# **REPORTS OF COMMITTEES**

# 2. <u>Committee of the Whole – December 1, 2016</u>

7. <u>Rezoning Application No. 00511 and Development Permit with Variances Application No. 00020 for</u> <u>90-92 Dallas Road</u>

## Motion:

It was moved by Councillor Lucas, seconded by Councillor Coleman:

#### Rezoning Application No. 00511

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00511 for 90 - 92 Dallas Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Registration of a 2.41m Statutory Right-of-Way on the Dallas Road frontage; and

2. Registration of a 2.47m Statutory Right-of-Way on the St. Lawrence Street frontage.

#### **Development Permit with Variances Application No. 00020**

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No.00020, if it is approved, consider the following motion: "That Council authorize the issuance of Development Permit Application No.00020 for 90-92 Dallas Road, in accordance with:

1. Plans date stamped October 19, 2016

- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. reduce the front yard setback from 4.70m to 2.44m;
  - ii. reduce the rear yard setback from 12.93m to 11.90m;
  - iii. reduce the side yard setback (north) from 2.10m to 1.54m;
  - iv. reduce the side yard on a flanking street from 3.50m to 2.47m;
  - v. reduce the combined side yard from 4.50m to 4.01 m; and
  - vi. increase the site coverage from 40% to 40.5% '
- 3. The Development Permit lapsing two years from the date of this resolution."

**Carried** 

# For:Mayor Helps, Councillors Alto, Coleman, Loveday, Lucas, Thornton-Joe, and YoungOpposed:Councillors Isitt and Madoff

# 5. LAND USE MATTERS

#### 5.1 a. Rezoning Application No. 00511 for 90-92 Dallas Road

Committee received a report dated November 16 2016, from the Director of Sustainable Planning and Community Development regarding an application to rezone to permit construction of a duplex.

Committee discussed:

- Keeping the heritage nature of the area.
- **Motion:** It was moved by Councillor Madoff, seconded by Councillor Coleman, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00511 for 9092 Dallas Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:
  - Registration of a 2.41 m Statutory Right-of-Way on the Dallas Road frontage; and
  - 2. Registration of a 2.47m Statutory Right-of-Way on the St. Lawrence Street frontage.
- For: Mayor Helps, Councillors Alto, Coleman, Loveday, Lucas, Thornton-Joe and Young Against: Councillors Isitt and Madoff

CARRIED 16/COTW



Committee of the Whole Report For the Meeting of December 1, 2016

То:	Committee of the Whole	Date:	November 16, 2016
From:	Jonathan Tinney, Director, Sustainable Plannin	g and Comn	nunity Development
Subject:	Rezoning Application No.00511 for 90-92 Da	llas Road	

#### RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00511 for 90-92 Dallas Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

- 1. Registration of a 2.41m Statutory Right-of-Way on the Dallas Road frontage; and
- 2. Registration of a 2.47m Statutory Right-of-Way on the St. Lawrence Street frontage

#### 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.

#### 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 90-92 Dallas Road. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District to a new site-specific zone in order to permit the construction of a duplex. The existing building, which is currently developed as a legal non-conforming duplex, would be demolished to accommodate the new duplex.

The following points were considered in assessing this application:

- the application is generally consistent with the Urban Residential Place Designation, the objectives for Development Permit Area 15D: Intensive Residential – Duplex, and the James Bay Neighbourhood Directions – in the Official Community Plan, 2012 (OCP)
- the application is generally consistent with the goals and objectives of the James Bay Neighbourhood Plan regarding sensitive infill; however, it is not consistent with the Plan's housing policy for existing undersized R-2 Zone lots, which recommends single-

family use

- the application is consistent with the building design objectives in the *Neighbourliness Guidelines for Duplexes*; however, the lot area is smaller than the minimum size in the *Neighbourliness Guidelines for Duplexes*, and the standard duplex zone
- the application does not meet the requirements of the R-2 Zone, Two Family Dwelling District with respect to density, setbacks and site coverage, therefore, a new site-specific zone is required to facilitate development of a duplex
- the applicant is providing Statutory Rights-of-Way on Dallas Road and St. Lawrence Street to achieve a standard collector roadway width and to facilitate the development of an All Ages and Abilities bicycle network
- the current use of the existing building is a legal non-conforming duplex. The proposal is generally consistent with the existing development in terms of use and total floor area
- the property is triangular in shape and there are no further opportunities for lot consolidation

# BACKGROUND

# **Description of Proposal**

The proposal is to rezone the property from the R-2 Zone, Two Family Dwelling District, to a new site-specific zone to permit the construction of a duplex dwelling. The proposal does not meet the R-2 Zone regulations in the following areas:

- increase in permitted floor space ratio from 0.50:1 to 0.53:1
- reduction in proposed lot size from 555m<sup>2</sup> to 443.26m<sup>2</sup>
- reduction in front yard setback from 4.70m to 2.44m
- reduction in rear yard setback from 12.93m to 11.90m
- reduction in side yard setback (north) from 2.10m to 1.54m
- reduction in side yard setback on a flanking street from 3.50m to 2.47m
- reduction in combined side yard setbacks from 4.50m to 4.01m
- increase in site coverage from 40% to 40.5%

#### Sustainability Features

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

# Active Transportation Impacts

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

#### Public Realm Improvements

The following public realm improvements are proposed in association with this Rezoning Application:

- 2.47m Statutory Right-of-Way along the St. Lawrence Street frontage
- 2.41m Statutory Right-of-Way along the Dallas Road frontage

These would be secured with a legal agreement, registered on the property's title, prior to Council giving final consideration of the proposed Zoning Regulation Bylaw Amendment.

# Existing Site Development and Development Potential

The site is presently developed as a legal non-conforming duplex. City records indicate the existing building was constructed in approximately 1907. The existing building would be demolished to accommodate the proposed duplex. Under the current R-2 Zone, the property could be redeveloped as a single-family dwelling or a single-family dwelling with a secondary suite.

## Data Table

The following data table compares the existing house and the proposal with the existing R-2 Zone. An asterisk is used to identify where the existing house and the proposal are less stringent than the zone.

Zoning Criteria	Existing	Proposal	Zone Standard: R-2 Two Family Dwelling District	
Site area (m <sup>2</sup> ) - minimum	443.26*	443.26*	555.00	
Density (Floor Space Ratio) - maximum	0.55:1*	0.53:1*	0.50:1	
Total floor area (m <sup>2</sup> ) - maximum	243.54	234.90	280.00	
Lot width (m) - minimum	20.98	20.98	15.00	
Height (m) - maximum	7.00	7.59	7.60	
Storeys - maximum	2	2	2	
Site coverage % - maximum	27.47	40.5*	40	
Open site space % - minimum	72.53	56.26	30.00	
Setbacks (m) - minimum Front (Dallas Road) Rear (northeast) Side (north) Side (Flanking Street) Combined side yard	4.1* 2.6 1.0* 3.6*	2.44* 11.90* 1.54* 2.47* 4.01*	4.70 12.93 2.10 3.50 4.50	
Parking - minimum	0*	2	2	

# **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the James Bay CALUC at a Community Meeting held on February 10, 2016. A letter dated February 13, 2016 is attached to this report.

# ANALYSIS

#### Official Community Plan

The subject lands are designated as Urban Residential within the OCP. This designation supports a range of land uses including attached dwellings. In accordance with the OCP, duplexes are subject to Development Permit Area 15D: Intensive Residential - Duplexes. The proposal is consistent with the objectives of DPA 15D to integrate more intensive residential development in the form of duplexes in a manner that respects the established character of a neighbourhood with respect to architecture, privacy, landscaping and parking.

#### James Bay Neighbourhood Plan

The James Bay Neighbourhood Plan includes the subject lands in the "Residential" sub area. In this area the Plan recommends that existing duplex zoned lots that do not meet the minimum lot size be rezoned to a single-family dwelling zone. In this case, the subject lands do not meet the minimum site area required to achieve a duplex dwelling on the property; however, it should be noted that the property is surrounded by higher density uses.

#### **Neighbourliness Guidelines for Duplexes**

The purpose of the *Neighbourliness Guidelines for Duplexes* is to foster and encourage a sense of neighbourliness by considering the character of buildings and properties that are adjacent to the subject property as well as those on the same block and street. The policy direction is to consider duplexes on lots that are at least 555m<sup>2</sup> with a lot width of 15m. The proposed lot area is below the recommended site area at 443.26m<sup>2</sup>; however, the lot width is 20.98m. Given that the subject property is a corner lot, is already developed as a legal non-conforming duplex, and the area is characterized by a mix of higher density developments, a reduced site area for a duplex at this location is supportable.

#### Regulatory Considerations: Zoning Regulation Bylaw

To facilitate this development, a new site-specific zone would be required. The new zone would allow a minimum site area of 443.26m<sup>2</sup> and a maximum floor space ratio of 0.53:1. Other zoning regulations pertaining to height, setbacks, lot coverage, open space and parking would be consistent with the R-2 Zone. Due to the smaller lot size and irregular configuration of the lot, several variances related to site coverage and setbacks would be required to facilitate this proposal. The proposed front and flanking yard setbacks are consistent with the setback for the adjacent existing buildings on Dallas Road and St. Lawrence Street.

#### Statutory Right-of-Way

#### Dallas Road

Dallas Road is designated as a secondary arterial road. The standard Right-of-Way for a secondary arterial road is 25.0m. To achieve this minimum, a Statutory Right-of-Way of 2.41m may be required by Council as a condition of rezoning. The applicant is agreeable to this request. If the application is forwarded for consideration at a Public Hearing, as a condition of rezoning, staff recommend for Council's consideration that a legal agreement be registered on title to secure the 2.41m SRW.

## St. Lawrence Street

St. Lawrence Street has been approved by Council as part of the 2016 long term All Ages and Abilities (AAA) bicycle network and currently does not have boulevards or other features typical to a local road. This additional width has been achieved on nearby properties on this block of St. Lawrence through previous developments.

The existing Right-of-Way width on this portion of St. Lawrence Street is 10.06m. The standard Right-of-Way for a local street is 18.0m; however, future transportation-related needs on the corridor can be met in a minimum Right-of-Way width of 15.0m. To achieve this minimum on this portion of St. Lawrence a 2.47m Statutory Right-of-Way (SRW) is required.

The applicant has agreed to provide the SRW; however, the eaves of the proposed building will encroach into the SRW by approximately 0.8m. Staff are supportive of this encroachment as the minor encroachment will not limit the City's ability to develop the SRW in the future. If the application is forwarded for consideration at a Public Hearing, as a condition of rezoning, staff recommend for Council's consideration that a legal agreement be registered on title to secure the 2.47m SRW.

#### CONCLUSIONS

This proposal to rezone the subject property to a new site-specific zone, demolish the existing legal non-conforming duplex and construct a new duplex is consistent with the objectives of the OCP and the Neighbourliness Guidelines for Duplexes. Staff recommend that Council consider supporting this application.

#### ALTERNATE MOTIONS

That Council decline Rezoning Application No. 00511 for the property located at 90-92 Dallas Road

Respectfully submitted,

Alec Johnston Planner Development Services Division

Jonathan Tinney, Director Sustainable Planning and Community Development Department

Report accepted and recommended by the City Manager:

Date:

# **List of Attachments**

- Zoning Map
- Aerial Map
- Applicant's Letters to Mayor and Council dated February 15, 2016 and November 16, 2016
- Letter from the James Bay Community Association CALUC dated February 13, 2016
- Neighbourhood Correspondence
- Plans date stamped October 19, 2016







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90 / 92 Dallas Road Rezoning No.00511





November 16, 2016

City of Victoria #1 Centennial Square Victoria, British Columbia V8W 1P6

Attention: Mayor Helps and Council

Re: Rezoning proposal at 90/92 Dallas Road, Victoria, British Columbia

Your Worship Mayor Helps and Councillors;

We are pleased to finally submit this site specific rezoning application for your consideration. Over the past 4 years, we have been working on this application to rezone this property at 90/92 Dallas Road to allow for a legal duplex to be built on this site.

The site in question is zone R-2 and has a legal non-conforming duplex on the property. The existing house is in disrepair and our client would like to build a new duplex on this property that they would reside in with their elderly mother in her 90s. Our first proposal submitted to the James Bay Neighbourhood Association CALUC meeting on October 10, 2012 consisted of a two storey duplex with a basement. During that time, the BC Archeological Branch had contacted us advising us that this property was within an area that has been flagged by the Province as having potential archeological remains. During the past two years, we have been working with our Archeological team to produce a report to alleviate some of the Province's concerns. One of our mitigating factors was to delete the proposed basement from the proposal so that there would be less impact from excavation.

We attended a JBNA CALUC meeting on December 9, 2015 to shared our proposed changes with the neighbourhood association. We were subsequently advised by the City that since 6 months had passed since our official CALUC meeting, that we had to go through a second official CALUC meeting prior to submitting our application. The second official CALUC meeting occurred on February 10, 2016 and the comments from the JBNA have been sent to the City for your information.

As noted, he property is presently zoned R-2 – Two Family Dwelling but the actual lot area is less than what the R-2 zone requires. The present structure on the site was built as a single family dwelling and was converted to a legal duplex. The present duplex and the structure on the site are legal non-conforming. We have been informed by the city that we must therefore apply for a rezoning in order for us to be allowed to erect a new duplex on this property as the R-2 zone specifically states that each dwelling unit requires 277.5 square metres of lot area.

The duplex that we are proposing will not increase the number of units on this site nor will it increase traffic in the neighbourhood. The proposed height of the building is within the allowable height limits under the R-2 zone.

We are requesting that the zone allow for a R-2 – Two Family Dwelling be allowed to be built on a reduced site area of 443 square metres instead of the normal 555 square metres required. We are also requesting variances to the front yard, side yard and rear yard setbacks. The setbacks that we are requesting are in keeping with the context of the other building fronting Dallas Road and along St. Lawrence Street. The existing structure on the site also extends out past the requested setback along St. Lawrence Street.

We are requesting that we be allowed to have a FSR of 0.53:1 instead of the 0.5:1 normally allowed under the R-2 zone. Due to the fact that we have deleted the basement, we can only use the floor area on the first and second floors. Normally, a R-2 zone would allow up to 380 square metres of floor area, with space in the basement not counted within the FSR. With the site conditions, we do not have the option of using allowable area in the basement.

Due to the fact that we need to spread the duplex out on the first two levels, a minor variance for our site coverage is also required. We are requesting that the site coverage be increased from 40% to 40.5%. We have areas of our duplex that are only one storey in height and we feel that this creates a better footprint for the usable spaces as well as a better massing on the property. We trust that this is variance is minor.

Through this rezoning, we have dedicated statutory rights of ways along both Dallas Road (2.41 metres) and St. Lawrence Street (2.47 metres) as requested by the City.

The exterior materials being proposed for this project are cedar siding, stucco, and stone veneer. We trust that this proposed rezoning meets the intent of the neighbourhood plan and the official community plan. If you have questions or concerns, please contact our office at 250-360-2888.

Thank you for your time and consideration.

Yours truly,

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Alan Lowe, MAIBC Alan Lowe Architect Inc.



February 15, 2016

City of Victoria #1 Centennial Square Victoria, British Columbia V8W 1P6

Attention: Mayor Helps and Council

Re: Rezoning proposal at 90/92 Dallas Road, Victoria, British Columbia

Your Worship Mayor Helps and Councillors;

We are pleased to finally submit this site specific rezoning application for your consideration. Over the past 4 years, we have been working on this application to rezone this property at 90/92 Dallas Road to allow for a legal duplex to be built on this site.

The site in question is zone R-2 and has a legal non-conforming duplex on the property. The existing house is in disrepair and our client would like to build a new duplex on this property that they could possibly reside in the future. Our first proposal submitted to the James Bay Neighbourhood Association CALUC meeting on October 10, 2012 consisted of a two storey duplex with a basement. During that time, the BC Archeological Branch has contacted us advising us that this property was within an area that has been flagged by the Province as having potential archeological remains. During the past two years, we have been working with our Archeological team to produce a report to alleviate some of the Province's concerns. One of our mitigating factors was to delete the proposed basement from the proposal so that there would be less impact from excavation.

We attended a JBNA CALUC meeting on December 9, 2015 to shared our proposed changes with the neighbourhood association. We were subsequently advised by the City that since 6 months had passed since our official CALUC meeting, that we had to go through a second official CALUC meeting prior to submitting our application. The second official CALUC meeting occurred on February 10, 2016 and the comments from the JBNA have been sent to the City for your information.

#203-1110 Government Street, Victoria, B.C. tel. 250.360.2888 As noted, he property is presently zoned R-2 – Two Family Dwelling but the actual lot area is less than what the R-2 zone requires. The present structure on the site was built as a single family dwelling and was converted to a legal duplex. The present duplex and the structure on the site are legal non-conforming. We have been informed by the city that we must therefore apply for a rezoning in order for us to be allowed to erect a new duplex on this property.

The duplex that we are proposing will not increase the number of units on this site nor will it increase traffic in the neighbourhood. The proposed height of the building is within the allowable height limits under the R-2 zone.

We are requesting that the zone allow for a R-2 – Two Family Dwelling be allowed to be built on a reduced site area of 443 sqaure metres instead of the normal 555 square metres required. We are also requesting variances to the front yard, side yard and rear yard setbacks. The setbacks that we are requesting are in keeping with the context of the other building fronting Dallas Road and along St. Lawrence Street. The existing structure on the site also extends out to the requested setback along St. Lawrence Street.

The exterior materials being proposed for this project are cedar siding, stucco, and stone veneer. We trust that this proposed rezoning meets the intent of the neighbourhood plan and the official community plan. If you have questions or concerns, please contact our office at 250-360-2888.

Thank you for your time and consideration.

Yours truly,

Alan Lowe, MAIBC Alan Lowe Architect Inc.



James Bay Neighbourhood Association

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

February 13th, 2016

Mayor & Council, City of Victoria,

## Re: CALUC Community Meeting - 90-92 Dallas Rd - duplex

The third community meeting, and second CALUC meeting, to consider revisions to the 90-92 Dallas Rd duplex proposal first considered at CALUC meeting on October 10, 2012, was held February 10<sup>th</sup>, 2016 (63 present).

Resident objections to the proposal raised at the meeting were focused on the tenants being forced to relocate and the missed opportunity to regenerate an old house, which may be of heritage value.

There were two letters submitted by nearby residents, one objecting to the "variances" while the second contains a request to ensure that BC Transit bus service continues during any construction and that access to St Lawrence from Dallas remain during demolition and construction if the proposal is approved.

Following please find;

- excerpt from the draft minutes of the February 10<sup>th</sup>, 2016;
- two e-mails dated February 3<sup>rd</sup> and 6<sup>th</sup> from residents who did not attend the meeting;
- letter to Mayor and council, dated December 14<sup>th</sup>, 2015 reporting on the December 9<sup>th</sup>, 2015 meeting, also containing the minute from the October 10, 2012 CALUC; and
- correspondence from resident, attached to minute from the October, 2012 CALUC meeting.

Submitted for your consideration,

Marg Gardiner, Co-Chair CALUC & President, JBNA

Cc: Alan Lowe

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# Excerpt of minutes of February 10<sup>th</sup>, 2016: 90-92 Dallas Rd proposal

#### 5. 90-92 Dallas: Architect, John Williams for Alan Lowe

Tim and Marg Gardiner met with Alan Lowe to discuss the changes of the proposal from the proposal reviewed on October 10, 2012; this was the JBNA Development Review Committee meeting (DRC). Major change is that, due to archeological issues, no basement will be built. Adjustments to the plans were made to reflect a slab foundation. Alan Lowe also presented the proposal in December, 2015. The City subsequently notified Alan Lowe and JBNA that since more than 6 months had lapsed between the original CALUC meeting and the submission of the application to the City that the proposal must repeat the CALUC process. The minutes from the 2012 and December 2015 meetings will be appended to the excerpt minute from this meeting and forwarded to the City. Two letters have been received from nearby neighbours and will be appended to the minutes.

John Williams, architect with Alan Lowe Architects, described the development which replaces an older duplex with a new duplex. Rezoning was required because the lot size was irregular and smaller than R2. Mr. Williams showed the original site plan and explained the differences from the original. The property is zoned R2 but is too small to permit development of a duplex which resulted in the need for changes. Non-conforming site. Need to make it a legal zoning. Archeology Branch identified some significant archeological interest so there will not be a basement on this site. Some footprint change and room shape changes. Without a basement, the front entrance is a foot lower but the roof higher at the peak than the previous design. Existing landscaping will remain intact; no trees removed. The proposed duplex will be compatible with neighbourhood buildings.

Q – 90 Dallas Road resident: Recently moved into 90 Dallas Road and unaware of development. Will he be evicted? Will he have opportunity to move into property?
 A – No imminent eviction but cannot answer questions about tenancy.
 (Note: Chair enquired as to whether the tenant had a lease – response was month to month)

**Q** – 92 Dallas Rd resident: Was not notified about 2012 meeting but did receive notice about this one. Will you remove cherry tree? In addition this is a beautiful house. Another developer just moved 2 old houses in disrepair onto Dallas Road. 92 Dallas was neglected but why not restore it as existing duplex. It is one of the last original houses on Dallas Road. Objects to proposal, and to tearing down heritage houses for cookie-cutter replacements.

A – No intent on removing the large tree or the cherry tree, will try to keep the trees.

**Q** – Ladysmith resident: How does height compare to previous design? Is it strata? **A** – Eaves are at same height. No it going to be a 2 story duplex.

(Note: there was discussion a to the final division, or not, of the property. Advice sought from Tim VanAlstine who suggested that the approach would ultimately lie with the developer. The outside space could be either common-use property or divided)

**Q** - Heather resident: Does Victoria have design bylaws? What is facing of building? It looks like concrete and glass building which will not be compatible with neighbouring properties.

A – Cladding is cedar, chimney is stone veneer, and there are small portions of stucco, and wood doors.

(Note: Chair commented that Council, at committee) sometimes sends projects to the design Committee. That decision would be made by Council)

Q – Berwick resident: Will there be a public hearing? Do we know when? And is the plan to sell these units.

A – Yes there will be a hearing – date not yet known. Believes intent will be to sell the units.

Q - do you have a picture of existing residence?

A - Yes (brought photo up on the screen)

**Q** – Lewis resident: current design appears to be higher than original? Also request that you convey to developer that this house is absolutely restorable. I have been involved restoring houses that neighbours would be pleased to see demolished because of the disrepair and won awards for the restoration.

A – Yes, allowable height is 25 feet. Original was 23+ and this is 24. Will convey message to the owner/developer.

**Q**-Dallas resident: This is an existing rental accommodation, which is in short supply. This demolishes existing rental to replace with a non-rental property. JBNA supports rental housing and needs to take direct steps to retain rental properties in the community. **A** – JBNA will report to Council about concerns raised about the demolition of this property.

# Attachment to minutes of February 10th, 2016: 90-92 Dallas Rd proposal

From:	M Ellis
Subject:	development proposal notice 90-92 Dallas Road
Date:	February 3, 2016 5:09:04 PM PST
To:	JBNA Marg Gardiner

I received the notice of this development and am not able to come to the community meeting.

One concern I have is that there is a bus stop right in front of that property and I ask that the bus stop not be closed but moved across the street to the corner of Niagara and Dallas during the demolition and construction phases. I also would ask that St Lawrence St be kept accessible from Dallas Road at the same time. Will the new property then be a strata?

thank you, Mary Ellis XXXXXXXX Ladysmith St.

From:	John Fry
Subject:	Re: Letter to JBCA regarding meeting concerning 90-92 Dallas
	Road
Date:	February 6, 2016 3:27:14 PM PST

Hi;

We are unable to attend the community meeting on this proposal Scheduled for 10/02/2016 @ 7pm. Being immediate neighbours to this property, we do however have serious objections to the variances requested, and have expressed some of those in writing on the occasion of a community meeting regarding this same property (re: September 10, 2012). This letter is simply to inform you of our continued concerns and opposition and of the fact that we shall in due course be submitting those concerns to the City of Victoria and others concerned at the appropriate time.

Sincerely, John A Fry & Ulla Ressner



James Bay Neighbourhood Association

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

www.jbna.org

December 14th, 2015

Mayor & Council, City of Victoria,

#### Re: CALUC Community Meeting - 90-92 Dallas Rd - duplex

The community meeting to consider revisions to the 90-92 Dallas Dr duplex proposal first considered at CALUC meeting on October 10, 2012, was held December 9<sup>th</sup> (62 present).

Following please find an excerpt from the draft minutes of the December 9th, 2015; attached is the minute from the October 10, 2012 CALUC meeting:

#### 5. 90-92 Dallas Development: Project Update: Alan Lowe, architect

Tim Van Alstine reported on the JBNA Development Review Committee meeting (DRC). Tim and Marg Gardiner met with Alan Lowe to discuss the changes of the proposal from the proposal reviewed on October 10, 2012. Major change is that, due to archeological issues, no basement will be built. Adjustments to the plans were made to reflect a slab foundation. The comments of the 2012 meeting were summarized. Since there was uncertainty with level of consultation required, Alan Lowe committee to delivering a notice to nearby residents alerting them to tonight's meeting. The minute from the 2012 meeting will be appended to the minute from this meeting and forwarded to the City.

Alan Lowe, Architect described the development which replaces a derelict duplex with a new duplex. Rezoning was required because the lot size was irregular and smaller than R2. Non-conforming site. Need to make it a legal zoning. Alan explained the differences from the original. Some footprint change and room shape changes. Modernised the building in design.

Staff delivered notice to the property and neighbours. Couldn't deliver/access The Dolphins.

Q – Niagara St resident: Not notified – feels should have been. Would rather see house retained. A – house is in great disrepair. To have a house that would last some years, couldn't do.

Q – Dallas Rd resident: Is the property right on Dallas? What zone being sought and what variance? And what is across the street? Scared about building in that location

A – Ogden Point opposite. Front yard variance sought to line up with next door set-backs. R2 zone from R1B – is zoned as single but has a duplex – a legal non-conforming building.

Q - Simcove St - is there a precedent for letting things decline so far that heritage houses can't be saved? A - Doesn't know why/how this house has deteriorated so badly

Q – Montreal St Resident - in sympathy with previous speaker, term is "demolition by neglect" But this house is very deteriorated. Some argument could be made to save it. Set-backs - are important, have to be careful of alignment on street.

Q - when can Public Hearing be expected?

A - probably in about 4 months till public hearing

Marg Gardiner, Co-Chair CALUC & President, JBNA

JBNA ~ honouring our history, building our future

#### JAMES BAY NEIGHBOURHOOD ASSOCIATION

MINUTES – General Meeting October 10th, 2012

#### 6. Development proposal: 90-92 Dallas - Architect Alan Lowe

The proposed rezoning is to demolish the existing legal duplex and replace it with a new duplex. The rezoning is required because the site area is less than the minimum site area required in the R2 zone.

#### Comments:

Note: E-mails from residents that will be appended to the JBNA submission to the City.

Q: 92 Dallas Rd tenant: will she be evicted - has 6 months on lease

A: Will take 6-9 months to go through process - will advise owner of lack of notification.

Q: Menzies resident: environmental safeguards (asbestos?)

A: Worksafe BC requires an environmental assessment – if hazardous materials found – disposed of properly.

Q: St Andrews Resident: Is there heritage value to the existing house

A: Tenant replied (and so did A. Lowe) that it was in severe disrepair and needed to come down. Alan also stated the additions and changes etc would take away heritage value. Tenant thought house was too far gone to be saved.

C: Same resident: Opinion that the house should be saved if possible and if we lose any heritage potential the community loses – would like to see something special there on the unusual triangular lot.

Q: Fisherman's Wharf resident: How long has it been owned by this owner

A: In the family for 50 years.

Q: Same resident: If in the family - then it shouldn't be so run down.

C: Tenant commented that the house is the only remaining old house near the docks as others have been converted and cruise-ship tourists take photos of it all the time.

C: Niagara resident: This location is important. Prefer heritage but if need rebuild then something special

C: St Andrews resident: Will views be lost for residents to the N.

A: Due to window locations, the back portion will be lower than existing structure and 2storey portion will be at same elevation as neighbour and views of N neighbour not impacted.

Q: Dallas neighbour: Is it closer to Dallas?

Q: Niagara St neighbour: Are trees going to remain? (A: yes.) Then my view will be better because building will be better but neighbour will be affected

C: St Lawrence neighbour: Will be affected. Were neighbour's views taken into account? A: Yes, the lower levels would be negatively affected but not the upper residents.

Q: Same resident: Did you research parking – now no surplus parking – residents of new place will not be able to park on their lawns which is currently done.

A: Yes, parking requirements for 2 spots will be met.

October 2012 - Letter from resident re 90/92 Dallas Road Rezoning Application

Dear Sir;

We have in short order received both information regarding a proposal to seek re-zoning of 90/92 Dallas Road from Mr Alan lowe, and a notice of a community meeting on October 10, 2012 regarding the proposal, from your organization. We are unable because of the shortness of notice and previous commitments to attend this meeting. As immediate neighbours of the subject property, we do however have a keen interest and personal stake in the outcome of this rezoning application. Consequently, we have written down our thoughts regarding this application in the appended letter.

Sincerely,

Ulla Ressner and John Fry # 6 - 118 St. Lawrence Street

Good letter John, I can support your letter, Jack Unit 2

October 9, 2012

To: Mr. Tom Coyne Land Use Committee Chair James Bay Neighbourhood Association 234 Menzies Street Victoria, BC Email: And, when timely, also to:

The City of Victoria Planning and Development Department 1 Centennial Square Victoria, B.C.

With copies to: Our fellow strata neighbours, GVHA, and the Songhees First Nation, for their information and eventual interest

## <u>Re: Information regarding intent to apply for residential rezoning from Mr. Allan Lowe:</u> <u>Rezoning proposal at 90/92 Dallas Road, Victoria, British Columbia</u>

**Our Strata home (Strata Plan VIS 5549), is a designated Victoria Heritage property** which fronts onto both Dallas Road (88-86) and St. Lawrence Street (118), and shares a south facing property line with the subject property above. Further, our specific townhouse (#6 – 118 St Lawrence), faces the subject property through a long side with two high floors of tall light-filled bay windows. The subject property, the St. Lawrence street scene, the high enveloping Dallas Road tree scape above and around the subject property, as well a scene of the Dallas Road walkway with its grand trees and shimmering ocean through that greenery, constitute the present lovely city view from our home, porch and balcony. It was a major factor in our decision to purchase our home. And consequently, we carried out our proper due diligence regarding the possible changes that could occur on the subject property in terms of height, street and property set-backs, and allowable building foot print in the eventuality of

future new construction. After visiting the Victoria City planning department and discussing our queries and concerns at length with their helpful staff, we received answers which informed and reassured us in our decision to purchase our home facing the neighbouring subject property. Over the past five years of permanent residency, we have also taken the opportunity revisit the Victoria City planning department staff, to be certain of the correctness of the response we initially received. It was, and those assessments have been further reinforced by the comments of various city inspectors who have visited our own and the subject property over the past five years. In short, their view has consistently and uniformly been that due to the historical development of this old neighbouring heritage subject property, its small size, its irregular triangular shape and frontage onto two roads, and despite its grandfathered R-2 zoning, any new construction would be required to fit onto a foundation foot print and to a height defined by current height and road and neighbouring property line set-back by-laws.

Not surprisingly, Mr. Lowe's sole argumentation for seeking this rezoning request for reduced property set-backs on behalf of his clients, the owners of this property, is that:

"We have been reviewing options (to build a duplex) ... that would best suit this property and still allow this project to be economically viable."

In the above context, let us say first, and as one of the neighbours most immediately affected by the sight and condition of this property, how pleased we are that the owners are finally showing an interest in improving the grounds and structure of this sadly long dilapidated James Bay heritage building - such a shame because of its style and unique welcoming location to visitors leaving the cruise ship docks for a walk to town, and such a shame because apart from our own, it is the last heritage residence left along this entire stretch of Dallas Road.

While we certainly understand as nothing new under the sun, the owner's desire to enhance the utility and thereby increase the value of their property - in this case, by finding an "economically viable" duplex plan for the property. And we also understand, that just as we carried out our own due diligence regarding what could and could not conceivably be built on the neighbouring subject property prior to our own home purchase, so too, must the owners of the subject property have carried out their own due diligence when deciding to purchase the property in question. And if they had done as they should have and most certainly did in this regard, they would have long known the precise building limitations of the property they purchased. In other words, they got what they bought. Consequently, we fail to see in either principle or persuasive rationale, why any of the requested deviations from current relevant height and set-back zoning by-laws should be granted in this case.

**However, and to speak specifically of the current building propo**sal (the so-called 'option preferred by the city' - facing Dallas with a flat roof), and as presented in Mr. Lowe's 'information to neighbours': We have done a number of measurements in terms of the ground coverage, height and proximity of the existing building and the proposed new construction, in terms of sight-line and spatial relation to our own home (#6 - 118 St Lawrence), as well as to our strata building in general. It is both a fact and our 'view', that the requested reductions in setbacks from the shared property line between the subject property and our own Strata Corp VIS5549, would substantially diminish the open space between our homes and dramatically darken what is the entire adjacent southern sunny side of our home in specific, and of our beautiful heritage building in general. Further, and in addition to concealing the current Dallas and St Lawrence views from the street of the southern side of this lovely restored heritage building, it would also climinate the entire part of our own existing view, described above, as:

'... the high enveloping Dallas Road tree scape above and around the subject property, and a scene of the Dallas Road walkway with its grand trees and shimmering ocean through that

greenery.

**Considering the dramatic reduction in the open air space, light, view, liveability, and value** of our home as a consequence of granting the requested reduction of shared property line set-backs, and further considering all our past cautious efforts at due diligence and the authoritative reassurances received on this matter, we fail to see any motivation, legitimacy or fairness in having the light, liveability, view, and value of our own property substantially reduced, all so that the utility and thereby value of the neighbours property may be enhanced to achieve what they have arbitrarily and for themselves chosen to deem as "economically viable". Again, they got what they bought.

Finally, and quite apart from the specific plan submitted to increase the value of the subject property, but rather at a more general neighbourhood historical and cultural level, perhaps there are other opportunities for the property owners to realize the 'economically viability' they seek. It is true that the existing heritage structure on the subject property is dilapidated through long neglect and overdue care - much as was our own property prior to its complete refurbishment as a designated heritage conversion building in 2004. Nevertheless, it remains a culturally and historically significant part of the original James Bay working harbour and community, as well as being one of only two remaining original working harbour waterfront homes along this entire stretch of Dallas Road. And of course long prior to the rich history of that original Victoria working class community, it was the sight of settlement for millennium of Songhees people. The extensive pre-construction archaeological excavation of our own adjacent property as required by the Archaeological Branch of the BC Department of Forests, Lands and Natural Resources, revealed a wealth of objects and information regarding the Songhees peoples long residency on these specific lands. There is no reason to believe that anything other would be the result of the necessary pre-construction archaeological excavation that would invariably be required of the subject property under the proposed plan. Furthermore, this juncture of Dallas Road, the exit from the GVHA working docks for cruise ship passengers, and St. Lawrence and Niagara Streets, make it a funnel for both cruise ship tourists walking to and from the docks to town, as well as a much travelled recreational path for James Bay residents walking, running, cycling and skate-boarding their way to and from the Dallas Walkway and the ocean. We have also been made aware from informed sources, that the Victoria City already has plans and funds set aside for the enhancement and beautification of city land at this specific juncture.

**So why not, rather than build one more over-extended duplex** at this quiet and much used pedestrian juncture, why not a small green space under the grand old trees of the Dallas Road walkway as a pedestrian respite and memorial to the history and cultures of past peoples who once made this waterfront land their home. Perhaps between the City, the Songhees Nation, and the Greater Victoria Harbour Authority, there is room and resource to realize and develop the past multi-cultural history and current pedestrian value of such a rare green oasis on this long stretch of lovely Dallas Road. And perhaps doing so would be an alternate way for the property owners to realize an "economically viable" outcome. Finally, and in this latter context, we must of course admit that such an alternate land use suggestion to the one proposed in this application, would enhance both the living experience and value of our own home. However, that fact does not in any way diminish the value of our suggestion.

Ulla Ressner and John Fry # 6 – 118 St. Lawrence Street, Victoria, B.C. V8V 1X8 From: Jim Sproule Sent: Friday, Mar 11, 2016 3:00 PM To: Engineering Email inquiry <<u>eng@victoria.ca</u>> Subject: 90-92 Dallas Rd zoning

Attention Land Development Division of the Engineering Department

hello,

I'm a resident of Niagara St. living within a block of Dallas Rd. I'm not in favour of the development proposal to demolish the existing house at 90-92 Dallas Rd.

>>> At a JBNA meeting in December, the architect, Alan Lowe, said the reason that option hadn't been chosen, was because of the poor condition of the house. A Past-President of JBNA, Tim Van Alstine, noted that that was also the case for the house next door, yet it was nicely redeveloped retaining the character of the original house, a few years ago.

>>> In this edition of the James Bay Beacon, the JBNA notes "with regret" the "projected loss by demolition of one of the original houses on Dallas Road"

>>> If a variance to give legal status for duplex units is given for this project, I suggest in the strongest possible terms, that it be conditional on retaining the exterior of the existing house, the yard, and the cherry tree.

>>> Our neighbourhood suffered the accidental loss of a lovely mature tree recently when the sidewalk was put in along Montreal St. We also gained by the addition of two original homes that were moved to the corner of Dock and Dallas. The City must be alert to only mandating change that retains the character of James Bay. Residents obviously enjoy this unique area, and so do quite a few cruise ship visitors, who walk to town through an area that still exudes some of the charm of earlier days.

Sincerely, Jim Sproule

This email	has been	sent from	a virus-free	computer	protected	by Avast.
www.avast	L.com					

# **PROJECT INFORMATION (Existing)**

LEGAL ADDRESS: LDT 3, BECKLEY FARM VICTORIA CITY, PLAN 224 OV/SZ DALLAS RDAD VICTORIA, BRITISH COLUMBIA ZONING DATA ZONING: R-2 (TWO FAMILY DWELLING) SITE AREA: 443.26 m<sup>2</sup> (4771.21 s.l.) 555m<sup>2</sup> TYPICAL of R-2 PERMITTED: 7.6 m EXISTING: 7.0 spprox. BUILDING HEIGHT: FLOOR AREAS: GROUND FLOOR AREA: SECOND FLOOR AREA: GROSS FLOOR AREA: 121 77 m² 121 77 m² 243 54 m² 380 m² max LOT COVERAGE 40 % 27.47% 20.98 m 42.25 m LOT COVERAGE LOT WIDTH LOT DEPTH NUMBER OF STOREYS: SETBACKS: FRONT YARD: REAR YARD: 2 STOREYS 
 SETERACKS:

 FRONT YARD:
 3.5 m (Average of Actual)
 4.1 m
 4.1 m

 REAR YARD:
 1.0 7 CR 35% of lot depth = 4.2m)
 -m

 SIDE YARD FLANKING (NORTH):
 3.5 OR 10% of lot words (= 2.1m)
 2.6m

 SIDE YARD (SOUTH):
 3.5 OR 10% of lot words (= 2.1m)
 1.0 m

FSR: 0.5:1

**RE-ISSUED FOR REZONING** STRATA PLAN VISSAG 90 - 92 DALLAS ROAD VICTORIA, BRITISH COLUMBIA PROJECT NUMBER. 13-394 21 SEPTEMBER 2016 INDEX OF DRAWINGS ARCHITECTURAL A1.0 A1.1 EXISTING SITE PLAN / COVER SHEET SITE PLAN PROPOSED / PROJECT DATA L1 A2.0 A2.1 A3.0 A3.1 A3.2 A4.0 LANDSCAPE PLAN GROUND FLOOR PLAN SECOND FLOOR PLAN 4.7 4.8 ELEVATIONS ELEVATIONS STREETSCAPE Va 0 SECTION

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A1.0 SITE PLAN (EXISTING)

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LANDSCAPE PLAN PROPOSED

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NEW DUPLEX RESIDENCE

MAIN FLOOR PLAN

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