



MOUNT TOLMIE COMMUNITY ASSOCIATION
c/o 1735 Kingsberry Crescent, Victoria BC V8P 2A8

August 9, 2021 *via email*

Mayor & Council
District of Saanich
770 Vernon Avenue
Saanich, BC V8X 2W7

Re: Rezoning and Development Permit Application File: REZ00630; DPR00745
1544 Christmas Avenue

Dear Mayor & Council,

Background:

The matter before the council and the community is the request from the applicant and a recommendation from planning for a **NEW SITE-SPECIFIC** rezoning of the parcel of land at 1544 Christmas Avenue. The application for a four-storey apartment on this parcel of land, designated as such in both the OCP and the Shelbourne Valley Action Plan (SVAP), far exceeds existing bylaw provisions for lot coverage, density – FSR, setbacks and height, as it seeks to rezone the existing single-family (RS-6) designation to a 24-unit apartment (strata) building (RA-12) with surface and underbuilding parking.

This is no ordinary parcel of land. It has remained unused from a commercial standpoint for at least the last 52 years; though, it has been disturbed, some non-native species are present and the grass and plants have been cut. What makes it special, though, is that it lies within the Bowker Creek Watershed and is directly adjacent to the culverted Bowker Creek. Moreover, it is a known seasonal wetland and wildlife habitat.

In an area facing rapid densification (Shelbourne Valley), this parcel of land is an already existing urban green space, an environmental asset if you will, much enjoyed by many in the surrounding neighbourhood. As development proposals come forward and the Shelbourne Valley is redeveloped and densified, the MTCA strongly believes this parcel of land should be used as a park. This will benefit those living on the West side of Shelbourne St in an area that is underserved in terms of green space and parks and it will contribute to the restoration and revitalization of the Bowker Creek Watershed.

Mount Tolmie Community Association (MTCA) response to the proposal:

After reconsideration, the MTCA now opposes this rezoning and development application for 1544 Christmas Ave for the following reasons:



1) Historically this parcel of land has been considered as a green space

During the Shelbourne Valley Action Plan (2008-2017) community engagement process, members of the Mount Tolmie community were directly involved in the process. They were told several times by Saanich planners that the unused seasonal wetland at 1544 Christmas Avenue would be used/continue as a green space/park. The use of this parcel of land as a park is consistent with the original 2012 SVAP/Consultant's report highlighting this area as a future green space/park.

2) Inconsistent with Saanich council 3-30-300 rule

On June 14, Saanich Council passed a motion to adopt a council-endorsed guiding principle known as the 3-30-300 rule. This calls for all residents to have a park within 300 meters of where they are living. According to a VANCOUVER ISLAND FREE DAILY June 18 article, Councilor De Vries and mover of the motion, stated "The 3-30-300 rule is about promoting health and well-being through urban forestry" and "referred to research demonstrating that having trees and parks in proximity to one's residence improves mental health and overall well-being."

In Japan, the physiological benefits of *shinrin-yoku* or "forest bathing" have been studied since the 1990s and the conclusion that time spent in the natural world is good for one's health is known in many cultures. Accordingly, removing a green space or park from people who live in close proximity to it would likely have a detrimental effect on their quality of life and health.

(We also note that the current tenants who live to the east (Hybury apartments) of the proposed building currently look out onto an environment that includes healthy black cottonwood trees and a seasonal wetland used by waterfowl each year, but will have this replaced by a 1.8 m high wood slat fence, parking spaces and a 15m high building covering the "duck pond".)

In support of the proposal, the report cites that 1544 Christmas Ave is within: 1.3 km of Cedar Hill Park, 570m of Horner Park and 1.2 km of Mount Tolmie Park. Since none of these parks are within 300m of the proposed development, with the closest park separated by Shelbourne St, developing a known seasonal wetland and removing 36 Black Cottonwood Trees lining its eastern edge will violate Council's own guiding principle on parks.

While the Gore Peace Memorial Park, at the corner of Shelbourne St and Church Street, is located 348m from 1544 Christmas Ave, it is directly adjacent to significant street noise and close to reported street racing. Accordingly, Gore Park would likely not be considered a suitable park, in the current context, for improving overall well-being.

Taken together, council should retain this parcel of land as a park, for the health of the local residents, the wildlife habitat and the future restoration and health of the Bowker Creek. **Council should ask, if not here, then where could a park be obtained with these values in the MacKenzie – Cedar Hill area west of Shelbourne.**



3) Environmental reports failed to recognize the distinctive Bowker Creek Watershed ecosystem within which this parcel of land is located

A careful reading of the two reports and email correspondence cited in the environmental section of the report shows that none of the authors were seemingly aware that the parcel of land under consideration is part of the Bowker Creek Watershed, a unique watershed on Southern Vancouver Island, nor that the parcel of land is in close proximity to the culverted Bowker Creek. And surprisingly, the field study for the vegetation inventory on a known seasonal wetland was only undertaken in the summer, July 2, 2019.

While the study authors concluded the “low-lying” area is not a wetland, they did find silverweed indicative of a “seasonally wet” site and black cottonwood trees (with an understory of juvenile cottonwoods), a known seasonal wetland species maintained by periodic flooding or other types of soil disturbance. Moreover, the Bowker Creek Blueprint notes that cottonwood trees are native species in Bowker Creek open (non-culverted) reaches 12 (Knight Ave. to North Dairy Rd – Browning Park) and 15 (University Club of Victoria to Gordon Head Rd). Accordingly, we respectfully submit that the report is incomplete.

Moreover, missing from the environmental section is any analysis or discussion on possible future effects of daylighting the adjacent Bowker Creek on tree viability, forest and plant species recovery and wildlife habitat. Again, this suggests the report is incomplete.

4) Reject the premise that the Bowker Creek Blueprint was produced to guide development projects

The Executive Summary states the following: “The Bowker Creek Initiative (BCI) has developed this *Bowker Creek Blueprint: A 100-year action plan to restore the Bowker Creek Watershed* to provide member municipalities, the Capital Regional District, the community and other land stewards with information and guidance to manage and restore the watershed and creek corridor over the long term (eg., 50 to 100 years).”

Moreover, “This blueprint is to be implemented over a period of time in recognition that change can be slow in the urban environment. Having a plan in place will ensure that positive changes can happen incrementally, and that opportunities for major improvements can be achieved as they arise”.

In The 2003 WATERSHED MANAGEMENT PLAN GOALS section, item #3 states that a goal is to improve and expand public areas, natural areas and biodiversity in the watershed. ***The parcel of land at 1544 Christmas Ave provides such an opportunity and presents a viable option to daylight the Bowker Creek.***

5) No discussion of the feasibility of daylighting the Bowker Creek on 1544 Christmas Ave

While a provision for a statutory-right-of way to provide for possible daylighting of the Bowker Creek is part of this application, there is no guarantee Bowker Creek will be daylighted in this area at any time in the future. Missing from the report is any discussion of the feasibility of actually



daylighting the creek in this area, **as the site currently exists**, an undeveloped though disturbed seasonal wetland.

At this time, we do want to bring to Council's attention a surprising paragraph on page 90 (48) of the March 2020 Bowker Creek Daylighting Feasibility Study that we feel could prejudice any meaningful evaluation or consideration of daylighting the Bowker Creek on 1544 Christmas Avenue.

Daylighting Feasibility Study – Bowker Creek.
Bowker Creek Initiative c/o The Capital Region District
FINAL REPORT
March 2020

“At the south end, **the alignment could be shifted slightly to the west to the green space adjacent to Ophir Street (1544 Christmas Avenue)**. It is understood that the District of Saanich recently approved a development on this lot, so **this is no longer a viable option**. As a result, daylighting would need to be immediately east of this lot at the back of the apartment site.”

We find the above statement (*shifting the alignment (of the Bowker Creek) to the west to the green space adjacent to Ophir Street (1544 Christmas Avenue) no longer viable because it was understood that the District of Saanich had recently approved a development on this lot*) to be quite extraordinary, given there was no approval for development at that time.

Clearly, daylighting the Bowker Creek on the parcel of land at 1544 Christmas Avenue is a viable option, but is not stated in the report. Accordingly, we believe the planning report is incomplete on this important point and should be clarified for council members.

6) While the OCP and SVAP designate the parcel of land as 4-storey building, the report provides no rationale nor justification for the proposed scale and increased/decreased dimensions of this 4-storey building including setbacks nor the impact on neighbouring buildings (shade study).

The rezoning and development permit report duly notes that the “*proposed density of 1.8 FSR and proposed site coverage of 63% are higher than permitted in any existing apartment zones*”.

However, it is unclear how this 63% value was determined. With respect to site coverage (%), Table 1 in the report lists a range of Apartment zone regulations (RA-3 to RA-10) that have listed values of either 35 or 50%, which correspond to increases of 85.7% and 30%, respectively, and not 63% as shown in the report.

Since the comparable design parameters used by Planning are not fully listed in the report, to approximate a more complete evaluation relative to the local environs, the relative change between the existing RA-3 zone regulation and the proposed new site-specific RA-12 zone regulation was calculated and is shown for comparison. While this is an approximation, what is striking is the magnitude of the relative changes nearly doubling for lot coverage and decreasing by over 50% for some setbacks.



The net effect is the creation of a large new impervious area in a known low lying seasonal wetland area. The building footprint is such that the stated mitigating effects (and maintenance costs) of adding rain gardens are pushed off-site onto the Saanich owned boulevard.

We also note there is no discussion, justification nor rationale provided for the increased size of the building on a lot of this size.

Table 1. Comparison of Apartment Zone Regulations
(data reproduced from page 4 of the report)

	RA-3	Proposed RA-12	% difference
Lot coverage (%)	35	65	85.7 increase
Density - FSR	1.2	1.8	50.0 increase
Setbacks (m)			
- Front/street	7.5	4.5	(40.0) decrease
- Rear	12.0	4.0	(66.7) decrease
- Interior side	7.5	3.0	(60.0) decrease
- Exterior side	7.5	4.5	(40.0) decrease
Height (m)	11.5	15.0	30.4 increase

7) Not supportive of financial subsidies to market housing developments

The rezoning and development permit report duly notes that locating proposed rain gardens in the Saanich owned boulevard would result in on-going maintenance costs of approximately \$2000 per year. We do not believe that Saanich tax payers support paying these costs nor support these costs which amount to a subsidy for a market-housing development. An argument could be made in the case of affordable housing, but that is not the case in this application.

8) Parking spaces are insufficient to meet expected demand

The rezoning and development permit report duly notes (Feb 25, 2021) that a parking study found the expected parking demand for the site to be 19 vehicles (17 residents, 2 visitors), less than the current 36 spaces (1.5 spaces per unit) stipulated by bylaw. Additionally, Saanich engineering noted the requested parking variance was significant and recommended the number of stalls be 19 with at least 2 designated for visitors. Notwithstanding the addition of one parking stall in the revised proposal (July 5, 2021), we argue the development has insufficient parking to meet expected demand (see table 2).

While an on-street parking assessment reported peak occupancy as 37% suggesting there are spaces available in the area in event there is spillover from the site, we share staff concern of the development relying on on-street parking to support their parking need. We also note that designing increasingly densified buildings with minimal parking is seemingly discriminating against those workers and members of the community who rely on a vehicle for their work (including



community nurses, independent taxi owners, delivery drivers, uber drivers, sales people, trades people, inter alia).

All over the Mount Tolmie area parking issues exist. Increasingly, we see cars parked on the street or pulled over onto the Saanich Blvd (damaging the turf and frustrating home owners who often pay to repair the damage) and even parking on the front yard of some properties. The most egregious example that I have seen recently involves up to 6-7 vehicles (cars and trucks) parked on the driveway with some 3-4 spilling onto the front yard of a single-family home on Garnet Rd. (I see this daily as I cycle past the property.)

As we respond to climate change and transition to renewable energy, we should be mindful that a large segment of the population will transition from internal combustion engines (ICE) vehicles to electric vehicles (EVs) and that will require parking spots and the infrastructure to support them. BC Hydro, a crown corporation owned by the BC government and people of BC, supports this transition as well, as they are promoting EV uptake continually on social media. We note the current design includes 6 electric chargers for electric bicycles, but none for electric vehicles.

Table 2. Parking spaces and requested variances
(data reproduced from page 15 of the report)

Regulation	RA-12	Parking Study	Proposed (Feb 25, 2021)	Proposed (July 5, 2021)	Variance
Parking (spaces)	36	17	14	15	21
Visitor Parking	8	2	1	1	7
Siting for Parking	3m	n/a	2.59m	n/a	0.41m

9) The proposed application does not meet the housing mix needs of the community

The rezoning and development permit report duly notes that the “percentage of one bedroom units is significantly in excess of the projected need as identified in the Housing Data Summary, while no three-bedroom units are proposed.” At a time when housing needs are top of mind for all residents in the CRD, it is important to develop/redevelop properties in a manner that meet the needs of the entire community.

We also note that under the proposed development there is an *approximate 8-fold increase in population density* on this parcel of land (assuming each bedroom is occupied by one individual) compared to a family of four living on the same parcel of land. $[(0*3) + (9*2) + (15*1)] / (4) = 8.2$

Table 3 Housing Comparison – Projected Housing Units Needed by Bedroom Type, 2016-2025
(Table reproduced from page 11 of report)

Housing Mix Comparison: Projected Need vs. Proposed Unit Mix
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UNIT TYPE	PROJECTED % OF HOUSEHOLD NEED	PROPOSED %	
Studio/1 Bedroom Units	42%	62%	15 units
2 Bedroom Units	39%	38%	9 units
3 Bedroom Units	19%	0%	0 units

10) Suboptimal design for solar power microgeneration

The building is designed with a flat roof. This is suboptimal for solar power installation and generation. The extreme weather events this summer (record temperatures throughout the province and drought conditions are associated with the early start to fire season and the extensive damage caused by them) highlight the need, more than ever, to respond to climate change. Solar power will play a significant role in the transition to renewable energy. Accordingly, fully functional and optimal building design becomes increasingly more important.

While residents within the Mount Tolmie area are starting to install solar panels and transition to renewable energy, we are not seeing similar uptake in redevelopments and applications. While complying with Step 3 of BC Energy Step Code, missing from the application/report is a clear plan for the use and introduction of renewable energy in this building. We also suspect simply installing appropriate conduits and wiring for solar power and EV charging stations will create needless barriers to the adoption of this technology in this building since there is no correspondence between the number of units and the number of parking spaces. (24 units but only 15 parking spaces).

At the same time, the effect of shading from both trees and buildings on neighbouring buildings and solar power installations become important design factors. While talking about creating a forest canopy, the applicant/report fails to address these issues in the application.

Additionally, the increased building and population density from developments such as these will create small scale urban heat islands (UHIs) within the Shelbourne Valley. As climate change causes increasing extremes in temperature, as we are witnessing now (with increased precipitation in winter), this effect will only increase in the Shelbourne valley. Cooling demands will increase and energy consumption will rise as a result. Additionally, downstream water quality may also suffer, should warmed water flow into local streams.

11) The MTCA fully supports the many community letters and comments expressing concerns over the impact of developing a seasonal wetland and strong desire to retain this parcel of land as a green space for all to enjoy

From 2019, when development of this parcel of land was first proposed to August 2021, the MTCA has received many letters and comments from concerned residents and environmental organizations with respect to this application. These letters are on file with Saanich and I encourage all councillors to read them.



Summary:

- Historically, the parcel of land at 1544 Christmas Avenue (1544 site) has been viewed by consultants, Saanich staff and many in the Mount Tolmie community as a green space/park.
- The distance from the 1544 site to neighbouring parks exceeds Council's 3-30-300 rule.
- We respectfully submit that the environmental report on 1544 is incomplete. Important field studies did not take into account the seasonal nature of the site.
- We respectfully submit that the stated purpose of the Bowker Creek Blueprint: A 100-year action plan to restore the Bowker Creek Watershed is in fact to provide "information and guidance to manage and restore the watershed and creek corridor over the long term (eg., 50 to 100 years)" and not merely as a guide to development.
- We respectfully submit that the discussion of daylighting the Bowker Creek at the 1544 site is incomplete. The March 2020, Bowker Creek Daylighting Feasibility Study FINAL REPORT states that daylighting the Bowker Creek at 1544 is a viable option. This was not addressed in the report.
- No justification nor rationale was provided for the increases/decreases in development parameters. No shading report on neighbouring buildings nor forest canopy shading report on possible solar panels was provided.
- Providing services that amount to subsidies to market housing developments is in general not supported. We understand the large impervious scale of the development (on a known seasonal wetland) has pushed proposed mitigating rain gardens onto the Saanich owned boulevard requiring Saanich tax-payers to cover the maintenance costs.
- We respectfully submit that there is insufficient parking and share staff's concern that spill-over parking will end up in the local neighbourhood.
- We respectfully submit that the development does not meet the housing mix needs of the community. There are no 3-bedroom units, while there is an oversupply of 1 bedroom/studio units.
- While the building follows Step 3 of BC Energy Step Code we note that it has a suboptimal design for installation of solar panels and generation of renewable solar energy.
- We share the concern of many in the Mount Tolmie community who are deeply concerned and troubled by the destruction of this seasonal wetland and wildlife habitat enjoyed by many in the community.

Because of the far ranging environmental and health implications for the Bowker Creek Watershed, the wildlife and the local community and the missed opportunity to daylight



and restore a part of the Bowker Creek Watershed, we request that a thorough review of the best use of this parcel of land be undertaken.

Solutions:

An argument that I have heard is that “Saanich does not own the land so there is nothing that we can do”. However, there is always something that can be done if goodwill, cooperation and creative thinking is brought to a matter. I would remind council that the creation of the much beloved Horner Park was created in just such a manner. One can read the story on the public bulletin board in Horner Park.

In brief, following the construction of Shelbourne street (1916), the creation of market gardens, orchards and dairies in the area and the end of WWII in 1945, housing development in the Mount Tolmie area “boomed”. And by mid 1950’s, “a local committee received a \$200 grant toward the creation of a much-needed playground”. The interesting part of the story is that to make this happen Mr Horner swapped some of his lots with Saanich-owned land forming the basis of the new Broadmead Playground and Horner Park was born. It has grown over the years with Saanich acquisition of additional lots, but the original installation and vision of the park has remained as a hut, playground equipment and baseball diamond are well used to this day.

Accordingly, I respectfully submit that through goodwill and creative collaboration between the City and the developer, with the full support of the Mount Tolmie Community, a solution to this matter can be found. And given conversations that I have had, I have no doubt that experts in Bowker Creek Watershed and environmental revitalization and restoration efforts will be more than willing to help with future projects.

Taken together and considering the many factors associated with this application, the MTCA recommends council reject and/or provide alternative direction to planning regarding this development application.

Sincerely,

Ryon Bateman, PhD
Acting President, Mount Tolmie Community Association (MTCA)