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► **Legislative Services
City of Victoria**

1 Centennial Square, Victoria, BC V8W 1P6

Phone: 250-361-0726

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Dear Legislative Services and City Council,

RE: FINAL APPEAL Denial of Short-Term Rental License, 408 Superior St.

I. INTRODUCTION

We are submitting a formal final appeal to you, Legislative Services and City Council, to reconsider our application for a Short-Term Rental License for our home studio in 408 Superior St. We first received the letter dated June 16, 2021 that our application was denied. Then, we received an email dated July 15, 2021 acknowledging receipt of our appeal request with an invitation to make a written appeal in the form of reasons and supporting documentation, which we submitted via email on July 20, 2021. This letter is our final appeal. Please find the written appeal and supporting images below. This written appeal provides counter arguments to the Submission of the License Inspector that we received via email on September 3, 2021.

As you can imagine, the Covid-19 pandemic has put incredible stress on our livelihood as musicians. To ease the financial impacts, we would like to rent our home studio on weekends in hopes of supplementing our dwindling income, which has been significantly impacted by Covid-19. We would be grateful if we could even rent our home studio four (4) times per year – as allowed for owner-occupied spaces.

II. FACTS

7. We own and reside at the property at 408 Superior St. While the property is zoned R-2 (Two-Family Dwelling District), we object to the ruling that short-term rentals are not permitted under this zone.
 8. The property contains a single-family home with a lower-level studio. The application for a short-term rental business license is for the lower-level studio, which we use as our work studio on a regular basis. We are local musicians who have set up our home studio to write, record, and produce music. This studio, therefore, is *not* intended for use as a long-term self-contained rental unit. As such, the zoning does *not* apply and a short-term rental should be allowed for the lower-level studio when not in use as our work studio.
 10. The lower-level studio contains its own kitchen facilities, with gas range stove, oven, dishwasher, fridge, kitchen sink, and counters and cabinets. Like other home-based businesses, where home and work life are
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kept separate, our studio has a kitchen and bathroom for convenience to allow us to take necessary breaks as we often work on music at all hours of the day, seven days a week. Note: If there is an issue with having a kitchen range, we can easily remove this appliance from the lower-level studio.

12. We used to live in Saanich and moved to Victoria in June 2018. We were *not* aware of the need to apply for a short-term rental business license in Victoria; such a license was not needed in Saanich. The application and appeal are pertaining to the lower-level studio exclusively.
14. On May 11, 2021, a bylaw officer completed an inspection of the premises. We object to the officer's assessment that the lower-level studio is a self-contained dwelling unit. We are local musicians who have set up our home studio to write, record, and produce music. This studio, therefore, is *not* intended for use as a long-term self-contained rental unit. Our studio is where we operate our home-based business as musicians. As with other home-based businesses, we keep our home and work life separate. Specifically, we use the lower-level studio for music and the upper level as our home. Our studio has a kitchen and bathroom for convenience to allow us to take necessary breaks as we often work on music at all hours of the day, seven days a week.

III. RELEVANT REGULATIONS

17. We argue that the definition of "self-contained dwelling unit" used in the Short-Term Rental Regulations Bylaw and Zoning Regulation Bylaw does *not* apply to our studio. Rather, our home-based music studio falls under Schedule "D" Home Occupations:

Permitted Uses 5 (a) artist studio.

Section 12 A short-term rental is permitted as a home occupation in a principal residence.

IV. ARGUMENT AND PHOTOS

19. We argue that our lower-level studio is *not* a self-contained dwelling unit, but rather a home-based music studio that we use on a regular basis as local musicians.
20. Our studio has its own entrance, its own full kitchen, and full bathroom. We have set-up our studio as a place to write, record, and produce music at all hours of the day, seven days a week. It is *not* intended for use as a long-term self-contained rental unit. The kitchen and bathroom are there for convenience so that we can take needed breaks from our work as musicians.
21. The Covid-19 pandemic has put incredible stress on our livelihood as musicians. To ease the financial impacts, we would like to rent our home studio on weekends in hopes of supplementing our dwindling income, which has been significantly impacted by Covid-19. We would be grateful if we could even rent our home studio four (4) times per year – as allowed for owner-occupied spaces.
22. While we recognize the need to ensure adequate long-term rental housing stock for locals in Victoria, our home studio does *not* fall into this category. As local musicians and grateful home owners, its key purpose is to provide a home-based studio for our music that we work on seven days a week.
23. We were greatly distressed, disappointed, and disheartened when we received word that our application submitted April 28, 2021 for a Short-Term Rental License was denied. By denying our license, our ability to remain self-sufficient and diversify our income streams has been denied as well.

As local musicians, we have invested significantly in our studio which is fully equipped with instruments and recording gear where we write, record, and produce music.





We have a kitchen and bathroom for convenience to allow us to take needed breaks as we often work on music at all hours of the day, seven days a week.



Note:

- If there is issue with the kitchen range, we can easily remove this appliance from the studio.



V. CLOSING REMARKS

As local musicians, with the pandemic hitting us particularly hard, we have relented to needing another revenue stream – using our home studio as a Short-Term Rental on weekends (or even limited to just four times per year; either option would help our financial situation immensely).

We sincerely hope that you will grant us this license so we may continue to work creatively, live sustainably, and contribute positively to diversify our local community as artists on the unceded traditional territories of the Lekwungen peoples, known today as the Esquimalt and Songhees nations.

Respectfully submitted,

Annalea Sordi & Garrett McClure

(she/her, settler of Asian descent); (he/him, white settler)

Home Owners

408 Superior St.

9/13/2021