

"October 24, 2017

Via Email

City of Victoria

Attention: Mayor Helps and Council

Re: Abstract Developments Proposal - 1201 Fort Street and 1050 Pentrelew Place (the "Proposal")

The Executive Summary

We believe that you have a duty to say "no" to the Proposal. The Proposal is unsupported by any rationale that can withstand even cursory analysis. This means the Official Community Plan remains the guide for the development of the properties. Your duty to the community is to prevent massive over-development which results in the destruction of neighborhoods. Your duty requires that you say "no" to the Proposal.

The Background/Analysis

We have written to you about the above Proposal on January 6, 2017 and on May 30, 2017. We reiterate our opposition to the Proposal in the strongest possible terms. The Proposal is entirely incompatible with the site, the neighbourhood, the Official Community Plan, and the zoning.

In our previous correspondence we indicated that the Official Community Plan for the development of the properties should not be varied unless a "need, hardship, or new overriding consideration" could be demonstrated, and this has not been done. Moreover, the City should adhere to the Official Community Plan and avoid the over densification in the false hope that it will solve the "affordable housing" problem. It won't.

Since then the Proposal has had no significant modifications despite the specific directions on April 6, 2017 from the Committee of the Whole.

We are also aware of a number of very thoughtful communications sent to you that detail the ongoing concerns, problems, and deficits of the Proposal.

Our assessment is that, based on the material provided to you, it would be patently unreasonable for the Council to approve the Proposal. We believe that no reasonable basis for approving the massive over-development has been demonstrated, and that acting properly, it is not possible for you to approve the Proposal.

By acting properly we mean this: the Mayor and Council have a duty to “faithfully perform the duties of [your] office” in accordance with your oath of office. We say that your “duty” is to the community at large, not to developers, and that you must be faithful to the community as it has, and is developing. Specifically, that means adhering to the Official Community Plan, unless some change (usually of a minor nature) is demonstrably necessary. We see this as a high burden. Spot zoning that allows massive over-development, without any rationale that can withstand even cursory analysis, and which results in the destruction of neighborhoods is *ipso facto* bad faith. You are bound by your oath of office, the material presented to you about the Proposal is such that your duty is to say “no” to the Proposal.

Respectfully,

Alison Heldman

Ronald L. Bell”