

Mayor and Council
Victoria, BC.

1201 Fort Street / 1050 Pentrelew Place Development Proposal

Dear Mayor and Council

My understanding of the development is that there are two zones on the property. The first, along the Fort Street Heritage Corridor the zoning allows 4-storeys (This part is 28% of the total site.) The floor space ratio (FSR) for this section is 1.2:1

The second zone is normal residential with an FSR of 1:1 (This part is 72% of the site.) It should be remembered that most normal residential zones are developed to an FSR of about 0.5:1.

Now, the City Staff believes that the Official Community Plan (OCP) 'anticipates' a higher density (FSR) for the Fort Street Corridor up to 2:1 "Up to" is very important to remember. But, the OCP also states that this is only possible in strategic locations. Well, there are two reasons this property is strategic, and both of them should lower the FSR – not increase it.

- 1) it is a unique part of the Fort Street Corridor which is designated 'Heritage'.
- 2) It has a large undisturbed Urban Forest, unlike any other property on Fort Street, unique for its size and tree canopy – one could say, irreplaceable.

3)

If one wanted to blend the floor space ratio over the entire site, here is the calculation.

Apartment multi-family (1.20 x .28) + Maximum Residential (1 x .72) = .34 + .72 = 1.06

However, to keep the relationship fair, one should calculate the actual FSR of the zoning built to the realistic standard. The calculation is

Apartment multi-family (1.20 x .28) + Actual Residential (0.5 x .72) = .34 + .36 = .70

However, the developer wants an FSR of 1.29:1 - well beyond a balanced approach.

Why? The FSR of 1.29:1 is even higher than the blended FSR only if you accept that this property is strategic in the sense that it warrants the highest possible density the OCP anticipates. Why should the City Staff and our Mayor and Council wish to maximize the density here? What of importance are we getting as a Community? Does anything important or valuable come to mind?

First of all the developer wants to change the zoning to allow this increased floor space ratio, the amount of extra floor space demanded, some 4003 square meters over the current zoning. That equals 43,032 extra square feet of saleable real estate. And, at the current average price per square foot for condominiums in this town (\$700) that's about \$30.12 million. What does the community receive for this bounty?

In order to change the zoning, to get the increase in density, the Official Community Plan (OCP) has to be amended. That's odd, isn't it? You would think that if this density is already 'anticipated' in the OCP, then it would not have to be amended to allow what it already envisions. Does that make any sense? Either it is 'anticipated' in the OCP or it isn't. Right? Or would it be more correct to say, that while the OCP 'anticipates' it, this 'anticipation' is really only an interpretation of what the OCP anticipates, an interpretation that can only be enacted once the OCP is changed to allow the interpretation. Kind of makes your head spin, doesn't it? Maybe we should just interpret the OCP is such a way, that the Official Community Plan doesn't have to be amended to allow what we interpret?

So, here we are. We want to change the zoning dramatically on this site to match the developer's demands, all for unremarkable benefits to the community that will result in windfall profits for the developer. In order to do this, we have to wrap ourselves up in knots trying to resolve the conundrum of amending the OCP to allow the zoning that the OCP already 'anticipates'. This begs the question, "Why is this necessary?" If it is already in the OCP why do we have to amend the OCP to permit the rezoning? If it is not in the OCP, then why is the OCP used to justify the increased zoning?

Now, to ensure we keep going, and not spend the next few hours trying to resolve this puzzle, we have to consider the variances. It seems even rezoning and amending the Official Community Plan are not enough to ensure that the developer gets everything he needs. On top of everything, the developer needs extra variances and one gift. So, once the site-specific zoning is gifted to the developer, he is also asking for these variances.

These are the important Variances

- increase the maximum height for Building A from 12.00m to 21.42m – a 75% increase
- increase the maximum height for Building B from 12.00m to 15.11m – a 26% increase
- reduce various setbacks of the buildings to encroach on the space to the sidewalk and other properties.

If it were not for these variances the proposal might actually fit the property!

First, it must be noted that the Developer is not suggesting that he is suffering from any hardships. Often, a homeowner will request a variance on a building permit to solve a hardship that the zoning imposes on the development. (Nothing is being imposed on this development!)

Secondly, the number and size of the variance requests makes you wonder why the Developer even bought the property, given the site-specific rezoning needed and the needed amendment to the Official Community Plan?

Thirdly, it must be noted that all of the variances expand the floor space for the developer and reduces the costs to the developer, all at the expense of the neighbours. First he wants to grab height, and add mass to the buildings. He wants to move them closer to the property lines by reducing the setbacks. Setbacks are the costs that other property owners have always paid in the past. These are the natural amenities that every property owner pays to ensure a good, walkable, attractive neighbourhood – the price of community. This proposal is an island fortress – isolated from its surroundings and dominating all views. This is the wrong development to become the focal point of the community.

And, of course, I must mention the 100% Rentability, which is one of the demand-side problems with building housing. It encourages investors, who can afford to pay more, which drives up the price of housing units. In so doing, it changes the character of housing for housing sake, to housing as an investment. The more housing as investment that you create the more difficult it is to create housing as housing. 100% Rentability is not necessary, and since it is in the power of City Council to bestow, they should refrain from gifting this to enrich the developer. The less housing that is available to purchase as an investment, the lower housing units will cost. This is a win for the community.

Finally, it must be noted, that each of these units can all become short-term rentals. This means that all the units could become active hotel suites with various tenants staying various lengths of time. Sounds horrific.

It is apparent after 23 months that the community engagements the Developer conducted have failed to achieve the desired result of bringing the proposal and the community in line with each other. It must be apparent that over these 23 months the Developer is really only presenting you with the plans that he presented to the community back in May 2016. They were enlarged by the time it officially came to City Hall. And, when it was sent back for revision after the first COTW, it came back to City Hall further enlarged, only to be sent back a second time. Now, in its final revival, it is pretty much the same application that we started with. Small changes have been made to the proposal without much enthusiasm, to continue the inside game that the developer has played from the beginning. This proposal has never had community support largely because it does not fit the site, or the neighbourhood. It does not satisfy the Official Community Plan.

During the summer of 2016, we were repeatedly told by the developer that City Hall really liked these plans! This in answer to our requests for compromise. But, there was no need to compromise, because City Hall really liked these plans! It has been two years, and after that huge investment of time, the local community has had little effect on the size, height and massing of this development.

The Mayor and Council were much less demanding of the proposal than the community, but after three Committee of the Whole Meetings to assess this proposal the developer has failed to address two out of the four requests of City Council:

- Abstract has refused City Council's **explicit directive** to reduce the height, massing, and density of the south building. Further, it has not demonstrated how the proposal enhances the "**heritage character**" of the special zone of the Fort Street corridor on which it is sited.

In a rare moment of candor, before the last COTW meeting of December 14, 2017, the developer wrote a letter to the Mayor and Council to address the possibility of rejection,

We will accept this [rejection] and proceed with an alternative plan with the same commitment to design and land use with what we believe to be in the best interest of the City as a whole and in the spirit of the Official Community Plan

The most important issue to note is not simply, that he will come back, but, crucially, that he is not interested in communicating with the neighbourhood. We knew that back in May 2016 and it was repeated often. "The City really likes these plans!"

Please do not accept this proposal.

Thank you for reading my letter.