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

January 16<sup>th</sup>, 2015

Mayor and Council  
City of Victoria

Dear Mayor and Councilors,

**Re: 520 Niagara Street (Cathedral School) – Rezoning Proposal**

Attached please find an excerpt from the draft minutes of the January 14<sup>th</sup> JBNA meeting which considered the City initiated “incentive” rezoning of 520 Niagara, Cathedral School.

Unfortunately, the meeting did not provide a satisfactory review of the proposed rezoning. A review of the December 22<sup>nd</sup> JBNA DRC (Board development review sub-committee) meeting and a summary of the information presented at the January 14<sup>th</sup> meeting assist in understanding the dilemma now before us:

**December 22<sup>nd</sup>, 2014 DRC meeting:**

In mid-December we were contacted by Murray Miller, Senior Heritage Planner, who requested that the 520 Niagara rezoning CALUC meeting occur at the January JBNA meeting. To ensure that the proposal was well enough developed to present at the open public meeting, we scheduled a pre-CALUC meeting with a DRC session that occurred on December 22<sup>nd</sup>.

Tom Coyle, Tim Van Alstine, Trevor Moat and I had a most useful and positive discussion with Murray. We saw the possibility for an incentive zoning, with creativity. However, it was obvious that a CALUC meeting would be premature given the state of the proposal. Nevertheless, we scheduled the CALUC meeting for January to assist the city in keeping its schedule to create a rezoning incentive prior to March 15<sup>th</sup>. We discussed the need for the actual development proposal to come back through the community in a CALUC-like process. We were also assured that the presentation to the community would have the same detail as the presentation to be given to PLUC on January 29<sup>th</sup>.

**January 14<sup>th</sup>, 2015 JBNA-CALUC meeting:**

Unfortunately, the City presentation was essentially the same as the mid-December DRC presentation. The proposal was not further fleshed out. Residents’ questions, most appropriately, were directed to the uncertainty that may accompany an incentive rezoning as described.

**Discussion and Request:**

The JBNA Board, and we believe most residents, appreciate the building structure and its historical importance. All understand that to keep the building, and the corner, a creative solution needs to be found. At the same time, it is recognized that neighbours immediately east and north of the property need confidence that their properties, and privacy, will not be unduly compromised by what could be.

Those present also understand the time (March) deadline for consideration of a rezoning “incentive”.

**Questions/Concerns that need to be resolved include but may not be restricted to:**

- 1) Ensuring that the rezoning does not permit zoning relaxation beyond that defined by the OCP.
- 2) Ensuring that the City will not consider rezoning relaxation beyond that defined by the OCP in the months ahead after the property is sold and a development proposed.
- 3) Ensuring that the rezoning “incentive” reverts to the current zoning if at anytime the building is purposely demolished.
- 4) Ensuring that there is a process whereby any development proposal comes through a CALUC-like process if and when a development proposal is submitted.
- 5) Ensuring that there is a process whereby any variance to any rezoning comes through a CALUC-like process if and when a development proposal is submitted and going forward at anytime before completion of a development.

In conclusion, since detail, wording, of the rezoning incentive was not brought forward to the public, fulfilling the consultation requirement as intended under the CALUC process is now questionable.



Marg Gardiner  
President, JBNA

Sincerely,



Tom Coyle  
Chair, JBNA CALUC

Cc: Murray Miller  
Residents who asked to be kept informed  
JBNA Board  
Attach: Excerpt of draft minutes

## **Excerpt from Draft Minutes of JBNA Public Meeting of January 14<sup>th</sup>, 2015**

*Due to the City's expedition of the rezoning (incentive) proposal, the excerpt provided is from minutes not yet reviewed.*

### **6. CALUC: 520 Niagara rezoning proposal – Cathedral School Murray Miller, Senior City Heritage Planner**

This is a city re-zoning application to increase the density on the property and is consistent with the City's OPC.

Murray provided information including a 3-page handout that included information on:

~ Background from Dec 30 2013 when the City received an application for demolition of the school followed later by an application for building permit for the construction of a single family dwelling

~ July 24 2014 Council passed a resolution ordering the temporary protection of the school for 60 days and entered into discussions with the Anglican Diocese during which extensions were agreed upon.

~ As an incentive to protect the structure and register it as a heritage property a density increase through rezoning is being proposed. The rezoning is to be respectful of the city's OCP which permits a fsr ration of 1:1 while the current zoning permits 0.5:1.

~ proposal is consistent with the JB Neighbourhood Plan *vis a vis* heritage preservation

~ the Character-Defining Elements of the property

The specific rezoning proposal is meant to promote the continued life of the heritage structures through land use controls such as density, mixed uses and creative parking provision solutions. City's rationale to rezone is to create density conditions that are attractive to a developer who would be required to conserve and adapt the building while maintaining the visibility of the west and south portions of the building and property

*Note: handout to be attached to minutes which will be circulated at February JBNA meeting.*

Q/A:

Notes:

1) *With the exception of JBNA DRC members, all but two of the speakers reside on Niagara, Medana or Clarence.*

2) *MG=Marg Gardiner, TC=Tom Coyle*

Q – The site specific rezoning hasn't been developed as yet?

A – correct

Q – this isn't the standard application of re-zoning. Why is City initiating?

A – City is not make application on behalf of the owner. Rather, City is trying to create an incentive for the owner to NOT demolish the building. This is a concept based on the OCP, balancing the heritage and surrounding residences and will it be supported in principal

Q – What is in the mind of the owner?

A – The owner wants to demolish the property, wants to get the maximum value out of the property.

Q – will there be a density bonus associated with the proposal

A – the incentive to NOT demolish the structure is the bonus for the community.

C/Q – Want to know what the owner is intending before any rezoning is approved. Why is city wanting to make it easier for the developer?

A – Not making it any easier for owner will still have to go through development application

Q – MG – At the December DRC, committee had requested that the City ensure that the proposal come back to the community once a development proposal is forwarded for a CALUC-like review. Given statements made by residents, there is an interest by nearby residents to be kept apprised of the changes to the file – will City commit to informing residents who provide e-mail addresses of changes/events relating to the proposal?

A – Staff have discussed items that came out of DRC mtg with JBNA. If the existing zone is looked at as the base line, the change would be an incentive. Any further changes would have to go back to JBNA (CALUC).

Yes, will send out notices to those who have indicated they want to have updates.

C – the bylaw wording should have been presented tonight so that we would know precisely what is being proposed.

Q – if school demolished what could be built now under existing zoning?

A – one duplex and 1 single residence with suite

Q – if zoning goes through, would the developer have to come back to JBNA if building is demolished after rezoning

A – Bonus density (incentive) would only apply if building remains.

Q – if there is a rezoning, will city guaranteed come here first as a CALUC process if there are any variances proposed?

A – there is no requirement now but understand the point

C/Q – thanks city for coming, the building is worth keeping and appreciates the creativity being proposed by the city. Are there any examples where this has been done elsewhere in the city?

A – hesitant to reference any other as it is site specific and unique, needs to think carefully before providing any examples. Believes there are some opportunities here. Once there are conditions, it is up to developer to come up with some ideas. Because there was a desire to keep the heritage property without plans for its replacement, this application was put on hold.

Q – delay of 5 months, when does it expire?

A – March 15<sup>th</sup>

Q – If City/Diocese don't come to a agreement, can owner demolish?

A – its possible

Q – can March 15<sup>th</sup> date be extended?

A – only with agreement with owner, city council has given direction to expedite matter, want a decision by March 15<sup>th</sup> deadline

Q – Is there a mortgage on property?

A – it is unencumbered

C – As a Niagara, resident 10 yrs, yellow highlight area (on slide) seen from my kitchen. thank city for efforts and maybe I will move into the building.

A – question is, how badly do you (residents/City) want to preserve the green space and building. If a development proposal doesn't make grade believes the project won't be supported by city and won't go forward.

C – will the costs of saving the façade outweigh the demolition of the building?

C – if façade saved earthquake upgrade would be expected

C – the proposal as presented tonight is really one whereby residents are being asked to "Trust" the City.

Q – Govt St res – if rezoning approved can city get commitment from owner that demolition won't go ahead? Can City request/suggest that the church agree to another "no demolition extension" if zoning is passed, say about 1 year to show good faith?

A – the rezoning would be tied to saving of the building

Q/C Niagara res: appreciate fine line, preserving heritage concern. How will density impact homes nearby? We need to know what the plans will be.

Q/C Niagara – most concern about the density. Is there a risk they could still demolish

A – always a risk the owner can demolish

Q – will higher density still be in place

A – Yes

C – MG - Thanked Murray for presentation. Commits to providing Murray with a list of those who expressed an interest in being kept informed of changes to the file by providing e-mail addresses for that purpose and asked Murray to keep them posted as to changes, City council meeting, PLUSC, etc.

A – will send to those listed on email list

Q – Want a pdf on Murray's presentation tonight

A – MG responded - Since slide presentation is on JBNA computer, will commit to sending out slides as resident interested party list is confirmed. Murray committed to sending the Heritage significance document to those on list (*note: 3-page handout had most of slide presentation and heritage significance information on it*).

C – TC understood that when DRC met with you (City) about this project that the developer would come back the JBNA. That is not what is being stated tonight and I would never have supported this had I known that.