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## **JAMES BAY NEIGHBOURHOOD ASSOCIATION**

### **General Meeting Agenda**

**7:00 pm – 9:00 pm, November 13<sup>th</sup>, 2019**

**James Bay New Horizons – 234 Menzies St**

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### **Agenda**

1. Welcome & Announcements
2. Approval of Agenda
3. Correspondence/Announcements
  - Circulating Correspondence file
4. Minutes of October 9<sup>th</sup>, 2019, meeting
5. **CALUC: 596 Marifield**
  - Gene Miller, New Landmarks
  - Ric Allen, James Bay Inn, Proponent
6. **CALUC: 38 Oswego Street**
  - Erik Poirier, Owner/Proponent
7. Community Voices (time permitting)
8. Adjournment

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## JAMES BAY NEIGHBOURHOOD ASSOCIATION

### Minutes General Meeting

7:00 pm – 9:00 pm, November 13<sup>th</sup>, 2019

James Bay New Horizons – 234 Menzies St

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1. Chair: Marg Gardiner  
Minutes: Linda Carlson  
46 in attendance  
No Council liaison present.  
City staff liaison Kimberley Stratford in attendance
2. Approval of Agenda m/s/c
3. Correspondence/Announcements
4. Minutes of October 9<sup>th</sup>, 2019, meeting - corrected spelling “Garry Oaks” m/s/c
5. **Community Assoc. Land Use Committee (CALUC): 596 Marifield**  
Proponent did not submit documents to City in time for this meeting. This CALUC may be rescheduled to January 2020.

6. **CALUC: 38 Oswego Street**

The Chair explained the CALUC process including how residents can submit comments to Mayor and Council about proposal. The JBNA will forward a letter to the City, with copy of all comments raised during this meeting.

The Development Review Committee (DRC) with Marg Gardiner, Tim VanAlstine and Linda Carlson met with proponents Erik Poirier and Magda Kwasnieszka on October 18/19. Presentation by Erik Poirier, Owner

- Proposal to build side-by-side duplex on lot at 38 Oswego.
- Lot size is 478 square meters but requirement is 555 sq. meters to build duplex.
- Seeking approval to build 2 full storeys because duplex zoning only permits 1.5 storeys with basement, unlike single family home which permits 2 storeys with basement. Height limit for both is max. 7.6 meters.
- Plan to build full height basement (no plumbing and not able to be used as secondary suite) with 2 full storeys. Family appropriate housing. Owners will rent unit on north side.
- No variances being requested for side yard/front/back.
- Parking requirements met with on-site parking.
- Owners hope to start in March 2020, but might be delayed until summer with “this project or some other project”.

**Comments/Concerns:**

**C:** Residents residing within 100 meters of 38 Oswego. Concerned that proposed building is situated closer to Oswego Street than the existing house, which will block residents' view of Juan de Fuca Strait. They would be disappointed to lose their view.

**A:** Thinks that view may still be okay.

**C:** Resident across the street. Moved into his house after looking carefully at neighbourhood, street and zoning laws. Resident's lot is zoned R2, but too small to build duplex. One street over the lots are larger, and zoned R2. Once they moved into their home, they went around and introduced themselves to neighbours. Resident asks if proponent has spoken to neighbour to the south? Proponent says he has not. Resident says proponent has not spoken to him, or to his neighbour. The letter in mail from the City to inform about tonight's CALUC was the first notification that there was a proposal to build a duplex at 38 Oswego Street. Resident wonders why proponent thinks it is appropriate to build a duplex on Oswego Street when there are no other duplexes on Oswego Street.

**A:** Proponent says resident raises good points. He says he and his wife wish to have a larger home while still living in James Bay. Also wanted to add a rental unit.

**C:** Neighbour behind 38 Oswego, within 100 meters. Concerned that the Proponent has not contacted him. Says while proponent talks about wanting to have a garden in the backyard, the existing back garden is overgrown and poorly maintained. Furthermore, the proposal would see two balconies on the west, looking into resident's back yard. Resident won't support your proposal.

**A:** Thank you.

**C:** Resident beyond 100 meters says while you may have the right to do this, your neighbours are commenting on the social value of what you propose to do. You want to rent a duplex unit, but I question whether it will be an affordable rent. What is your prospect for rental? Will it be short term rental? Who is your prospect tenant?

**A:** Proponent is not a fan of short term rentals. He has experience renting homes. Plan is to have long term tenants, with market value rent. No plan to sell property or to seek strata.

**C:** Resident who lives behind proponent, within 100 meters. Resident notices there is basement on each side and wonders if they will be rented?

**A:** No, there is no plumbing in basement and no ability to use it as rental.

**Q:** What height are trees you plan to plant in yard?

**A:** No trees beyond 7 or 8 feet.

**C:** Resident beyond 100 meters observed that proponent indicated he would be building this project or something similar. Concern about the potential for a completely different project than the one have presented.

**A:** If the City does not approve this proposal, then we will build a single family home, with a suite which is permitted with existing zoning and requires only a building permit. Member of JBNA Board confirms that the proponent could build a single family home with a secondary suite, larger foot print than the proposal without rezoning.

**C:** Resident within 100 meters. When resident built a duplex on Pilot Street, resident followed a different process. Resident started by talking to all of the neighbours to explain the proposed plan. If new single family home was built, house could cover 40% of the lot and also have a secondary suite. Resident successful in rezoning for a duplex, built a side by side duplex, covering 26% of the lot.

**C:** Resident lives within 100 meters. My neighbour to the south rebuilt on the foot print of an old house which meant no difference to us in the amount of sun or amount of privacy we had. The City approved a minor variance to extend to the back yard. In small lots, as we have in James Bay, the amount of sun we have and the amount of privacy are critical. We have gardens and sunlight is important. I would be fighting anyone who wanted to take some light from my garden. And privacy is important. If you modify what you do, you might not impact your neighbour's view which is important to them.

**A:** We have designed a small home and have tried to be as neighbourly as possible.

**C:** Neighbour across the street within 100 meters says proponent indicate that he is a nature lover. There are 2 dozen shrubs and bushes in the front yard at 38 Oswego, but garden is not maintained. Previous owners maintained it and the front yard was beautiful. Resident observes that proponent does little beyond raking leaves and mowing the lawn. Replacing the front garden with two parking stalls in concrete will have an impact on the habitat of the birds that live there.

**A:** I apologize if we do not maintain our yard the way you like. We tend to spend time in our back yard and make effort to maintain the property.

As no further concerns/comments, Chair summarized again how residents can express their thoughts about the proposal to the City.

## 7. **Community Voices**

**Seniors Rental Survey:** Linda Carlson provided information about a [New Horizons/Community Social Planning Council survey](#) underway to determine the impact of the cost of housing on James Bay seniors who rent their homes.

### **Victoria Community Association Network (VCAN)**

James Bay resident Victoria Adams requests opportunity, as a tenant, to participate at the City of Victoria's Neighbourhood Summit being held on November 16, 2019. Chair clarifies that November 16 is a workshop for neighbourhood associations leading up to a larger event which will be open to the public.

### **Cruise ship Industry:**

Resident Linda Klein is concerned about cruise ships. She does not know what is happening with the industry at Ogden Point and believes the City pays lip service to residents who express concern about the volume, the emissions, and the waste. Concerned that the industry is destroying James Bay. LK has to keep her windows closed when the ships are in port.

JBNA notes that we were able to do data analysis in the past documenting traffic and vehicle speed on cruise ship days compared to non-cruise ship days. There are 5 monitors in James Bay. Oswego Street has the most impact of cruise ship traffic in James Bay. On cruise ship days the number of vehicles exceeding the posted speed is often many times that of non-cruise ship days. [Preliminary data is on the JBNA website](#) and the complete report will be posted on the website in the next 3 weeks. Those who live on Oswego will be able to use that data to demonstrate that there are excessive speeds. Monitors are located at Oswego between Ontario & Michigan, Superior, Dallas at both sides of Ogden Point, Superior Street, and Government Street. The monitors also recorded the number of 3-axle vehicles which means tour buses and trucks were recorded. What the City plans to do with this is a question. As it is City data, the City will be more inclined to pay attention. No one denies there is a problem, but no one has addressed it.

The problem gets bigger with the increased volume of cruise ship traffic. Residents are concerned that no one will address our concerns. Residents have written to the Mayor and Council without adequate responses.

Board member reports that there was a recent [GVHA emission report](#) which showed the improvement in emissions that occurred over the past 10 years. However, none of the data was based on local measurements. The report was based on theoretical data on the presumption that ships used low sulphur fuel (those with scrubbers can burn high sulphur fuels), the scrubbers never malfunctioned, and [cruise companies behaved ethically](#). Other than for Sulphur dioxide there is no official monitoring of ships at Ogden Point whereas in Alaska government monitoring occurs. [In 2018 ten ships were found to be in violation in Alaskan air and water environmental regulations](#). These same ships also visited Victoria and accounted for 41% of all our cruise visits.

Shore power is being encouraged. However, there is shore power in Vancouver but many cruise ships are either unable to, or chose not to, hook up to shore power (in [2018 of 243 ships only 63 hooked into shore power, down from 82 in 2013](#)).

A resident suggests that there is potential for change, recalling that we used to allow smoking everywhere. We should lobby Seattle legislature to change their legislation so that cruise ships are not required to stop in a “foreign” port. We need to unwind the cruise ship industry.

At a recent meeting with GVHA, the JBNA asked about the Ogden Point master plan so we could see how it would work with the James Bay neighbourhood plan update. JBNA has consistently requested a good neighbour agreement with GVHA who consistently refuse.

When construction blocked Oswego Street, traffic was diverted to Montreal Street. Residents purchased “slow down, children playing” signs because the traffic generated by cruise ships were excessively speeding down the street.

Resident suggests we have to become visible and active. Maybe we have signs and protest at Ogden Point. We have to challenge the industry.

Another resident says the cruise ships represent more problems than traffic. She believes that we should not let City Council off the hook.

The City has control over zoning of Ogden Point and there has not been action in managing Ogden Point. The City lets GVHA get away with lack of responsibility to the neighbourhood.

Residents who have written to the City express their disappointment with regard to inadequate responses from the City. Residents suggest organizing as a group to make concerns known to City.

8. Adjournment 8:55