



Committee of the Whole Report

For the Meeting of June 18th, 2020

To: Committee of the Whole **Date:** June 4, 2020

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

Subject: **Rezoning Application No. 00721 for 580 and 582 Niagara Street**

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00721 for 580-582 Niagara Street, 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. Preparation and execution on the property's title to secure:
 - a. a Statutory Right of Way, to the satisfaction of the Director of Engineering;
 - b. a Housing Agreement to secure two of the four units as rental in perpetuity.

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 580-582 Niagara Street. The proposal is to rezone from the R-2 Two Family Dwelling District Zone to a site-specific zone in order to

allow for two additional units in an existing duplex, for a total of four residential units. The two additional units are existing but unapproved. Two of the units would be secured as rental through a housing agreement.

The following points were considered in assessing this application:

- the proposal is consistent with the density and use ranges established for this area, which is designated Traditional Residential in the *Official Community Plan (OCP, 2012)*
- the proposal is consistent with the James Bay Strategic Directions in the OCP to enable adaptation of the existing housing stock to maintain a variety of housing types
- the provision of two rental units supports housing diversity and market rental housing policies outlined in the OCP
- the proposal advances the objectives of the *Pedestrian Master Plan, 2008*, the *Greenways Plan, 2003*, and related OCP policies.

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone from the R-2 Two Family Dwelling District Zone to a new, site-specific zone to allow for two additional residential units in an existing side-by-side duplex building. The proposal involves legalizing the already built but unapproved dwelling units, which are located on the lower storey of the building.

The proposal to allow four units, is a change from the existing zone, which currently allows for a maximum of two units. No changes to the exterior of the building are proposed.

Affordable Housing

The applicant proposes the creation of two new residential units which would increase the overall supply of housing in the area. A Housing Agreement is also proposed, which would secure two of the four units as rental in perpetuity.

Tenant Assistance Policy

The applicant has confirmed that the existing tenants will not need to be displaced in order to complete the work required to legalize the units. Because the tenants will not be displaced, the Tenant Assistance Policy does not apply.

Sustainability

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

Active Transportation

The applicant has not identified any active transportation impacts associated with this Application.

Public Realm

No public realm improvements beyond City standard requirements are proposed in association

with this Rezoning Application.

Accessibility

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Land Use Context

The area is characterized by a mix of single-family houses, multi-family house conversions and duplexes. There are also several multi-family dwellings further along Niagara Street and Government Street.

Existing Site Development and Development Potential

The site is presently approved as a two dwelling unit building. The building was converted from a single-family dwelling to a two-family dwelling in the 1950s. There are two units in the building that are unapproved.

Under the current R-2 Zone Two Family Dwelling District Zone, the property could be developed as a two-family dwelling or a single-family dwelling with a garden suite or secondary suite. Under the existing Schedule G- House Conversion Regulations, three units would be permitted as a multi-family house conversion. If the application was subject to the proposed House Conversion Guidelines, which Council directed staff to prepare earlier this year, the four units would be permitted without the need for a Rezoning as long as three of the units were secured as rental in perpetuity.

Data Table

The following data table compares the proposal with the existing R-2 Zone Two Family Dwelling District Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone.

| Zoning Criteria | Proposal | Existing Zone – R-2 Two Family Dwelling District (Duplex Use) |
|---|----------|---|
| Site area (m ²) – minimum | 679.80 | 555 |
| Site area per unit (m ²) – minimum | 138.50* | 277.5 |
| Number of units – maximum | 4* | 2 |
| Number of units in a house conversion – maximum | 4* | 3 |
| Density (Floor Space Ratio) – maximum | 0.45 | 0.5 |
| Total floor area (m ²) – maximum | 302.66 | 380 |

| Zoning Criteria | Proposal | Existing Zone – R-2 Two Family Dwelling District (Duplex Use) |
|----------------------------------|----------|---|
| Lot width (m) – minimum | 17.07 | 15 |
| Height (m) – maximum | 5.86 | 7.6 |
| Storeys – maximum | 2 | 2 |
| Site coverage (%) – maximum | 26 | 40 |
| Open site space (%) – minimum | 21.85** | 30 |
| Setbacks (m) – minimum | | |
| Front | 7.98 | 7.5 |
| Rear | 13.14** | 13.9 |
| Side (East) | 3.80 | 1.71 |
| Side (West) | 4.05 | 3 |
| Combined side yards | 7.85 | 4.5 |
| Parking – minimum | 4 | 2 |
| Bicycle parking stalls – minimum | 0 | 0 |

Relevant History

The house was constructed in 1928 and was converted to a duplex in the 1950's. In 2009, the house was raised and it was at approximately this time that the two additional units were added without a permit.

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 CALUC at a Community Meeting held on August 14, 2019. A letter dated August 27, 2019 is attached to this report.

ANALYSIS

Official Community Plan and James Bay Neighbourhood Plan

The proposal to convert the existing two-family dwelling building to four units is consistent with the Traditional Residential Urban Place Designation in the *Official Community Plan (OCP)*,

which envisions conversion of the existing housing stock. The four dwelling units within the existing building is also consistent with OCP policies to support a range of housing types, forms and tenures within neighbourhoods.

The proposal is consistent with the James Bay Strategic Direction to adopt and renew the existing building stock and maintain an interesting diversity of housing types.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this Application.

Public Realm Improvements

The standard right-of-way width for a collector street is 20.0 metres, however, future transportation-related needs on the corridor can be met in a right-of-way width of 18.0 metres. To help achieve this width on this portion of Niagara Street, the applicant has agreed to provide a Statutory Right of Way (SRW) of 2.6 metres.

The SRW will help fulfill Council-approved Official Community Plan objectives such as enhanced facilities for pedestrians, transit and the urban tree canopy.

CONCLUSIONS

The application to legalize the two additional residential units within the existing duplex would have very little impact on adjacent properties and is generally consistent with relevant policy. Allowing these additional units and securing them as rental is consistent with the James Bay Neighbourhood Plan and OCP by adding sensitive infill and increasing the overall supply of housing and a variety of housing options in the area. Staff recommend for Council's consideration that the application be approved.

ALTERNATE MOTION

That Council decline Application No.00721 for the property located at 580-582 Niagara Street.

Respectfully submitted,



Chloe Tunis
Planner
Development Services



Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: June 10, 2020

List of Attachments

- Subject Map
- Aerial Map
- Plans dated/date stamped May 25, 2020
- Letter from applicant to Mayor and Council dated January 20, 2020
- Community Association Land Use Committee Comments dated August 27, 2020



580/82 Niagara Street
Rezoning No.00721

Air Photo



**Sketch Plan of
Lot 16, Beckley Farm,
Victoria City, Plan 227**

Civic address: 580/582 Niagara Street Victoria, B.C.

Parcel Identifier Number 000-003-671
All distances are in metres
All critical dwelling dimensions must be confirmed.

Legend

PF denotes utility pole
Denotes spot elevation

Denotes tree, species & elevation
(trees not plotted to scale)
not all trees located

Elevations are GEODETIC.

This drawing is prepared to assist house designer
and is not to be used for any other purpose.

site area = 679.8 square metres

Site Coverage - LOT A

Building = 169.30 sq.m. +
Deck & Stairs = 16.11 sq.m. +
Shed = 4.83 sq.m.
Total = 190.24 sq.m.

Lot Area 679.80

Site Coverage = $(190.24 \div 679.80) \times 100 = 27.98\%$

Open Site Space - LOT A

Building = 169.30 sq.m. +
Parking = 315.06 sq.m.
Total = 484.36 sq.m.

Lot Area = 679.80 sq.m. -
Building & Parking = 484.36 sq.m.
Open Site Space = 195.44 sq.m.

Open Site Space = $(195.44 \div 679.80) \times 100 = 28.75\%$

Landscape % Total $(158.48 \div 679.80) \times 100 = 23.31\%$

Landscape % Rear Yard $(51.93 \div 229.39) \times 100 = 22.64\%$

The attached information is provided to Victoria Design by the City of Victoria without any warranty or representation, express or implied, as to its accuracy, currency or completeness. The information provided may not provide a complete or accurate picture of the subsurface infrastructure in the area to which this information relates (the "area").

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| PROJECT INFORMATION TABLE | |
|---|-----------------|
| Zone (existing) | R-2 |
| Proposed Zone | Site Specific |
| Site Area (sq.m.) | 679.8 sq.m. |
| Total Floor Area | 318.52 sq.m. |
| Floor Space Ratio | 0.47 to 1.0 |
| Site Coverage | 27.98% |
| Open Site Space | 28.75% |
| Height of Building | 5.90m. |
| Number of Storeys | 2 |
| Parking Stalls (number) on site | 4 |
| Bicycle parking number (Class 1 and Class 2) | N/A |
| Landscape - Total Lot % | 23.31% |
| Landscape - Rear Yard % | 22.64% |
| Side Yard Landscape Strip of Parking Area (E) | 1.00m |
| Side Yard Landscape Strip of Parking Area (W) | 1.00m |
| Rear Yard Landscape Strip (N) | 1.34m |
| Side Yard Landscape Screen HT. (E & W) | 1.50m |
| Rear Yard Landscape Screen HT. (N) | 1.80m |
| BUILDING SETBACKS (m) | |
| - FRONT (SOUTH WEST) | 7.98m. |
| - PROJECTION OF STAIRS INTO FRONT SETBACK | 2.42m. |
| - REAR (NORTH EAST) | 13.44 m. |
| - SIDE (NORTH WEST) | 4.05 m. |
| - SIDE (SOUTH EAST) | 3.65 m. |
| COMBINED SIDEYARDS | 7.70 m. |
| Residential Use Details | |
| Total Number of Units | 4 |
| Unit Type | 2 Bedroom Units |
| Strata Units | 2 |
| Rental Units | 2 |
| Ground-Oriented Units | 2 |
| Minimum Unit Floor Area | 79.63 sq.m. |
| Total Residential Floor Area | 318.52 sq.m. |

PROPOSED REZONING

| LIST OF DRAWINGS | | |
|------------------|----------------------------------|--|
| S1 | Existing Site plan | |
| S2 | Proposed Site Plan | |
| A1 | Elevations | |
| A2 | Foundation & Lower Floor Plans | |
| A3 | Main Floor and Section | |
| A4 | Color Elevations and Streetscape | |

| ISSUED/REVISED | | |
|----------------|----------|---------------------------|
| 01 | 10/23/19 | Rezoning Application |
| 02 | 01/20/20 | Revised for City Comments |
| 03 | 03/12/20 | Revised for City Comments |



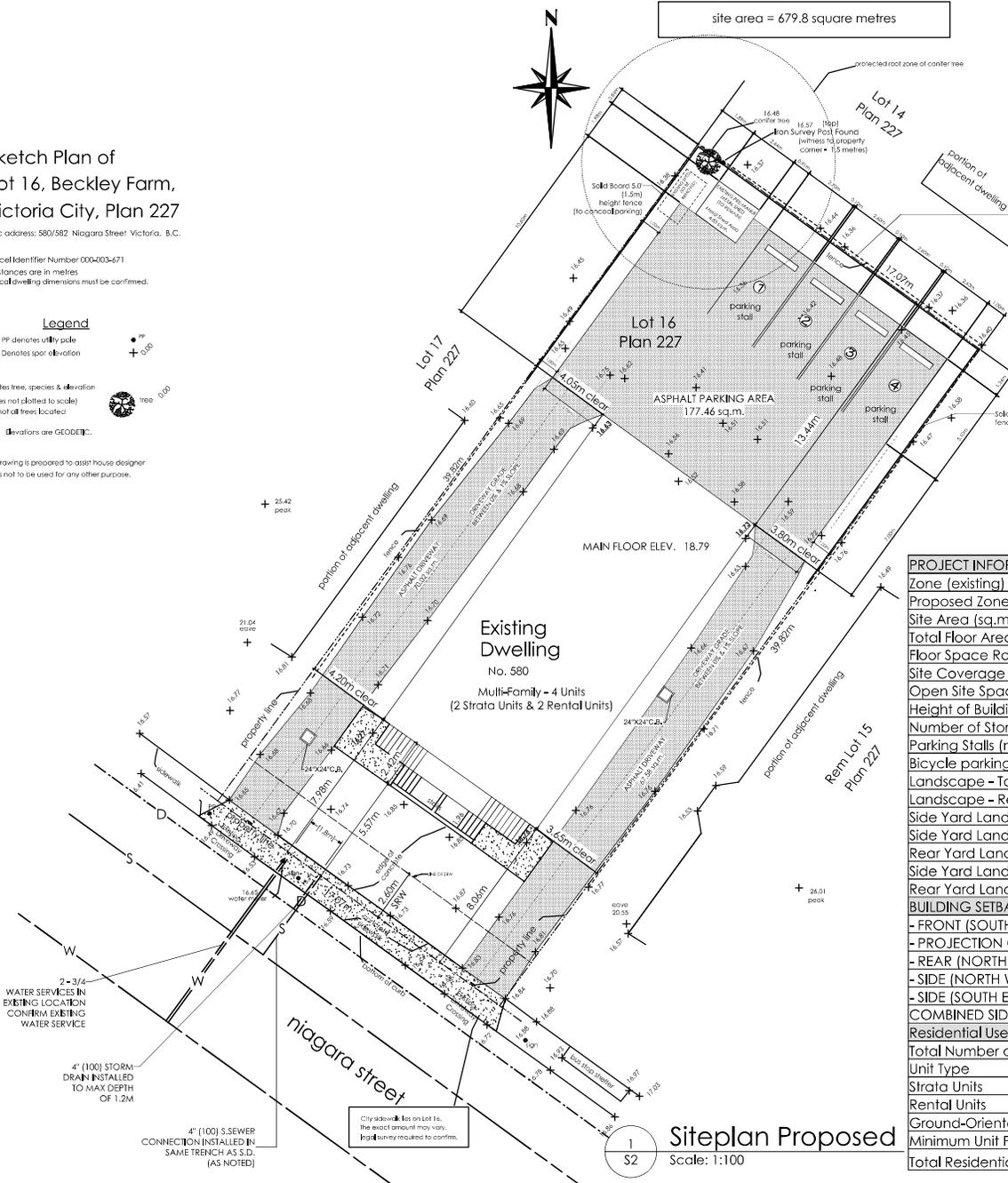
103 + 891 Althea Avenue P. 250.382.7374
Victoria, B. C. F. 250.382.7364
V2B 0A6 www.victoriadesigngroup.co

| | | | |
|-------------|--------------|-------------|----------|
| DATE | Mar 12, 2020 | PROJECT NO. | 8303 |
| DESIGNED BY | J.D.F./N.S. | REVIEWED BY | W.S.P. |
| SCALE | As Shown | DATE | 02 OF 02 |

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PROPOSED SITEPLAN

PROJECT
ALFRED HASS & BOBBIE HILL
PROPOSED REZONING
580 / 582 NIAGARA STREET
VICTORIA, B.C.



Siteplan Proposed
Scale: 1:100

City sketch is on lot 16, the exact amount may vary. Field survey required to confirm.

4" (100) S. SEWER CONNECTION INSTALLED IN SAME TRENCH AS S.D. (AS NOTED)

2-3/4" WATER SERVICES IN EXISTING LOCATION. CONFIRM EXISTING WATER SERVICE

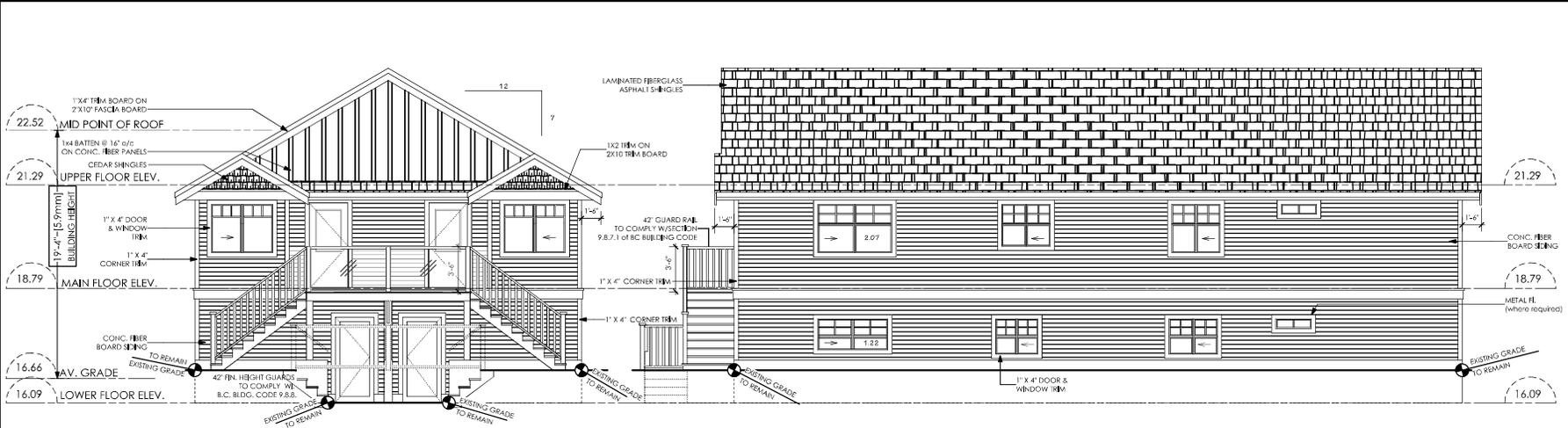
4" (100) STORM DRAIN INSTALLED TO MAX DEPTH OF 1.2M

+ 25.42 peak

+ 21.04 elev

+ 28.01 peak

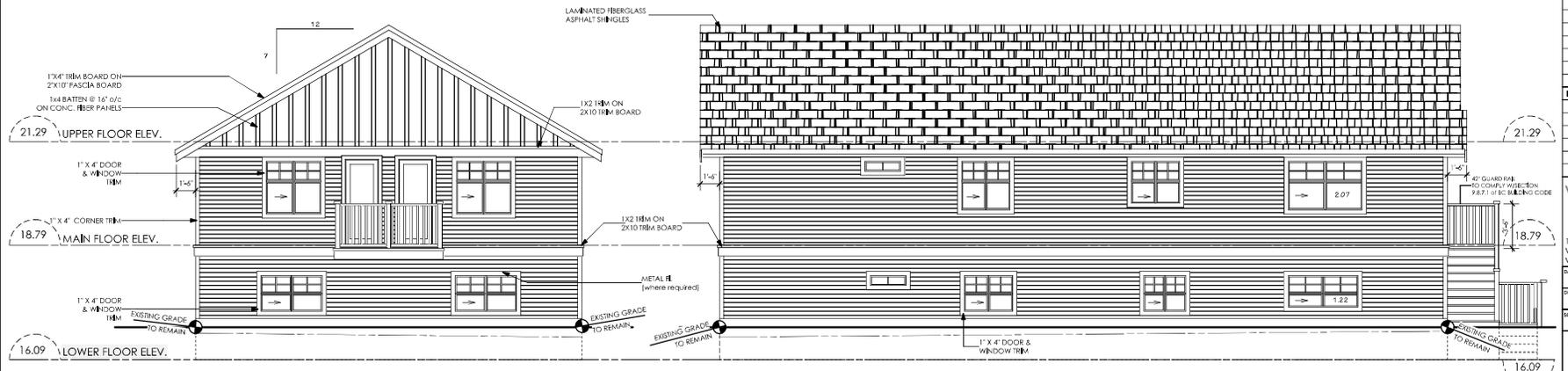
1 S2



1 South (Front) Elevation
Scale: 1/4" = 1'-0"

2 East Elevation
Scale: 1/4" = 1'-0"

| | |
|------------------------|-------------|
| Limiting Distance | 3.80 m. |
| Exposed Building Face | 76.34 sq.m. |
| Allowable Openings | 14 % |
| Allowable Opening Area | 10.69 sq.m. |
| Proposed Openings | 7.92 sq.m. |



3 North Elevation
Scale: 1/4" = 1'-0"

4 West Elevation
Scale: 1/4" = 1'-0"

| | |
|------------------------|-------------|
| Limiting Distance | 4.05 m. |
| Exposed Building Face | 76.34 sq.m. |
| Allowable Openings | 21 % |
| Allowable Opening Area | 16.03 sq.m. |
| Proposed Openings | 7.92 sq.m. |

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vg victoria design group
 103 - 891 Althea Avenue P. 250.382.7374
 Victoria, B. C. F. 250.382.7364
 V9B 0A6 www.victoriadesigngroup.ca

| | | | |
|----------|--------------|-------------|----------|
| DATE | Mar 12, 2020 | PROJECT NO. | 8303 |
| DRAWN BY | J.D.F./N.S. | REVIEWED BY | W.S.P. |
| SCALE | As Shown | SHEET NO. | A1 OF A4 |

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ELEVATIONS

PROJECT
ALFRED HASS & BOBBIE HILL
PROPOSED REZONING
580 / 582 NIAGARA STREET
VICTORIA, B.C.



1
A4 Color Elevation (Left)



2
A4 Color Elevation (Front)



3
A4 Color Elevation (Right)



4
A4 Color Elevation (Rear)



Neighbouring Property 570/572 Niagra Neighbouring Property 576 Niagra Subject Property 580 Niagra

5
A4 Niagara Streetscape (Facing West)

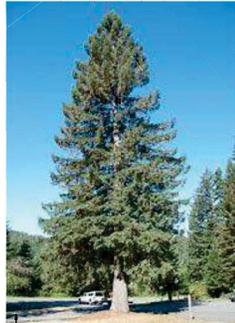


Subject Property 580/582 Niagra Neighbouring Property 584 Niagra

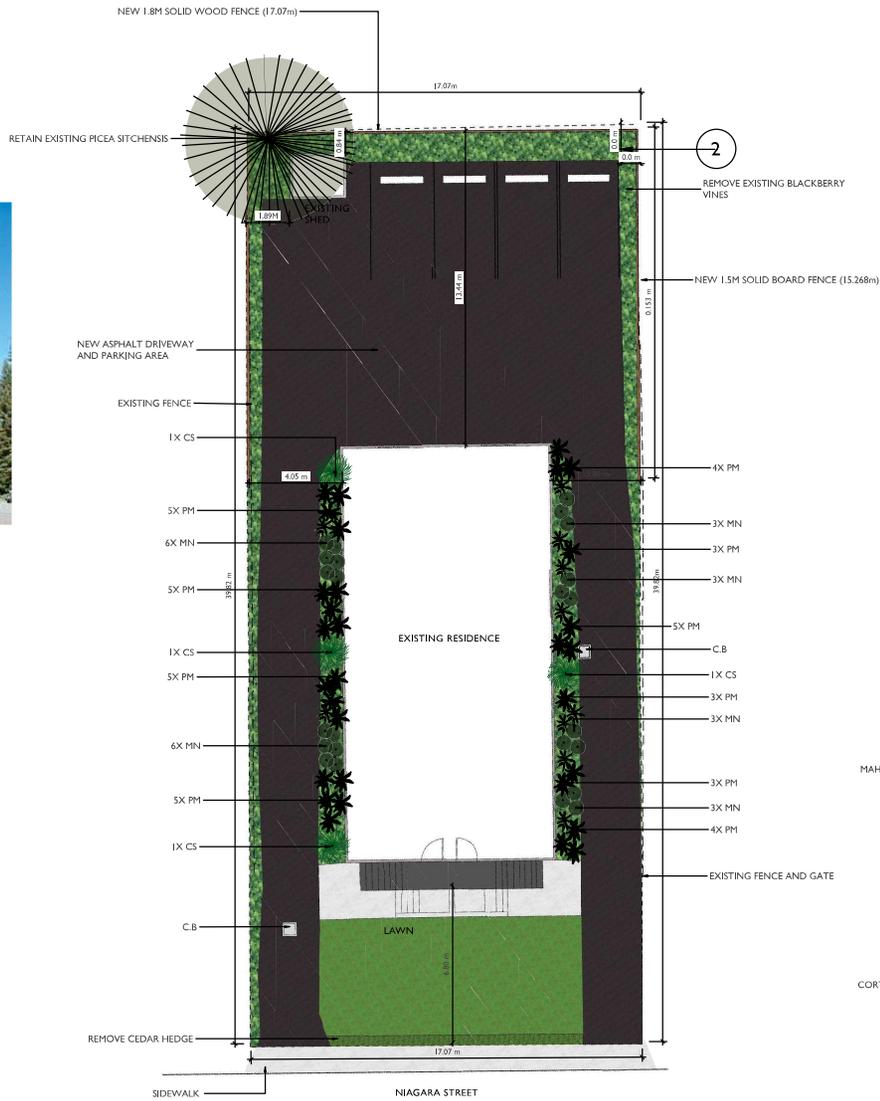
6
A4 Niagara Streetscape (Facing East)

| PROPOSED REZONING | | |
|---|----------------------------------|---------------------------|
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|  | | |
| 103 • 891 Athlree Avenue P. 250.382.7374 Victoria, B. C. F. 250.382.7364 V7B 0A6 www.victoriadesigngroup.ca | | |
| DATE | NO. OF SHEETS | PROJECT NO. |
| Mar 12, 2020 | 8 | 8303 |
| DESIGNED BY | REVIEWED BY | |
| J.D.F./N.S. | W.S.P. | |
| SCALE | DATE | SHEET NO. OF TOTAL SHEETS |
| As Shown | 03/12/20 | 8 OF 8 |
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| STREETScape | | |
| PROJECT: ALFRED HASS & BOBBI HILL PROPOSED REZONING 580 / 582 NIAGARA STREET VICTORIA, B.C. | | |

LANDSCAPE PLAN — REZONING APPLICATION CHANGES ADDRESSED



PICEA SITCHENSIS



PICEA SITCHENSIS



SOLID FENCE PANEL



POLYSTICHUM MUNITUM



MAHONIA NERVOSA



CORTADERIA SELLOANA

PLANT SCHEDULE

| ABB. | QTY. | SIZE | BOTANICAL NAME | COMMON NAME |
|--------------------------------------|------|------|---------------------|-----------------------|
| TREES | | | | |
| PS | 1 | ex. | PICEA SITCHENSIS | SITKA SPRUCE |
| PERENNIALS, FERNS AND GRASSES | | | | |
| CS | 17 | ex. | CORTADERIA SELLOANA | PAMPASS GRASS |
| PM | 41 | #2 | POLYSTICHUM MUNITUM | SWORD FERN |
| GROUNDCOVERS | | | | |
| MN | 24 | #1 | MAHONIA NERVOSA | CREeping OREGON GRAPE |

-CONTRACTOR TO CHECK ALL DIMENSIONS AND ASPECTS OF THIS DRAWING AND MAKE WORK AGREE PRIOR TO CONSTRUCTION
 -ANY CHANGES OR DEVIATIONS ARE THE RESPONSIBILITY OF THE OWNER
 -ALL WORK TO COMPLY WITH MUNICIPAL BYLAWS
 -DO NOT SCALE PLAN



PROJECT TITLE :
 PROPOSED LANDSCAPE PLAN for
 BOBBI HILL
 580/582 NIAGARA STREET, VICTORIA, BC

PAGE TITLE :
 LANDSCAPE PLAN - REZONING APPLICATION CHANGES ADDRESSED
 PAGE ONE of ONE

DATE :
 NOVEMBER 6, 2019
 revised JANUARY 21, 2020
 revised MARCH 12, 2020

SCALE :
 1:100

January 20, 2020

R Hill
963 Lobo Vale
Victoria V9B0H8

A Hass
2888 Leigh Road
Victoria V9B4G3

To the Mayor and council,

We are applying to legalize and conform to a Strata Duplex with one rental suite in each unit at 580/582 Niagara street so that the long term tenants that have been living there will not be displaced. The 2 lower suites have tenants that have lived there for over 5 years. They pay well below the current rent prices and it would be quite a burden to find similar accommodations at the current rent they are paying.

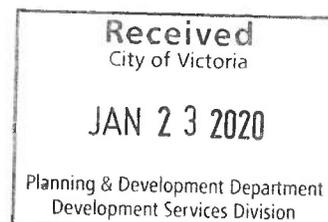
We currently have 4 parking stalls and understand that 3 parking stalls are required.

We have agreed to a housing agreement and a statutory right of way to be completed and registered on title.

Thank you for your time.

Yours truly,

Roberta Hill
Alfred Hass
Owners





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

Heather McIntyre

From: Trevor Woodland [REDACTED]
Sent: August 4, 2019 9:38 AM
To: Victoria Mayor and Council
Subject: rezoning 580, 582 Niagara

Hello,

I am unable to attend the community meeting for the above address rezoning session. I am a resident/owner at 622 Niagara St.

I would like to say that I am in favor of the rezoning and hope the application goes through.

My only concern would be the disruption to the traffic at that street corner. There is a bus stop in front of 584 Niagara and it's a very busy corner with tourists, busses, pedicabs, horses and local traffic. I would recommend limiting 1-2 city parking stalls to allow for safe transit of the buss and so contractors can quickly get in and out of the laydown.

Best,

--

Trevor Woodland
Vigilant Guitars
622 Niagara St
Victoria, BC
V8V 1H9
[REDACTED]

Heather McIntyre

From: Lynda Cronin [REDACTED]
Sent: August 14, 2019 3:13 PM
To: Victoria Mayor and Council
Cc: 'Timothy VanAlstine'
Subject: Proposed zoning changes for 580/582 Niagara Street

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: [REDACTED]
[REDACTED]

Heather McIntyre

From: Glovers <[REDACTED]>
Sent: August 16, 2019 12:46 PM
To: Victoria Mayor and Council
Cc: [REDACTED]
Subject: Proposed development at 580, 582 Niagara

Hi folks,

I am owner of 44 Government St, Victoria, which is within 100 m of the proposed development.

I have reviewed the proposed development notice and I do not object to the proposed development.

Yours
Todd Glover



James Bay Neighbourhood Association

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

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
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To: <mayorandcouncil@victoria.ca>

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