



## **Committee of the Whole Report**

### **For the Meeting of February 6, 2020**

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**To:** Committee of the Whole **Date:** January 23, 2020

**From:** Karen Hoese, Director, Sustainable Planning and Community Development

**Subject:** Rezoning Application No. 00674 for 334 Dallas Road

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### **RECOMMENDATION**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00674 for 334 Dallas Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Landscape plan be amended to provide more detail as described in the Development Permit Application Report.
2. Preparation and execution of legal agreements to require a 10-year rental period (market rental), for the two basement units to the satisfaction of the Director of Sustainable Planning and Community Development.

### **LEGISLATIVE AUTHORITY**

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures as well as the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

In accordance with Section 483 of the *Local Government Act*, Council may enter into a Housing Agreement which may include terms agreed to by the owner regarding the occupancy of the housing units and provided such agreement does not vary the use of the density of the land from that permitted under the zoning bylaw.

### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 334 Dallas Road. The proposal is to rezone from the Two Family Dwelling District, R-2 Zone, to a site-specific zone in order to permit construction of a three unit dwelling.

The following points were considered in assessing this application:

- the proposal is consistent with the density and uses established for this area, which is designated Traditional Residential in the Official Community Plan (OCP)
- the proposal is consistent with the James Bay Neighbourhood Plan which encourages a range of housing opportunities
- the provision of two rental units supports housing diversity and market rental housing policies.

## **BACKGROUND**

### **Description of Proposal**

This proposal is to rezone from the R-2 Zone, Two Family Dwelling District, to a site-specific zone in order to:

- demolish the existing single family dwelling and garage
- construct a new three unit residential building
- secure the two lower units (ground floor units) as market rental for a period of 10 years.

The applicant and the James Bay Neighbourhood Association reference the term 'houseplex' for the type of housing form proposed. However, as a definition and standards for this terminology have not been developed through the local area planning for James Bay, at this time it is more appropriate to consider the proposed building as a triplex.

The following list details the differences from the standard R-2 Zone:

- permitting a third unit
- exceeding the maximum density (floor space ratio)
- increasing the height of the dwelling and the accessory building (variances required)
- decreasing the required number of off-street vehicular parking stalls (variance required)
- decreasing the amount of rear yard open space (variance required).

### **Affordable Housing Impacts**

The Rezoning would permit the creation of two new residential units (for a total of three units on the property) which would increase the overall supply of housing in the area. The applicant has indicated that two of the units would remain market rental for a period of 10 years. This would be secured by a Housing Agreement, which would include provisions to restrict strata conversion in that time period.

### **Tenant Assistance Policy**

The proposal is to demolish an existing building which would result in a loss of one existing residential unit. The tenant is not eligible for tenant assistance due to their length of occupancy. The Tenant Assistance Plan is provided with this report.

### **Sustainability Features**

The applicant has not identified any sustainability features associated with this proposal.

### **Active Transportation Impacts**

The applicant proposes bicycle parking which supports active transportation.

## Public Realm Improvements

No public realm improvements beyond the City's standard requirements are proposed in association with this Rezoning Application.

## Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings. The proposed pathway surrounding the building is designed to be accessible and provides access to the elevator for the main unit.

## Land Use Context

This portion of Dallas Road (between Boyd Street and San Jose Avenue) has seen little change over the last two decades. The most recent change to this block has been the construction of the duplex at 338 Dallas Road in 2004. The 28 unit condominium building at 360 Dallas Road was constructed in 1971. All other houses in the immediate area are single family dwellings. While the zoning in the immediate area is R-2, Two Family Dwelling District, many of the lots in the immediate area would not have sufficient site area for a duplex.

## Existing Site Development and Development Potential

Under the current zone the property could be redeveloped for a duplex.

## Data Table

The following data table compares the proposal with the existing R-2 Zone. An asterisk is used to identify where the proposal varies from the than the existing Zone. The concurrent Development Permit Application Report analyses the variances in detail.

Zoning Criteria	Proposal	Existing Zone R-2	Comments
Site area (m <sup>2</sup> ) – minimum	665.46	555	Based on two units – see site area per unit
Site area per unit (m <sup>2</sup> ) – minimum	221.82 *	277.5	Requires a new zone – not a variance
Number of units – maximum	3 *	1 duplex (2 units)	Zone does not permit a 3 <sup>rd</sup> unit
Density (Floor Space Ratio) – maximum	0.51:1 *	0.5:1	Floor area does not include basement area. Requires a new zone - not a variance
Total floor area (m <sup>2</sup> ) – maximum	491.80 *	380.00	For all units and includes basement
First & Second Storey floor area (m <sup>2</sup> ) – maximum	338.6 * (upper unit only)	280.00	1 <sup>st</sup> and 2 <sup>nd</sup> storey floor area is for combined floor area of duplex

<b>Zoning Criteria</b>	<b>Proposal</b>	<b>Existing Zone R-2</b>	<b>Comments</b>
Lot width (m) – minimum	18.02	15.00	
Height (m) – maximum	7.92 *	7.6	
Storeys – maximum	2	2	
Site coverage (%) – maximum	34.7	40.0	
Open site space (%) – minimum	52	30.0	
Open site space (%) - minimum Rear yard	13.54 *	33.00	
Separation space between buildings (within the site) (m) – minimum	5.41	2.40	
<b>Setbacks (m) – minimum</b>			
Front	7.50	7.50	
Rear	13.3	12.92	
Side (east)	1.80	1.80	
Side (west)	3.30	3.00	
Combined side yards	5.10	4.50	
Parking – minimum	3*	4	Based on the unit size
Visitor parking included in the overall units – minimum	0	0	
<b>Bicycle parking stalls – minimum</b>			
Short term	6 space rack	n/a	Bicycle parking is not required for two family dwellings, but is required for multiple dwellings
Long term	4 spaces within accessory building	n/a	

<b>Zoning Criteria Accessory Building</b>	<b>Proposal</b>	<b>Existing Zone R-2</b>	<b>Comments</b>
Location	Rear yard	Rear yard	
Above ground floor area – (m <sup>2</sup> ) - maximum	36.59	37.00	



<b>Zoning Criteria Accessory Building</b>	<b>Proposal</b>	<b>Existing Zone R-2</b>	<b>Comments</b>
Basement floor area	87.05	n/a	
Height (m) – maximum	3.96*	3.5	
<b>Setbacks</b> (m) – minimum			
Rear	1.21	0.60	
Side (east)	7.1	0.60	
Side (west)	4.82	0.60	

## **Relevant History**

### **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the James Bay Neighbourhood Association at a Community Meeting on May 9, 2018 and another meeting on October 9, 2019. According to the *CALUC Procedures for Processing Rezoning and Variance Applications*, a second meeting was triggered due to an increase in the floor space ratio from the earlier submission. In addition, as the submission plans were refined over time, it was also noted that a height variance for the garage would be required due to the inclusion of a storage area under the garage.

The letters from the James Bay Neighbour Neighbourhood Association (attached) are dated as follows:

- May 23, 2018
- November 21, 2018
- October 23, 2019.

## **ANALYSIS**

### **Official Community Plan**

The Official Community Plan (OCP) designates the subject property as Traditional Residential. The maximum density envisioned within Traditional Residential areas is 1:1 FSR, and this project is below the maximum envisioned. Dallas Road in this location has a functional street classification of a Secondary Arterial. The Traditional Residential Designation envisions low rise multi-unit residential buildings up to three storeys on arterial and secondary arterial roads; therefore, the proposal is consistent with the OCP.

### **Local Area Plans**

#### **The James Bay Neighbourhood Plan (1993)**

The James Bay Neighbourhood Plan, in the Goals and Objectives on Housing, encourages a range of housing opportunities, with many references to family housing. One ground floor unit has two bedrooms, and the main dwelling unit has four bedrooms.

## Tree Preservation Bylaw and Urban Forest Master Plan

There are a number of smaller, non-bylaw protected trees on the property, all of which will be removed. Due to the presence of underground services on Dallas Road, there is no requirement for trees within the public realm.

### Regulatory Considerations

The proposed density is in excess of what is permitted in the R-2 Zone, which is intended for two units, so to achieve a redevelopment with three units, an increase in density would be expected. The proposed density at 0.51:1 floor space ratio (FSR) is marginally above the established ratio of 0.5:1 FSR for the R-2 Zone. However, it is noted that the calculation for FSR does not include the floor area of the two lower units as they are considered basement space and, as such, are exempt from the floor area calculation for a two family dwelling. As defined by the *Zoning Regulation Bylaw*, the finished ceiling height of the lower units project no more than 1.2m above grade, and are therefore exempt from floor space calculations.

The density on the subject parcel is a result of the large main unit, which occupies the total building footprint on two floors (338.6m<sup>2</sup> total floor area) exceeding the maximum floor area permitted for a two-family dwelling unit as well as what would be allowed for a single family house in the (R1-B) for a lot of this size. If all floor areas of all units (including the basement) are used in the calculation of the floor area, the overall FSR would be 0.74:1, which remains below the limit of 1:1 FSR established by the Official Community Plan within the Traditional Residential designation.

### CONCLUSIONS

The proposal will contribute to the housing options within James Bay, and two market rental units will be secured for a period of ten years. The building form is in compliance with the Traditional Residential Designation, which envisions low rise multi-unit residential buildings up to three storeys on arterial and secondary arterial roads. Three residential units are considered a multi-unit development. The proposed density is within the limit of 1:1 FSR identified for this designation. Therefore, in terms of use, density and building form, this proposal is consistent with the policies and objections of the Official Community Plan as stated within the Traditional Residential designation.

### ALTERNATE MOTION

That Council decline Rezoning Application No. 00674 for the property located at 334 Dallas Road.

Respectfully submitted,



Lucina Baryluk  
Senior Planner  
Development Services



Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

*Jocelyn Jenkins*

Date: *Jan 29, 2020*

**List of Attachments**

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped August 26, 2019
- Attachment D: Letter from applicant to Mayor and Council dated November 19, 2019
- Attachment E: Community Association Land Use Committee Comments dated May 23, 2018, November 21, 2018, June 7, 2019 and October 23, 2019
- Attachment F: Tenant Assistance Plan
- Attachment G: Correspondence.



## Committee of the Whole Report For the Meeting of February 6, 2020

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**To:** Committee of the Whole **Date:** January 23, 2020

**From:** Karen Hoes, Director, Sustainable Planning and Community Development

**Subject:** Development Permit with Variances Application No. 00101 for 334 Dallas Road

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### RECOMMENDATION

That subject to revisions to the landscape plan to include permeable paving in the rear yard, installation of a six stall bike rack, inclusion of more plant materials (including native, pollinator and edible plants), details of fencing and opportunities to include plantings along the fence to the satisfaction of the Director of Sustainable Planning and Community Development, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00674, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00101 for 334 Dallas Road, in accordance with:

1. Plans date stamped August 26, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. increase the maximum height for a dwelling to 7.92 m
  - ii. increase the maximum height for an accessory building to 3.96 m
  - iii. reduce the vehicular parking requirements from 4 stalls to 3 stalls
  - iv. reduce the rear yard open site space from 33% to 13%.
3. The Development Permit lapsing two years from the date of this resolution."

### LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at 334 Dallas Road. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District, to a site specific zone in order to permit construction of a three unit dwelling. The variances are related to increasing the height

of the principal dwelling and the accessory building, decreasing the required number of off-street vehicle parking stalls from four to three stalls and decreasing the amount of rear yard open space from 33% to approximately 13%.

The following points were considered in assessing this application:

- The project is generally consistent with the applicable design guidelines, as the proposed building creates visual interest and adds variety to the streetscape, and at the same time fits within the local context
- The height variances for the dwelling and accessory building are minor in nature and considered supportable
- The parking variance for one fewer vehicle stall is supportable as bicycle parking is provided
- The variance for rear yard open site space is acceptable provided landscaping enhancements are incorporated into the site planning.

## **BACKGROUND**

### **Description of Proposal**

This proposal is to rezone from the R-2 Zone, Two Family Dwelling District, to a site-specific zone in order to:

- demolish the existing single family dwelling and garage
- construct a new three unit residential building
- secure the two lower units as market rental for a period of 10 years.

The existing R-2 Zone allows for a two family dwelling on the subject property. The following differences from the standard Zone are:

- permitting a third unit
- exceeding the maximum density (floor space ratio)
- increasing the height of the dwelling and accessory building (variances required)
- decreasing the required number of off-street vehicular parking stalls from four stalls to three stalls (variance required)
- decreasing the amount of rear yard open space from 33% to 13% (variance required).

Design details include:

- a two-storey flat roof building form, with full windows across the front of the upper storey
- cladding materials include metal siding, cedar siding and stucco
- two vehicle parking stalls are provided in the proposed garage plus a surface stall is provided for a third vehicle
- a storage area is proposed under the garage, which is accessed by stairs adjacent to the rear property line
- the landscape plan includes an amenity area in the north-west corner of the property and front yard lawn and shrubs.

### **Sustainability Features**

The applicant has not identified any sustainability features associated with this proposal.

### **Active Transportation Impacts**

The application proposes bike racks for the use of the occupants. The number of short term bike parking stalls, as shown on the landscape plan, will be corrected to show a six space rack.

## Public Realm Improvements

No public realm improvements, beyond the City's standard requirements, are proposed in association with this Development Permit Application.

## Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings. The proposed pathway surrounding the building is designed to provide access to the elevator for the main unit.

## Existing Site Development and Development Potential

The site is presently zoned R-2 Zone, Two Family Dwelling District. Under the current R-2 Zone, the property could be redeveloped with a duplex.

## Data Tables

The following data table compares the proposal with the R-2 Zone and identifies variances only. The full data table is provided in the Rezoning Application Report. An asterisk is used to identify where the proposal varies from the existing zone.

Zoning Criteria	Proposal	Existing Zone R-2	Comments
Height (m) – maximum	7.92 *	7.6	
Open site space % – minimum Rear yard	13.54 *	33.00	Open site space does not include drive aisle or parking surfaces
Parking – minimum	3 *	4	Based on unit size
Accessory building height	3.96 *	3.5	

## Relevant History Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the James Bay Neighbourhood Association at a Community Meeting on May 9, 2018 and another meeting on October 9, 2019. This application required a second Community Meeting as there was an increase in the floor space ratio from the earlier submission, and in accordance with the *CALUC Procedures for Processing Rezoning and Variance Applications* a second Community Meeting was triggered. The letters from the James Bay Neighbour Neighbourhood Association are attached to the Rezoning Application Report.

This application proposes variances, therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.



## ANALYSIS

### Development Permit Area and Design Guidelines

The *Official Community Plan* (OCP) identifies this property within DPA 16, General Form and Character. As this proposal is for three units (multi-unit residential) the applicable guidelines are *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development*.

The guidelines encourage new developments to be compatible with and improve the character of the established area through design. The guidelines applicable to this development can be summarized as follows:

- create a transition in form and massing to lower-density buildings and respect the character of established areas and building variety through the form and massing
- add visual interest to the streetscape through variations in building height, rooflines and massing
- protect the privacy of adjacent single-family dwellings
- establish a positive street relationship.

In the immediate context, the proposed dwelling relates in building mass and height to the adjacent duplex to the east (338 Dallas Road). Although the proposal is slightly higher than the adjacent building, the height variance is minor. However, the proposal appears more massive due to the lack of articulation. Arising from comments from staff and the public as expressed at the community meeting, the applicant has adjusted the design with a curved frontage to lessen the box-like appearance of the structure. As a transition to the house to the west (332 Dallas Road), the proposal is less sympathetic. However, in terms of privacy impacts, there are minimal windows on the west elevation, and the proposed second floor deck will overlook the rear yard of this house but not directly into the dwelling. Overall on this block of Dallas Road, the proposal represents an appropriate fit. In the wider context of Dallas Road, the newer homes have a more modern expression, generally with flat roofs or non-traditional roof forms.

In terms of street relationship, the applicant has adjusted the front elevation to create a more prominent entry with a porch, and the material will create visual interest. The entrances to the lower units are on the sides of the building and, as such, do not directly relate to the street.

### The James Bay Neighbourhood Plan (1993)

The James Bay Neighbourhood Plan, in the Goals and Objectives on Housing, encourages the following:

- visual harmony of form and scale between new buildings and adjacent residential units
- high standard of design for new residential developments
- respect for the existing streetscape character.

As noted above, in the context of this block of Dallas Road, this dwelling fits as the building massing and its flat roof is compatible with the apartment building. The adjacent building to the east complements the single family dwellings in the block forming a cohesive streetscape.

### Regulatory Considerations

#### Height of Dwelling Unit

At the James Bay Neighbourhood Association meeting (letter dated October 23, 2019) the applicants noted that the height of the house would be adjusted and a variance would not be

required. Staff have also discussed the option of reducing the floor to ceiling height with the applicant.

From follow-up with the applicant, it has been clarified that the building height would not be reduced, as the applicant wished to retain the proposed floor to ceiling heights (8 feet floor to ceiling for the basement, 9 feet for the ground floor and 10 feet for the upper storey).

At the community meetings, there was considerable discussion of the height of this building in relation to the adjacent building to the east (338 Dallas Road). According to the building plans for the dwelling at 338 Dallas Road, constructed in 2004, the height is 7.57m (height limit is 7.6m) and did not require a variance. The total height of the proposed house at 334 Dallas Road is 7.92m, which requires a variance to allow the extra 32cm (12 inches). This minor variance is supportable as the additional height will have limited additional visual impact.

It is noted that the Official Community Plan envisions buildings up to three storeys on secondary arterials within the Traditional Residential designation, making this building height anticipated within OCP policy.

#### Height of the Accessory Building

The height variance for the garage is required due to grade issues and the inclusion of a storage basement under the garage and access stairs. The maximum height for accessory buildings is 3.5m and the request is for 3.96 m (approximately 18 inch variance). While this is not an ideal situation, it is required to accommodate the storage solution, which will serve three residential units.

#### Schedule C – Off-Street Parking Regulations

The vehicular parking standards are determined by the size of the units and locational factors (outside of the core area or village centre). The parking requirements for the proposal are as follows:

- main unit (floor area exceeds 70m<sup>2</sup>) – 1.45 vehicular parking stalls required
- two rental suites (floor area exceeds 70m<sup>2</sup>) 1.3 per unit – 2.6 vehicular stalls required
- no visitor stalls are required.

Therefore, a total of four stalls are required but only three stalls are provided. The shortfall in vehicular parking will be offset by the provision of short and long term bicycle parking. It is noted that the landscape plan will be corrected to show a six-space bicycle rack.

#### Rear Yard Open Site Space

The entire lot will be excavated for the new construction and, as such, all of the existing vegetation will be removed, including an apple tree in the rear yard. Due to the requirements for vehicular parking, most of the rear yard is hard surface to accommodate parking and access. The standard for open site space in the rear yard is 33% intended to provide private outdoor space for the residents. The applicants have shown an amenity area in the northwest corner for this purpose.

To offset the amount of hard paved surface in the rear yard, to improve the storm water management and to generally soften the hardscape, staff are recommending the following changes to the landscaping:

- replace the concrete in the rear yard with permeable pavers



- include more plant materials on the property (including native, pollinator and edible plants)
- improve fencing and add plantings along fence to add visual interest and privacy.

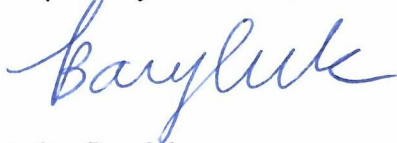
## CONCLUSIONS

The variances are minor in nature and supportable. The proposal is generally in consistency with the applicable guidelines and in order to improve compliance with the guidelines and lessen the impact of the variances, staff are recommending further enhancements to the landscaping; the staff recommendation includes the necessary wording to facilitate these changes.

## ALTERNATE MOTION

That Council decline Development Application No. 00101 for the property located at 334 Dallas Road.

Respectfully submitted,



Lucina Baryluk  
Senior Planner  
Development Services



Karen Hoes, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

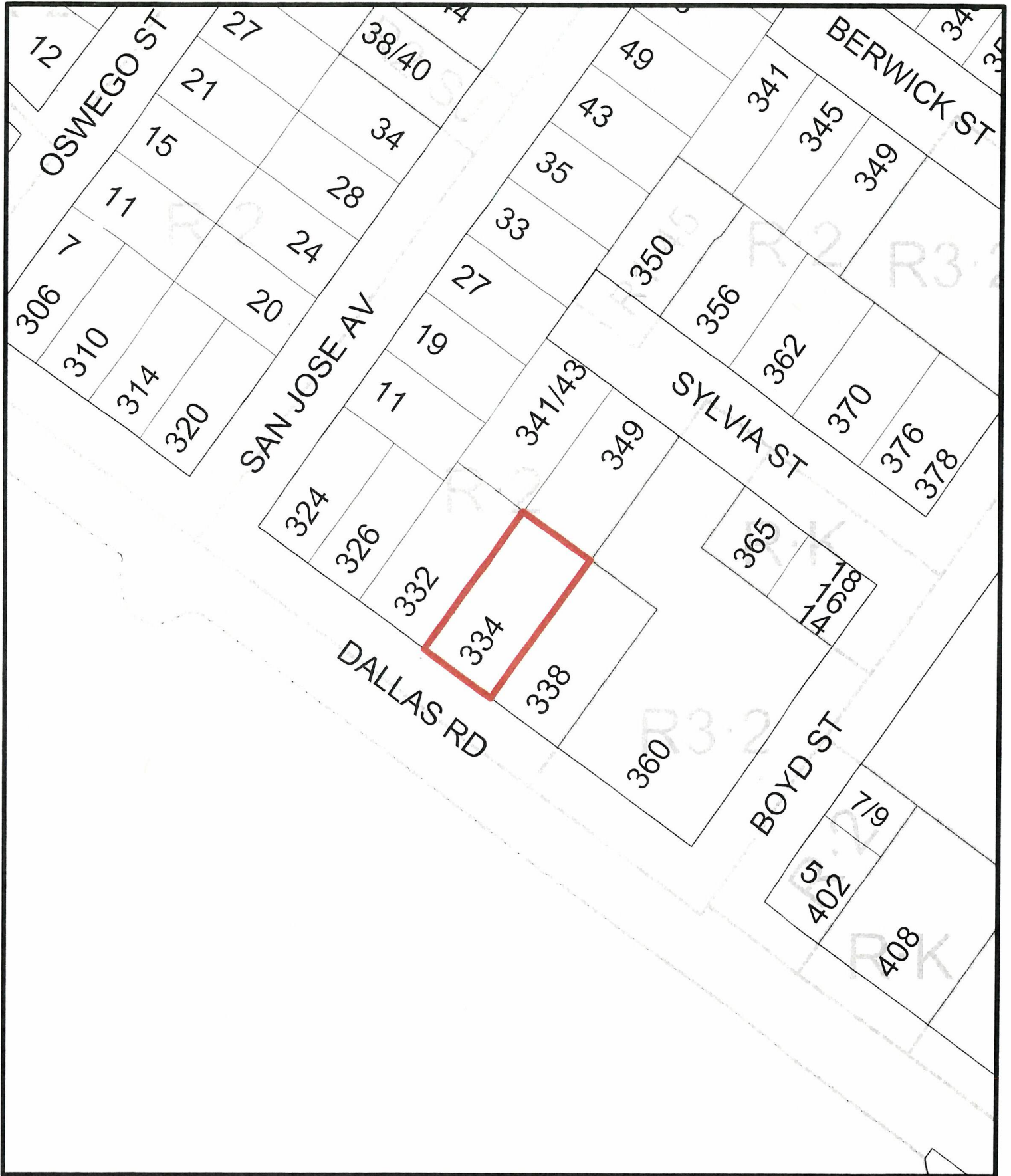


Date:

Jan 29, 2020

## List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped August 26, 2019
- Attachment D: Letter from applicant to Mayor and Council dated November 19, 2019
- Attachment E: Community Association Land Use Committee Comments dated May 23, 2018, November 21, 2018, June 7, 2019 and October 23, 2019
- Attachment F: Tenant Assistance Plan
- Attachment G: Correspondence.



334 Dallas Road  
Rezoning No.00674







334 Dallas Road  
Rezoning No.00674







Proposed Houseplex for :

Proposed Houseplex for:  
**Raj & Sunny Sihota**  
334 Dallas Road, Victoria, BC



**Ron McNeil** ASTTBC BIDA/ScT  
1304 Lovers Lane,  
Cobble Hill, BC V0R1L6  
Phone/Fax: 250-360-7307  
info@mcneildesigns.bc.ca

SEAL MUST  
APPEAR RED TO  
BE VALID

FILE	DEC 2018
NAME	RAM

FD	RVT
[002]	

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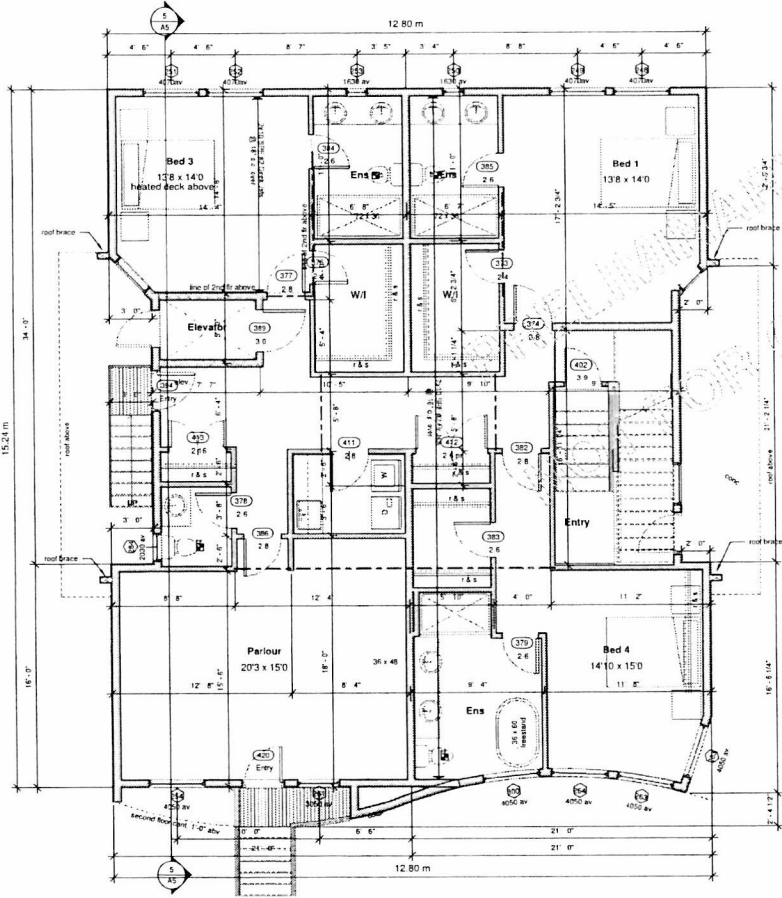
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Received  
City of Victoria

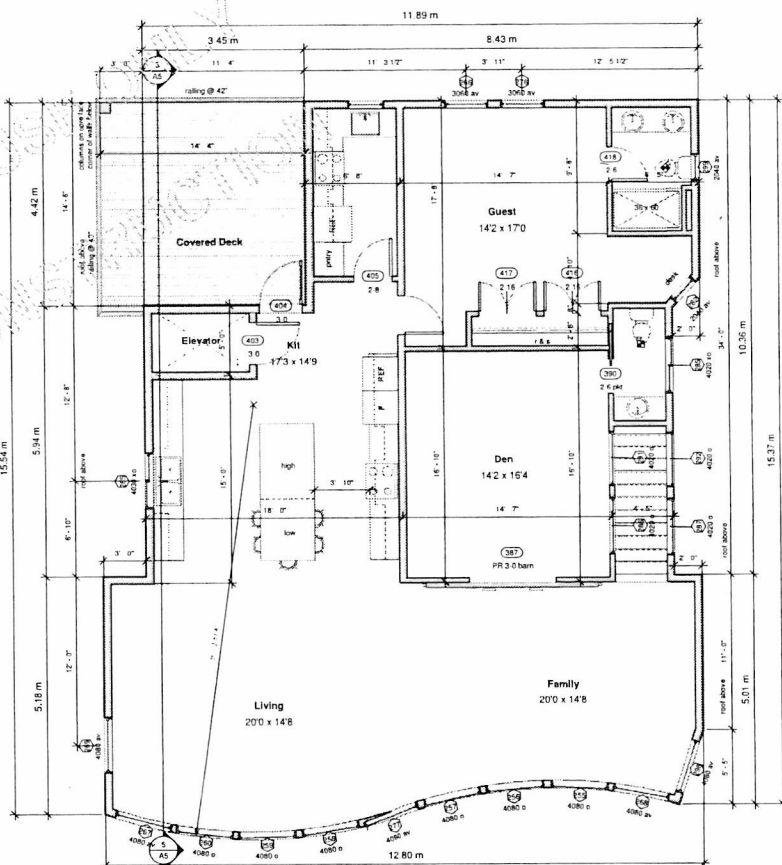
AUG 26 2019

Planning & Development Department

Revision Number	Revision Description	Revision Date
2	Zoning Plan Check clarifications/corrections, note clarifying garage basement AT grade not above, serves as patio and driveway.	26 AUG 2019



1 Main Floor  
1/4" = 1'-0"  
1893 sf  
8'0 ceiling ht  
6'8 head ht



2 Second Floor  
1/4" = 1'-0"  
1751 sf  
10'0 ceiling ht  
8'8 head ht

Received  
City of Victoria

AUG 26 2019

Plan is to be used for information only.  
Review and Service Division

Proposed Houseplex for  
**Raj & Sunny Sihota**  
334 Dallas Road, Victoria, BC



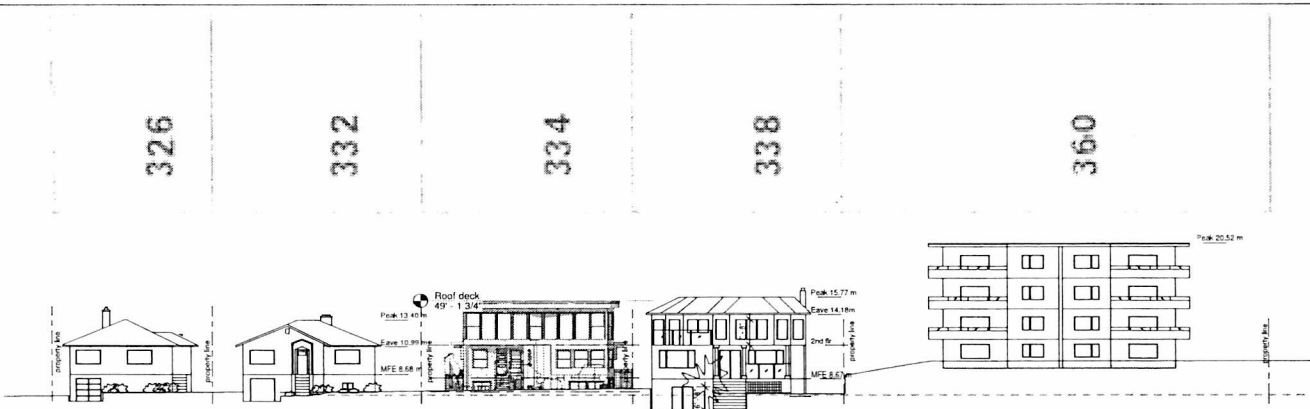
1344 Loren Lane  
Victoria, BC V8L 1A1  
Phone: 250-361-1807  
Fax: 250-361-1807

SEAL MUST  
APPEAR HERE TO  
BE VALID

DATE: DEC 2018  
BY: RAM/MS  
REV: RVT

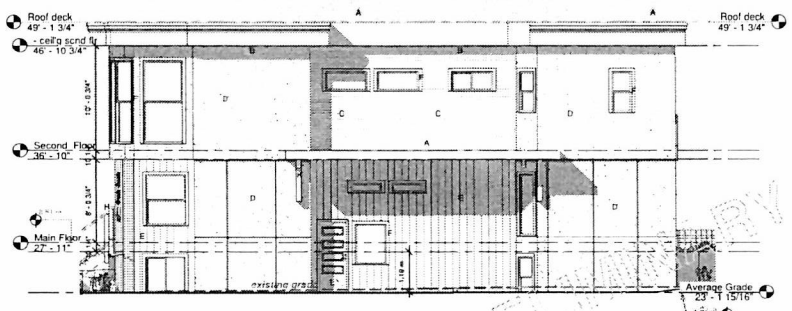
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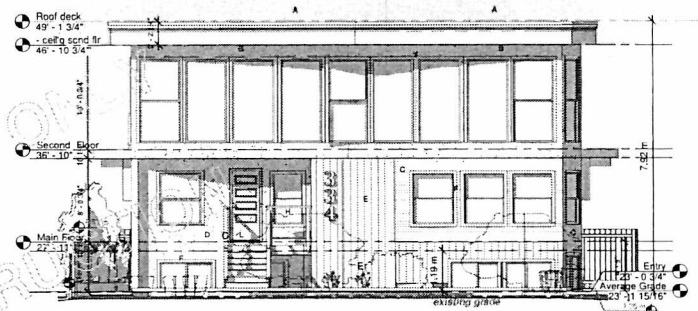


Revision Schedule		
Revision Number	Revision Description	Revision Date
1	Amenity space added, ext finishes revised (rock removed)	12 MAY 2019
2	Zoning Plan Check clarifications/corrections, note clarifying garage basement AT grade not above, serves as patio and driveway.	26 AUG 2019

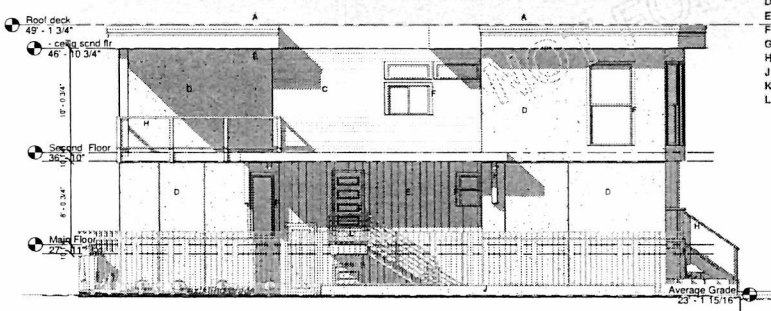
5 Street ScapE  
1/16" = 1'-0"



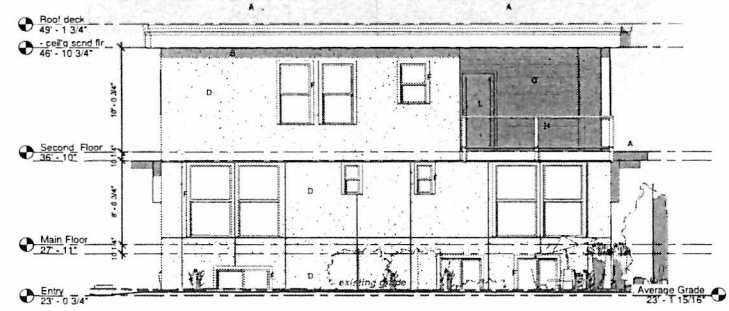
2 Right (east) Elevation  
3/16" = 1'-0"



1 Front (south) Elevation  
3/16" = 1'-0"



3 Left (west) Elevation  
3/16" = 1'-0"



4 Rear (north) Elevation  
3/16" = 1'-0"

- A To(d): -On Roofing Membrane
- B Vented Aluminum SOFFIT
- C 1x3 Clear CEDAR Siding
- D Acrylic STUCCO
- E Corrugated Metal Siding - vertical
- F 1x4 Door & Window TRIM
- G 2x10 BELLY BAND w/ Drip Cap
- H Metal or Tempered Glass RAILING
- J Parged CONCRETE
- K 4x4 GABLE BRACE
- L Natural Stained Wood DOOR

Proposed Houseplex, for:  
**Raj & Sunny Sihota**  
334 Dallas Road, Victoria, BC

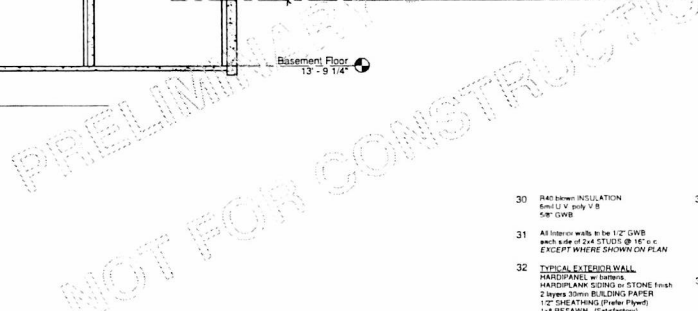
**McNEIL BUILDING DESIGNS LIMITED**  
B. McNEIL, ARCHT. REGISTR.  
100A Lovers Lane  
CANBERRA, ACT 2611  
Phone/Fax: (06) 360 7807  
www.mcnildesigns.com.au

SEAL MUST  
APPEAR HERE TO  
BE VALID  
DATE: DEC 2018  
BY: RAM  
REV: RVT  
**A4**  
SHEET A4 OF A4

AUG 26 2019

Stamp: Approved for Building Permit

Plot Stamp: 2019-08-26 9:07:03 AM D:\REVIT Projects\SHOTA\Jalisco\Jalisco.dwg

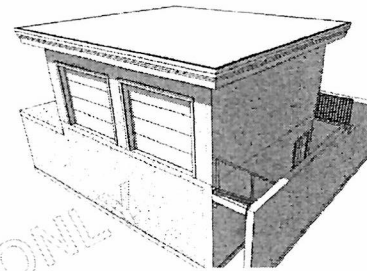
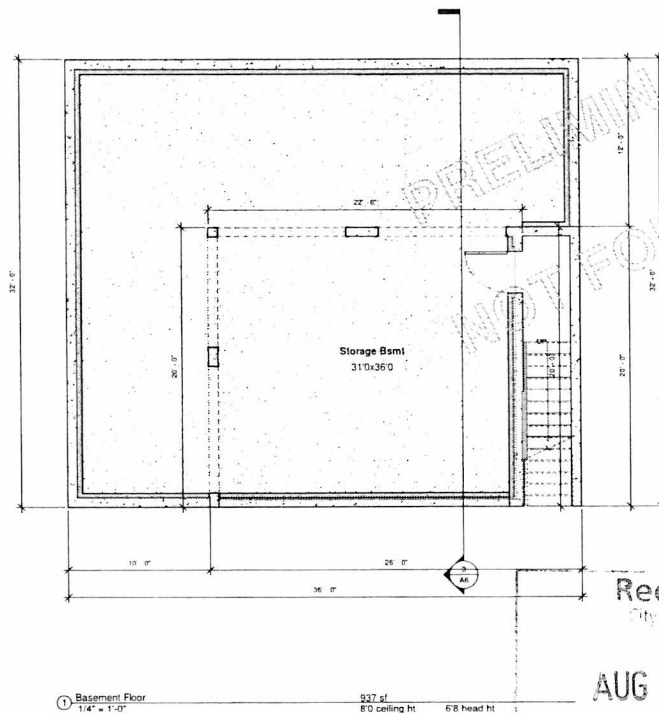
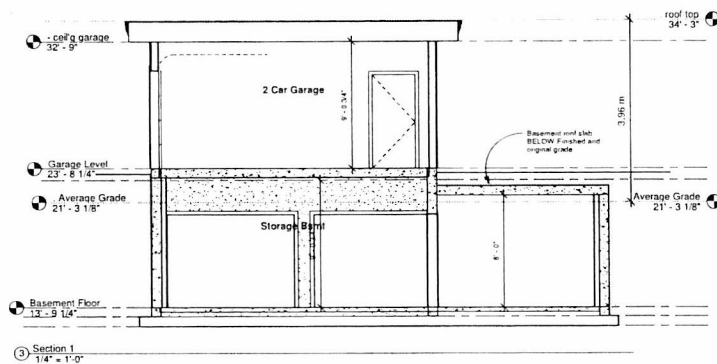


- 1 FOUNDATION WALL AT SLAB
- 2 BASE OF WALL/FOUNDATION
- 4 RIM JOIST
- 5 WATER SHEDDING ROOF/WALL
- 6 WATERPROOF MEMBRANE ROOF/WALL
- 7 CANTILEVERED FLOOR
- 8 EXTERIOR CORNER
- 9 INTERIOR CORNER
- 10 CLADDING TRANSITION
- 11 WINDOW HEAD
- 12 WINDOW JAMB
- 13 WINDOW SILL
- 14 DOOR SILL - PROTECTED MEMBRANE  
PEDESTRIAN SURFACE
- 15 DOOR SILL - EXPOSED MEMBRANE  
PEDESTRIAN SURFACE
- 16 ACCESSIBLE DOOR SILL - PROTECTED MEMBRANE  
PEDESTRIAN SURFACE
- 17 ACCESSIBLE DOOR SILL - EXPOSED MEMBRANE  
PEDESTRIAN SURFACE
- 23 EXTERIOR ELEMENT - COLUMN
- 27 WALL EXHAUST VENT
- 28 ELECTRICAL FIXTURES
- 29 PIPES

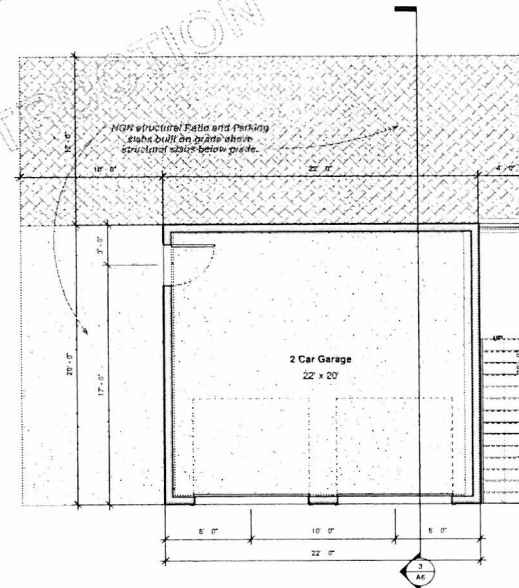
- Received  
City of Victoria  
AUG 26 2019  
Planning and Development Department  
Regulatory Services Division

SEAL MUST APPEAR RED TO BE VALID	
DATE	DEC 2018
BY	RAM
FOR	RVT
.0621	
<b>A5</b>	
SHEET A5 OF A5	





3D View 1



Revision Schedule		
Revision Number	Revision Description	Revision Date
1	Note to confirm roof slab of basement is AT grade and not ABOVE grade, and is amenity patio and parking surfaces.	11 JUL 2019
2	Grades recalculated, variance for ht due to skewed avg grade.	26 AUG 2019

Received  
City of Victoria

AUG 26 2019

Planning & Development Department  
Development Services Division

Proposed Garage for

**Mr. Raj & Sunny SIHOTA**  
at: 334 Dallas Road, Victoria, BC



McNEIL BUILDING DESIGNS LIMITED  
R. McNEIL, ARCHT/BC ASLT  
1040 Lorne Ave.  
Columbus, BC V1R 1A4  
Phone/Fax: (250) 367-7077  
info@mcneilbuildingdesigns.ca

SEAL MUST  
APPEAR HERE TO  
BE VALID

1011 OCT 2018

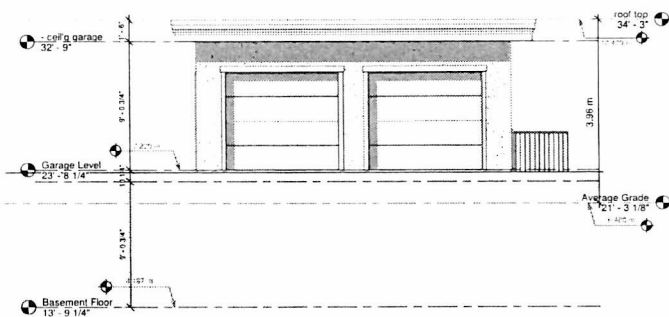
1014 RAM

1015 RVT xxx

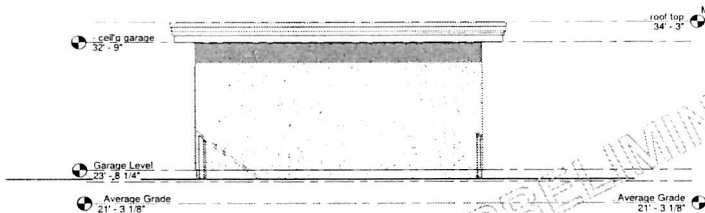
**A6**

SHEET A6 OF A6

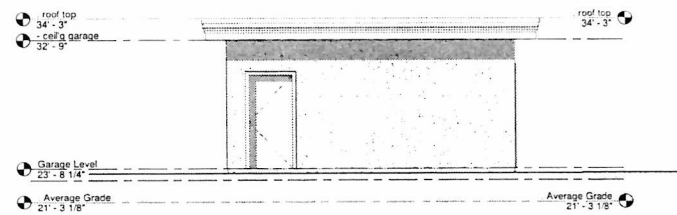
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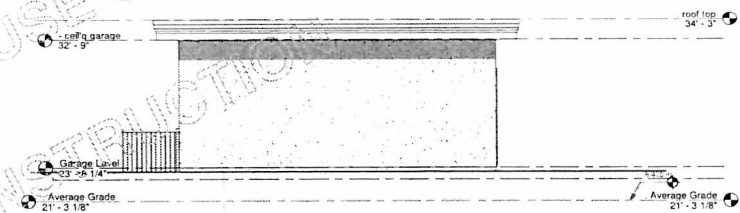
③ Front (East) Elevation  
1/4" = 1'-0"



④ Right (North) Elevation  
1/4" = 1'-0"



⑤ Left (South) Elevation  
1/4" = 1'-0"



⑥ Rear (West) Elevation  
1/4" = 1'-0"

- A Fiberglass Laminated SHINGLES
- B 2x12 Fascia Board for HIDDEN GUTTER
- 4x4 CANT STRIP w/ Flashing
- C 2x10 Combed face, pre-primed kiln dried SPF BARGE BOARD w/ 1x4 Shadow Line
- D STUCCO Finish w/ Reveal
- E HARDIEPANEL SIDING w/ Easy Trim
- F 1x3 Clear CEDAR SIDING
- G 2x10 Combed face, pre-primed kiln dried
- H SPF BELLY BAND w/ Drip Cap
- J 1x4 CORNER BOARD
- K 1x4 Door & Window TRIM
- L Metal RAILING w/ Tempered & Laminated Glass (prefer powder black)
- M Parged CONCRETE

PRELIMINARY USE ONLY  
NOT FOR CONSTRUCTION

Received  
City of Victoria

AUG 26 2019

Planning & Development Department  
Development Services Division

Proposed Garage for:  
**Mr. Raj & Sunny SIHOTA**  
at: 334 Dallas Road, Victoria, BC

**McNEIL BUILDING DESIGNS LIMITED**  
104 McNEIL ASTRICH ROAD EAST  
104 LAMBERT, B.C. V9L 1Y1  
Phone: 250-361-1111  
www.mcneilbuildingdesigns.com

SEAL MUST APPEAR HERE TO BE VALID




DATE: OCT 2018  
BY: RAM  
REV: RVT/KW  
SCALE: A7  
SHEET: A7 OF A7

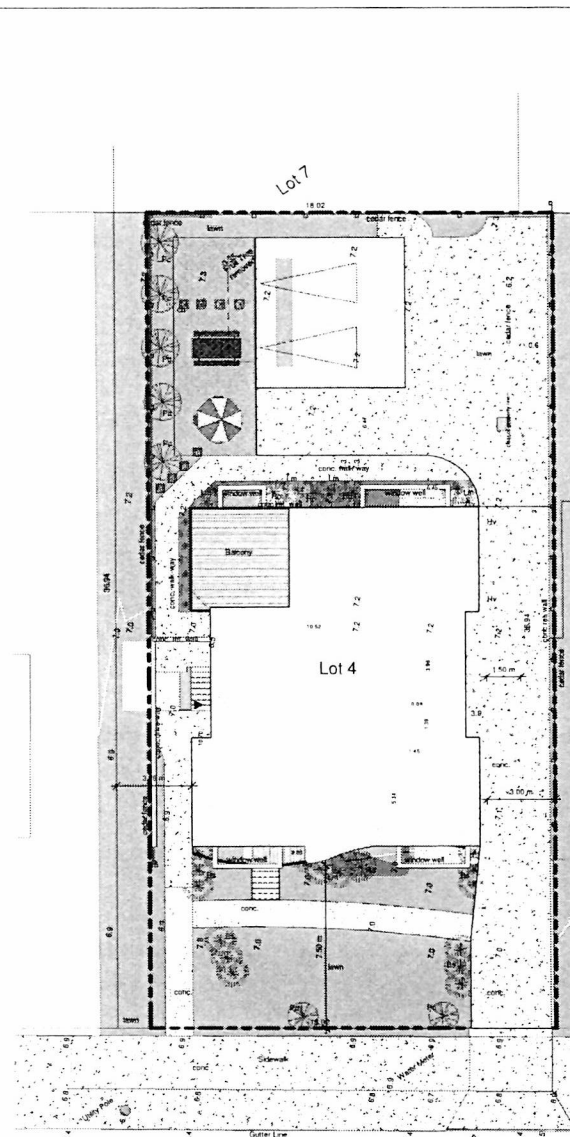
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PLANT LIST				
SYMBOL	QTY.	BOTANICAL NAMES	COMMON NAMES	SIZE
<b>TREES</b>				
Pc	2	Prunus Cerasifera	Cherry Plum	2.0 cm cal.
<b>SHRUBS &amp; PERENNIALS</b>				
Bs	12	Buxus Sempervirens	Common Boxwood	#2 Pot
Lm	6	Lavandula Munstead	English Lavender	#1 Pot
Rv	5	Rhodo Variety	Rhododendron	#5 Pot
<b>VINES &amp; GROUND COVER</b>				
Hv	4	Hebe Variety	Hebe	#1 Pot

#### NOTES

- Plant material, insulation and maintenance to conform to BCSLA/BCLNA standard (current edition).
- All growing medium to comply to BCLSA/BCLNA standard designation "1P - Level-1 Well Groomed Areas."
- All Planting areas to be covered with well aged bark mulch application of 75mm (minimum).
- Underground irrigation system to be installed. Irrigation materials and installation to conform, as a minimum, to BCSLA/BCLNA Standard (current edition) and IASBC Standards. All irrigation piping under hardsurfaces to be sleeved. Install heads to reduce sprinkler coverage on sidewalks, parking and adjacent properties and roads. Adjust irrigation seasonally. Limit watering times between 11:00pm and 6:00am. Irrigation to be designed to water different areas of the landscape based on watering needs. Irrigation design to be sensitive to slope factors of site.
- Fencing to be built as shown on plan; Replacement of fencing where existing is in poor condition. Max height not to exceed allowable by the municipality. All fencing to be treated with two coats of semi-transparent stain on cedar fencing.

LEGEND	
<b>SOFTSCAPE</b>	
	Planting Area
<b>HARDSCAPE</b>	
	Concrete
	Concrete unit paving, charcoal/shadow, all sizes



① Landscape Plan  
1:100

Dallas Road

Received  
City of Victoria

AUG 26 2019

Planning & Development Department  
Development Services Division

Revision Schedule		
Revision Number	Revision Description	Revision Date
1	Amenity space added ext finishes revised (rock removed)	12 MAY 2019

Proposed Houseplex for:

**Raj & Sunny Sihota**  
334 Dallas Road, Victoria, BC

**MCHEN BUILDING DESIGNS LIMITED**

1000 Lonsdale Ave.  
Victoria, BC V8T 1Y1  
Phone: 250-363-1111  
www.mchenbuildingdesigns.com

SEAL MUST  
APPEAR HERE TO  
BE VALID

DATE: DEC 2018  
BY: Author  
FOR: RVT  
SHEET: L1 OF L1

**L1**

Rajinder and Jasbir Sihota  
897 Maltwood Terrace  
Victoria, BC, V8X 5G2

November 14, 2019

Mayor and Council  
City of Victoria

Subject: Request for rezoning of 334 Dallas Road

My wife and I are the owners of 334 Dallas Road. We would like to replace the current single family home that currently exists on the site with a new tri-plex building. However, to do that, we would need to change the current zoning to the new houseplex zoning. Our new building will be very similar in size to an adjacent building and is not out of place in the neighbourhood.

We intend to live in the new home with our extended family in one of the three units of the new building. We intend to rent out the other two units that will be located in the basement. We do not intend to strata title the property and we are prepared to sign a 10 year covenant to that effect.

We have attached plans to our new building. The new building is designed to be within the current setbacks of the current zoning. We are not requesting any changes in any existing setbacks. However, we are requesting variances related to (1) total square footage, (2) height of the detached accessory garage and (3) height of the main building.

The significant change in the zoning request is the addition of rental units in the lower floor which has resulted in an increase in the total square footage of the building. One rental unit will be a two bedroom suite while the other will be a one bedroom suite. We have designed the new building with sufficient parking for cars and bicycles as recommended by city staff.

We will also need a height variance on the accessory garage due to the limited storage in the principal building. I, as the owner, elected to build a basement under garage. It is a bit of an expensive solution but will ensure a better solution for residents, tenants, and neighbourhood as there won't be so much in belongings left in the yard or driveway.

The city bylaws, however, have a catch 22. The outside stairs into the basement, become 'grade', and thus skew the average grade calculation down into the grade so the building 'measures' higher. Thus the further the building is lowered, the deeper the stairwell and the higher the building. Without the false values of lowered grade, if measured from existing we are well within permitted height at about 3.3m, instead of the 3.96m from using the city method. We hope you can see the odd bylaw wording has created this catch 22 and recognize this as something that forces us to request support of this variance,

We are also requesting a variance to the height of the main building of 32 cm. When we first met with the James Bay CALUC in May of 2018, we had not asked for a height variance. Subsequent to the meeting we tried many different plans to address issues raised by the CALUC and City staff. We finally found a plan that we thought would address many of the issues raised. However, as a result of the changes, we were asked to meet again with the James Bay CALUC again. We did this in October, 2019. Changes from the May, 2018 plans, resulted in a need for a height variance for the main building of 32 cm.

During this most recent meeting, we heard complaints about the height variance request of 32 cm that came generally from the four storey apartment which is next to the duplex to the right of us. We responded that the height our building would not be more than the duplex between us and the four storey apartment. After hearing the complaints, we stated we should be able to stay within the existing permitted height. I met with my designer after the meeting to confirm. He noted, even with the requested height variance, our building was still 2 feet 8 inches less than the duplex between us and the four story apartment. He also indicated not having the height variance would reduce daylight into the proposed basement suites.

Our original design proposal in May, 2018 did not propose any height variance. I was surprised to learn at the meeting that my designer was proposing a height variance on the main building. My response at the meeting was made without knowledge of the circumstances to which the height variance was requested. I should not have said we should be able to reduce the height to remain under the current zoning. This was my mistake but it was not made to deceive anyone.

We also contacted neighbours for their feedback. We took the feedback and made changes to the plans to address concerns from both CALUC and the neighbours. Attached in the appendix to this letter which contains a summary of concerns raised and our responses to those concerns. Our neighbour to the right, Mr Mark Imhoff, sent a separate letter to CALUC outlining his concerns. We've outlined his concerns and our responses.

We look forward to hearing from you on any comments you may have.

.....3

Yours truly,

Rajinder S. Sihota

Jasbir K. Sihota

Attachment

Item #	Concerns Expressed on Project	Response
<b>General comments received:</b>		
1	Height of building and impact on water views	Height of proposed building will be 32 cm higher than permitted under current zoning. However, with additional height, our building will still be 2 feet 8 inches less than duplex to right.
2	Increase in FSR and massing parameters	Proposed increases are within Houseplex parameters
3	Box shape of structure	Have altered design by adding entrance at the front to reduce boxy appearance. Others at CALUC indicated they like the design.
4	Side entrances	Added front entrance to building
5	Parking issues	Adjusted parking based on suggestions from city staff
6	Affordability of proposed suites	Suites will be at market rent
<b>Comments received from owner/neighbour on right, Mr. Mark Imhoff</b>		
7	Monolithic look	Have altered the front look with recessed front entrance. Others at CALUC meeting indicated they liked the design.
8	FSR is more than what is currently allowed	Within what is allowed with a Houseplex format
9	Massing of the building	Within what is allowed with a Houseplex format. Additional space is required for additional suite. Size of building is comparable to Mr Imhoff's house that is adjacent. Front elevation view on plans confirms this.
10	No front entry	Changed to add front entrance
11	Too apartment like	Others at the CALUC meeting indicated they liked the design of the building.
12	No consultation for window placement	Shared plans with Mr Imhoff before CALUC meeting. Number of windows and placement on sides was not considered problematic by City staff
13	Updated design	Updated Mr Imhoff of design changes since CALUC meeting





## 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

-----  
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

jbna@vcn.bc.ca  
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

██████████  
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  
██████████

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



## James Bay Neighbourhood Association

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

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

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.



Sustainable Planning and Community Development  
1 Centennial Square  
Victoria, BC V8W 1P6

# Tenant Assistance Plan

**This form must be submitted with your rezoning or development application. For contact, please send questions to your development services planner.**

## SUMMARY: Instructions and steps for Developers and Property Owners

STEP 1	<b>BACKGROUND:</b> Understand your rights and responsibilities as a landlord. Please review the documents in the background section pertaining to relocating tenants and the City's rental replacement policies.
STEP 2	<b>POLICY APPLICATION:</b> Complete tenant impact assessment to determine the requirements of your application.
STEP 3	Complete application requirement, including: a. Current Site Information b. Tenant Assistance Plan c. Tenant Communication Plan d. Appendix A - Current Occupant Information and Rent Rolls (For office use only) e. Appendix B - Correspondence with Tenants Communication (For office use only)
STEP 4	<b>SUBMIT:</b> Complete form and submit to: a. Email digital copy of plan to <a href="mailto:housing@victoria.ca">housing@victoria.ca</a> (include appendices)
STEP 5	<b>REVISE:</b> Applicant to update and return application requirements with staff input.
STEP 6	<b>FINALIZE:</b> City staff to finalize the review and signs off application requirements and used as attachment for the Committee of the Whole report.

## BACKGROUND: Rights and Responsibilities of Landlords and Tenants

The rights and responsibilities of landlords and tenants are regulated by the Province and is set out in the [Residential Tenancy Act](#).

Please refer to the City of Victoria's [website](#) for more information regarding the City of Victoria's rental housing policies. Supporting documents include:

- Tenant Assistance Instructions and Checklist
- Tenant Assistance Policy
- Frequently Asked Questions
- Sample Letter to Tenants
- Request for Tenant Assistance Form and Privacy Guidelines
- Final Tenant Assistance Report

## POLICY APPLICATION: Tenant Impact Assessment to Determine the Requirements of your Application

Answer the questions below to determine whether a plan is required with your application:

Tenant Impact	Indicate:		Application Requirement
Are you redeveloping or demolishing a building that will result in loss of existing residential units?	Yes ✓	No	If yes, complete the next question.
Does your work require the permanent relocation of tenant(s) out of the building?	Yes ✓	No	If yes, complete and submit a tenant assistance plan.
Do you have tenant(s) who have been residing in the building for more than one year?	Yes	No ✓	If yes, tenants are eligible under the tenant assistance plan

**If any are selected no, then a tenant assistance plan is not required as part of your application.**

# TENANT ASSISTANCE PLAN

## A. Current Site Information

Site Address:	334 Dallas Road
Owner Name:	Rajinder and Jasbir Sihota
Company Name:	
Tenant Relocation Coordinator (Name, Position, Organization):	

### EXISTING RENTAL UNITS

Unit Type	# of Units	Average Rents (\$/Mo.)
Bachelor		
1 BR		
2 BR		
3 BR		
3 BR+	1	\$3,500
Total		

## B. Tenant Assistance Plan

For any renovation or redevelopment that requires relocation of existing tenants, the property owner must create a Tenant Assistance Plan that addresses the following issues:

- Early communication with the tenants
- Appropriate compensation
- Relocation assistance
- Moving costs and assistance
- Right of first refusal

The City has developed a Tenant Assistance Plan template that is available for applicant use. The template includes the required FOIPPA section 27(2) privacy notification which should be identified for tenants.

Please refer to the Tenant Assistance Policy with Tenant Assistance Plan guidelines for Market Rental and Non-Market Rental Housing Development.

### Required under the Residential Tenancy Act

#### Notice to End Tenancies

A landlord may issue a Notice to End Tenancy only after all necessary permits have been issued by the City. In addition, landlords must give four months' notice to end tenancies for renovation, demolition, and conversions. Tenants have 30 days to dispute the notice.

For more information, please refer to the [Landlord Notice to End Tenancy](#).

#### Renovations and Repairs

Renovations and repairs must be so extensive that they require the unit to be empty in order for them to take place, and the only way to achieve the necessary emptiness or vacancy is by terminating a tenancy. The RTA and associated guidelines provide specific guidance pertaining to whether a landlord may end a tenancy in order to undertake renovations or repairs to a rental unit.

For more information, please refer to [Ending a Tenancy for Landlord's use of Property](#).

#### Right of First Refusal

In instances of renovations or repairs requiring vacancy, the RTA requires tenants be offered the right of first refusal to enter into a new tenancy agreement at a rent determined by the landlord. This right of first refusal applies only to a rental unit in a residential property containing 5 or more units, and there are financial penalties for non-compliance.

For more information, please refer to [Tenant Notice: Exercising Right of First Refusal](#).

For full details, please check the Government of British Columbia [website](#).



Tenant Assistance Plan Components	APPLICANT		CITY STAFF
	Tenant Assistance Plan		Did the Applicant meet policy?
	Date:	January 13, 2020	
<b>Compensation</b> Please indicate how you will be compensating the tenant(s).	N/A		Yes  No
<b>Moving Expenses</b> Please indicate how the tenant(s) will receive moving expenses and assistance.	N/A		Yes  No
<b>Relocation Assistance</b> Please indicate how the tenant(s) will receive relocation assistance.	My son has offered a house for rent to the tenants which is available at the end of the lease term (January 1, 2020) My cousin has also offered a house for rent to the tenants which is available also at the end of the lease term (January 1, 2020)		Yes  No
<b>Right of First Refusal</b> Please indicate whether the applicant is offering right of first refusal to the tenant(s). Please indicate your reasoning.	N/A		Yes  No
<b>Tenants Requiring Additional Assistance</b> Please indicate whether there are tenants requiring additional assistance. If so, please indicate how the applicant plans to provide additional support.	N/A		Yes  No
<b>Other Comments</b>			

<b>Tenant Communication Plan Components</b>	<b>APPLICANT</b>	
	<b>Tenant Communication Plan</b>	
	<b>Date:</b>	January 13, 2020
How and when did you inform tenants of the rezoning or development application?	When the current tenants entered into a rental agreement in February 15, 2019, they were advised that the rental would be only to the end of 2019 because the property was being rezoned and house would be demolished or developed. Lease term expires on December 31, 2019.	
How will you be communicating to tenants throughout the rezoning or development application (including decisions made by Council)?	N/A (lease term expired December 31, 2019)	
What kind of resources will you be communicating to your tenants and how will you facilitate tenants in accessing these resources? (Please see the City's <a href="#">website</a> for a list of resources)		
Have tenant(s) confirmed with you whether they request assistance? If so, please indicate the staff responsible or whether a third-party service is requested.		
Other communications notes:		

## FINAL TAP Review - [For City Staff to complete]

Application received by Amanda Blick McStravick (City Staff) on January 13, 2020 (Date)

Did the applicant meet TAP policy?      Yes      ☒      No

Staff Comments on  
final plan:

There are no eligible tenants associated with this application. The last tenancy agreement has expired and the duration was shorter than one year, however the Applicant did offer two alternative accommodations to move on to. Staff believe that communication with that tenant has been transparent, and that no previous tenants have left because of reasons associated with this rezoning application.



**Lacey Maxwell**

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**From:** Brad Glazer [REDACTED]  
**Sent:** May 9, 2018 7:49 PM  
**To:** Victoria Mayor and Council  
**Cc:** [REDACTED]  
**Subject:** Proposed Development at 334 Dallas Road

Dear Mayor and Council,

My name is Brad Glazer and the duplexes that I live in and own are located at 356 and 358 Sylvia Street. I currently enjoy ocean views from my second floor and am very concerned about the impact the proposed development located at 334 Dallas Road, which is a 2 storey plus basement houseplex, will have on these ocean views. In order to reduce this impact, I'd like to propose that the side yard setbacks be switched so the larger setback of 3.39m is on the east side and the smaller setback of 1.8m is on the west side, which will significantly reduce this impact.

I look forward to hearing from you regarding my concern and proposed solution.

Sincerely yours,

Brad Glazer

## Lacey Maxwell

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**From:** Victoria Mayor and Council  
**Subject:** FW: Changing zoning bylaw

**From:** Pat Machell  
**Sent:** May 11, 2018 11:36 AM  
**To:** Victoria Mayor and Council <mayorandcouncil@victoria.ca>  
**Subject:** Changing zoning bylaw

We attended a meeting at the James Bay new horizons concerning the changing of zoning regulation bylaw from R-2(existing zone) to ? The developers want to change the height of the new zoning bylaw, to accommodate their building plans t 334 Dallas Rd. Small house to the right of the larger house in the picture. Just to point out, the larger house on the left exceeds the 7.6m -R-2 Zone, two family dwelling, by the whole height of the roof. The house the developer is proposing to build is about 2 ft higher. We would like to see the height no higher than what it is zoned for-you can see from the photo a higher building would interfere with our view substantially.

We are against changing the zoning for this lot, for other reasons as well. Would changing the zoning start a precedence for the other 3 lots beside it? I'm not against new homes on this or the others, but would like to maintain the existing zoning regulations. We would not like to see large monster homes along this or any other area on Dallas Rd. Please keep it as it is. Also as you can see from the photo as well , the larger home has 4 outside entrances to apartments, I am assuming he had the zoning changed, after all the other lots are zoned 2 family. The new house the developer proposed, admitted at the meeting will have 3 families.....interesting. We would appreciate any up dates on this matter thank you. Dave and Pat Machell 360 Dallas Rd. [REDACTED]



Sent from my iPad