for ways to either increase revenues or decrease costs. They've stated a new building is not going to increase revenues so how are they going to address their declining visitors? As taxpayers who are the source of revenues on a city, province and federal level, we do not have the means to increase funding to the art gallery. It appears that the art gallery executive have been focussed for the last several years on trying to get funding to build a new building downtown. That is not happening and this re-zoning is their 'Plan B'. Since government and donors are not stepping in to finance this project, they now plan to borrow the funds. Basic math means if you increase your costs by adding a debt expenditure and yet revenues do not increase, the only option to pay your 'mortgage' will be to reduce spending in other areas. Staffing and programs would be the areas most likely to be cut as they are the art galleries biggest expenditures, which defeats the purpose of this whole rezoning proposal.
11. I've noticed a trend in the art gallery over the last number of years to be less transparent and open to the public about their finances. They are a 'Registered Charity' according to Revenue Canada and yet the art gallery only provides financials to art gallery members. There appear to be discrepancies in what is reported in their annual reports and what is reported to Revenue Canada. Without a forensic audit of their finances, I question why they are secretive about their finances and why these discrepancies exist. If there is a problem with their finances, as a public institution and charity in the City of Victoria, I wonder who is going to be responsible for these issues. As I dig deeper into their financials, more questions come up and alarm bells start to go off.

I would like the art gallery to be a part of this neighbourhood. I do not want the rezoning to be approved. I do not think they need to expand the building to increase interest in art. There are measures they could use such as rotation of art, off-site storage, moving staff off-site, mobile art gallery displays and using the Spencer Mansion for displays rather than administration just to name a few ideas.

This rezoning and construction project is something that belongs in this neighbourhood. I think the art gallery has the potential to be a great neighbour and attract people, they just need to think outside of the box.

Regards,

Kam Lidder

1025 Moss Street
Victoria B.C.
V8V 4 P2

9 December 2015

City Council
City Hall
1 Centennial Square
Victoria B.C.

In the matter of: the rezoning application No. 00476 for property known as
1040 Moss Street

Serious health problems prevent our attendance at the Council Meeting on
December 10th, 2015. Please accept the following letter as our statement of
intention.

***As the owners of the property directly opposite this address, we would
like to formally register our vehement 'NO' vote to this proposal on the following
grounds:***

1. We understand from City Hall that an agreement to rezone is a tacit
agreement to the designs still in development for the Art Gallery extension.
 - a. At their last meeting in late January of this year, no final design was
presented. We have learned since that an extra floor is going to be
added because the architects found that they (mysteriously) had room
to add one. Since we cannot see the final designs, and since the
AGGV's description of them in a letter left in our mailbox on Dec. 4th
(less than a week before the rezoning meeting) is so vague as to be
entirely uninformative, we have no choice but to block the rezoning
due to lack of information.
 - i. The gallery has completely abrogated their responsibility to
keep their neighbours informed about plans and deviations
from same. Although they make much of being part of the local
neighbourhood, they have proven that they are merely paying
lip service to this important facet of community sociability, and
doing nothing concrete to evince it.
 1. The recent letter from the Gallery is the sole source of
information presented by them to the neighbourhood in
the past 11 months.
 2. A complete lack of transparency has given rise to many
disturbing rumours within a frightened neighbourhood.
 - b. The designs and drawings presented at the last meeting in January
portray a building which is at complete odds with those which

surround it. The building materials, the architectural lines, the size, and the general demeanor are out of all proportion to everything existing in Rockland currently.

- i. The materials and design they have chosen reflect those used by several important galleries within heavily developed urban/commercial areas across Canada. Both the AGO and the ROM have suffered serious and expensive repairs (or on-going threats) because of the problematic combination of glass, steel and concrete. The problems will be exacerbated in the wetter Victoria climate.
2. We would like to express our complete lack of faith in the abilities of the architects chosen. Although the recent letter from the Gallery assures neighbours that they are "exploring excavation alternatives to blasting" this is so vague a statement as to contain no assurances or value. I am exploring the possibility of flapping my arms and flying---that has no bearing on the likelihood of achieving the same.
 - a. On the night of the January meeting, I enquired of one of the architects whether blasting would be necessary. She assured me that NO BLASTING would be necessary because the changes being made would be built upon the existing foundations. Less than half an hour later, the chief architect, addressing the meeting, introduced the subject of blasting. When I informed him that I had been told by one of his team that there would be NO blasting, he looked nonplussed and simply assured me that the Gallery could not increase it's size without blasting.
 - i. This evident lack of communication within the architectural team engenders serious fears that mid-way through demolition and construction not only will accidents likely occur, but costly mistakes in construction will delay the project and necessitate our living across the street from a demolition site for a prolonged period of time.
 - ii. Further to the matter of blasting: The fears that I expressed in the meeting for the safety of the foundations of our 103 year-old Maclure house were ignored. Serious disturbance to the rock upon which both of our buildings are erected will, logically, create what will mimic the action of a shallow earthquake, with predictable, and perhaps devastating, results to our home and contents.
 - iii. When I expressed further reservations about the safety of our very large and valuable collection of antique furniture, glassware, and porcelain I was informed by the Director of the Gallery that they, too, had a valuable collection which required preservation.
 1. The gallery has already acknowledged that their entire collection will be packed up and moved off-site in order

to protect it from any damage from blasting or construction.

2. We have no confidence that the Gallery's insurance will cover our collection, and see no reason why we should be required to claim on our insurance for any damage caused by the Gallery's decision to expand.
 3. We do not have the time or the resources to pack up our collection ourselves, nor to pay for professionals to do so. We see no reason why we should be put to this threat or massive inconvenience simply because the Gallery wishes to expand in a way which necessitates the danger of blasting.
3. In the matter of parking: the recent letter from the Gallery merely states that 50 new bicycle parking spaces will be created. From our vantage point across the street from the current bicycle parking, over a period of more than 30 years, we could count on the fingers of one hand the number of bicycles parked at any one time in the Gallery parking lot. Those may well have belonged to the very few staff members who actually ride to work. Most staff members drive and park in the existing parking lot. We fail to see what could possibly be gained by adding so many spaces apart from the attraction of a large number. This appears to be a feint by the Gallery to make their neighbours think that they are taking the parking issues seriously. The very unprofessional parking assessment done by the architects and presented at the last neighbourhood meeting assured all present that no serious attempts had been made to address problems which are frequent now, and will be worse if the Gallery does, indeed, achieve its desire to attract more people.
- a. I must point out, that I am not sure whether this is the point of the expansion of the Gallery. While Mr. Tupper assured the audience that the new space would attract a huge increase in attendance, when the problematic subject of parking arose, he stated clearly that he was NOT expecting an immediate large increase in attendance. Whether the increase comes immediately, or later is moot-----if there aren't enough parking places, where will people leave their cars?
- 4.
5. The plans shown to the neighbourhood meeting in January made it obvious that we could expect no privacy for the front of our house once the new building is complete. Glass on the Moss Street side would allow Gallery visitors to gaze into our garden and into our house with impunity unless to took the drastic measure of keeping our curtains closed during the day, thus blocking out much of our sunlight. While the Gallery addresses this problem in their recent letter, there are NO definite corrections described. Again, the assurances given are mere proposals, and not clear changes in plans. Nothing may come of any of them.

6. We are not convinced that the Gallery will be able to amass even a small percentage of the funding necessary to complete this grandiose project. We fear that if re-zoning permission is given, the Gallery will vacate the current premises, and demolition will begin forthwith. When a lack of funds necessitates cessation, various levels of government will be berated for their lack of support and manipulated into giving funds that they are clearly currently unwilling to give at the present moment, or, indeed, at any time since plans for the Gallery expansion were first floated more than 5 years ago.
 - a. If local, provincial, and federal governments do not have faith in the current administration of the AGGV, why should we expect them to change their minds at any point in the near future?
7. The AGGV's community support is shrinking. Its mandate and exhibition schedule has failed to attract anything more than a tiny percentage of loyal membership within the CRD. Numbers attending the Gallery annually are inconsistent in the various reports where they are advertised. In several cases they have been exaggerated to libelous proportions. As direct neighbours of the Gallery, who are daily in a position to make note, it is completely impossible that the Gallery's estimate of 250,000 visitors per annum is correct. The AGGV itself provides the estimates for the numbers attending events like the Paint-In (which famously does NOT attract new members or even people who go into the Gallery as opposed to staying on the street and in the Beer Garden.) This is a clear conflict of interest, and makes obvious the fact that the Gallery's motives are as suspect as their estimations.
8. In the 44 years that I (Dr. Derek Kidd) have lived here, the view from the front of our house, which used to be into the Inner Harbour, has been destroyed utterly by the imposition of a building so warehouse-like as to be dubbed locally "Canada Packer's". It is an eyesore which is merely going to be replaced by a larger, more threatening, more offensive construction. Our property value has already been lessened by proximity to an exceedingly unattractive building (and one which regularly attracts both homeless people to its dark corners, and also drug dealers---something we see regularly at night.) The situation appears to be going from bad to worse with the strident (though not finalized?) designs presented to the public for the Gallery's latest iteration.

We would like to assure Council and the AGGV that we whole-heartedly support the growth of the arts in this city. Such growth must be undertaken with the community's and the neighbourhood's full, unequivocal, and enthusiastic approval, however. This approval has not been sought in good faith. Not until the Gallery makes a serious and committed attempt through communication and exhibition to attract a broader demographic will we support any bid to expand the existing building.

In conclusion, we would like to note that we are current, and long-term members of the AGGV. We have donated substantial funds to the institution over the past decades, and were for some time President's Circle members. I (Patricia Kidd) have volunteered countless hours within its walls, and was a contract curator for more than a decade. I know the Gallery well, and I feel this knowledge makes my fears well-founded.

Yours most sincerely,

Dr. Derek J. and Mrs. Patricia C. Kidd