

**F.1.a.b 580-582 Niagara Street: Update to Rezoning Application No. 00721 (James Bay)**

**Moved By** Councillor Alto

**Seconded By** Councillor Loveday

That Council amend condition 'b' in the June 18, 2020 Council resolution for the Rezoning Application No. 00721 for 580-582 Niagara Street, as follows:

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 for a period of 10 years and to ensure that strata bylaws cannot prevent rental of the units.

That Council request the applicant consider a period of at least 20 years of rental tenure in the housing agreement.

FOR (7): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young

OPPOSED (1): Councillor Isitt

**CARRIED (7 to 1)**

**F.1 580-582 Niagara Street: Update to Rezoning Application No. 00721 (James Bay)**

Committee received an update report dated October 22, 2020 from the Director of Sustainable Planning and Community Development regarding the Rezoning Application No. 00721 for 580-582 Niagara Street in order to seek Council's direction with regard to a proposed change to the term of the Housing Agreement.

**Moved By** Councillor Young  
**Seconded By** Councillor Thornton-Joe

That Council amend condition 'b' in the June 18, 2020 Council resolution for the Rezoning Application No. 00721 for 580-582 Niagara Street, as follows:  
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 for a period of 10 years.**

*Committee discussed the following:*

- *Viability of the project*
- *Current bylaw action*
- *Rental term proposals*

**Amendment:**

**Moved By** Councillor Thornton-Joe  
**Seconded By** Councillor Isitt

That Council amend condition 'b' in the June 18, 2020 Council resolution for the Rezoning Application No. 00721 for 580-582 Niagara Street, as follows:  
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 for a period of 10 years and to ensure that strata bylaws cannot prevent rental of the units.**

**CARRIED UNANIMOUSLY**

**On the main motion as amended:**

That Council amend condition 'b' in the June 18, 2020 Council resolution for the Rezoning Application No. 00721 for 580-582 Niagara Street, as follows:  
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~~ for a period of 10 years and to ensure that strata bylaws cannot prevent rental of the units.

**Amendment:**

**Moved By** Councillor Loveday

**Seconded By** Councillor Dubow

That Council amend condition 'b' in the June 18, 2020 Council resolution for the Rezoning Application No. 00721 for 580-582 Niagara Street, as follows:  
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:

2. Preparation and Execution on the property's title to secure:
  - c. a statutory right-of-way, to the satisfaction of the Director of Engineering;
  - d. a Housing Agreement to secure two of the four units as rental ~~in perpetuity~~ for a period of 10 years and to ensure that strata bylaws cannot prevent rental of the units.

**That Council request the applicant consider a period of at least 20 years of rental tenure in the housing agreement.**

FOR (6): Councillor Isitt, Councillor Alto, Councillor Dubow, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe,

OPPOSED (1): Councillor Young

**CARRIED (6 to 1)**

**On the main motion as amended:**

FOR (5): Councillor Alto, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young

OPPOSED (2): Councillor Isitt, Councillor Dubow,

**CARRIED (5 to 2)**

*Committee recessed at 10:33 a.m. and reconvened at 10:38 a.m.*



## Committee of the Whole Report

### For the Meeting of November 19, 2020

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**To:** Committee of the Whole **Date:** October 22, 2020

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

**Subject:** Update to Rezoning Application No. 00721 for 580-582 Niagara Street

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### RECOMMENDATION

That Council amend condition 'b' in the June 18, 2020 Council resolution for the Rezoning Application No. 00721 for 580-582 Niagara Street, as follows:

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~~ **for a period of 10 years.**

### 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 seek Council's direction with regard to a proposed change to the term of the Housing Agreement associated with Rezoning Application No. 00721 for the



property located at 580-582 Niagara Street. As noted in the recommendation, the original motion secured the two new units as rental in perpetuity; the proposal is now to secure the units for a period of ten years.

The application 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. The original proposal included a condition that two of the units be secured as rental in perpetuity through a housing agreement. The applicant states that the ten-year term would help with the viability of the project and without this change it is unlikely to proceed. This timeframe would still be consistent with applicable policies as it supports the objective to enable adaptation of the existing housing stock to maintain a variety of housing types, as identified within the James Bay Strategic Directions in the *Official Community Plan, 2012* (OCP).

This change would also require site-specific parking requirements. For the purposes of calculating the minimum parking requirement for the building, if two of the units were secured as rental in perpetuity they would have been considered secondary suites and would not require any additional parking. The amended proposal, securing the units as rental for a period of ten years only, results in a six-stall parking requirement. Given that there are four stalls on-site, this results in a two-stall shortfall.

The following data table compares the previous parking and updated parking requirements. The asterisk indicates the proposed parking shortfall, which would be incorporated into the site-specific zone.


Parking Minimum	Number of Stalls Proposed	Number of Stalls Required
Previous proposal: Rental in perpetuity (Secondary Suites)	4	2
Updated proposal: Rental secured for 10 years	4 *	6

The reason for the resulting high parking requirement associated with the change in the term of rental tenure is due in part to the large size of the units. Given that the existing usage of the parking area for the four units is less than the four stalls currently provided, staff do not anticipate additional parking demand; staff therefore consider a lower four-stall requirement to be supportable.

## CONCLUSIONS

The recommended motion would secure the rental tenure of the building for a period of ten years. The updates remain in line with current and emerging City of Victoria policy with regard to rental housing and adaptation of the existing housing stock to create a variety of housing types. Therefore, staff recommend that Council consider supporting the revised proposal.

Respectfully submitted,



Chloe Bryden Tunis  
Planner  
Development Services



Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date: November 10, 2020

### List of Attachments

- Attachment A: Committee of the Whole Report from the June 18, 2020 meeting
- Attachment B: Minutes from the June 18, 2020 Committee of the Whole.



## Committee of the Whole Report

### For the Meeting of June 18<sup>th</sup>, 2020

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**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

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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.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.

<b>Zoning Criteria</b>	<b>Proposal</b>	<b>Existing Zone – R-2 Two Family Dwelling District (Duplex Use)</b>
Site area (m <sup>2</sup> ) – minimum	679.80	555
Site area per unit (m <sup>2</sup> ) – 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 <sup>2</sup> ) – maximum	302.66	380

<b>Zoning Criteria</b>	<b>Proposal</b>	<b>Existing Zone – R-2 Two Family Dwelling District (Duplex Use)</b>
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
<b>Setbacks (m) – minimum</b>		
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 Hoes, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

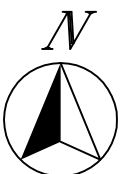
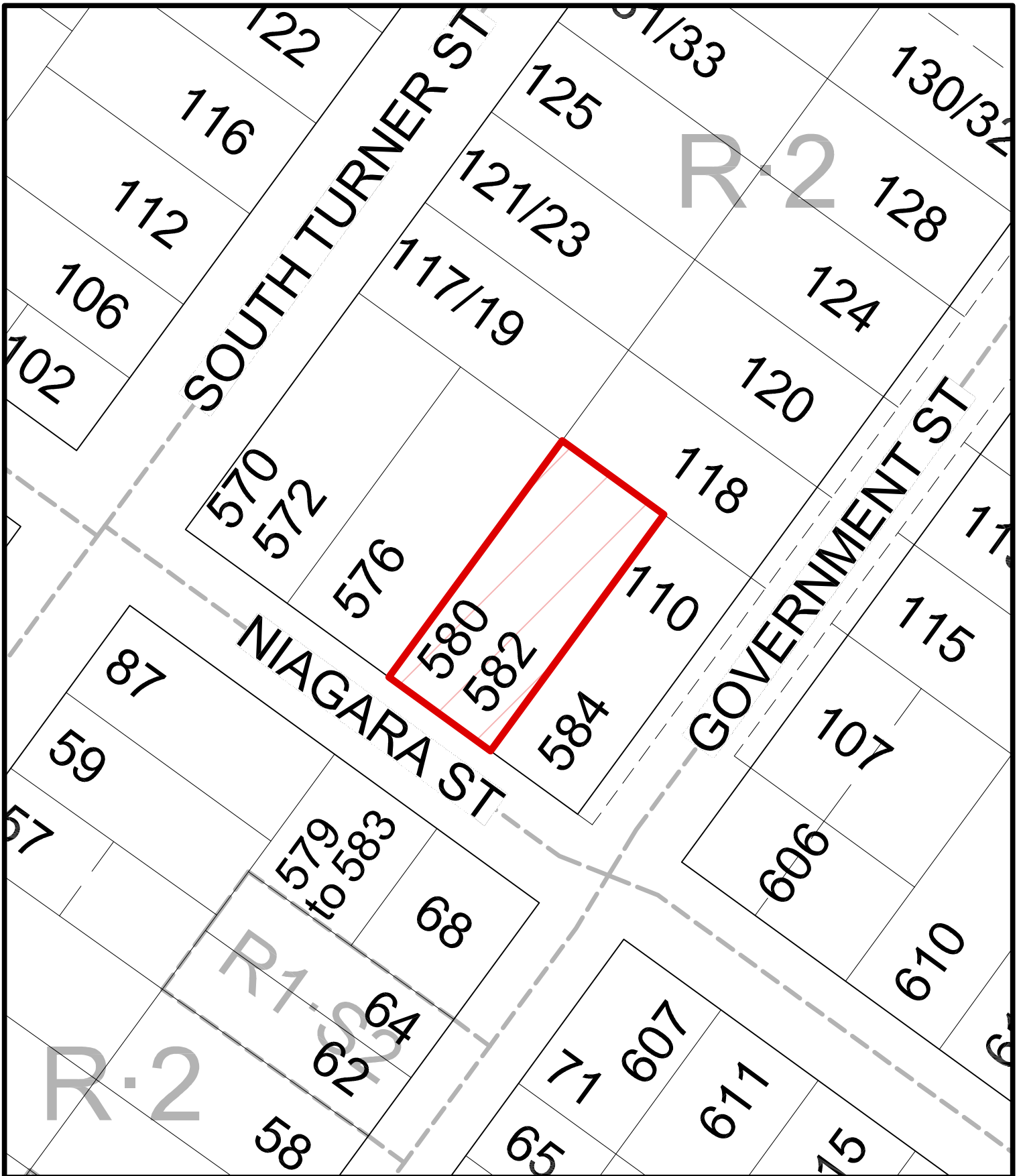


Date: June 10, 2020

## **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





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

Parcel Identifier Number 000-003-671

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

Legend

PP 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.

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**

PP denotes utility poles  
Denotes spot elevation

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

Elevations are GCSDBIC.

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

site area = 679.8 square metres

Lot 14  
Plan 227

portion of adjacent dwelling

1258926  
17393

16.48 corner tree  
16.57 (top)  
Iron Survey Post Found  
(witness to property corner = 1.5 metres)

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SITE DATA		R-2
SETBACKS	REQUIRED	PROPOSED
- FRONT (SOUTH WEST)	6.80 M	6.80 M
- REAR (NORTH EAST)	10.70 M	13.44 M
- SIDE (NORTH WEST)	3.00 M	4.05 M
- SIDE (SOUTH EAST)	1.50 M	3.65 M
COMBINED SIDEYARDS	4.50M	7.70 M
LOT AREA		679.8 SQ.M.
LOT COVERAGE	40%	26%
F.S.R.	0.5 TO 1.0	0.46 TO 1.0
PARKING STALLS	2	2

## Siteplan Existing

Scale: 1:100

**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 Council
03	03/12/20	Revised for City Council



103 • 891 Attree Avenue  
Victoria, B. C.  
V9B 0A6

P. 250.382.737  
F. 250.382.736  
[www.victoriadesigngroup.ca](http://www.victoriadesigngroup.ca)

DATE	Mar 12, 2020	DRWG NO.	8
DRAWN BY	J.D.F./N.S.	REVIEWED BY	W
SCALE	As Shown	SHEET NO.	\$1

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### EXISTING SITEPLAN

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

# 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  $(51.93 \div 229.39) \times 100 = 22.64\%$

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expense incurred as a result of any inaccurate or incomplete information it provides.

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

vg victoria  
design group

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Victoria, B. C. F. 250.382.7344  
V9B 0A6 www.victoriadesigngroup.ca

DATE Mar 12, 2020

BY J.D.F./N.S.

REVIEWED BY W.S.P.

SCALE As Shown

NO. 8303

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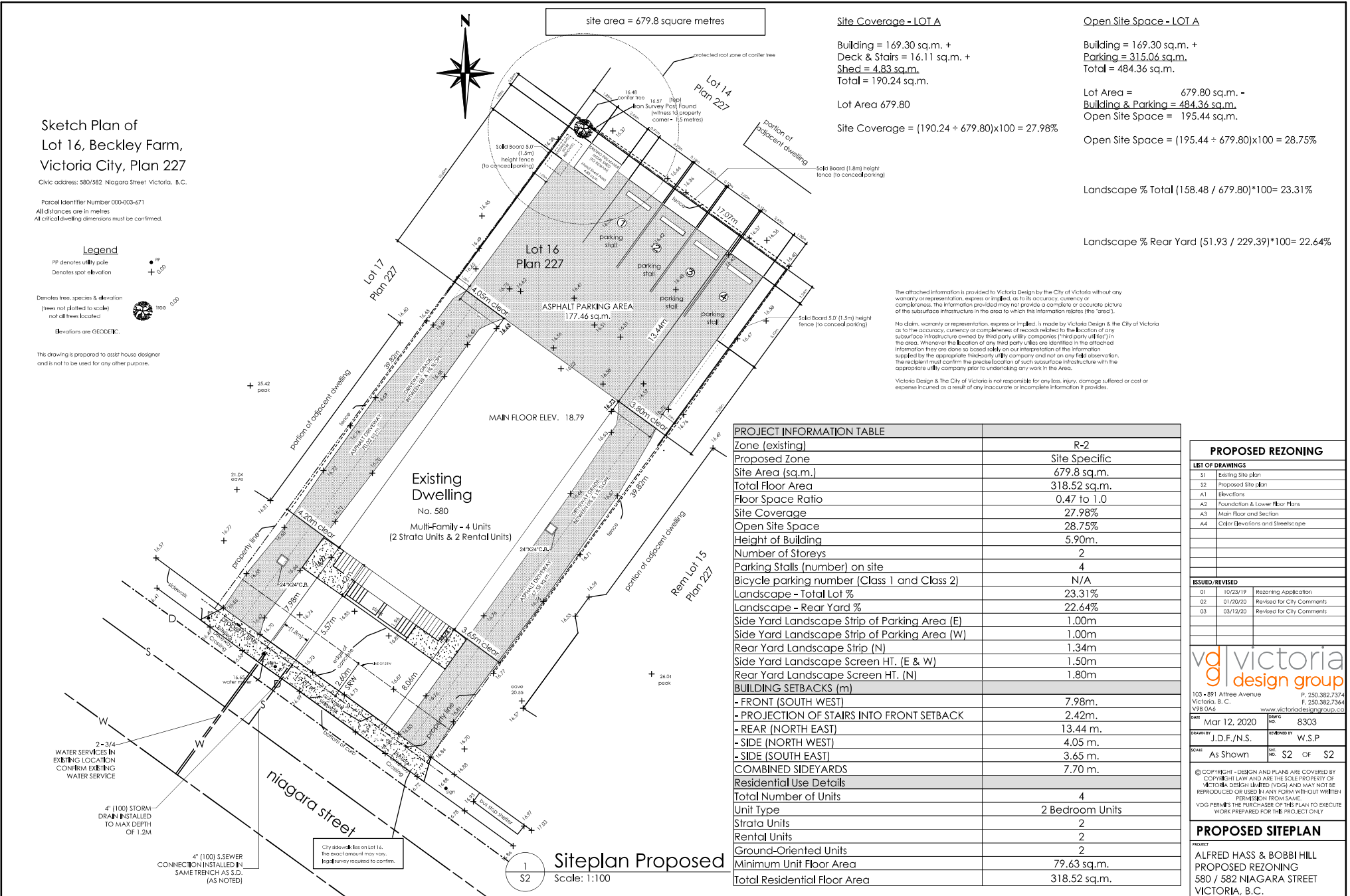
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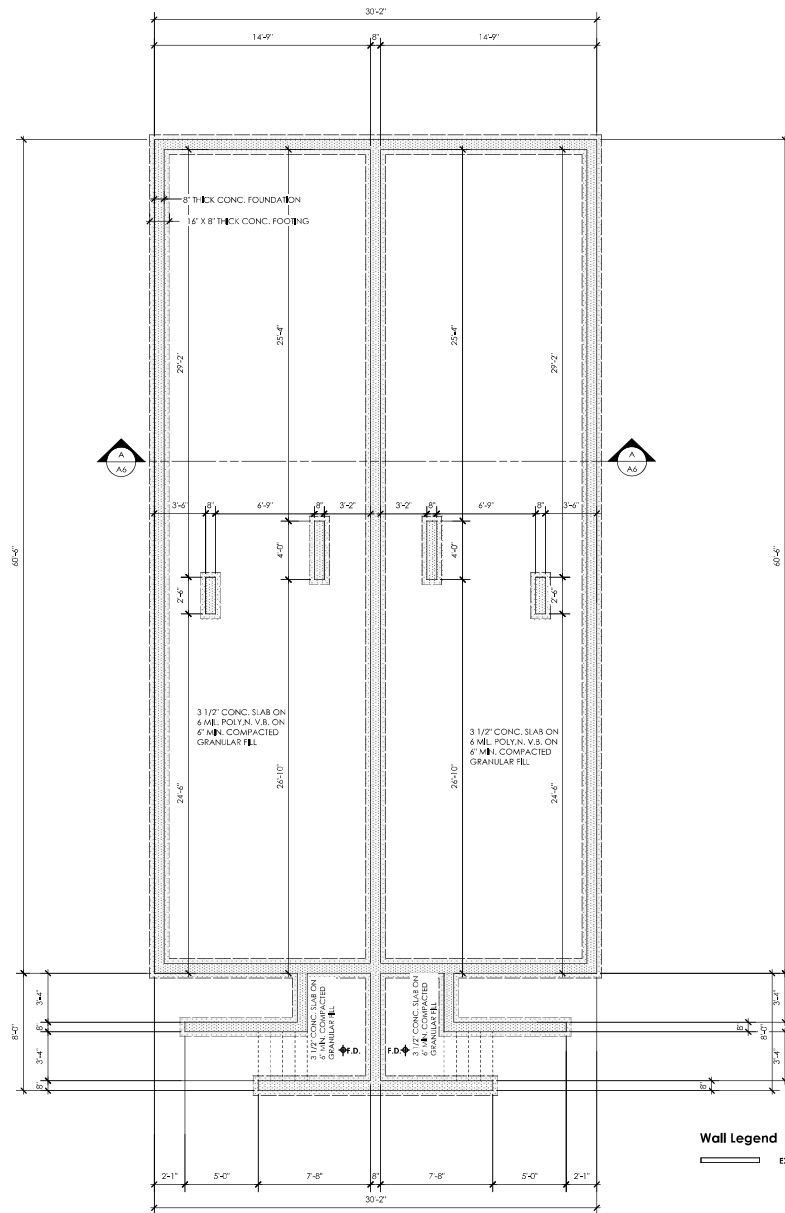
OF 2

## Siteplan Proposed

Scale: 1:100

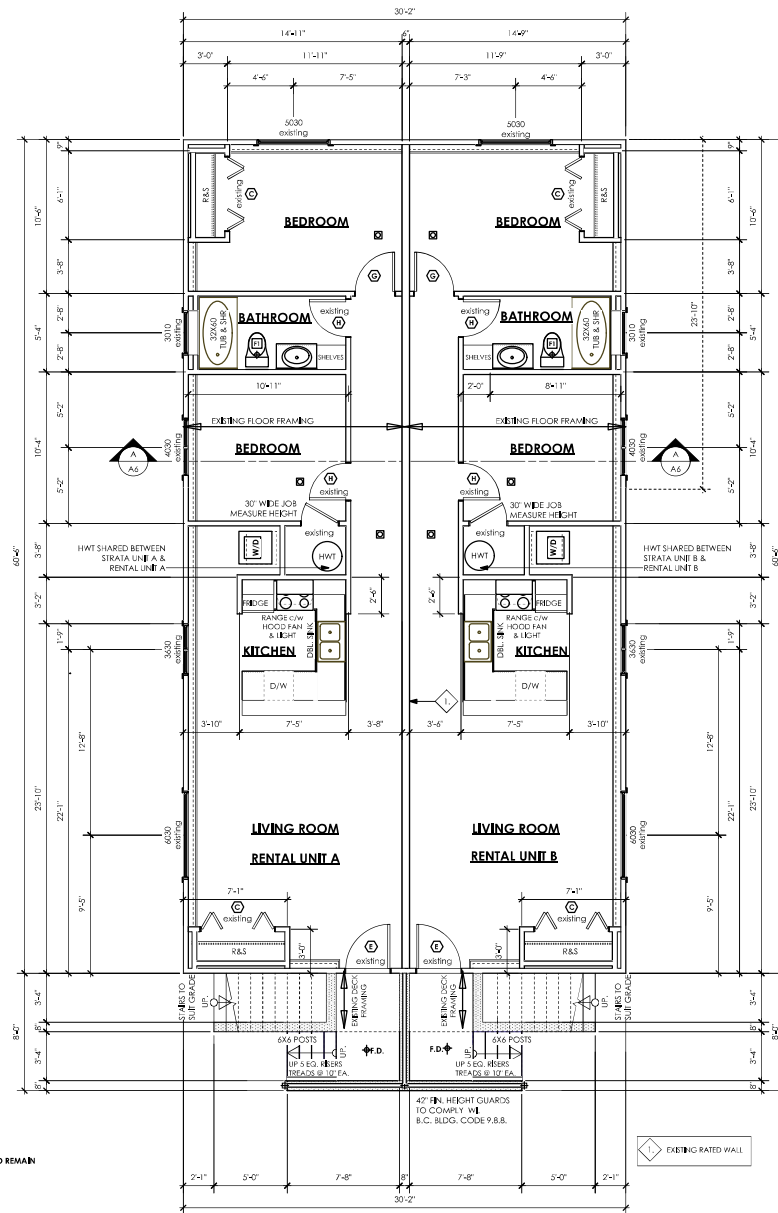






**1**  
**A2**  
**Foundation Plan**  
Scale: 1/4" = 1'-0"

Interconnected Smoke & Carbon Monoxide Alarm



**2**  
**A2**  
**Lower Floor Plan**  
Scale: 1/4" = 1'-0"

Rental Unit A: 857.23 sq.ft. (79.63 sq.m.)  
Rental Unit B: 857.23 sq.ft. (79.63 sq.m.)

Interconnected Smoke & Carbon Monoxide Alarm

## 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	Resoning Application
02	01/20/20	Revised for City Comments
03	03/12/20	Revised for City Comments

**vog** victoria  
design group

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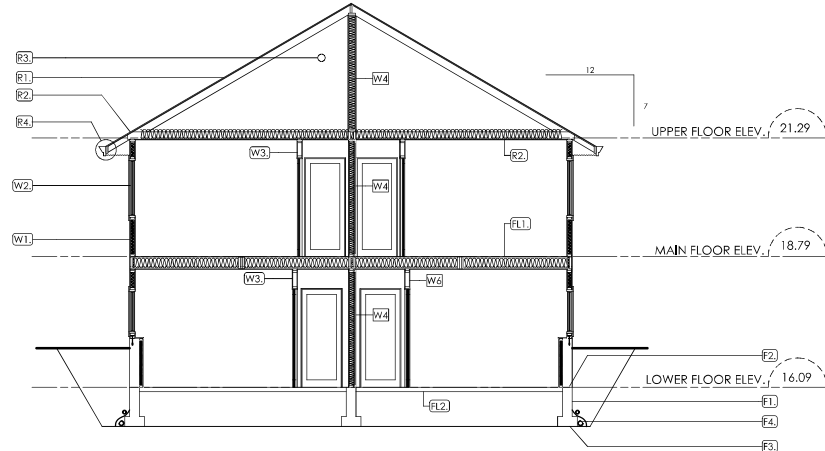
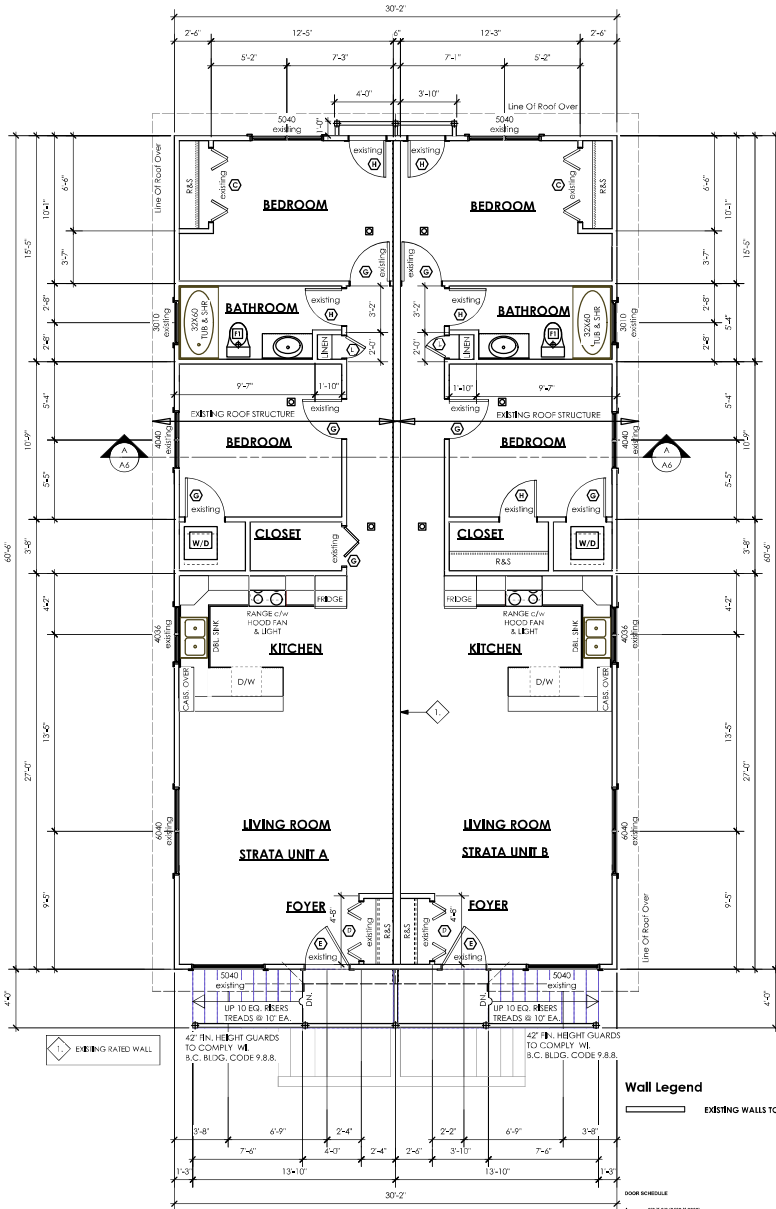
DATE: Mar 12, 2020  
DRAWN BY: J.D.F./N.S.  
CHECKED BY: W.S.P.

SCALE: As Shown  
SHEET: A2 OF A4

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## FOUNDATION / LOWER

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 Niagara  
Neighbouring Property 576 Niagara  
Subject Property 580 Niagara

5  
A4 Niagara Streetscape (Facing West)



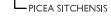
Subject Property 580/582 Niagara  
Neighbouring Property 584 Niagara

6  
A4 Niagara Streetscape (Facing East)

PROPOSED REZONING			
LIST OF DRAWINGS			
S1	Existing Site plan		
S2	Proposed Site plan		
A1	Elevations		
A2	Foundation & Lower Floor Plans		
A3	Main Floor and Sections		
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	
			
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DATE	Mar 12, 2020	PROJECT NO.	8303
DESIGNED BY	J.D.F./N.S.	REVIEWED BY	W.S.P.
SCALE	As Shown	DATE	NOV 14 OF 2020
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STREETSCAPE			
PROJECT ALFRED HASS & BOBBY HILL PROPOSED REZONING 580 / 582 NIAGARA STREET VICTORIA, B.C.			



## A tall, mature Douglas fir tree with a thick trunk and dense green needles, standing in a clear, sunny outdoor setting. The tree is the central focus, with its branches spreading out in all directions. The background shows a clear blue sky and some distant trees, suggesting a park or forest environment. The lighting is bright, casting shadows on the ground.



— PICEA SITCHENSIS



POLYSTICHUM MUNITUM



MAHONIA NERVOSA



CORTADERIA SELLOANA



SOLID FENCE PANEL

ABB.	QTY.	SIZE	BOTANICAL NAME	COMMON NAME
TREES				
P5	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
ex. = existing				

- 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



 **Greenspace Designs**  
Sustainable Landscape Design

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

LANDSCAPE PLAN - REZONING APPLICATION CHANGES ADDRESSED  
PAGE ONE of ONE

6, 2019  
JARY 21, 2020  
CH 12, 2020

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.

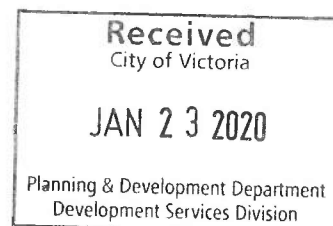
We currently have 4 parking stalls and understand that 3 parking stalls are required.

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

August 27<sup>th</sup>, 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 14<sup>th</sup> (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 14<sup>th</sup>, 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](mailto: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.

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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 27<sup>th</sup>, 2019

Mayor and Council,  
City of Victoria

Dear Mayor Helps and Councilors,

**Re: CALUC Community Meeting - 580-582 Niagara Street**

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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 14<sup>th</sup>, 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](mailto: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

**B. CONSENT AGENDA****Moved By** Councillor Alto**Seconded By** Councillor Dubow

That the following items be approved without further debate

**CARRIED UNANIMOUSLY****E.1 580 and 582 Niagara Street: Rezoning Application No. 00721 (James Bay)**

Committee received a report dated June 4, 2020 from the Director of Sustainable Planning and Community Development regarding the proposed Rezoning Application No. 00721 for 580 and 582 Niagara Street in order to allow for two additional units in an existing duplex, for a total of four residential units.

**Moved By** Councillor Alto**Seconded By** Councillor Dubow

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.

**CARRIED UNANIMOUSLY**

# Rezoning Application for 580-582 Niagara Street



1

### 580-582 Niagara Street – Aerial View



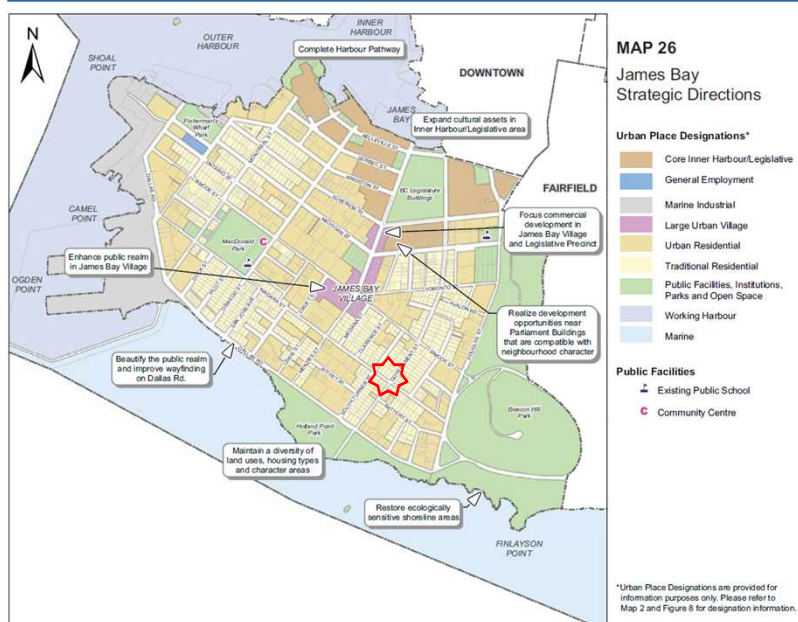
2

## 580-582 Niagara Street



3

## Urban Place Designation



4



## Streetscape Along Niagara Street



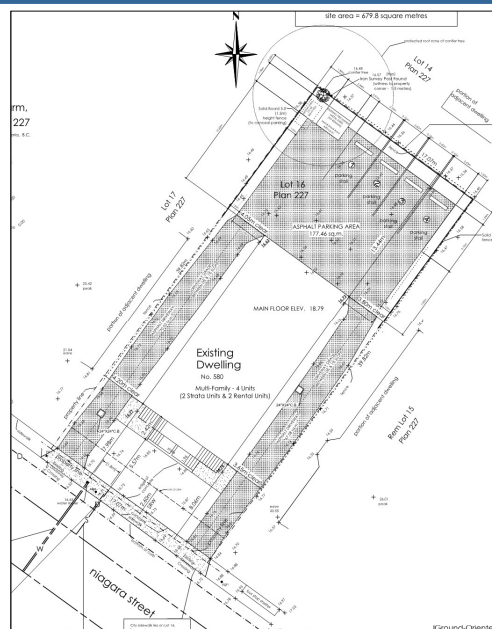
5

## View across the street



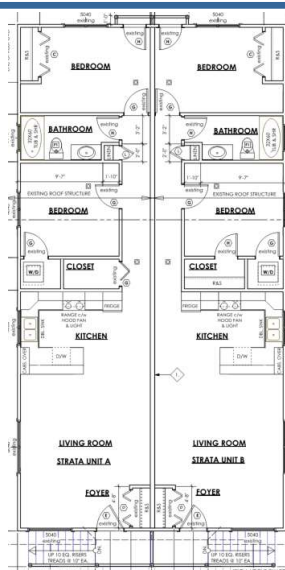
6

## Site Plan

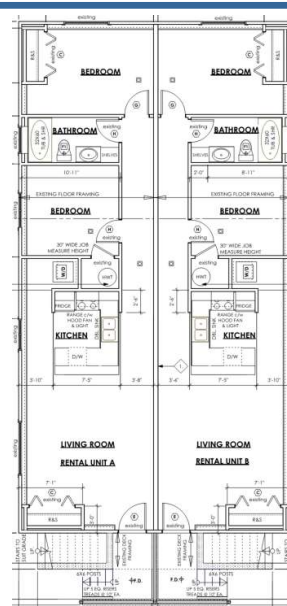


7

## Floor Plans



Upper Floor



Lower Floor

8



## Area of SRW Request

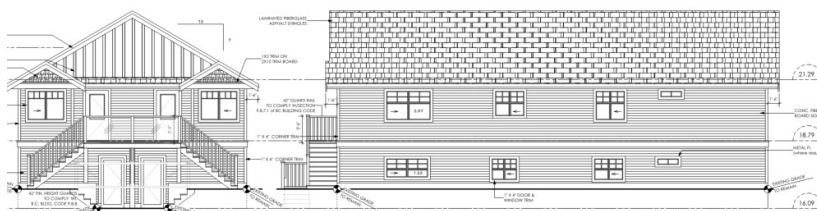


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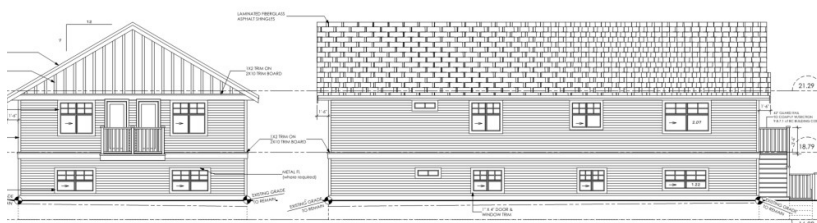
# Elevation Plans



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

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

Living Room	12' x 12'
Dining Room	12' x 12'
Kitchen	12' x 12'
Bathroom	12' x 12'
Bedroom	12' x 12'
Garage	12' x 12'



3 North Elevation

4 West Elevation

Living Room	12' x 12'
Dining Room	12' x 12'
Kitchen	12' x 12'
Bathroom	12' x 12'
Bedroom	12' x 12'
Garage	12' x 12'