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DELIVERED BY EMAIL

May 21, 2019

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

Attention: Mayor Helps and Councillors

Dear Mayor and Councillors,

RE: Rezoning Application for 589 Toronto Street

As the owners of 589 Toronto Street we are requesting a rezoning of the property from R-2 to a new site-specific zone that will enable us to install a completely new foundation, seismically and environmentally upgrade the building, add a new full height basement and keep the existing floor area on the top floor and third suite.

589 Toronto was originally built in 1903 for John and Jessie Mulholland and was located at 28 Birdcage walk (renumbered to 623 Government Street in 1907). It was moved to 290 Government Street in 1909 and then on to its final location at 589 Toronto Street in 1927. The building was heritage-designated in 1980. We purchased it in May of 2015.

The house is zoned as a Two-Family Dwelling but contains three suites, only one of which is currently tenanted. The building has 2.5 storeys with an existing dirt-floored crawlspace. There are two 1-bedroom suites on the main floor and one 2-bedroom plus den unit that occupies the second and top floor. The City's building department records do not show that a permit was taken out for the additional floor area on the top floor. The building is located on a 423 sq. m. lot with 36% site coverage and has a total of 239 sq. m. floor area. We would be asking to legalize the floor area on the top floor of 51 sq. m. and add floor area in the basement of 114 sq. m for a total floor area of 353 sq. m.

We would like to legalize the third suite to ensure additional housing is maintained in Victoria's current housing crisis. The building is currently legal non-conforming with no parking stalls onsite. We will be asking for a variance of one parking stall for the additional dwelling unit. The property does have two street parking permits registered to the property and is located in a very walkable/bikeable area which allows tenants to live without a vehicle. James Bay Village is a block away which includes Thrifty Foods, restaurants, pharmacy, liquor store and miscellaneous personal services. Downtown is also an easy walk or bike away.

Among Council's stated municipal objectives that would be furthered if our application is approved, subject to the limitations we are requesting, are the following:

1. Heritage preservation;
2. Seismic upgrading;
3. Upgrading of rental accommodation;
4. Furtherance of Climate Leadership Plan;
5. Preservation and enhancement of the natural environment and urban forest; and
6. Significant contribution to the local economy.

Status Quo

This rezoning, if approved, will not change anything about this property in practice regarding usage. It will continue to have the same number of suites, tenants, and parking spaces as has been the case since 1994. All that will in fact change is the formal zoning status, and more importantly, the quality and assured longevity of this unique residence.

Heritage Preservation

Due to its age and the fact that it was moved twice and has since 1927 sat over a damp dirt floored crawl space, the foundations have deteriorated, and there is evidence of moisture and bug penetration in in some of the posts and floor beams and joists. A structural engineering has been retained, and while the building is not unsafe as is, a new foundation, concrete floored basement and some new ground level posts and beams are recommended. This will result in seismic upgrading to current standards.

Please refer to the following link for a description of this property:

<https://victoriaheritagefoundation.ca/HReg/JamesB/Toronto589.html>.

Rental Accommodation/Housing Agreement

We intend to occupy the upper 2-bedroom plus den unit after it has been renovated, and to thereafter rent out the two 1-bedroom main floor units. However, a future owner, in the next 100 years of this restored home's history, may quite rightfully wish to do otherwise and that should be left open as a legitimate option. We are therefore prepared to enter into a Housing Agreement with the City securing two of the units as rental, provided that it is time limited, which we request will be for 5 years or for the duration of our ownership of this house, which ever is longer. To restrict the uses and occupancy of this house beyond that will limit its salability and diminish its value unfairly. Totally different considerations should and do apply to new purpose-built rental accommodation (such as requiring a Housing Agreement to apply "in perpetuity"), than to family residences such as this which contain secondary suites.

Tenant Assistance

There is only one tenant residing in the house at this time as two of the three units are now vacant due to the anticipated renovations. The former tenants left of their volition after having found suitable alternate accommodation. We are very keen to finish this project as soon as possible so the home can be once again be fully occupied.

The current tenant began a month-to-month tenancy on June 1, 2018, so the City's Tenant Assistance Policy does not apply here. This suite is fully furnished and equipped because we knew the tenancy there would not be permanent, and fully informed the tenant of that fact before occupancy. We have continued to keep the tenant fully apprised of developments in our rezoning application since then. This tenant has a very good full-time job with the Provincial Government and will receive a very complimentary reference from us, so we do not feel that any compensation or relocation assistance is warranted. We will, however, of

course give the notice required by, and otherwise fully comply with, the *Residential Tenancy Act*.

Environmental Benefits

Our renovations will include a number of upgrades that will achieve improved energy efficiency and the consequent reduction of green house gases. Any hazardous building materials located during the process will of course be safely removed and properly remediated or destroyed. New materials, building systems, fixtures and appliances used will all be of the highest quality and meet the best environmental standards applicable.

Landscaping

This property contains four healthy mature trees, which we will do everything we can to retain during and after the lift. We will thereafter likely plant several more, as we note that two large trees were removed (with only the stumps left behind) before we took ownership.

Economic Value

We are passionate supporters of the local economy. All tradespersons and apprentices hired and materials and equipment purchased will be locally sourced.

Statutory Right of Way

City staff have requested a 2-metre statutory right of way along the property's Toronto Street frontage. We will agree to that, but we would like it to be subject to the proviso that the City will not exercise its rights to use that area to install a grass boulevard or new sidewalk until the City has acquired similar statutory rights of way from the other property owners on the south side of the 500 block of Toronto Street.

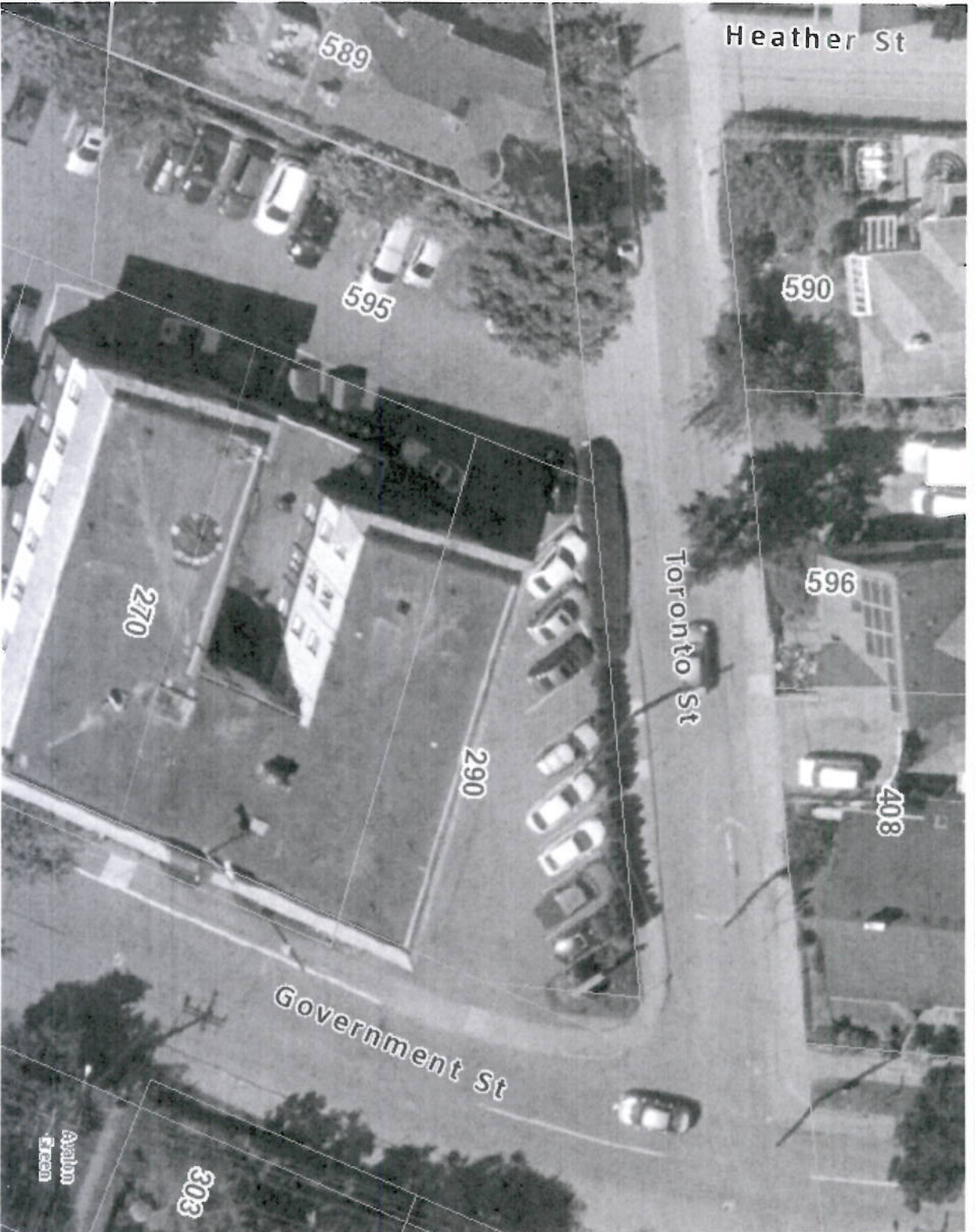
An aerial view of this block on VicMap (see printed copies attached) shows how close to the existing sidewalk the houses on both sides of this block are, making widening of the City's right of way there entirely impractical while most of those houses and the James Bay Inn remain in place. And, all of the owners appear to be renovating and rehabilitating those homes to further prolong their lives, making an expanded boulevard or sidewalk an even more distant possibility. Also, virtually all of the off-street residential parking in this block, as well as a significant number of the James Bay Inn's guest parking spots, would be lost if the City in fact widened the right of way there by 2 metres on each side. In other words, when/if it ever becomes practically appropriate to make this street a "secondary collector street", as the OCP identifies it, it will likely be 50 to 100 years from now. In the meantime, if this block is left as is but the City has the future right to widen it, where is the disadvantage to the City?

Staff have offered as one justification for this request that "Boulevards with street trees enhance our public spaces and enhance community objectives, and are also features currently missing on Toronto Street due to its current width." Ironically, within this 2-metre strip on each side of the 500 block of Toronto Street are eight mature healthy trees, all of which would presumably have to be removed to accommodate any redesigned sidewalk and boulevard.

Thank you for your time and consideration of the above.

Yours sincerely,

Charmaine and Stephen Hayward



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- Legend**
- Victoria Parcels

1: 365

Notes

THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend
 Victoria Parcels

1: 365 

Notes

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