



City of Victoria
Sustainable and Community Development
1 Centennial Square
Victoria, BC V8W 1P6

May 20, 2021

Attention: Mayor and Council

RE: Development Variance Permit No. 00194 for 121 Menzies Street: Lot 27, Section 11, Beckley Farm, Victoria City, Plan 753

This letter is an amended version of the letter sent to you in 2017, when we were applying for a rezoning of the property at 121 Menzies. Subsequent policy changes specific to House Conversions mean that a rezoning is no longer required, however a Development Variance Permit is still required.

The rationale for the variances being applied for is given first. This is followed by text based on the original letter sent to you in 2017 as it provides a history of the property as well as context regarding the proposed development's good fit with the surrounding neighbourhood and conformance with the Official Community Plan, the James Bay Local Area Plan, and other City policies and directions.

Rationale for Variances

The proposal is to acquire a Development Variance Permit for the above noted residential R-2 (two family dwelling district) Zone property to permit a House Conversion that would accommodate 10 self-contained suites.

Converting heritage structures into suites is always problematic and requires the need to respect existing support walls and beams, which can lead to unusual layouts. The number of suites proposed are less than what exists now (10 from 14), thus allowing for more space on average per suite. All suites include baths and kitchens.

Variations are requested for 5 suites with floor areas less than the minimum 33.0 sq. m. required under the Zoning Bylaw for House Conversions. The variations for the suites can be justified based on direct access to the rear yard common area with patio and garden (suites 8 and 11); the rear yard porch with direct access to patio and garden (suite 3); and high ceilings which allow for better utilization of space including storage lofts (suites 5 and 6), as well as good fenestration.

The size of the suites was not mentioned as an issue by Council at the Committee of the Whole meeting of July 27, 2017, when this proposal was considered for a rezoning.

In 2017, 54 residents signed a petition in support of the then proposed rezoning of the property. In 2015, 94 residents signed a similar petition. In their comments petitioners expressed concerns regarding the ongoing housing crisis and the possibility of current tenants being evicted.

The current average rents in Victoria for a bachelor suite is \$1300 per month; \$1600 per month for one bedroom; and \$2060 for two bedrooms. The rent currently being charged at 121 Menzies is \$785 to \$995 for bachelor suites; \$995 to \$1265 for one bedroom; and \$1785 for the two-bedroom suite, well below current average rates.

The owner has devised a plan so that no tenants are displaced because of the renovations, which will be done one suite at a time with affected tenants relocating temporarily into vacant suites of which there are currently two.

A recent amendment to the City's parking regulations eliminated the need for on-site parking for House Conversions. In January 2016, prior to the amendment, the owner retained the services of a transportation consultant to conduct a parking review of the property. The review, based on 14 suites, concluded that the few vehicles associated with the building were comfortably accommodated with the existing on street parking and one on-site parking space, which will be retained. There's been only one complaint from neighbours regarding parking, and that was over 20 years ago. Turnover of suites has been extremely low and prospective tenants are made aware of the lack of on-site parking.

The owner wishes to retain the existing accessory building, built prior to this application as a Garden Suite, and repurpose it for utility/storage. Site coverage, which is already tight due to the existing heritage structure, is marginally increased from 40% to 42.30% to accommodate the building. Its peaked roof exceeds the maximum height allowed, but because it is at right angles to the main building and reaches maximum height to the side and away from the windows of the main building, has minimal impact on views into the rear yard.

Decreased side and rear setbacks for this accessory building are minimal, .1 m and .2 m respectfully. The decrease in separation between the accessory building and main building, 2.4 m to 1.0 m, will not affect passage between the two building and will have minimal impact on light coming into the suites and views from the suites to the rear yard.

History of Property and Application

In 1992, the owner of the property was issued a Building Permit to renovate the property to accommodate 7 light housing keeping units with shared bathrooms. At the time the Building Permit was issued the R-2 zoning still applied to the property.

Subsequent to the issuance of the Building Permit, which was followed by an Occupancy Permit in 1993, the owner did further renovations that increased the number of suites to 14 from 7. Eight of the suites are bachelor suites with baths; 3 are one-bedroom suites with baths (one of which is designated as a caretaker suite); 2 are light housekeeping suites with shared bath; and one was a one-bedroom Garden Suite created through the conversion of an existing exterior garage, for a total of 14 suites.

Currently there are 12 suites in the building, 9 of which are rented, and one used as a caretaker suite. The Garden Suite has been converted into a utility room/storage unit and another suite converted into an office.

The current development provides much needed all-inclusive affordable rental housing with utilities and internet provided. The unfortunate aspect of this development was that it was undertaken in contravention of the City's Zoning Bylaw (the property is still zoned as R-2 two family dwelling district) and fifty percent of the work was done without permits, inspections and approvals. To try and resolve the situation the applicant retained a team of professionals to fully determine how much of the work complies with the BC Building Code.

John Ivison and Associates Limited was retained as part of the consulting team to assess all aspects of past construction and liaise with City staff. The consultant has subsequently determined that the work done is largely in conformance with the Code with only minor remedial work required. Consequently, fire and life safety/protection is not an issue.

The revised proposal is to reduce the number of suites within the principal building from 13 to 10. All the suites will be all inclusive and self-contained with their own bathrooms. The current Garden Suite will be decommissioned by removing the kitchen and bathroom fixtures. The building will then be converted to an accessory use utility building, likely for storage space.

One of the suites will be designated as a caretaker suite while a former suite will be converted to an office for use by the caretaker/owner. The caretaker suite and accompanying office will provide on-site supervision of the tenants and their activities, helping to mitigate any concerns neighbors may have regarding noise and unwanted behavior.

The building, built in 1907, fits in well with existing development on this block of Menzies, particularly its neighbors on the east side of the street which are of a similar age and architecture. The grounds are well landscaped with raised garden beds. The lack of large trees and hedges in the front yard provides unobstructed views of the building and its heritage facade.

The proposed Floor Space Ratio of 1.19 is only slightly higher than that of the two and three storey multi-dwelling buildings across the street in the R3-2 zone, which permits a maximum FSR of 1.0. Although the main subject building was raised as part of the Building Permit issued in 1992, the building's original footprint has not changed.

The existing and proposed development conforms to most of the goals, objectives, policies and guidelines contained in the City's current land use legislation including the Official Community Plan (2008) and the James Bay Neighborhood Plan (1993).

The proposal adheres to the vision outlined in the City's Official Community Plan for the community of James Bay, specifically the creation of a densely populated mixed-use neighborhood with a Large Urban Village (21.15.1). Compliance with strategic directions include: maintaining a variety of housing types and tenures for a range of age groups and incomes (21.16.1); maintaining an interesting diversity of land uses, housing types and character areas (21.16.3); and enabling the adaptation and renewal of the existing housing stock (21.16.4).

The property is designated Traditional Residential in the OCP and the proposal complies with many of the designation's guidelines. These include house conversions and ground-oriented buildings as allowable uses, houses oriented to face the street with variable front and rear yards, on street parking and individual driveways, and density up to an FSR of approximately 1:1. As a house conversion in Development Permit Area 16 (General Form and Character) of the OCP, the proposal is exempt from the requirement of a Development Permit.

The subject property is near James Bay Village where development is guided by the Large Urban Village Development Permit Area (DPA 5). James Bay Village is a mixed-use area made up of buildings of a variety of ages, types and forms accommodating commercial and community services, medium to high density housing, and a park. The existing and proposed development of the subject property is a natural complement to the Village.

The proposal adheres to the vision laid out in the James Bay Neighborhood Plan, which includes the preservation of existing community amenities that are of “special historical or community importance, including existing housing stock and streetscapes”, and the provision of “appropriate and affordable housing that meets the needs of a rich diversity of residents”. The proposal also conforms to the goals and objectives listed under the Housing section of the Plan, including: providing a range of housing opportunities; supporting initiatives that house the elderly, disadvantaged and needy; and retention of significant buildings in the neighborhood.

The proposal offers social benefits to the James Bay community and the City by providing affordable housing in a city with an affordable housing shortage. The proposal fits in well with the intentions of the City's Housing Strategy and subsequent changes to the Zoning Bylaw including: the elimination of parking requirements for house conversions; the reduction of minimum dwelling unit size regulations for dwelling units; and zoning that encourages a variety of housing forms including house conversion opportunities. The owner has agreed to keep the suites as rental accommodation in perpetuity should the variances be approved.

The property contributes to the neighborhood's unique character, sense of place and human scale, and is recognized by the City as having significant heritage value. The City's Heritage Planners have met with James Bay residents to go over a list of James Bay properties they'd like to have designated for their heritage value, which includes the subject property. The property's owner attended the meeting as well as a meeting at City Hall with the Heritage Planners. As a result of these meetings the owner has agreed to have the property designated as a heritage property if the Development Variance Permit is approved.

The property, with several suites and windows facing the street and no large trees blocking views to the street, provides excellent “eyes on the street” in keeping with CPTED policies. Previous incidents of members of the public using the building's front porch for illegal activities have been resolved with the enclosure of the porch. The provision of a live-in caretaker/building supervisor will provide additional security

The property is conducive to a car free lifestyle. The property's location, next to James Bay Village, has a walk score of 84 meaning it is in a very walkable location close to commercial, community and government services as well as amenities such as parks. There is good access to transit with the #3 Beacon Hill/Gonzales route on Menzies Street, in front of the subject property, providing quick access to downtown. The area, with its flat terrain, is good for cycling. The proposal includes storage for 10 bicycles in a secure location accessible to tenants. Cycling and pedestrian infrastructure improvements are planned for Menzies Street and will require a widening of the road right of way. These improvements, and the widened road right of way, have been considered and can be accommodated within the new Service Right of Way agreed to by the owner as part of the development.

The building has a number of sustainability features. Rainwater from the eaves is collected via drainpipes into a series of rain barrels around the building, keeping rainwater from entering the storm sewers and providing water for the property's landscaping. Recycling and composting is provided for with a well-designed collection system. The collected compost is used to fertilize the property's raised garden beds. Vegetables grown in the gardens are for the use of tenants and neighbours. The suites include high efficiency appliances with low water flow, features which will be retained should the rezoning be approved.

In summary:

- The variances to suite size are supportable based on direct access to outdoor amenities, good fenestration and high ceilings that allow for storage lofts, as well as rents which are well below the current City average;
- Variances related to the accessory building are supportable based on their minimal impact on views from the main house to the rear yard and circulation around the site;
- The current development of the property, with 14 suites, was undertaken without permits prior to the commencement of this application and has been in place for over 20 years;

- A consultant has determined that the previous work undertaken, while in contravention of City bylaws, is largely in compliance with the BC Building Code and is safe for occupancy;
- The number of suites will be reduced from 14 to 10, including the decommissioning of the Garden Suite and converting it to an accessory use, likely storage space, to bring the proposal more in line with existing municipal policies;
- A caretaker's suite and adjacent office will provide ongoing security as well as maintenance of the building;
- The proposal contributes and conforms to most of the goals, objectives and policies contained in the OCP and James Bay Neighbourhood Plan as well as the City's Housing Strategy and subsequent Zoning Bylaw amendments;
- The property is in a very walkable location with good cycling and transit access, and parking, while not required, has not been a problem;
- The current development contains several sustainability features that will be retained;
- The proposal will ensure the preservation of a valuable heritage asset and streetscape by having the property heritage designated if approved;
- The property will continue to provide much needed affordable all-inclusive housing through a housing agreement with the City that will ensure the suites on site are rental in perpetuity.

Sincerely;

Harold Stanley M. Env. Des.

