



## James Bay Neighbourhood Association

jbna@vcn.bc.ca  
Victoria, B.C., Canada

[www.jbna.org](http://www.jbna.org)

May 23<sup>rd</sup>, 2018

Mayor and Council,  
City of Victoria

Dear Mayor Helps and Councilors,

**Re: CALUC Community Meeting - 334 Dallas Street**

The community meeting to consider the proposal at 334 Dallas Street was held on May 9<sup>th</sup> (72 attendees). Attached please find an excerpt of the General Meeting minutes regarding the proposal (Attachment "A").

The meeting was successful in that most items associated with the project were raised, but unsuccessful as there were conflicting views, with confusion and mistrust due to the introduction of a concept not yet discussed in James Bay, and not accompanied by parameters via bylaw, namely a zoning request for a "HousePlex. Most disturbing, was that the proponent said he was "encouraged" by staff to develop a HousePlex whereas Planning had not discussed this concept with the JBNA-DRC or the community at large.

Meeting participants expressed both positive and negative comments.

Direct or near-direct neighbours raised issues related to:

- height which affected both streetscape and water views of those east of the property
- significant increase in FSR and other massing parameters
- "box-shape" of the structure
- the side- entrances do not project a friendly street front entrance (also orphaning of the only sizable greenspace to remain on the property)
- proposed parking was seen as problematic
  - not reflective of owner/tenant needs  
(the question must be asked, whom will the 3 parking spots serve? Will the parking spots be assigned to the occupants of the 4-bedroom owner home, or the occupants of the two rental units? The narrow drive with parking in the rear may be problematic with shared parking spots. With the CRD-wastewater project removing 25% of street parking on the north side of Dallas, street parking may not be available for tenants if the owner has more than one vehicle.)
  - creating a large area of hard-surface along the full west side of the property and much of the back of the property
  - the street is already congested with cars
- the 2 rental suites were not perceived as "affordable" (i.e. meaning below market rates)

Some residents, from further afield, were in support of the proposal, if/with a lowered height. The upper level curved front-face was identified as attractive and the provision of two rental suites seen as positive.

The JBNA CALUC-DRC would welcome the proponents back to another JBNA General Meeting with a revised proposal that would respond to the site coverage and height matters raised by nearby residents from east of the property. Given the limited number of residents within the 100m area, it would be possible to notify the residents without instigating the City notification process.

Attachment "B" contains comments from a direct neighbour who was unable to attend the meeting.

For your consideration,



Marg Gardiner  
President, JBNA

Cc: JBNA Board  
Miko Betanzo, CoV Senior Planner  
Raj Sihota, Owner/proponent  
Ron McNeil, McNeil Building Designs Ltd.

## **ATTACHMENT "A": Excerpt from Minutes of February 14<sup>th</sup>, 2018 CALUC meeting**

### **5. CALUC 334 Dallas Rezoning**

- Raj Sihota, Owner/Proponent
- Ron McNeil, McNeil Building Designs Ltd.

The Chair confirmed that the one-page description of the proposal had been distributed to meeting attendees, the builder had consulted with neighbours, and the shadow study had been included in the presentation slides as per commitment at the pre-meeting. The City sent out 150 Community Meeting notices to residents within 100 metres of 334 Dallas. The Community Meeting was opened.

Tim VanAlstine reported on the Development Review Committee pre-meeting. Tim VanAlstine, Wayne Shillington, and Linda Carlson met with Raj Sahota (owner) and Ron McNeil (McNeil Building Designs Limited) on March 9, 2018:

The Proponent plans to demolish the existing building and build a 4-bedroom family home with 2 additional rental units. The property currently has a duplex zoning (R2) which permits a second residential unit. Rezoning is required for the second rental suite. The owner is prepared to add a covenant that would commit the 2 suites as rental housing units. The proposal calls for 3 parking stalls. No variances will be required.

**Note:** Although height and set-back variances are not being sought, when the City's Community Meeting Notice was prepared, **a variance to the Floor Space Ratio (FSR) became evident.**

Ron McNeil presented the proposal to seek rezoning.

The plan is to build a single family dwelling at 334 Dallas Rd with two secondary suites on the lowest floor of the building, accessible from the sides of the building. Setback requirements have been met. Height is slightly over allowable height limit and approximately the same as the house immediately to the east. The proposal does not meet the current R2 zoning because 2 basement units require a development permit and rezoning application. The suites are in the basement (1/2 below grade) with owner bedrooms on the middle level floor and living area on the upper floor.

The City has encouraged the proponent to a rezone as a "houseplex." The owner is willing to put a covenant on the property to ensure that the two rental units are maintained as rental.

**Questions and concerns - the first opportunity given to those who live within 100m of 334 Dallas Road who received notification from the City.**

Q: I am unfamiliar with the term Houseplex. Can you define what it means?

A: The proponent was not able to define, but said that it was referenced in the OCP and City staff had "encouraged" them to add the second rental suite and proceed with a 'houseplex' zoning designation.

Q: Where in the OCP is the houseplex defined/found?

A: Did not know. City staff liaison Kimberley Stratford obtained an e-mail from Director of Planning, Jonathan Tinney and read it aloud: *Definition of houseplex - Houseplexes could be permitted in several existing zones and are generally supported in the Traditional Residential*

*designation in the OCP currently. That said, the concept is emerging as a preferred policy direction in the Fairfield and Gonzales Neighbourhood Plan processes. In essence the direction would support a focus on small-scale multi-family dwellings (likely a four or sixplex, but could be more) that looks like a single family house (typically on a larger lot), though it also refers to the conversion of larger, older homes into multi units. (Jonathan Tinney, Director of Planning, May 9<sup>th</sup>)*

C: Resident on Boyd Street expressed concerns about parking. Onsite parking doesn't account for visitor parking, and parking spots along Dallas Rd are being lost. Resident believes family home with 2 suites will create more of a parking nightmare in community.

A: One residential parking spot will be provided for each of the three residential units.

C: Dallas Road neighbour believes there is a need for a variance for floor area. Another concern is that the entrances are on the side, which will be disturbing for neighbours. Concerned that there is no street entry. Also wants to know what other variance are required.

A: There are two entrances on the driveway side and the other from east side of building. We are applying for a site specific zoning so that the 2<sup>nd</sup> rental suite can be included.

Q: how does it fit in to the City's Schedule C parking?

A: meets requirements of Schedule C

C: Nearby neighbour confirms owner will live on upper floors and basement will be for rental. Proponent said the rental suites are affordable housing, but a suite with a view in a new house on Dallas Road will not be affordable, more likely \$2500 to \$3000 a month. Believes the property will be flipped within a couple of years to make a significant profit. Unhappy about people coming into James Bay and changing the neighbourhood for large profits.

Q: Resident who lives in the apt building at Dallas and Boyd Street has a unit on the back of the building and currently has a west facing view. Wants to know if the building is over height, and specifically if it is taller than the building between the apartment and this property?

A: Believes the other building was built under old by-laws. Basically this proposal is the same height of newer townhouses being built on Dallas Rd. It may be slightly higher than the building to the east.

C: Direct neighbour had 5 points of objection: Variance for FSR too large. Almost an increase of two thirds. Structure looks like a box with curve on upper side being the only design characteristic away from a total box. There is no front entry, leading to the only green space being a dead space. Side entry impacts privacy concerns for neighbours and adds to noise factor. Hopes demolition and construction will be done between October and May when residents are not trying to enjoy being outside. Is there a time frame for seeking rezoning from the City?

A: We will assess and consider the information provided at this meeting and will determine how to proceed. We would hope to be able to file an application within a month or so.

C: Dallas Rd resident is opposed to demolition of existing house on property and believes there needs to be variances and rezoning of structure as being proposed. Positioning of garage may be problematic, and who will use the garage – tenants or owner?

**Questions and Concerns - opportunity given to James Bay residents who live beyond 100m from 334 Dallas Road**

Q: Dallas Rd resident is unhappy that this is yet another spot zoning when there are already 700 in James Bay. Questions what the owners will use the parking spaces for, and will the basement suites be used as short-term rentals?

A: There is no intention to have short-term rentals and the owner will provide a covenant on the property for the rental units.

Q: Dock St resident wonders about the size of the rental units and the rent to be charged?

A: There is one unit at 899 sq.ft. and the other is 750 sq.ft. The rent is not known at this point but it will be market rent.

C: St Andrews St resident observed that the presentation identified the rental units as affordable and if so, the rent has to be below market rent. Perhaps clarification would be helpful. Is it market rent or is it below market rent?

A: The proposal is for units that will be market rent. Presenter was using the term that came out of discussion with the City about houseplex.

C: Resident suggests proponent not use the word affordable as it gives an expectation of lower than market rentals. Resident clarifies the total floor area and FSR for R2 as there is typo in handout.

A: After reviewing the handout, proponent agrees that there are typos on the data chart.

Q: Is this a flat roof?

A: Yes.

Q: And what is the height of the basement, ground floor and upper floor?

A: Basement is 8ft. ground floor is 9ft and upper floor 10ft

C: The proponent might alleviate some of neighbours' concerns by reducing the top floor by 1ft.

A: We will look at that.

Q: San Jose St resident comments that height does become a concern for shadow and privacy, and wonders if reducing the height would still require a rezoning?

A: Yes

C: Menzies St resident supports the design and particularly inclusion of 2 suites. Would like to see less parking area and see conversion of garage into a rental unit.

C: Fisherman's Wharf resident asks if the City prohibits use of the garage as more livable space?

A: Yes, that is the regulation.

Q: Clarence St resident wants more info on what a houseplex design is – is it a policy direction or bylaw?

A: Mayor Helps, who was present, responded that the idea is currently a policy direction and the plan is to incorporate it into the zoning bylaws.

C: Pilot St resident likes design, doesn't believe it is a box, feels parking is adequate and that general parking concerns should be taken to the City to address. Supports the suggestion to consider reducing height level of top floor.

## **ATTACHMENT "B":** *Note-e-mails received before/during/after the CALUC meeting*

----- Original Message -----

From: The Mark Imhoff Group XXXXXXXXXXXXXXXX

Date: Thu, May 3, 2018, 18:31

Subject: 334 Dallas

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Dear JBNA and Neighbours

I've had an opportunity to consider the proposal for 334 Dallas Road. I have several concerns.

1. The design when first viewed from the rendering looks interesting with its curved upper level wall. Upon closer inspection of the plans and understanding neighbourhood friendly designs; this proposal is a little more than a large box. With no front entry visible from the street the structure is very apartment-building-like in stature, giving it a monolithic look;
2. This monolithic look continues on all 4 sides. You just need to review the plans closely;
3. Although the design requires no setback relief, the home is substantially larger in Floor Space Ratio than allowed. This means requesting three variances: Floor Space Ratio, Total Floor Area and use as a triplex (R-K zoning).

The idea behind Floor Space Ratio Bylaws is to create different designs within the larger allowed building envelope (not necessarily to build to each corner of the allowed setback). The property owner is asking for an increase of more than 50% that is allowable under Single Family (R1-B) or Duplex (R2) guidelines;

- 3.1. The main and upper floor allowable is 3014sqft. This proposal is asking for 3843sqft in this area, an increase of 829sqft or 28%;
- 3.2 The basement area allowable is 1507sqft. This proposal is asking for 1837sqft, an increase of 330sqft or 22%;
- 3.3 The total Floor Space Ratio allowed is 0.5% and this proposal is asking for 0.79% well over the current allowable, 58% more;
4. It's simple to see when you ask for these types of increases and elect to build out to all the corners of your envelope, the massing of the building and the box like design becomes the issue;
5. The design with no front entry does not create a welcome street front presence. Having the entries on both sides of the property will increase foot traffic which will have a greater effect on the Neighbours;
6. Design item critics:
  - 6.1 There is no labeling of the height of the roof parapet wall?
  - 6.2. The hard surface parking and sidewalks partially dictated with side entry's and the need for more parking with the extra suite seams excessive;
  - 6.3 The property is zoned for duplex and that is probably its highest and best use for this lot. There is more value in creating two homes for family ownership rather than an apartment-like-building on a mid-block street lot.
  - 6.4 This is a massive Stucco Box
  - 6.5 Most of the extra space contemplated in this proposal is not for the extra requested suite.
  - 6.6 When a rezoning is considered, consultation and notification with neighbors on design for window placement and privacy should be addressed. None of that was done with this proposal. These plans were merely drawn long prior without any communication to the neighbors.
  - 6.7 I do realize a new home will be built on this lot. I'm concerned this plan of substantially increasing the space has pushed this design. I'm open to development with good planning and neighborhood consultation.

Thank You,  
Mark Imhoff  
Owner 2-338 Dallas



## James Bay Neighbourhood Association

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Victoria, B.C., Canada

[www.jbna.org](http://www.jbna.org)

November 21<sup>st</sup>, 2018

Mayor and Council,  
City of Victoria

Dear Mayor Helps and Councilors,

**Re: CALUC Community Meeting - 334 Dallas Street**



This correspondence should be considered a companion letter to the JBNA May 23<sup>rd</sup>, 2018, letter concerning the CALUC review of May 9<sup>th</sup>, 2018.

JBNA was contacted by the proponent with the request that JBNA Board accept the May CALUC review as being current although the 6-month period between the Community Meeting and the proponents submission has lapsed. On November 15<sup>th</sup>, Tim VanAlstine, JBNA CALUC CO-Chair and I met with Miko Betanzo and were advised that some changes had been made to the proposal since the May 9<sup>th</sup> JBNA General Meeting.

The development proposal was opposed by near-by neighbours but supported by those further afield. The discussion was also contentious due to the introduction of a concept not yet discussed in James Bay, and not accompanied by parameters via bylaw, namely a zoning request for a "HousePlex. Most disturbing, was that the proponent said he was "encouraged" by staff to develop a HousePlex whereas Planning had not discussed this concept with the JBNA-DRC or the community at large.

The major change, as relayed by Miko Betanzo, is the creation of a street front entrance for the principal suite in the complex. Given this street change revision, the JBNA Board believes that further public review would not be likely to further alter the project.

For your consideration,

Marg Gardiner  
President, JBNA

Cc: JBNA Board  
Miko Betanzo, CoV Senior Planner  
Raj Sihota, Owner/proponent 7 Ron McNeil, McNeil Building Designs Ltd.



## James Bay Neighbourhood Association

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[REDACTED]  
Victoria, B.C., Canada

[www.jbna.org](http://www.jbna.org)

June 7<sup>th</sup>, 2019

Mayor Helps,  
City of Victoria

Dear Mayor Helps,

**Re: Rezoning Application 334 Dallas Road**

The James Bay Neighbourhood Association has been notified of changes to the application to develop the property at 334 Dallas Road. The original application came before the CALUC on May 8, 2018. At that time the proponent indicated that he was advised by the City to seek a "houseplex" zone in order to accommodate his desire to have two rental units in the building.

The term was unfamiliar and the JBNA requested clarification from our Councilor Liaison who was in attendance at the meeting. The Councilor was also unfamiliar with the term and enquiry was made of the Jonathan Tinney, Director of Planning. An explanation was provided. Upon further enquiry, it was confirmed that "houseplex" as a zone does not exist.

In response to the May 16, 2019 revised application for 334 Dallas Road we conducted a search of the City's website and found the term "houseplex" referenced in developing local area plans. We have not found a Council revision to the zoning bylaw to establish a zone called "houseplex". Zoning Regulation Bylaw 80-159 does not contain the word "houseplex". In spite of this, the owner of 334 Dallas Road is applying to rezone his property to the "new houseplex zoning."

While the revised proposal for 334 Dallas Road itself may not warrant another CALUC, the application to establish a new, possibly non-existent zone does cause the JBNA concern.

Before the City proceeds with this application, we ask that full public process be given to the creation of any new zone, such as "houseplex".

We seek your attention to this matter.

Sincerely,

Marg Gardiner,  
President, JBNA  
[REDACTED]

CC: Victoria Councillors  
Planning: Miko Betanzo, Andrea Hudson, Alison Meyers  
VCAN

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## James Bay Neighbourhood Association

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Victoria, B.C., Canada

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October 23<sup>rd</sup>, 2019

Mayor and Council,  
City of Victoria

Dear Mayor Helps and Councilors,

**Re: CALUC Community Meeting - 334 Dallas Street**

The second community meeting to consider the proposal at 334 Dallas Street was held on October 9<sup>th</sup> (34 attendees). Attached please find an excerpt of the General Meeting minutes regarding the proposal (Attachment "A").

The proposal had first come forward to a JBNA Community Meeting in May, 2018. A letter dated May 23<sup>rd</sup>, 2018, provides a report of that meeting. JBNA had requested a second look at the proposal since in the intervening period we had been notified of several changes with the most recent change requiring a variance due to a change in height.

There was not a pre-meeting for this CALUC. The City distributed 139 Community Meeting Notices.

The proponent stated the rezoning is for a houseplex. There is no such zone in existence in Victoria, and therefore the JBNA considers the proper rezoning is for a triplex.

In general, those present at the meeting thought the current concept was a significant improvement over the 2018 concept; however, concerns of Massing, height and lot site coverage remain.

In the days following the CALUC Community Meeting, the proponents informed JBNA that "*note we will for sure revise to keep house height within zoning and no variance.*"

For your consideration,

Marg Gardiner  
President, JBNA

Cc: JBNA Board  
Chloe Tunis, CoV Planner  
Raj Sihota, Owner/Proponent  
Ron McNeil, McNeil Building Designs Ltd.

**ATTACHMENT "A": Excerpt from Minutes of October 9<sup>th</sup>, 2019 CALUC meeting**

**5. CALUC 334 Dallas Rezoning**

- Raj Sihota, Owner/Proponent
- Ron McNeil, McNeil Building Designs Ltd.

Mr. McNeil suggested that there are two changes of significance [from the 2018 proposal]:

1. The first being that the driveway is now on the east side of the property, as the City identified problems with the driveway on the west due to existing utility poles.
2. The second change is the height. The proponent will be seeking a height variance of 0.2 meters for the roof line as well as for the garage in the back. This is a result of how the City defines height. The garage itself is not oversized, but the owner wanted to put a basement under the garage. This is unusual. The basement under the garage measures 32x36 ft. including the stairwell.

The original plan had a side entrance, but both the City and the neighbours to the east objected so the entrance is now on the street side (Dallas). There is a basement level with a 1 bedroom suite and a 2 bedroom suite. The ground floor is bedrooms with the living area on the 2<sup>nd</sup> floor to maximize views. Landscape plans are slightly modified with change of main entry. There is a deck on the rear of the building.

**Questions/comments:**

Q: Resident within 100 meters, on Dallas Road. When cars are parked in the back, will they have to back out to access Dallas Road?

A: No, there is enough room to turn around.

Q: Resident within 100 meters, in condo Boyd/Dallas. How much taller is this house next to the one on the west side?

A: It is quite a bit higher than the small bungalow, but not much more than the house on the east side. The variance is for 28 centimetres.

Q: Are there any plans to turn the garage into a garden suite?

A: No, there are no plans to do that because the plan is for the 2 suites in the house.

Q: Where are the windows on the east side?

A: Proponent shows windows on slide and confirms windows facing house to the east.

Q: Resident within 100 meters, in condo at Boyd/Dallas. Concern that you will build this building over height. You don't have a variance and you might not get it, but if you build as proposed you will completely eliminate my view of the water. I am at the back of our building and have an open view looking over the breakwater. You want to build the same, slightly more height than the building right next door which is already over height. Can I go to the City to oppose the variance, because I am against the height? The view is the value of my home.

A: Mr. McNeil repeated variance is only for 28 centimetres.

Q: Resident from Lewis Street considers it important to show respect to those concerned about the impact. It is important to respect the views, the sun that exist among those already living in the area. It is a very large building. Resident challenged designer to reconsider the design so that the building does not create adverse consequences for nearby existing residents.

A: It is only a .28 meter variance.

Q: Nearby resident observes that this proposal is considerably higher than existing.

A: That's what happens with development

Q: Several people in James Bay have mobility challenges. How many of the two suites will be accessible? Wants the record to indicate that there should be emphasis on accessible buildings when new builds.

A: There will be space for an elevator in the building and there may be ability to build a ramp for one of the suites. It looks doubtful.

Q: Dallas Road resident ask what are the heights of the ceiling?

A: 8' ceiling in basement and on main floor and 10' ceiling in 2<sup>nd</sup> floor.

C: Can't you lower them to minimize the height?

Q: Niagara Street resident curious about the greenspace. What is the foot print of this proposal? It is unclear how much green space we might lose in the neighbourhood. Are there trees being removed to build the new house? It is always a concern when we lose greenspace in this neighbourhood.

A: There is a fruit tree in the back yard that will be removed. The foot print is larger than existing house and there is the garage as well. There is considerably more pavement.

Q: What is between this house and the property to the east?

A: There is a fence between the two properties.

Q: Is there thought between planting trees instead of a fence?

A: There is just room for a driveway and fence.

Q: Nearby resident questions the number of parking spaces. If there are two suites in addition to the house you could have up to 5 cars.

A: The City bylaw for parking is met. There are 2 spaces for house residents and 1 space for the 2-bedroom suite. It is presumed renter of 1 bedroom suite will not have a car.

C: This is a building in good taste. There are really good points being made here. I think the City is wanting us to improve housing and achieving the allowable height is reasonable when it means offering options for rental.

Q: Next door neighbour to the west. Comments made reflect some issues I was concerned about. The suggestions proposed are easy to address. My property is within the height permitted, there was no variance for my property. There are changes in the neighbourhood and duplexes are always going to replace single family homes. I am not opposed to two suites in this property. One concern is with regard the square footage. Is it really necessary to have more than 5000 sq ft in order to accommodate two additional suites? Usually larger residences have cut outs to minimize the impact, but this is a corner-to-corner build on all sides. The impact on the street front is large and imposing. The basement under the garage is awfully big. Suggest you stay within the allowable height and minimize variances.

Q: Dallas Road resident questions storm water retention under the driveway and thinks a lot of storm water retention will be required because there is a lot of concrete and a huge basement under the garage. Won't the water run onto neighbouring properties?

A: No. An enormous capacity isn't required and the storm retention it is designed according to the size of the roof area. There is a formula applied.

C: Perhaps some permeable paving would be a good idea. Permeable service doesn't require catch basin.

A: Permeable doesn't work when the ground is saturated. The City wants solid surface with a catch basin.

C: You might reconsider permeable pavement because you are taxed at a lower rate.

C: Resident says in fact, more permeable surfaces minimize the amount of storm water runoff. Rather than build a large retention system, increasing the permeable surfaces and eliminating some of the concrete would be an improvement. There is a large amount of concrete on this site.