

**James Bay Neighbourhood Association**

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Victoria, B.C., Canada

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December 22nd, 2016

Mayor & Council,
City of Victoria

Re: CALUC Community Meeting - 308 Menzies St


The community meeting to consider the Gas Station rezoning proposal at 308 Menzies was held on December 14th (47 attendees). Attached please find an excerpt of the General Meeting minutes regarding the proposal.

Although the gas station is recognized as a needed amenity for James Bay due to the high residential density of James Bay coupled with the closure of many, if not most, gas stations in the City over the past. Concerns were expressed by residents, particularly those living in adjacent properties. Concerns could be summarized as:

- Shadowing on the properties to the north and west
- **Potential night-time disruption depending on hours of operation**
- Possibility of future higher construction
- Security
- Need to better define the boundaries (fence or other) to discourage public use of neighbouring property for short-cut.

In response to the concern of night-time disturbance, Alan Lowe committed to discussing the matter 'voluntary' hour restrictions with the owner and forwarding response to JBNA for forwarding to concerned neighbours. As of date of writing this letter, response not received.

For your consideration,


Marg Gardiner,
President, JBNA
CALUC Co-Chair

Cc: Alan Lowe, Alan Lowe Architect Inc.
CoV Planning

EXCERPT from JBNA December 14th, 2016 Minutes

JAMES BAY NEIGHBOURHOOD ASSOCIATION

MINUTES - General Meeting December 14th, 2016 – 47 present

5. CALUC: Community Meeting Rezoning 308 Menzies (gas station) at Michigan

Alan Lowe, Architect

Marg Gardiner reported on the Development Review Committee (DRC) pre-meeting:

On November 1st, JBNA DRC Committee members, Tim VanAlstine, Wayne Shillington, Trevor Moat and Marg Gardiner met with Alan Lowe to review the project. The project is to rezone the gas station with a service bay into a gas station with offices and commercial activities (offices on second floor and convenience store on adapted main floor).

Lower floor = 1867 sqft, second would be 1592 sqft.

Issues discussed: community concern re a chain convenience store or any 24hr store, width of sidewalk for mobility scooter access, bike parking for both employees and customers, and possibility of pollinator garden or other plantings in the planters to support food production in the community. It was also recommended that nearby neighbours to the west and north be consulted in advance of a community meeting.

Community Meeting presentation:

Alan Lowe described the proposal including the work currently underway to remove existing under-ground gas tanks and replace with new tanks. Existing repair/garage does not meet current zoning. The repair/garage will be removed and in its place will be a convenience store. A second storey will be added to provide for office while lower floor will be the convenience store. The building will not extend further towards Michigan. At rear (west) of existing building an additional one-storey structure will be attached to the existing building. Storefronts will replace the existing garage doors and store front windows will correspond on the new second floor. Hardy-board will be installed on the rear of the building. Zoning change required to accommodate the new storey and convenience store; will be changed from C-SS to C1-S. The existing building will be renovated, not demolished. Station manager asked customers to sign a petition of support and 100 customers signed, supporting the change.

Q – Michigan neighbour – crumbling fence inadequate to separate properties – will new fence be constructed.

A – Yes a new fence will be constructed – will be 6 feet high

C - Neighbour wants it of solid construction

Q – Michigan neighbour - windows, backyard will be impacted by second storey, will allow no light. Pollinator garden shouldn't be there as soil needs to be tested, our soil is contaminated, has been tested, could not be determined if from garage or fuel. Minimum distance between properties 4.4 meters, will the addition in the back not bring the building closer. Am very concerned about shadowing.

A – setbacks, 4.5 meter set back is for next to a R-1 property - does not apply due to the existing set back requirement. May lose a bit of morning sun.

C - Neighbour requesting shadow studies be done.

Q – Menzies strata north neighbour – second storey will block sun from south side, very concerned. North side of station property has problems where people collect (urinate etc). Concerns are shadowing and security.

A – a fence will be constructed to property line on Menzies, and the small area to the north of the building will be gated off.

Q – Michigan resident – 2 storeys now – could it be increased to 5 storeys at a later date.

A – No not allowed to go up 5 storeys, parking limits this.

Q – Soil and tank removal

A – Golden Assoc. an environmental consultant work on this.

Q – Michigan resident – will hours be expanded.

A – don't know but doesn't expect this will be 24 hours, will most likely close by midnight.

Q – is there an appetite for the owner to make a commitment now to residents on hours of operation?

A - Alan will approach owner

C - Marg (Chair) asked the 2 residents to leave e-mail addresses so that Alan's response could be forwarded to them.

Q – will traffic flow change

A – doubtful – expect same use as now gas up and go.

Q – Menzies resident – what kind of earth work to get tanks out? Will there be pounding?

A – will use an excavator – equipment to test soil. Once clearance to place the new tank. There will be no blasting or pile driving.

Residents beyond the 100m community meeting notice area

Q - Does C1 zone require the gas station to be part of the facility or optional? Could it change from convenience store only from gas station?

A – the owner wants both the gas station and convenience, doesn't see it not continuing to be a gas station as only one in JB.

C – Nearby neighbour - Doesn't make any sense to neighbour of how convenience store will sustain itself if not open 24 hrs, and feels that the convenience store and gas bar can be achieved with existing one storey. No need for the second storey. Too large for neighbourhood.

Q – Will the offices be used for only the gas station and convenience store?

A – Will be used for his operations.

Q – Can the office space be rented out?

A – Yes the office space could be rented out.

Q – Nearby neighbour – could do more than 2 storeys now you say 3 storeys

A – Can build to 12 meters or 36 to 38 feet.

Q – is it a new owner?

A – Owner is Mr. Shan – general manager is here tonight

Q – Victoria Adams – can it be combined for commercial and residential use.

A – yes technically can but owner did not direct that

C – Since residences are near-by, ask that lighting be directed downwards to minimize impact on homes

C – Lighting on site be directed away for the residential properties.