



James Bay Neighbourhood Association

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

www.jbna.org

August 27th, 2019

Mayor and Council,
City of Victoria

Dear Mayor Helps and Councilors,

Re: CALUC Community Meeting - 580-582 Niagara Street

The community meeting to consider the proposal at 580-582 Niagara Street was held on August 14th (43 attendees). Attached please find an excerpt of the General Meeting minutes regarding the proposal (Attachment "A").

201 notices were distributed by the City regarding the community meeting.

The meeting was successful in that the focus became clear, namely the appropriateness of spot-zoning and "blessing" of contraventions of zoning through the rezoning process, hence disrespect for the Local Area Plan and consultation.

Attachment "B" contains comments from a direct neighbour who was unable to attend the meeting, but who most clearly articulated the issues.

For your consideration,

Marg Gardiner
President, JBNA

Cc: JBNA Board
Miko Betanzo, CoV Senior Planner
Bobbi Hill & Alfred Haas, Owners/proponents

ATTACHMENT “A”: *Excerpt from Minutes of August 14th, 2019 CALUC meeting*

5. CALUC 580-582 Niagara Rezoning

- Bobbi Hill & Alfred Haas, Owner/Proponent

JBNA Development Review Committee (Marg Gardiner, Tim VanAlstine, Linda Carlson, Trevor Moat, and Alex Teliszewsky) met with the owners on July 8, 2019. The Proponents reported that of the 14 neighbours had been consulted, 13 approved and one is opposed.

Mr. Hass has owned the property for 30 years, and turned the building into 4-plex 11 years ago. Long term tenants with tenure ranging from several months to several years. No plan to change house or change tenants. Room for 6 vehicles and bike storage. The site specific rezoning is to bring it into compliance with use as 4-plex. All construction done years ago with 4-plex in mind.

Questions and Concerns - opportunity given to James Bay residents who live beyond 100m from 580-582 Niagara

C: Resident within 100 meters. Concern is that house is zoned for duplex and has operated as 4-plex for 11 years. What prevents owner from turning it into a 6 or 8 unit building?

A: We need to bring it into compliance, or turn it into a strata for 2 units which would mean 2 tenants would have to vacate.

Q: Resident beyond 100 meters questions whether plan is to restrict house to 4-plex as she believes City is changing all single family home as potential for 6-plex. There is no guarantee that this house will not be converted to a strata or 6-plex. Will owner sign agreement with the City to hold the property as 4 rental units?

A: Yes, we have agreed to sign an agreement with the City to retain 4 rental units for 10 years.

Point of clarification from Meeting Chair: City is not rezoning entire city sfh dwellings to 6-plex zoning. There are some properties adjacent to specific traffic arterials that are being up zoned in some neighbourhoods.

C: Resident beyond 100 meters is puzzled that the City never intervened in a 4-plex operation for 11 years knowing it contravened zoning.

A: The City knows this is a 4-plex. It has put a covenant on the property to ensure continued rental. Once property is in compliance with existing use, the covenant will be removed.

Resident within 100 meters wrote letter objecting to spot zoning after 11 years. Letter included as Attachment “B”.

ATTACHMENT “B”: *Note-e-mails received before the CALUC meeting*

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

From: **Lynda Cronin**

Date: Wed, Aug 14, 2019, 3:13 PM

Subject: Proposed zoning changes for 580/582 Niagara Street

To: <mayorandcouncil@victoria.ca>

Dear Mayor Helps and Council Members,

We are writing in connection with a notice received from the James Bay Community Association Land Use Committee (CALUC) regarding a proposed zoning change to 580/582 Niagara Street. We live at 614 Niagara Street. We are unable to attend this evening's CALUC meeting, but would like you to be aware of our views on this proposal which raises several important points of principle directly affecting community life in the James Bay neighbourhood.

First of all, as a general point, we strongly object to spot-zoning as a way of circumventing the intent of the existing community plan. As James Bay residents since 1982, we have seen the damage that arbitrary, piece-meal re-zoning can have on the integrity of a plan which took significant, broad-based effort to devise. Spot-zoning as a tool is generally destructive of community values; it represents an act of bad faith towards the expressed will of the people of James Bay.

Second, our understanding is that the re-zoning request amounts to an attempt to retroactively bless a land use which has contravened the existing zoning for the property for a number of years – thereby conferring a commercial benefit on the landowner. The landowner in question told us directly that he was pursuing the re-zoning so that he could sell the property for a higher price. In our view, to accede to this request would be to reward bad behaviour and set an unfortunate precedent which many others may be tempted to follow.

Third, we recognize that the current situation for renters in Victoria is desperate. We have no desire to diminish the city's rental stock at a time when reasonably priced rental options are so limited.

Notwithstanding our concerns about spot-zoning and the apparent inability or unwillingness of city staff to monitor zoning infringements, we recognize that, on balance, City Council may decide that the desirability of maintaining the city's stock of rental housing is its primary concern. That being said, we strongly believe that this case illustrates the need for Council to ensure that, in future, the spirit and letter of community plans are adhered to consistently and that zoning infringements be addressed in a timely manner. The alternative is that meaningful public input will be downgraded and planning decisions will increasingly benefit those who break the rules to the detriment of the broader community.

Yours sincerely,

Lynda Cronin & Peter Heap

614 Niagara Street

Victoria, BC V8V 1H9

Phone & fax