

CALUC Meeting Report:
DATE: March 28, 2022

Address: 1733, 1735, 1737 Fairfield Road

Developer: Aryze
 Presenter: Chris Quigley, Aryze
 Representative from The Land Conservancy (Cathy Armstrong?)
 Architect: Greg Damant, Cascadia Architects



Attendance: 75 people on Zoom, including the applicants and members of the FGCA CALUC

Rezoning Requested	Current	Proposed
	R1-G Single Family Dwellings	Site-specific Zone Low-rise multi-residential units
Variances		
OCP Amendment required?	OCP describes ‘small village up to 3 storeys’	4 storeys
Number of Units	3 houses	6 townhouses 13 condos
	Current Zone	Proposed
Site Coverage		64%
Number of parking stalls		22 cars 32 long-term bike stalls 6 short-term bike stalls
Set Back East	1.5m	2.34m
Set Back West	3.5	2.40m
Set Back South	9.1m	2.00m

Set Back North	7.5m (2.5m to front steps)	2.36m
	Actual Building	Proposed Building
FSR (Floor Space Ratio)	0.5 to 1	1.61
Height	7.6 m = 2 storeys	13.8 m – 4 storeys

The Community Land Use Committee (CALUC) facilitates dialogue between land use applicants and the community to identify concerns regarding land use applications which may influence the proposal and result in changes more appropriate to the neighbourhood. The CALUC encourages a respectful meeting environment allowing everyone the opportunity to speak and be heard. The meeting is about the proposal not about the applicant or others involved in the project. There is no decision by the CALUC to support or oppose an application made at, or after, community meetings. Community members are encouraged to share their views with City Council via email (mayorandcouncil@victoria.ca). If an application is submitted to the City, information can be obtained through the Development Tracker feature of the City's website. (<https://www.victoria.ca/EN/main/residents/planning-development/development-tracker.html>)

Themes

Density Transfer

In February 2000, Abkhazi Garden was purchased by The Land Conservancy (TLC). According to the TLC, the zoning for the Gardens is not accurate and the buildings don't have heritage designation (explained that heritage designation is currently in the works, working to correct status being given to the wrong building). A partnership between Aryze Developments and TLC will officially remove any future possibility of developing the Abkhazi Garden greenspace through a density purchase agreement between both parties.

A density transfer is a first for Victoria, although it is believed to be a common tool used across North America, often where heritage buildings can sell their development rights in order to protect their heritage status. In this instance, Abkhazi Garden is acting as the donor site with the land at 1733-1735-1737 Fairfield Road being the receiver site of the density rights.

According to Aryze, of the available 35,000 sqft of density available from the Abkhazi Garden site, the proposal uses less than 30% of the density with the balance being released and secured as a financial donation for TLC . The density transfer will officially downzone the entire Abkhazi Garden lands to a zone that maintains the site's current activities.

Design

Three single-family character homes are currently on the site. There is an agreement with the landowner regarding the future of these houses, subject to the rezoning application. The proposed application is for a multi-unit building housing six 2bdr/2bth townhouses and 13 condos (1, 1+den, 2, 2+den options). Parking is at grade and there are 22 EV-ready parking stalls and 32 long term and 6 short-term bike stalls. Applicant says the application addresses the missing middle housing options. Plans include stairs and a ramp to the front entrance, 1.5m wide to address accessibility. 32% of the units are adaptable.

Community Consultation

A preliminary meeting and community meeting were held, one month apart. There were 75 people in attendance at the community meeting, held virtually on ZOOM. The CALUC received many inquiries about the process of applying for rezoning, about being heard as long-time residents of the neighbourhood and many emails expressing support or opposition to the application. (emails are included below).

Neighbourhood Comments/Feedback on Development Proposal:

Parking

- Considerations should be for underground parking to allow green space.
- What would be the EV charging provisions? (Response - not been confirmed yet)
- Will there be electric scooter parking and charging (Response: will look into including)

Accessibility

- Is there also a ramp on the Beachwood entrance, how is the town house consistent with suggested single level living.

Greenspace

- No mention of garden plots being included? (Response - possibility exists)

Neighbourhood Compatibility

- OCP states it should be up to 3 storeys and not 4 storeys
- Concern around the scale of the building. How to make it not a 4 storey
- Lengthy discussion regarding the Gonzales Neighbourhood Plan; applicant stating that the plan was 20 years old; community members stating that there is a new plan, it just hasn't been ratified by the City.

Light & Noise

- Is there mitigation around construction? Is there any noise or safety mitigation applicant would put in place? (Response: yes that will be considered. Also confirmed there will be no blasting due to no underground parking like with the Rhodo project across the street).
- Many comments concerning the height of the building and how it will block out light to gardens and sightlines in general

Density Transfer

- Is the density transfer agreement contemplated with a covenant? (Response: no)

- The land transfer seems to be used as a lever to disrupt the whole neighbourhood plan. It does not comply with the OCP, neighbourhood plan, FSR is 1 and half when it should be one; the mass is greater. This is a design that is not embraced by the neighbourhood.

Missing Middle

- Lengthy discussion regarding definition of 'missing middle' and the fact that this application uses the term, but it's not an accurate use of the term (more discussion in accompanying letters)
- Missing middle has already been constructed near the tennis court.

Further Comments (emailed to the CALUC)

Emails shared with mayorandcouncil@victoria.ca, and comments from the development tracker are not included here as the City receives these:

Please consider another alternative to the box-like construction that is almost at completion across the road. How about retaining the character of the removed houses by designing townhouses with an apartment in the basement to help with the mortgage.

The houses that occupy the 3 addresses now must have some valuable wood==I hope it would be recycled instead of producing landfill

I know the city needs to create more accommodation-but well-designed structures would add value to the neighbourhood instead of devaluing it.

Waine Ryzak 322 Robertson St.

As a community, we are seeing more loss of affordable housing stock so that developers can maximize profits. A couple of 450 square foot units, registered with CRD as below-market purchase options (thrown in for good measure to ensure approval of the bigger project), will not replace the full-size suites in the single-family homes that have been lost.

Currently, development in Fairfield/Gonzales appears to be focused on maximizing profits and not providing housing for those who live in, have grown up in, and/or work in Victoria. Building in Fairfield/Gonzales instead of other areas results in developers being able to charge, perhaps, 50% more for a unit even though the actual cost of land is not 50% more. Consequently, there is less focus on building in more affordable areas, and the affordable housing options being lost in Fairfield/Gonzales are not being replaced.

An additional impact of the status quo is that displaced tenants are having to move further away, and it is almost certain that they will not be using a bike to commute back and forth to Sooke, Langford or Shawnigan Lake, which defeats the whole purpose of the push for cycling networks.

For the 1733 Fairfield project, we would like to see something more innovative in the way the neighbourhood is being developed that could provide a combination of affordable homeownership and affordable rental, possibly in collaboration with the CRD? Based on the size of the lot, it could potentially accommodate 10 3-storey townhouses with suites. If a townhouse with a suite sold for \$1.2 Million, the suites could be registered with CRD so that the maximum rent would be tied to 30% of Victoria's median income (\$1,750 per month, with tenants being income-tested in some way). Likewise, buyers should be

income tested in some way which would ensure that those with the means do not take the opportunity away from those who would otherwise not be able to live in the neighbourhood. CRD and/or BC housing could, perhaps, provide some amount of guarantee to lenders, because there will be guaranteed income coming from the suites. Buyers in lower-income ranges would not, otherwise, qualify for a mortgage without some type of indemnified arrangement.

This would achieve 4 objectives

§ It would limit the amount that someone would be prepared to pay for one of the townhouses in the future as a buyer would be limited as to how much they could charge for rent – this would slow down the future appreciation of the townhouse. Currently, homeowners can charge whatever they want for rent (market) and so seem more inclined to bid up the price of property.

§ It would bring back some amount of both affordable homeownership and affordable rentals to the neighbourhood (20 units, which the developer is proposing; however, 10 of them would be rentals).

§ It would be more appropriate construction for the location and would be less obtrusive to neighbours.

Joanna Betts, on behalf of another community member

My name is Matt Hansen and I live at 351 Robertson Street. I'm writing to express my concern about the proposed Aryze development at 1733, 1735, and 1737 Fairfield Rd.

I am all for development and densifying housing but I, and many others in our neighborhood, feel that this proposed development is going to be too high. This project is going to set a precedent for future developments in the Fairfield / Gonzales community and if this project gets passed at the proposed height all of the future developments will push to be the same.

I strongly feel that 3 stories should be the most allowed along Fairfield Rd east of Moss st. Our community doesn't suite buildings any taller, it's just too much. Plus more stories means more people and with more people come more vehicles. With our street parking already at close to capacity that needs to be strongly considered as well.

On behalf of myself and my neighbors thank you for your consideration.

Kind regards,

Matt Hansen

City of Victoria website outlines the "missing middle." What is being proposed does not align, even though the developer keeps claiming they are there to help address the missing middle

<https://can01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fengage.victoria.ca%2Fmissing-middle-housing&data=04%7C01%7Cplanandzone%40fairfieldcommunity.ca%7C242f91d953c440475e4f08da1a8bb487%7C1952fb077b0141879c3e2538855b9738%7C0%7C0%7C637851484578754863%7CUnknown%7CTWFpbGZsb3d8eyJWljojoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCI6Mn0%3D%7C3000&data=IRf8Pltt6W6w1teYqocJfZlqQdfiobewDxfD6TsS6rs%3D&reserved=0>

This is going to council on April 14th - they recommend "applications must be consistent with OCP" which is how many in our neighbourhood feel about the proposed development at 1733-1737 Fairfield.

The building needs to be no more that 3 floors, as per our OCP. Perhaps the developer needs to also consider having their plans start below grade to help meet the height issue, which is of of utmost concern to many of us.

The developer also claimed they wanted it to start at ground level to "minimize disruption" to the neighbourhood but I would argue it saves them money, while ruining our privacy and light. They need to go back to the drawing board and design something that follows our OCP.

https://cdn.discordapp.com/attachments/833778297116688386/962046262050455552/2022-04-08_HFL_-_Rapid_Deployment_of_Affordable_Housing_-_Support_Letter.pdf

Sincerely,
Joanna Betts

I reside at 330 Robertson Street directly behind this proposed development site. I am writing to express my strong opposition to the development as proposed by Aryze. Ours is one of several properties that will be impacted by the height of the proposed building as it will look directly into our backyard and home, impacting both the light we can expect during the day and our privacy. As avid gardeners this is of concern to us.

I am also concerned about the proposed density transfer from the TLC's Abkhazi property to this site currently zoned for single family dwellings. I believe that the developer is overreaching in terms of the site specific rezoning requested. They are using the density transfer to overbuild on the Fairfield site and greenwashing the whole process with the Abkhazi Garden downzoning. I hope Council will see through this manipulative proposal. While I value the continued presence of Abkhazi Garden in our community I do not think their goals to secure cash for unused density merits the added density and overbuilding proposed.

I support the goals of providing additional housing where it can be done in a way that complements the existing community rather than imposing this level of intrusion and disruption.

Let's stick with the OCP guidelines and build in a manner consistent with its aims. It is after all an expression of the community's aspirations and wishes. Please don't keep disregarding the concerns of local residents in a rush to meet developers and investor's wishes. The developers will still be here and we do have an opportunity to take our time and come up with a much better solution that will meet our needs for more housing and balance the increased density in a way that will better serve residents.

I'm not a NIMBY I'm a TBYA (Think Before You Act) Let's get this right before we set a bad precedent that will be pointed to by developers in the years to come. Let's send this back to the drawing board please.

Shawn and April Robins
330 Robertson Street

For 2 years, I have owned the house at 311 Robertson St., located behind this proposed development. I am opposed to this development going forward in its current form.

The Density and Height do not fit within the Community Plan that we the neighbours of Gonzales worked on.

The Land Conservancy needs money, so they are selling their Density to Aryze. This creates a precedent allowing developers to "buy" the ability to override bylaws and community plans. Abkhazi Gardens, the property and source of the density transfer, is located in Oak Bay. The proposed condo is in Victoria. How can this be allowed to go through? Buying density from another municipality is just wrong. The huge warehouse shaped building has no Green Space. Currently, the backyard neighbours look upon 3 houses which have trees, gardens, lawns, and space for families to enjoy the outdoors. The proposed condo complex has a setback from Fairfield Rd. and from the property back line that is less than 3 metres. There is no green space, only a parking lot. There are a few trees along Fairfield and at the property corners - no gardens or lawns.

We will lose property value in our homes. Prospective buyers will not want to look out on a 4 story building, 3 lots wide, where there once were 3 homes separated by trees, lawns, gardens and views of the sunset. Now there will only be a 4 story wall to look at. I would never purchase a home like that. Our homes are losing value because a developer wants to maximize their profit by forcing 19 condos into a space that once had 3 homes.

We are not NIMBYS. We live with 4 multi-family apartments or condo within 1 block of this proposal. All are only 3 stories tall, are within the density allowed for Victoria multi-family buildings and have green space. This huge building proposal contravenes height and density laws, has no green space, does not fit into the existing neighbourhood with its design, is not affordable to most people and negatively impacts a number of people living on Robertson Street and Fairfield Road. It does not meet the City of Victoria's Design Guidelines for Attached Residential Development. Townhouses would work/ a warehouse of a condo building does not. This proposal needs to be sent back to Aryze to redesign this complex to fit in our Neighbourhood.

Thank you -
Linda Maasch

I live near this proposed project at the corner of Robertson Street and Lillian. Our house is a designated heritage house and we have lived in it for 40 years in December. I can see the second storey of the present house at 1733 Fairfield through two back windows on our second storey; a bedroom window and a bathroom window. I cannot see the houses on the other two lots because of trees and an intervening house on Beechwood. From the main floor and our deck I can only see a bit of the roof of 1733 Fairfield.

I attended both the February and March CALUC meetings and reviewed the plans for the proposed project through development tracker prior to the March meeting.

I think that the proposed project is a good one for our neighbourhood. It offers both townhouses and condos of different sizes for various households who don't want or can't possibly afford a single family

house in this neighbourhood. It is on a main east west commuter road with frequent public transit. There seems to be extensive space for secure bicycle/stroller storage and provision for charging electric vehicles. It is a very short walking distance to Fairfield Plaza with Thrifty's, a pharmacy, a hardware store etc. and to Margaret Jenkins School.

I think that Aryze making a payment to Abkhazi Garden in exchange for a transfer of density to this property a short distance away on Fairfield Road is of benefit to everyone in Greater Victoria, as well as all those who visit the Garden during a holiday in Victoria. I had some involvement with the court proceedings around TLC's application for creditor protection in 2013-15 and it is gratifying that such a jewel of a property can never be under threat in the future once it is downzoned.

The Aryze project, Rhodo, that is beside Hollywood Park and kitty corner from the proposed project is almost completed, at least on the exterior. I can see the top storey of Rhodo from the same two back windows on our second storey. I do not find that Rhodo is too tall for a project on Fairfield Road though many people objected to its height before it was approved. Nor do I think it is too dense or too close to Fairfield when I drive or walk on Fairfield Road or visit the park. I find it a very attractive looking addition to our neighbourhood from all directions and think it serves as an excellent recommendation for this new proposal.

Most importantly I think the Fairfield Gonzales community should welcome new innovative projects providing a variety of household types, "the missing middle", at somewhat more affordable prices than most single family houses. It is possible that my husband and I might be interested in moving into a development such as this as we have talked about moving into a condo sometime in the next several years and we would really appreciate being able to stay in this neighbourhood.

Sharon Walls

Hi there,

I wasn't able to make the March 28th CALUC meeting and would like the following input to be added to the CALUC report for the 1733/1735/1737 Fairfield Road proposed development:

- I am a Gonzales resident, and I support the development
- I would like to see more 3 bedroom or 2 bed+den units, but I support the proposed approach as-is
- This neighbourhood desperately needs more housing supply. This project is a step towards helping to address this need for people. I think that the city council should demonstrate leadership in meeting the needs of the community now, and the needs of the future. As such, housing developments like this should be approved

Thank you for including this feedback in the report.

Brian Vatne

My wife and I attended both your meetings on the proposed development at 1733-37 Fairfield. Our house is at the corner of Lillian and Robertson – so not far from the site in question. We have lived there for almost 40 years.

The proposed development seems appropriate for the site and the neighbourhood. It is too bad that the existing houses cannot be saved, but, if they are carefully deconstructed, that is the next best thing. The proposed transfer of development rights from Abkhazi Gardens to this site is of great benefit to the community. Having attended the bankruptcy proceedings for TLC years ago, I well know that the TLC has few saleable assets, and that these are the most important ones. The deal with Aryze will offer the TLC some financial relief and ensure that future TLC creditors cannot force a sale of Abkhazi Gardens to settle the TLC's debts.

Fairfield Road is the most appropriate site in the neighbourhood for apartment/townhouse developments, for which there is a great need. Given the high price of land in the neighbourhood – the land our house sits on was assessed at over a million dollars, and this is for an ordinary-sized lot – it is unrealistic to expect a private developer to offer units of any sort for sale at truly affordable prices. In relative terms, apartments and townhouses are bound to be cheaper than single family houses on separate lots. So, in that sense, this development will make living in the neighbourhood more affordable, whatever the ultimate costs of the units in question.

Warren Magnusson
Professor Emeritus
Department of Political Science
University of Victoria

304 Robertson Street
Victoria BC Canada V8S 3X7
250-595-8735

I attended the community meeting and I was quite disturbed by many of the issues regarding this proposed development. I have a few questions I was hoping you could answer for me as I would like to look into this further. Firstly, I was very concerned that the developer wanted to disregard our official community plan. He referred to the older community plan being too old to count and the newer 2018 community plan not counting because it wasn't "ratified". Are people allowed to just discount the plans like this? And if so what is the point of even making them? Clearly, neither the new version or older version of the community plan allows for his gross overdevelopment plan that disrespects this family residential neighbourhood. So my question to you is doesn't the community plan need to be followed? Or can it just be ignored like this? And who has power over insuring the community plan is followed? Is there a name of someone at the planning department I could speak with? Thank you in advance for any direction you can give me.

Next, this property density transfer seems very sketchy. There is no process in place for this in Victoria. It seems like nothing other than a financial bribe to get to overdevelop by manipulating and purposely misinterpreting the rules. I question the legality of this. Would involving a lawyer and/or the press be a good idea in order to ensure unscrupulous behaviour isn't being encouraged by having unclear rules? Does this not set a precedent that could lead

to massive corruption of the rules into the future? I feel like everyone in Victoria should be aware and alarmed by this.

I plan to continue to pursue this until I can get to the bottom of it. Any contacts or advice you can give me would be greatly appreciated. I will be also contacting the Times Colonist regarding these issues as well as my lawyer. Hoping we can make sure that we can all make a plan together as a community to address this. Thank you so much for your help.

Sincerely,

Catherine McCartney

We would like to thank the Fairfield Gonzales CALUC for hosting the public meeting for the proposed development on 1733, 1735 and 1737 Fairfield Road. We have numerous concerns with the proposal and believe it will be highly disruptive to the neighbourhood. The whole notion of a Density Transfer with The Land Conservancy is highly questionable. It appears to manipulate the density transfer concept to usurp planning and zoning standards in order to increase site density well past what is reasonable. The proposed 4 story apartments are incompatible with the neighbourhood because of the density, design, mass, height and layout. The development should be addressing the needs of families rather than one and two bedroom apartments. We request Aryze to go back to the drawing board and resubmit a proposal that meets the following criteria:

- townhouses with individual ground entrances
- maximum height be limited to 3 stories
- proper setbacks be aligned with the neighbours
- greenspace and proper landscaping
- density of no greater than 1.0 FSR
- appropriate design that fits into the neighbourhood
- proper massing with the neighbourhood
- adequate required parking (ideally underground)

Janice Linton and Kevin Warren (356 Robertson Street)

Hello,

I am writing to express strong opposition to Aryze's building proposal at 1733-1737 Fairfield Rd. While I understand and support densification, development projects such as this need to be aligned with the Fairfield/Gonzales neighbourhood plan. The proposed 4-story structure is disrespectful in this regard, both to the plan and to the neighbours whose properties and privacy will be negatively impacted.

Moreover, the notion of using a 'density transfer' to justify the increased building height is inappropriate. Density transfers are typically used in core urban areas, not single family

residential neighbourhoods. In addition, while these transfers have been used to protect heritage sites, Abkhazia Gardens is not under threat and the property's zoning 'asset' should not be allowed to be purchased and moved. There is no rationale or need for this with either of the involved properties, other than maximizing profits for Aryze.

Finally, to the best of my knowledge, the City of Victoria does not currently have any governing policy or process in place to allow for a density transfer. It would be crucial to have this in place prior to allowing this, or any other 'density transfer' proposal to move forward.

Please help support me and my many concerned neighbours of the Fairfield/Gonzales community by ensuring this development does not move forward as proposed.

Sincerely,
Sean McCartney

Hello,

We would like to express our opposition to the current building proposal at 1733-1737 Fairfield Rd. This proposal is not respecting current zoning and the proposed 4 story height will destroy many surrounding neighbours' ability to enjoy their properties and privacy. Densification needs to occur in a respectful way for the neighbourhood. Developers needs to stick within the current zoning requirements and height limitations. This proposal of "density transfer" is inappropriate. The city of Victoria does not have a policy for this nor a process in place. Density transfers are used in downtown cores and city centres not residential areas, and only in cities that have a clear existing policy and governance for this process. How can we allow someone to just make up new rules? Density transfers are used to protect heritage sites, but Abkhazi Gardens is not under threat. This is simply manipulation in order to maximize profit at the expense of the neighbourhood. We want to be supportive of appropriate densification, as clearly outlined by the neighbourhood plan and the rules for height and setbacks that are currently in place. Please help support our neighbourhood and protect us from uncontrolled over-development.

Sincerely,

Catherine McCartney
