

Letter to Mayor and Council City of Victoria

Nov 8 2023

From home owner of 511 Foul Bay Road.

Regarding Rezoning Application for 515 Foul Bay Road.

I am the owner of 511 Foul Bay Road and have shared a driveway with 515 Foul Bay since 1962.

The sewer, water, storm, power and telephone services for the 1925 mansion (now five rental suites) runs across my property under the current driveway and is enabled by easement 227306G. See Figure 1.

There has been informal use by 515 over a portion of my property (511) to have road access to their property and there has also been informal use by 511 for road access across their property.

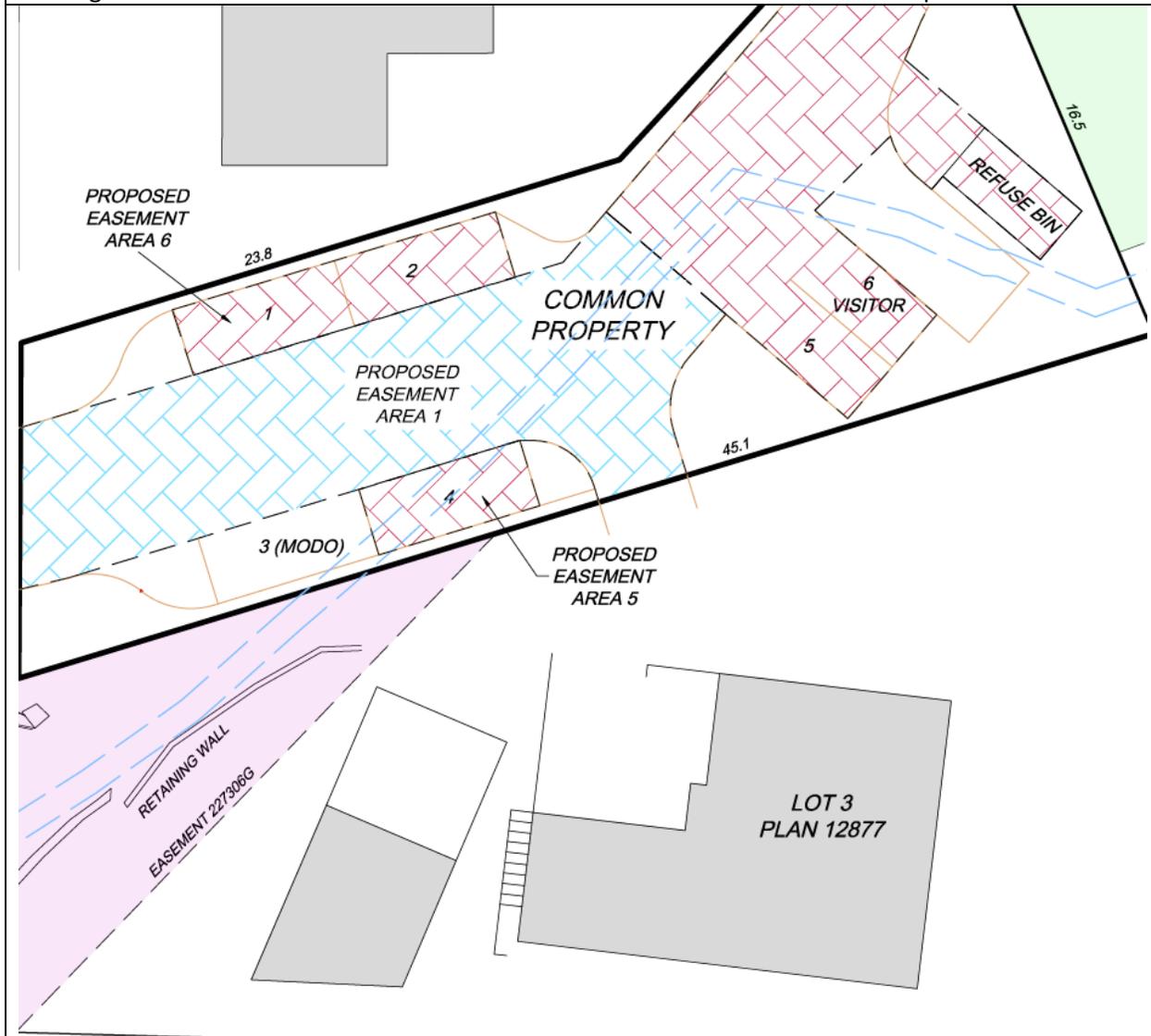
We have negotiated a new access easement which will formalize and make legal the access rights for both properties should the rezoning be approved. I am in support of the change in zoning sought by Edwin Lane Projects Ltd.

Though legal arrangements between neighbors are beyond the scope of the City of Victoria this letter is for information that the access and services have been resolved. During earlier negotiations with a previous developer of 515 I sought and got former council support for approval of the development contingent on resolution of the access for 511 by 515 onto Foul Bay Road.

The sharing of the proposed driveway (by Edwin Lane within their panhandle access to their property) with myself as owner of 511 creates a single entry and egress point on Foul Bay Road and considered safer than maintaining two active driveways in this school zone. I will maintain the stone gates and use the old drive way for off street parking but not for access to my property as I can then use the new double wide drive.

Figure 1. Easements and Access 515 and 511 Foul Bay Road.

511 Foul Bay is shown as Lot 3 Plan12877. Proposed Easement area 1 labeled Common Property allow access for 511 Foul Bay Road to Foul Bay through the Proposed driveway accessing 515. Existing Easement 227306 will be removed once the news services for 515 are completed.



Thanks for your time.

Mike Fenger of 511 Foul Bay Road Victoria BC. V8S 4G9

Good morning

I am writing to express my full support of the proposal for 515 Foul Bay Road. I live in the townhouse complex immediately across Foul Bay from the site and am delighted at the prospect of more diverse housing options in the area. We would not be able to afford to live in this community were it not for a townhouse option and appreciate the concept that will provide varying housing options for folks.

I am sad that they have reduced the number of homes in their final proposal but understand and appreciate how responsive they have been to the wishes of the overall community. The final concept and preservation of current rental stock is a terrific compromise.

We previously lived next door to a project they developed on Cook St and were impressed with their behaviour as good neighbours. Construction affects the nearby residents, and they did all they could to work with us to mitigate any negative impact. We had a different experience with the construction of the Black and White project so greatly respect the community values demonstrated.

I hope you support the project and look forward to welcoming new neighbours.

Thank you
Ellen Henry
3-1880 Chandler Ave

Dear Mayor and Council,

Nov. 13, 2023

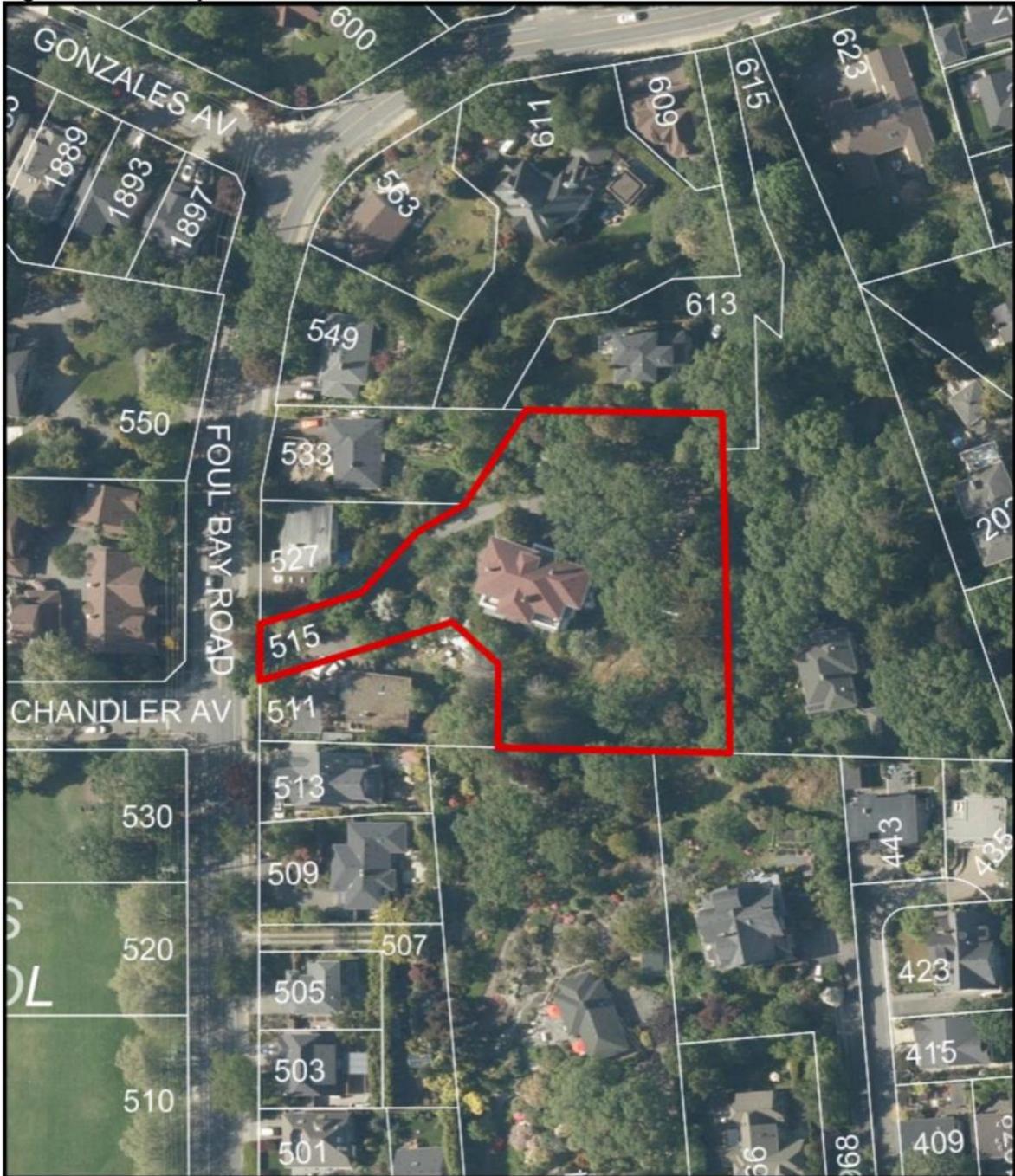
I am writing in regard to the proposed 515 Foul Bay development. I would like direct your attention to the aerial photo of Queen Anne Heights. Please, notice the continuous canopy cover on 515, 611 and my property 615. With the proposed development this continuity of coverage will be gone.

I'm sure that you are aware of the benefits of groves of trees in times of climate change. The trees on 515 protect our trees from breakage during the wind storms off the Juan De Fuca and in turn to protect lower Gonzales from the harsh winter winds from the north. These are enormous trees near the top of the hill which are unusual and valuable. The project proposes to cut down 25 bylaw protected trees while leaving the rest vulnerable, this is a large sacrifice.

Thank you for your attention,
Virginia Errick

615 Foul Bay Rd.

Figure 1: Aerial Map



Hello,

I am writing in regards to the proposal GMC Projects has for development of 515 Foul Bay. I am a current tenant at 515 where I live with my family.

I've been aware of these plans for quite some time, and can say I do support GMC. They have done a very good job of managing this property since taking over 3 years ago. I will miss this beautiful spot once the changes come, but at least a responsible company is behind the change.

Sincerely ,

Casey Palov

Dear Mayor Alto and Councillors

Thank you for taking the time to read our message below, as we appreciate your commitment to creating a world class city that offers community for families and residents to thrive, and enjoy the magnificent natural setting that Victoria is known for, and we all love!

Today, I am writing to you to voice our concerns about the current proposed Development Permit at 515 Foul Bay Rd.

We respectfully ask the city to **request the developer make some concessions to make the development less destructive to the natural environment and scale back the units and heights.**

The proposal represents a significant step in the wrong direction with regard to maintaining urban forest protection in the Gonzales neighbourhood. We recognize the challenge of housing vs environment, but feel this site is more important for its environment values and the long term sustainability of our urban natural habitat for biodiversity and protection of the Garry Oak ecosystem.

Our other objection is with the height of the proposed development. At 3 stories plus roof, the 10 meter plus wall will block significant amount of light, and result in our yard and garden receiving no sunlight until late morning most of the year.

Additionally we will now have significant amounts of traffic with 23 residences of cars coming and going , with an ever increasing amount of Amazon and other deliveries daily.

We absolutely support development of the property, but feel a smaller number of units with reduction to two stories is more appropriate for this particular site.

We recognize the need to develop additional housing for the city, but given the location and neighbourhood, believe this particular approach will only exacerbate the pricing challenge by presenting a new level of entry point likely 1.5 plus million plus for a townhouse, thus supporting moving SFD to 2.5 million plus.

Cheers,
Sean Cavanagh
533 foul bay rd

Dear Mayor and Council,

The planners have not responded in time for me to write in detail.

Please, be aware that there are some problems with the lot division and the heritage designation on the property at 515 Foul Bay Rd.

Please, ask questions about it.

My unanswered questions are as follows:

By creating an oddly shaped lot around the existing house isn't that triggering more variances? Does the setback chart reflect the lot division?

Is there an arborist report which shows or states what tree protection will be used for our trees located on the property line with 515 during construction? Will there be blasting?

Also, option 1 to waive the Public Hearing seems to be facilitated by a covenant on the Maclure Tracksell House. Is this correct?

Does the covenant provide the equivalent status and protection as heritage designation?

Is designation necessary for redevelopment?

Was there no Heritage Review for the current plans?

Thank you for your consideration,

Virginia Errick

615 Foul Bay Rd.

Dear Mayor and Council,

We need your **URGENT** attention. On Thursday's Nov 16th COTW, staff brought forward our application of which you may have read the staff report and our letter giving some of the challenges we have faced along the long road to that moment. We are writing to respond to the question posed by Councillor Caradona as to what our preference is given that we were not able to speak and respond in the moment. The reason we wish to make this clarification is that our position is not what was stated by staff and the recommendation from COTW was not what we had hoped for. We do not fault the staff member presenting as they are our second planner in this process and were not privy to the discussions with heritage and planning staff from September 2020 and they are pushing for what policy supports. As you may have experienced in your time in Council, sometimes policy can be the enemy of common sense and other objectives, some of which develop over time before new policy can be developed. Ultimately, the recommendation made by COTW result risks the project proceeding and we respectfully request that the recommendation be reconsidered by Council and the option of not having a public hearing and proceeding with a heritage covenant instead of designation be recommended with a fixed timeline for staff to prepare and for us to agree on the language. We have been asking for this since our process began as you will see below.

In our letter, you may have noted the frustration with the process and length of time to get to this juncture. Frankly, that was the most muted way we could speak to it, but we wish to communicate that our frustrations are high. The additional costs we have incurred for this relatively small missing middle project as a result of five formal resubmissions and the impact of rising rates and construction costs, which are seven-figure increases, have created a situation where the project is teetering on viability. We have completed multiple heritage projects because we love heritage buildings and have made significant investment to rehabilitate several such as The Adelphi Block (formerly Fields Shoes) at the corner of Yates and Government, which we completely revitalized and breathed new life into in 2020. However these projects are not as much financially rewarding as they are personally to ourselves and our company knowing we have contributed to the enhancement of our history and hopefully as a result increase civic pride and the view of Victoria for the many visitors it welcomes each year.

However, for the Manor House at 515 Foul Bay, we have always communicated to planning and heritage staff since before we even acquired the property, that designation creates an uninsurable liability within customary insurance policies and we proposed a design covenant to protect the heritage architecture instead. It was former heritage planner, John O'Reilly, that stated he felt we could likely identify amended wording to the standard heritage designation bylaw to provide us the protection we need, whilst achieving designation instead of a covenant. After hearing nothing on the matter for an extended period, in January of 2023 we reached out to staff and communicated that we would like to resolve this outstanding matter around the wording, to confirm if heritage designation would be workable. As a result, we were requested by staff to prepare a heritage bylaw that provided the wording that we could agree to, for which we engaged legal council to do. After a few months and significant expense, our lawyer provided to the CoV legal and heritage staff a copy of our proposed wording in April of 2023. We and our legal counsel continued to follow up with staff to resolve this matter. It was not until August of 2023 that we were informed by heritage planner Kristal Stevenot that the wording we provided in our proposed document was not workable by staff. At no point did we receive any revisions from staff on what would be workable and to this day we have still not received anything. As a result, our expectation was that a design covenant, as we had originally proposed, would be the approach, or no covenant or

designation. Our main focus at this time was simply to get the application before COTW given the increased risk of project viability. We used every effort to be the squeakiest wheel we could to have our application come before COTW as soon as possible. Despite staff's knowledge of this situation and our persistent requests to be at COTW in October, planning staff, not heritage, informed us in October that they would still be pursuing a heritage designation and felt modified wording could likely be agreed to. We expressed concern at the time, the process had taken (over 3 years since our first enquiry and now 22 months since our formal submission) and the reality that a heritage designation required a public hearing. Regardless, staff maintained their position as they have communicated to you.

Further, when the question was asked of staff how long this process would take, it was stated that it would be 4-5 weeks. That is contrary to the discussion we had with our planner, Patrick Carrol, immediately following the COTW meeting. It will take staff 4-6 weeks to draft the bylaw (uncertain of if that is before or after the recommendation is received by Council), another few weeks for legal, then there is the notification period meaning a public hearing likely at the earliest in February, and this assumed we can find common ground on the legal language for which we still have not yet received any formal comments on since we provided it in April (7 months ago). In our companies history, we have never once experienced meeting the timelines estimated by staff. It always takes longer.

So, to again answer the question of what our desire is, it is for Council to reconsider the recommendation, to remove the requirement of a public hearing, and to proceed with a design covenant to protect the heritage architecture.

Gonzales is a controversial Neighbourhood and we underwent substantial community engagement in good faith and we have built strong support from the neighbourhood, including several immediate neighbours, with a majority (70%) of responses to our CALUC meeting in support. While I know some of you desire a public hearing, the reality is that direction, with the time and risk involved, runs a high degree of possibility being final nail in this projects coffin. We need your help to ensure all this effort, time and expense, was not a waste. Please, reconsider your recommendation as we have noted and provide staff a timeline to agree on the design covenant so we are not held up in another way in achieving our rezoning enactment.

Respectfully,

Richard

Richard Gill
Development Manager
GMC Projects Inc.

200 – 101 Island Highway
Victoria B.C. V9B 1E8

Dear Mayor and Council,

In follow up to our email of yesterday, regarding the application for 515 Foul Bay, we write to confirm that this situation seems to have resulted from a miscommunication with staff. From the time of our early discussions with CoV planning and heritage staff in 2020, our preference was the route of a Heritage Covenant on this project and we were only open to a Heritage Designation if we could agree on modified wording. We provided wording that was not agreeable to staff. We hope that when this project comes before Council again next week that you will change the recommendation from COTW and approve the alternate motion Option 1 as presented in the staff report to waive a public hearing and proceed with a heritage covenant.

Please reach out for any clarification on the above or for more background.

Sincerely,

Richard

Richard Gill
Development Manager
GMC Projects Inc.

200 – 101 Island Highway

Dear Mayor & Council,

We wish to provide you with a follow up since our email(below) on this same subject. Last Thursday our lawyer received amended wording from City legal staff on a draft heritage designation bylaw to what we provided in April 2023. This was the first time we had seen revised language from the City that would be agreeable to them. In the essence of time, we reviewed this over the weekend, recognized several key issues, met with our lawyers earlier this week, drafted and proposed further amended language and met with legal, heritage and planning staff to ideally agree upon language to ensure designation would be workable. Through that meeting we have now provided further our 3rd version of amended language with the hopes of achieving agreement. Unfortunately, staff have not yet been able to confirm agreement with the most recent language but we can say this is our best effort. There remains substantial risk that if staff are unable to confirm agreement, prior to your consideration of the recommendation made by COTW, that staff and ourselves may be unable to agree to the language for heritage designation. In this case it is our understanding, that this application would need to return to Council for direction, adding time to the process. As such, in the absence of agreement from staff, prior to your decision, we respectfully request that alternative option 1 be moved by Council to proceed with a heritage covenant not designation. In the event that prior to your consideration of the decision from COTW, staff are able to agree to our most recent version of the bylaw, we would support proceeding with heritage designation.

Respectfully,

Richard

Richard Gill
Development Manager
GMC Projects Inc.

I am dismayed that you want to plunk 500 housing units for 1,500 people on the site of this heritage building!

While I am all in favour of intelligent housing development, but increasing the number of people so greatly on such a small parcel of land so close to downtown will bring increased traffic and unmanageable streets, not to mention noise and disruptions. Already streets in Victoria are TERRIBLE, busy as they are with construction, repair, and all manner of traffic with cars, trucks, motorcycle, scooters, bikes, wheel chairs, and skateboards. What about the children in the nearby school? And the many elderly people who live in this neighbourhood?

Victoria had been SUCH a lovely city so that I came back 2 years ago but ever since coming back *I have told other friends who were planning to move here to stay away as the quality of life has been really undermined by a neoliberal corporate agenda that seems to have only money in its sight, as the city council seems to be.*

While this housing development is by a not-for-profit, which I applaud, it is still outrageously ambitious to put 1500 people onto a small piece of land. Of course that means high towers, which will create shadow and block the sun.

I wish there was some really *creative* urbanists and city leaders who would not give the city over to the developers to make tons of profits....

How many f YOU live nearby that development?

How many of the church leaders live near that development? I doubt many of you or church leaders live nearby.

The lack of imagination is well on its way to killing a sense of community and liveable space in Victoria, which is really unfortunate. I am grateful for the intelligence of previous administrations who protected Beacon Hill Park; was the group in charge today made decisions about Beacon Hill Park, I have no doubt that Beacon Hill Park would never have existed because you would have give it to your friends developers.

C. Roy
McClure & Vancouver