

**E.1.b.e121 Menzies Street - Development Variance Permit  
Application No. 00194 and Heritage Designation Application  
No. 000162 Update Report**

**Moved By** Councillor Potts  
**Seconded By** Councillor Alto

Development Permit with Variance Application No. 00194

“That Council authorize the issuance of Development Permit with Variance Application No. 00194 for 121 Menzies Street in accordance with:

1. Plans date stamped May 26, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. decrease the dwelling unit floor area (minimum) from 33.00m<sup>2</sup> to 14.79m<sup>2</sup>;
  - ii. locate the parking in the front yard;
  - iii. locate accessory buildings in the side yard;
  - iv. increase total site coverage from 40% to 42.30%;
  - v. increase the height of one accessory building from 3.50m to 4.41m;
  - vi. decrease the rear setback of an accessory building from 0.60m to 0.50m;
  - vii. decrease the side setback of accessory buildings from 0.60m to 0.40m;
  - viii. decrease the separation space between an accessory building and a principle building from 2.40m to 1.0m;
  - ix. increase the rear yard site coverage for an accessory building from 25.00% to 29.80%;
  - x. increase the combined floor area for an accessory building from 37.00m<sup>2</sup> to 41.61m<sup>2</sup>.
3. The Development Permit lapsing two years from the date of this resolution.”

Heritage Designation Application No. 000162

That Council consider this updated motion with respect to Heritage Designation Application No. 000162:

"That Council give first and second reading of Heritage Designation Bylaw (Bylaw No. 21-038) be for Heritage Designation Application No. 000162 for 121 Menzies Street.”

FOR (8): Mayor Helps, Councillor Andrew, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe  
OPPOSED (1): Councillor Young

**CARRIED (8 to 1)**

## **F. LAND USE MATTERS**

### **F.1 121 Menzies Street - Development Variance Permit Application No. 00194 and Heritage Designation Application No. 000162 Update Report**

Committee received an update report dated July 9, 2021 from the Director of Sustainable Planning and Community Development regarding a Development Variance Permit Application and Heritage Designation Application proposing a ten dwelling unit House Conversion on the property located at 121 Menzies Street, and recommending that it move to an opportunity for public comment.

*Councillor Isitt returned to the meeting at 2:52 p.m.*

*Committee discussed:*

- *Size of the units*
- *How turning heritage homes into suites can support affordable housing as well as preserve family-style heritage homes*
- *Notice on title on the house; unsure if there is one*

**Moved By** Mayor Helps

**Seconded By** Councillor Potts

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following updated motion:

#### **Development Permit with Variance Application No. 00194**

"That Council authorize the issuance of Development Permit with Variance Application No. 00194 for 121 Menzies Street in accordance with:

1. Plans date stamped May 26, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. decrease the dwelling unit floor area (minimum) from 33.00m<sup>2</sup> to 14.79m<sup>2</sup>;
  - ii. locate the parking in the front yard;
  - iii. locate accessory buildings in the side yard;
  - iv. increase total site coverage from 40% to 42.30%;
  - v. increase the height of one accessory building from 3.50m to 4.41m;
  - vi. decrease the rear setback of an accessory building from 0.60m to 0.50m;
  - vii. decrease the side setback of accessory buildings from 0.60m to 0.40m;
  - viii. decrease the separation space between an accessory building and a principle building from 2.40m to 1.0m;
  - ix. increase the rear yard site coverage for an accessory building from 25.00% to 29.80%;
  - x. increase the combined floor area for an accessory building from 37.00m<sup>2</sup> to 41.61m<sup>2</sup>.
3. The Development Permit lapsing two years from the date of this resolution."



**CARRIED UNANIMOUSLY**

**Moved By** Mayor Helps  
**Seconded By** Councillor Potts

**Heritage Designation Application No. 000162**

That Council consider this updated motion with respect to Heritage Designation Application No. 000162:

"That Council give first and second reading of Heritage Designation Bylaw (Bylaw No. 21-038) be for Heritage Designation Application No. 000162 for 121 Menzies Street."

**CARRIED UNANIMOUSLY**



## Committee of the Whole Report For the Meeting of July 22, 2021

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**To:** Committee of the Whole **Date:** July 9, 2021

**From:** Karen Hoese, Director, Sustainable Planning and Community Development

**Subject:** **Update: Development Variance Permit Application No. 00194 and Heritage Designation Application No. 000162 for 121 Menzies Street**

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### RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following updated motion:

#### Development Permit with Variance Application No. 00194

"That Council authorize the issuance of Development Permit with Variance Application No. 00194 for 121 Menzies Street in accordance with:

1. Plans date stamped **May 26, 2021**.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. decrease the dwelling unit floor area (minimum) from 33.00m<sup>2</sup> to **14.79m<sup>2</sup>**;
  - ii. locate the parking in the front yard;
  - iii. locate accessory buildings in the side yard;
  - iv. increase total site coverage from 40% to 42.30%;
  - v. increase the height of one accessory building from 3.50m to 4.41m;
  - vi. decrease the rear setback of an accessory building from 0.60m to 0.50m;
  - vii. decrease the side setback of accessory buildings from 0.60m to 0.40m;
  - viii. decrease the separation space between an accessory building and a principle building from 2.40m to 1.0m;
  - ix. increase the rear yard site coverage for an accessory building from 25.00% to 29.80%;
  - x. **increase the combined floor area for an accessory building from 37.00m<sup>2</sup> to 41.61m<sup>2</sup>.**
3. The Development Permit lapsing two years from the date of this resolution."

## Heritage Designation Application No. 000162

That Council consider this updated motion with respect to Heritage Designation Application No. 000162:

"That Council give first and second reading of Heritage Designation Bylaw (Bylaw No. 21-038) be for Heritage Designation Application No. 000162 for 121 Menzies Street."

### LEGISLATIVE AUTHORITY

In accordance with Section 498 of the *Local Government Act*, Council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

In accordance with Section 611 of the *Local Government Act*, Council may designate real property, in whole or in part, as protected property.

### EXECUTIVE SUMMARY

The purpose of this report is to update Council on Rezoning Application No. 00508, Development Variance Permit Application No. 00194, and Heritage Designation Application 000162. The proposal is for a 10-dwelling unit House Conversion with relaxations to the *Zoning Regulation Bylaw* for minimum dwelling unit size, site coverage, parking in the front yard, and accessory building size and siting.

In 2016, the proposal was submitted as a rezoning application to rezone from the R1-B Zone, Single Family Dwelling District, to a site-specific zone in order to permit a ten-dwelling unit House Conversion. Since Council's motion of July 27, 2017 (minutes attached), the following has occurred which requires updates to the applications:

- Council approved amendments to Schedule G – House Conversion Regulations which resulted in a rezoning application not being necessary for this proposal.
- Council approved amendments to Schedule C – Off-Street Parking which resulted in a variance for the proposed number of parking stalls not being necessary.
- With regard to the preconditions that Council set in relation to these applications:
  - A Statutory Right-of-Way of 1.78 metres along Menzies Street has been executed by the applicant and registered on title.
  - A Housing Agreement has been completed to secure the ten dwelling units as rental housing in perpetuity with one of those units for a caretaker living on site.
- The necessary Heritage Designation Bylaw that would authorize Heritage Designation Application No. 000162 has been prepared.

The application could not proceed for Council's consideration until the conditions were met. These were not completed until the statutory right-of-way was executed on June 12, 2019 and registered on title on January 6, 2021.

Although the rezoning application is no longer required, the Development Variance Permit and Heritage Designation applications have been updated and are ready to proceed to an opportunity for public comment. The updated variances are considered supportable in the context of the overall application which includes heritage designation, a housing agreement to secure the dwelling units as rental, and a statutory right-of-way to improve pedestrian and cycling infrastructure at a future date. The variances also do not appear to substantially impact the adjacent properties.

If Council chooses to not approve this Development Permit with Variance application, the applicant would be required to meet the zoning regulations. Under Schedule G – House Conversion Regulations, they could withdraw the heritage designation and housing agreement and have seven dwelling units in the building.

## **BACKGROUND**

### **Description of Proposal**

The proposal is for a ten dwelling unit House Conversion. The proposed variances are related to:

- decreasing the dwelling unit floor area
- locating parking in the front yard
- locating accessory buildings in the side yard
- increasing total site coverage
- increasing the floor area of an accessory building
- increasing the height of an accessory building
- decreasing the setbacks of accessory buildings
- decreasing the separation space required between a principle building and an accessory building
- increasing the rear yard site coverage associated with an accessory building
- increasing the combined floor area for an accessory building.

### **Affordable Housing**

The applicant proposes the creation of three new residential units which would increase the overall supply of housing in the area. A Housing Agreement has been prepared and executed by the applicant to secure all of the dwelling units as rental in perpetuity.

### **Tenant Assistance Policy**

The proposal is to renovate an existing building. The existing building is approved for seven housekeeping units (without a separate bathroom). At some point in the past, the building was converted to 11 self-contained dwelling units (each with a separate bathroom) and two housekeeping units, and the accessory building was converted into a dwelling unit totaling 14 dwelling units on the site. The current proposal is for 10 dwelling units in the principal building and no dwelling unit in the accessory building.

There is no rezoning associated with this application, so the Tenant Assistance Policy does not technically apply. Regardless, the applicant has provided a Tenant Assistance Plan to outline the plan for existing tenants. Consistent with the Tenant Assistance Policy, the Tenant Assistance Plan, which is attached to this report, confirms that no tenants will be displaced from the building and that the tenants' existing rental rates and lease agreements will not be impacted as a result of this development application.

### **Sustainability**

As indicated in the applicant's letter dated May 20, 2021, the following sustainability features are associated with this application:

- rainwater collection

- recycling and composting
- vegetable gardens
- high efficiency appliances with low water flow.

### Active Transportation

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

### Public Realm

No public realm improvements are proposed in association with this Development Permit application; however, the applicant is willing to provide a 1.78m statutory right-of-way along Menzies Street.

### Accessibility

The *British Columbia Building Code* regulates accessibility as it pertains to buildings. The dwelling unit entryways and pathways surrounding the building include stairs which would impact accessibility.

### Existing Site Development and Development Potential

The site is presently illegally developed with 11 dwelling units (with individual bathrooms), two housekeeping units (with a shared bathroom), and one garden suite. The site was previously approved for seven housekeeping units but was subsequently modified into 14 dwelling units (13 in the principal building and one in an accessory building), without securing the necessary City permits. Accessory buildings were also added without the necessary permits.

Under the current R-2 Zone, the regulations in the R1-B Zone, Single Family Dwelling District, would apply due to the size of the lot. The property could be developed as a single-family dwelling with a secondary suite or garden suite. Under the current Schedule G – House Conversion Regulations, the building could be converted into seven dwelling units. If, however, the building is heritage-designated and the dwelling units are secured as rental, then 10 dwelling units would be permitted.

### Data Table

The following data table compares the proposal with the R1-B Zone, Single Family Dwelling District, and the House Conversion Regulations under Schedule G of the *Zoning Regulation Bylaw*. An asterisk (\*) is used to identify where the proposal requires variances. A double asterisk (\*\*) is used to identify existing legal non-conformities.

Zoning Criteria	Proposal	Current R1-B Zone
Site area (m <sup>2</sup> ) – minimum	460.17	460.00
Density (Floor Space Ratio) – maximum	1.12	n/a

<b>Zoning Criteria</b>	<b>Proposal</b>	<b>Current R1-B Zone</b>
1 <sup>st</sup> & 2 <sup>nd</sup> story floor area (m <sup>2</sup> ) – maximum	274.49	280.00
Combined floor area (m <sup>2</sup> ) – maximum	<b>513.39 **</b>	300.00
Lot width (m) – minimum	18.29	15.00
Height (m) – maximum	<b>10.40 **</b>	7.60
Storeys – maximum	<b>3.5 **</b>	2.5
Site coverage (%) – maximum	<b>42.30 *</b>	40.00
Principal Building Setbacks (m) – minimum		
Front	<b>6.90 **</b>	7.50
Rear (east)	<b>3.90 – bldg. **</b> <b>1.10 – stairs **</b>	7.50
Side (north)	3.95	3.00
Side (south)	2.30 – bldg. <b>1.10 – stairs **</b>	1.83
Combined side yards	5.05	4.50
<b>Schedule G – House Conversion Regulations</b>		
Floor area per building for 10 dwelling units (m <sup>2</sup> ) – minimum	544.15	510.00
Dwelling Unit floor area (m <sup>2</sup> ) – minimum	<b>14.79 *</b>	33.00
Landscaping of lot (%) – minimum	44.00	30.00
Landscaping of rear yard (%) – minimum	44.00	33.00
<b>Schedule F – Accessory Building Regulations – Side Yard Shed</b>		
Combined floor area (m <sup>2</sup> ) – maximum	8.76	37.00
Height (m) – maximum	3.00	3.50
Rear setback (m) – minimum	7.80	0.60
Side setback (m) – minimum	<b>0.40 *</b>	0.60

<b>Zoning Criteria</b>	<b>Proposal</b>	<b>Current R1-B Zone</b>
Location	<b>side *</b>	rear
Separation space between buildings (within the site) (m) – minimum	2.48	2.40
Rear yard site coverage (%) – maximum	n/a	25.00
<b>Schedule F – Accessory Building Regulations – Rear Yard Shed</b>		
Combined floor area (m <sup>2</sup> ) – maximum	<b>41.61 *</b>	37.00
Height (m) – maximum	<b>4.41 *</b>	3.50
Rear setback (m) – minimum	<b>0.50 *</b>	0.60
Side setback (m) – minimum	<b>0.40 *</b>	0.60
Location	<b>side and rear *</b>	rear
Separation space between buildings (within the site) (m) – minimum	<b>1.00 *</b>	2.40
Rear yard site coverage (%) – maximum	<b>29.80 *</b>	25.00
<b>Schedule C – Off-Street Parking</b>		
Parking – minimum	1	0
Parking location	<b>front yard *</b>	behind front yard
Bicycle parking stalls – minimum		
Long Term	12	10
Short Term	0	0

## Relevant History

The applicant submitted applications for Rezoning, Development Variance Permit, and Heritage Designation on December 12, 2016 (see attached reports). Council passed the following motions from Committee of the Whole at the July 27, 2017 Council Meeting:

### Rezoning Application No. 00508

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw amendments that would authorize the proposed development outlined in Rezoning Application No. 00508 for 121 Menzies Street, that first and second reading of the

Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation of the following documents, executed by the applicant:
  - a. Housing Agreement Bylaw to secure the 10 dwelling units as rental housing in perpetuity with a caretaker living on site to the satisfaction of the Director of Sustainable Planning and Community Development.
  - b. Statutory Right-of-Way of 1.78 metres along Menzies Street to the satisfaction of the Director of Engineering and Public Works.

Development Variance Permit Application No. 00194

2. 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. 00508, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application No. 00194 for 121 Menzies Street in accordance with:

1. Plans date stamped May 25, 2017.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - a. decrease the dwelling unit floor area (minimum) from 33.00m<sup>2</sup> to 28.98m<sup>2</sup>
  - b. decrease the number of parking stalls from eight to one
  - c. locate the parking in the front yard
  - d. locate accessory buildings in the side yard
  - e. increase total site coverage from 40% to 42.30%
  - f. increase the height of one accessory building from 3.50m to 4.41m
  - g. decrease the rear setback of an accessory building from 0.60m to 0.50m
  - h. decrease the side setback of accessory buildings from 0.60m to 0.40m
  - i. decrease the separation space between an accessory building and a principle building from 2.40m to 1.0m
  - j. increase the rear yard site coverage for an accessory building from 25.00% to 29.80%
3. The Development Permit lapsing two years from the date of this resolution."

Heritage Designation Application No. 000162

3. That Council consider the following motion:

"That Council approve the designation of the property located at 121 Menzies Street, pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site, and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set."

Since that time, the applicant has been preparing and registering the legal agreements to satisfy the conditions in the motions. The application could not proceed for Council's consideration until the conditions were met. These were not completed until the statutory right-of-way was executed on June 12, 2019 and registered on title on January 6, 2021.

In addition, the necessary Heritage Designation Bylaw that would authorize Heritage Designation Application No. 000162 has been prepared.

Due to amendments to Schedule G – House Conversion Regulations (adopted October 22, 2020) of the *Zoning Regulation Bylaw*, the rezoning application is no longer required. This is



because the minimum floor area per dwelling unit decreased from 1020m<sup>2</sup> to 510m<sup>2</sup> for a building that is heritage-designated and rental in perpetuity. Therefore, this building which is 544.15m<sup>2</sup> in floor area would permit 10 dwelling units.

Due to amendments to Schedule C – Off-Street Parking (adopted July 26, 2018) of the *Zoning Regulation Bylaw*, the required variances have changed (see Analysis below).

## 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 October 12, 2016. A letter dated October 21, 2016 is attached to this report.

This application proposes variances, therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

## ANALYSIS

### Regulatory Considerations

The following variances are proposed in association with this proposal. The bold text indicates differences from the proposal presented to Committee of the Whole in 2017:

- i. decrease the dwelling unit floor area (minimum) from 33.00m<sup>2</sup> to ~~28.98m<sup>2</sup>~~ **14.79m<sup>2</sup>**;
- ~~ii. decrease the number of parking stalls from eight to one;~~
- iii. locate the parking in the front yard;
- iv. locate accessory buildings in the side yard;
- v. increase total site coverage from 40% to 42.30%;
- vi. increase the height of one accessory building from 3.50m to 4.41m;
- vii. decrease the rear setback of an accessory building from 0.60m to 0.50m;
- viii. decrease the side setback of accessory buildings from 0.60m to 0.40m;
- ix. decrease the separation space between an accessory building and a principle building from 2.40m to 1.0m;
- x. increase the rear yard site coverage for an accessory building from 25.00% to 29.80%;
- xi. increase the combined floor area for an accessory building from 37.00m<sup>2</sup> to 41.61m<sup>2</sup>.**

The variances have been updated in the motion as follows:

- The first is a correction to an error. The proposal requires the minimum dwelling unit floor area to be reduced from 33.00m<sup>2</sup> to 14.79m<sup>2</sup>, not to 28.98m<sup>2</sup>. This error has been corrected.
- The reduction in the number of parking stalls is no longer required due to amendments to Schedule C – Off-Street Parking adopted July 26, 2018.
- A variance has been added to accommodate the increased floor area for an accessory building, instead of embedding it in the site-specific zone that was intended with the rezoning application, and that is now no longer required.

The updated variances are considered supportable in the context of the overall application which includes heritage designation, a housing agreement to secure the dwelling units as rental, and a statutory right-of-way to improve pedestrian and cycling infrastructure at a future date. The variances also do not appear to substantially impact the adjacent properties.

If Council chooses to not approve this Development Permit with Variance application, the applicant would be required to meet the zoning regulations. Under Schedule G – House Conversion Regulations, they could withdraw the heritage designation and housing agreement and have seven dwelling units in the building. In this scenario, it is unlikely that the City would be able to successfully negotiate a statutory right-of-way.

### **Heritage Designation**

The proposed heritage designation of the house is compatible with the *Official Community Plan*, 2012 (OCP), and is consistent with the *Zoning Regulation Bylaw*.

### **Tree Preservation Bylaw and Urban Forest Master Plan**

There are no *Tree Preservation Bylaw* impacts with this application. There are no impacts to public trees with this application.

### **CONCLUSIONS**

This Development Variance Permit Application for relaxations to the *Zoning Regulation Bylaw* for minimum dwelling unit size, site coverage, parking in the front yard, and accessory building size and siting would not substantially impact adjacent properties. The proposal would secure the heritage designation and ten rental dwelling units in perpetuity. Staff recommend that Council consider supporting this application.

### **ALTERNATE MOTION**

That Council decline Development Variance Permit Application No. 00194 and Heritage Designation Application No. 000162 for 121 Menzies Street.

Respectfully submitted,

Rob Bateman  
Senior Process Planner  
Development Services Division

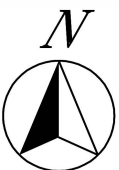
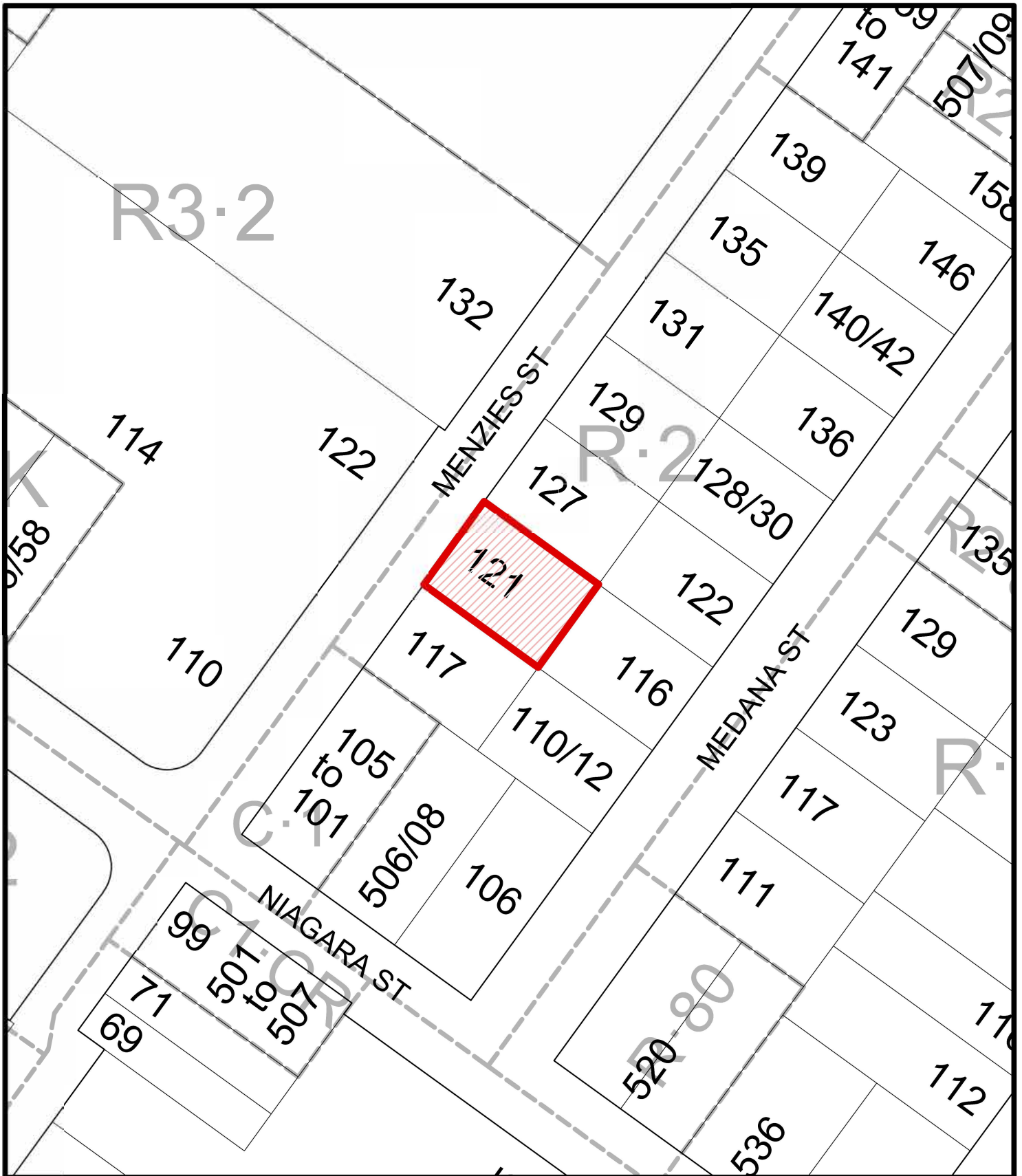
Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

**Report accepted and recommended by the City Manager.**

### **List of Attachments**

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped May 26, 2021
- Attachment D: Letter from applicant to Mayor and Council dated May 20, 2021
- Attachment E: Tenant Assistance Plan dated July 7, 2021

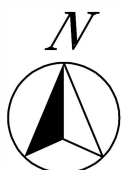
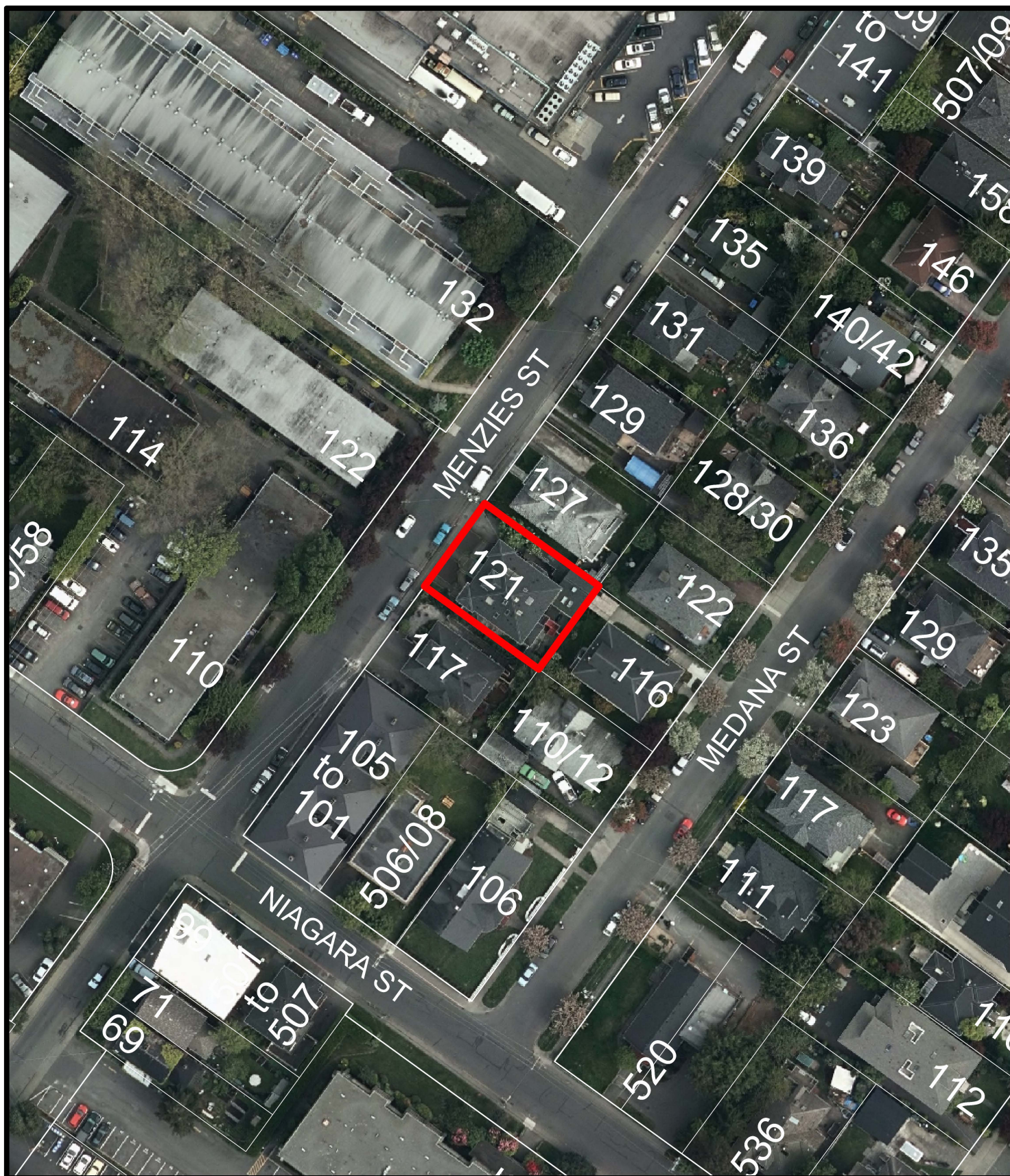
- Attachment F: Community Association Land Use Committee Comments dated October 21, 2016
- Attachment G: July 27, 2017 Committee of the Whole meeting staff report and attachments
- Attachment H: July 27, 2017 Committee of the Whole meeting minutes.



121 Menzies Street  
Development Variance Permit No. 00194







121 Menzies Street  
Development Variance Permit No. 00162





# Rezoning Application Drawings




PID: 008674477

Owner: Gordon D. Osborne

121 Menzies St, Victoria, BC, V8V-2G4

Legal: Lot 27, Section 11 Beckley Farm, Victoria, BC

Plan: 753



**Revisions**  
Received Date:  
May 26, 2021



**John Ivison & Associates Ltd.**  
1-778-898-1909  
JohnIvison@JohnIvison.com

Mainland 3164 W. 6th Ave.,  
Vancouver, B.C. V6K 1X8  
Canada  
Island 6251 Thomson Terrace,  
Maple Bay, Duncan, B.C.  
V9L 5R1

SCALE: 1/8"=1'      DRAWN: CDM  
DATE: MAY.20.2021      CHECKED: JTI/JIAA  
Approved for use in  
Construction (Initials) \_\_\_\_\_  
DISK NO. NA      FILE No. GDO-001/0814

Mr. Gordon Osborne (REZONING DRAWINGS)  
121 Menzies Street, Victoria, B.C.  
Rezoning Application Drawings  
Issue Date: May 2021      EDIT VERSION      9

Drwg #:  
**C1**

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  - Door and Window Schedule
  - Suite Data Information Table
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  - Project Data Table
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- C4 - City to House Site Services

Architectural (APPROVED) 1992 - Drawing #

HOUSE

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- A2 - Floor Plans - 2nd / Attic
- A3 - Elevations - West
- A4 - Elevations - East
- A5 - Elevations - North
- A6 - Elevations - South
- A7 - General X Section
- A8 - Concrete FND, FTG's and Walls
- A8A - Bikes & Garden STG Detail
- A9 - UTILITY BLDG - Elevations
- A10 - UTILITY BLDG - Foundation
- A11 - UTILITY BLDG - Cross section

Window Schedule

- 20-60 8⁄16 -

1
- 40-40 0 -

8
- 26-50 0 -

2
- 40-50 0 -

9
- 26-56 8⁄16 -

3
- 60-30 8⁄16 -

10
- 30-36 8⁄16 -

4
- 60-40 0 -

11
- 36-36 8⁄16 -

5
- 60-50 0 -

12
- 36-56 8⁄16 -

6
- 20-40 0 -

13
- 40-36 0 -

7
- 26-30 0 -

14

Door Schedule (Rating)

- 24" std -

1

24" Fire 1.0 Hour -

1
- 28" std -

2

28" Fire 1.0 Hour -

2
- 30" std -

3

30" Fire 1.0 Hour -

3
- 32" std -

4

32" Fire 1.0 Hour -

4
- 34" std -

5

34" Fire 1.0 Hour -

5
- 36" std -

6


36" Fire 1.0 Hour -

6

General Construction Notes

- 1) Building contractor is to Verify all dimensions on site before proceeding
- 2) Measurements on site take precedence over scaling off drawings.
- 3) All concrete is to be a minimum 20 mpa (3000 psi) @ 28 days
- 4) All lintels in load bearing walls to be a minimum 2@2x10 SPF unless otherwise noted.
- 5) All plates on concrete to be rot treated & or be separation isolated upon installation.
- 6) Flush framed members shall be anchored using joist hangers.
- 7) Flash all unprotected openings and changes in materials on exterior walls.
- 8) All grades shown are approximate only.
- 9) All construction to comply with Local, BC and National Building codes as applicable.
- 10) All materials specified are subject to local availability
- 11) Roof Trusses and Manufactured floor members shall be designed by authorized engineer, who shall ensure that lintels, beams and posts over load bearing points are designed to withstand appropriate loads imposed upon them.
- 12) Design snow loads = 35psf (not to be exceeded)
- 13) All structural framing lumber shall be #1 & 2 SPF or better unless noted otherwise.
- 14) Do not use Fingerjoint (FJ) studs under beams, lintels or girders.
- 15) Lot Survey has been completed and construction is to be contained and maintained within dimensions of observed building envelope.

Suite Data Information Table			
Floor / Suite #	ft 2	m2	Configuratiion
Bsmnt #8	312.08	28.99	Bachelor w/ Bath
Bsmnt #9	549.70	51.06	1 Bedroom w/ 2 bath Full Kichen & Dining "Caretaker"
Bsmnt #11	159.15	14.78	Bachelor w/ Bath & Kitchenette
Main Flr #1	317.67	29.51	Bachelor w/ Bath & Kitchen w/ Stg Loft
Main Flr #3	348.49	32.37	1 Bedroom w/ Bath and Kitchen
Main Flr #10	543.34	50.47	2 Bedroom w/ Bath and Kitchen w/ Stg Loft
2nd Floor #4	448.87	41.70	1 Bedroom w/ Bath and Kitchen w/ Stg Loft - 2 Levels
2nd Floor #5	384.12	35.68	1 Bedroom w/ Bath and Kitchen w/ Stg Loft
2nd Floor #6	261.29	24.27	Bachelor w/ Bath and Kitchen w/ Stg Loft
2nd Floor #7	757.99	70.41	1 Bedroom w/ 2 bath and Kitchen w/ Stg Loft - 2 Levels
Bsmnt Office	255.88	23.77	Caretaker / Owner Office space
Totals	4338.58	403.07	Mixed Usage Units



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Canada

Island

6251 Thomson Terrace,

Maple Bay, Duncan, B.C.

V9L 5R1

SCALE: 1/8"=1'

DRAWN: CDM

DATE: MAY.20.2021

CHECKED: JTI/JIAA

Approved for use in Construction (Initials)

DISK NO. NA

FILE No. GDO-001/0814

Mr. Gordon Osborne (REZONING DRAWINGS)

121 Menzies Street, Victoria, B.C.

Table of Contents - Rezoning Dwgs

Issue Date: May 2021

EDIT VERSION

9

Drwg #:

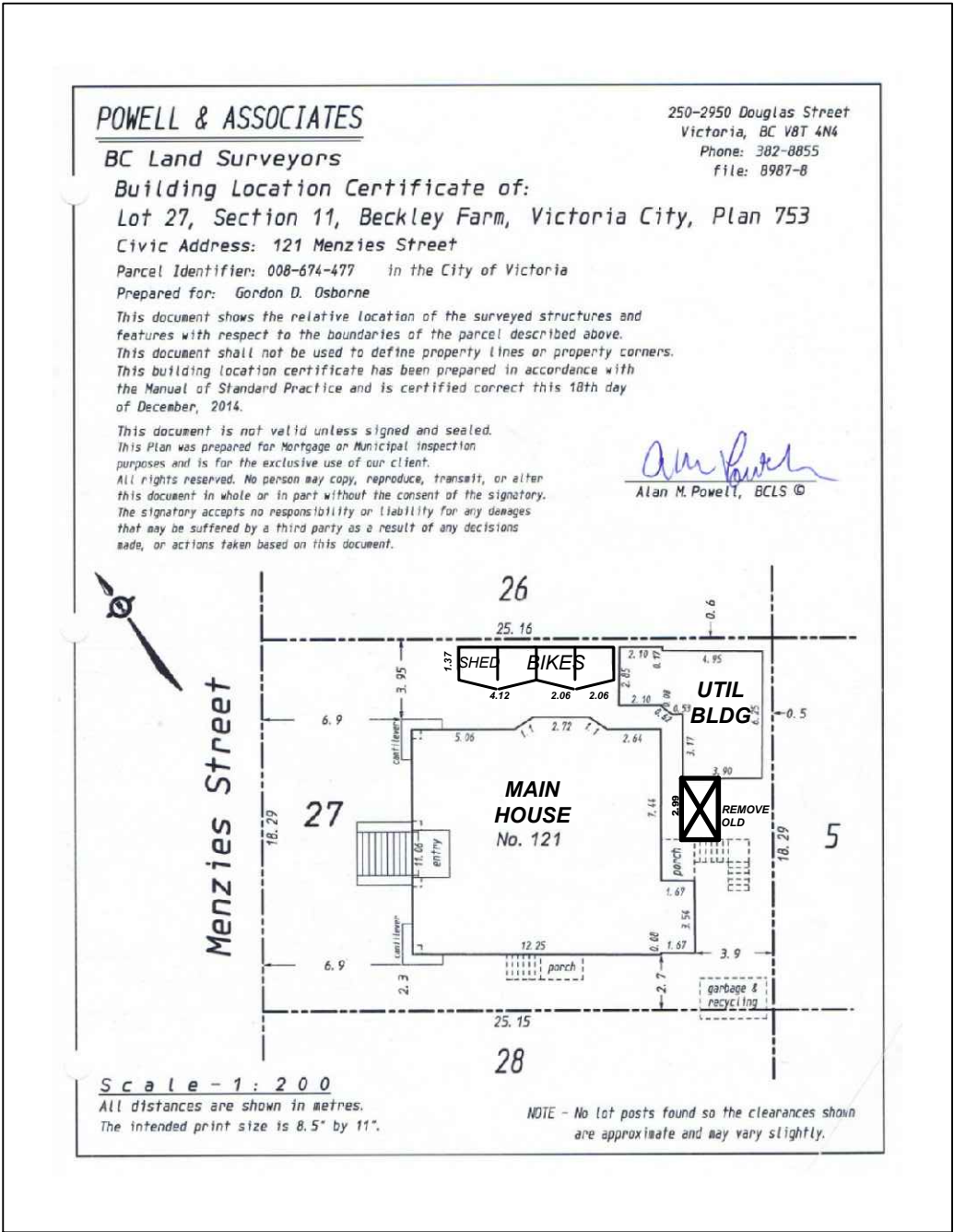
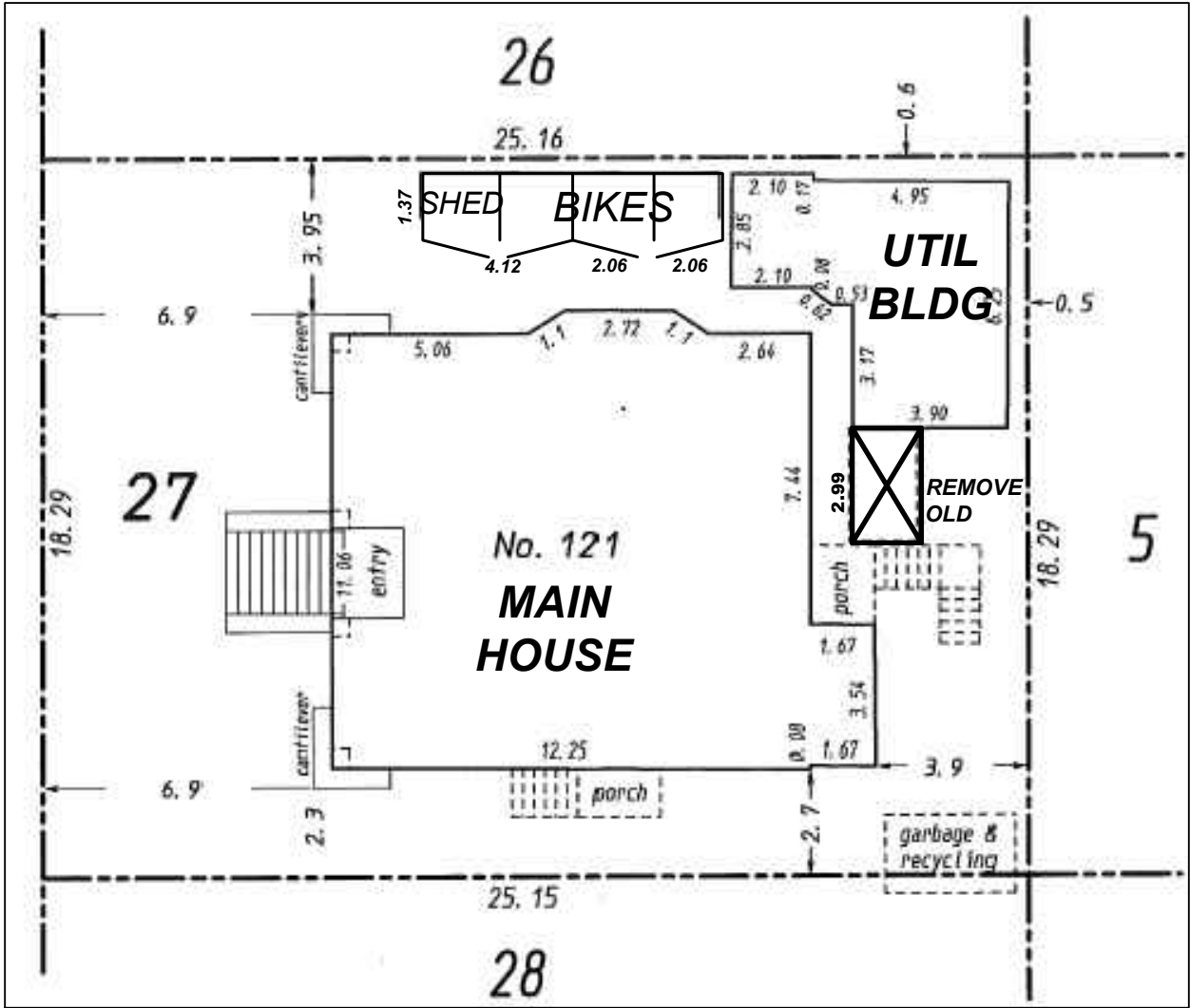
C2

Project Information Data Table	
Zone Existing	R-2 (DP16)
Proposed Zone	New Zone - Site Specific
Site Area	*5028.80 sf (467.19 m2)
Total Floor Area	*5625.95 sf (522.67 m2)
Commercial Floor Area	NA
Floor Space Ratio	*1.12
Site Coverage %	42.3
Open Site Space %	*44
Height of Building	39'-11 <sup>3</sup> / <sub>4</sub> " (12.19m)
Number of Storeys	4
Parking Stalls on Site #	1
Bicycle Parking	*10

Building Setbacks	
Front Yard	24'-3 <sup>1</sup> / <sub>4</sub> " (7.40m)
Rear Yard	12'-9 <sup>1</sup> / <sub>2</sub> " (3.90m)
Side Yard (North)	11'-9 <sup>3</sup> / <sub>8</sub> " (3.59m)
Side Yard (South)	9'-2 <sup>1</sup> / <sub>4</sub> " (2.80m)
Combined Side Yards	20'-11 <sup>5</sup> / <sub>8</sub> " (6.39m)

\* Denotes Revised Data

Residential Units Details	
Total Number of Units	*10 Mixed Usage
Unit Type	*1 Bdrm / 2 Bdrm / Bachelor
Ground Orientated Units	3
Min Unit Floor Area	*159.15 sf (14.78 m2)
Residential Floor Area	Refer to Suite Data Table - DWG C2



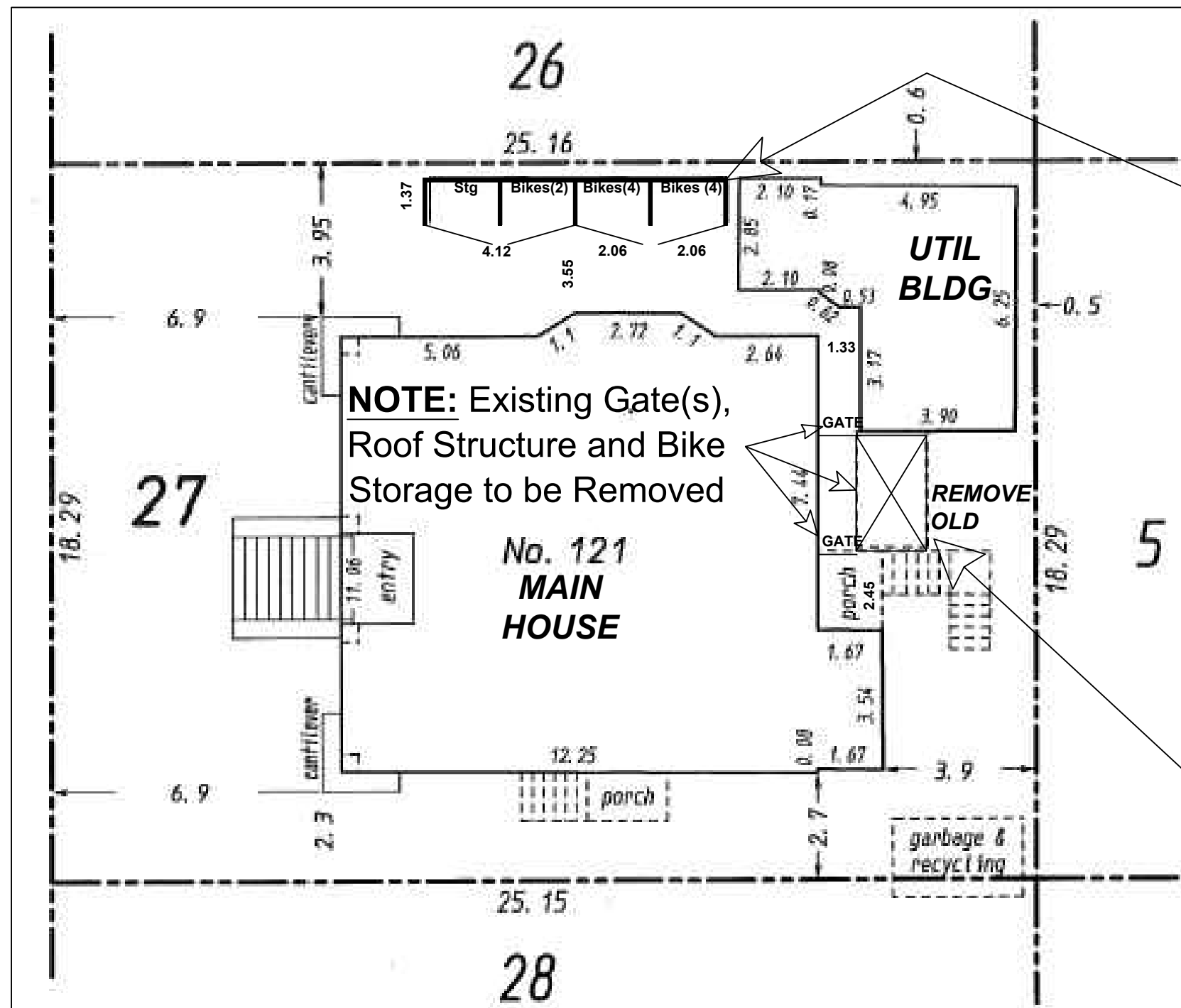
A Proposed Bike Parking - STG Area

SCALE: 1/8"=1'	DRAWN: CDM
DATE: MAY.20.2021	CHECKED: JTI/JIAA
Approved for use in Construction (Initials) _____	
DISK NO. NA	FILE No. GDO-001/0814

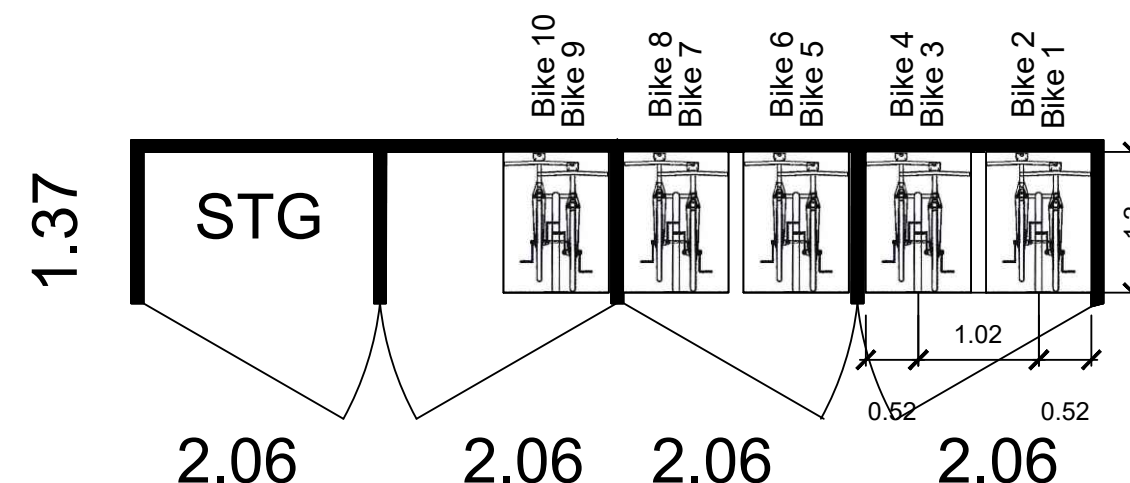
Mr. Gordon Osborne (REZONING DRAWINGS) 121 Menzies Street, Victoria, B.C.	
Site Plan and Data - Rezoning Dwgs	
Issue Date: May 2021	EDIT VERSION 9

C3



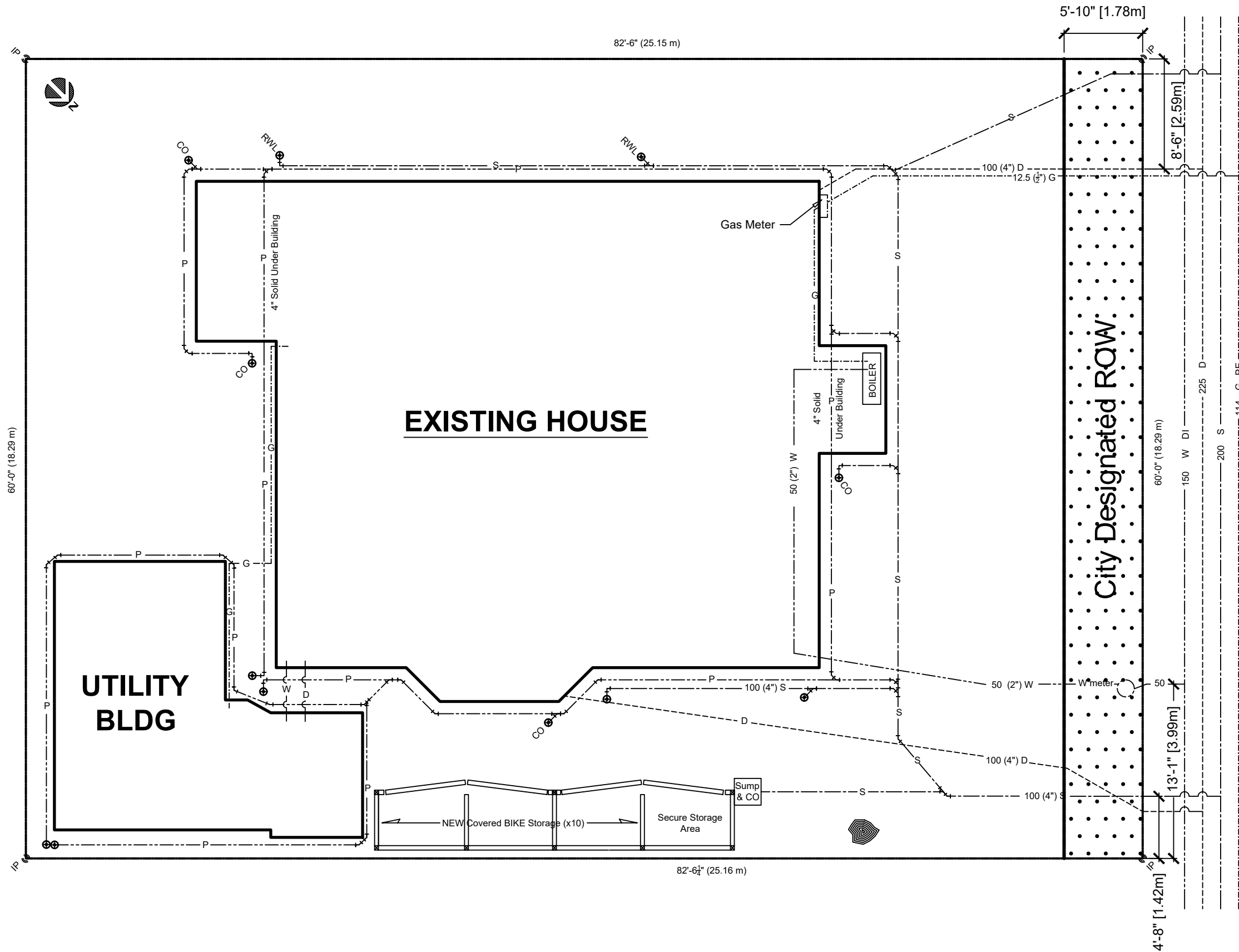


**\*\*\* NEW \*\*\***  
**SHED & BIKE STORAGE**



**NOTE 1:** 10 Bikes @ Vertical Stg Position (as per City specification)

**NOTE 2:** Existing Gates, Roof Structure and Bike Storage to be Removed



B Site Services



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SCALE: 1/8"=1'	DRAWN: CDM
DATE: MAY.20.2021	CHECKED: JTI/JIAA
Approved for use in Construction (Initials) _____	
DISK NO. NA	FILE No. GDO-001/0814

Mr. Gordon Osborne (REZONING DRAWINGS) 121 Menzies Street, Victoria, B.C.		
Site Services - App'd 1992 - Alternate Plan		
Issue Date: May 2021	EDIT VERSION	9

Drwg #:  
**C4**

City of Victoria Note:

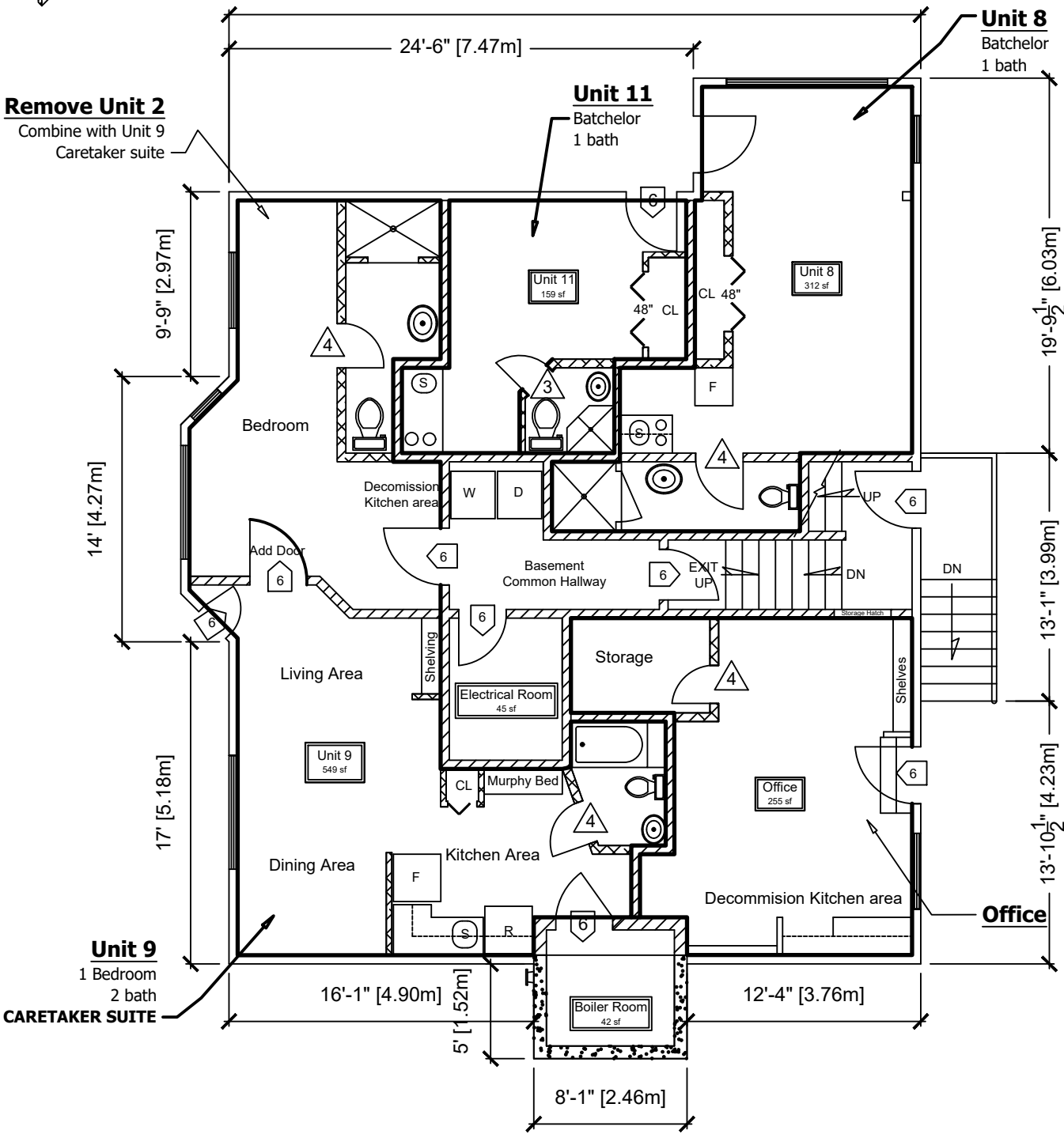
LEGEND :

- 4" PVC Street "Y"
- 4" PVC "45°" Elbow
- 4" PVC "90°" Elbow
- Rain Water Leader (RWL) or Clean Out (CO)
- 200 P Domestic Perimeter 4" Solid PVC
- 200 S City Storm - 8" | Domestic 4" PVC
- 150 W DI City Water - 6" | Domestic 2" PVC
- 114 G PE City Gas - 4.5" | Domestic 1/2" Copper
- 225 D City Sanitary - 9" | Domestic 4" PVC
- Iron Pin (IP)



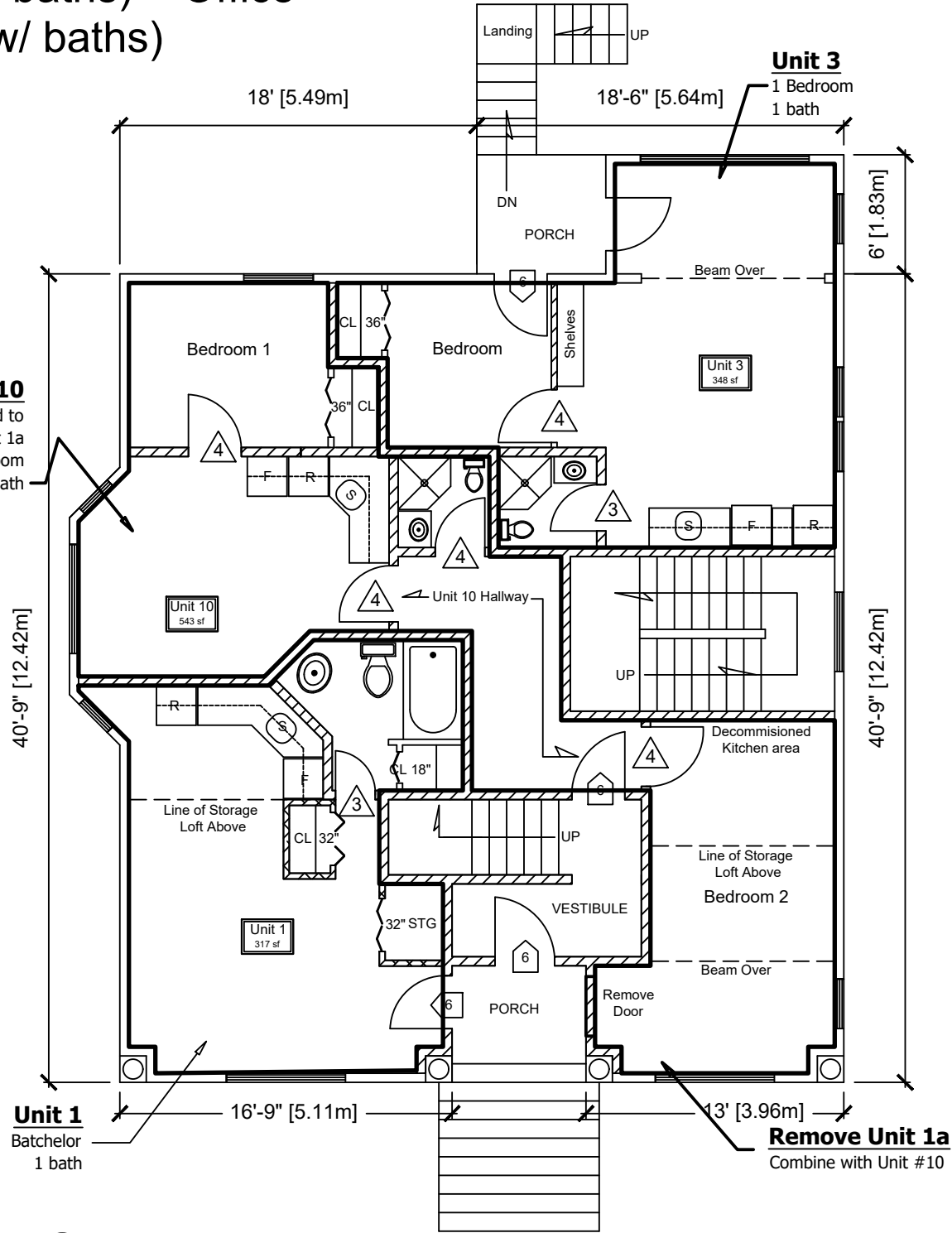
Basement Floor = 3 Suites (w/ baths) + Office  
Main Floor = 3 Suites (w/ baths)

**Remove Unit 2**  
Combine with Unit 9  
Caretaker suite



**A** Basement Floor  
1576.45 sf [146.46m<sup>2</sup>]

**Unit 10**  
Reconfigured to  
combine with Unit 1a  
2 Bedroom  
1 bath



**B** Main Floor  
1548.84 sf [143.89m<sup>2</sup>]

**Wall Legend :**

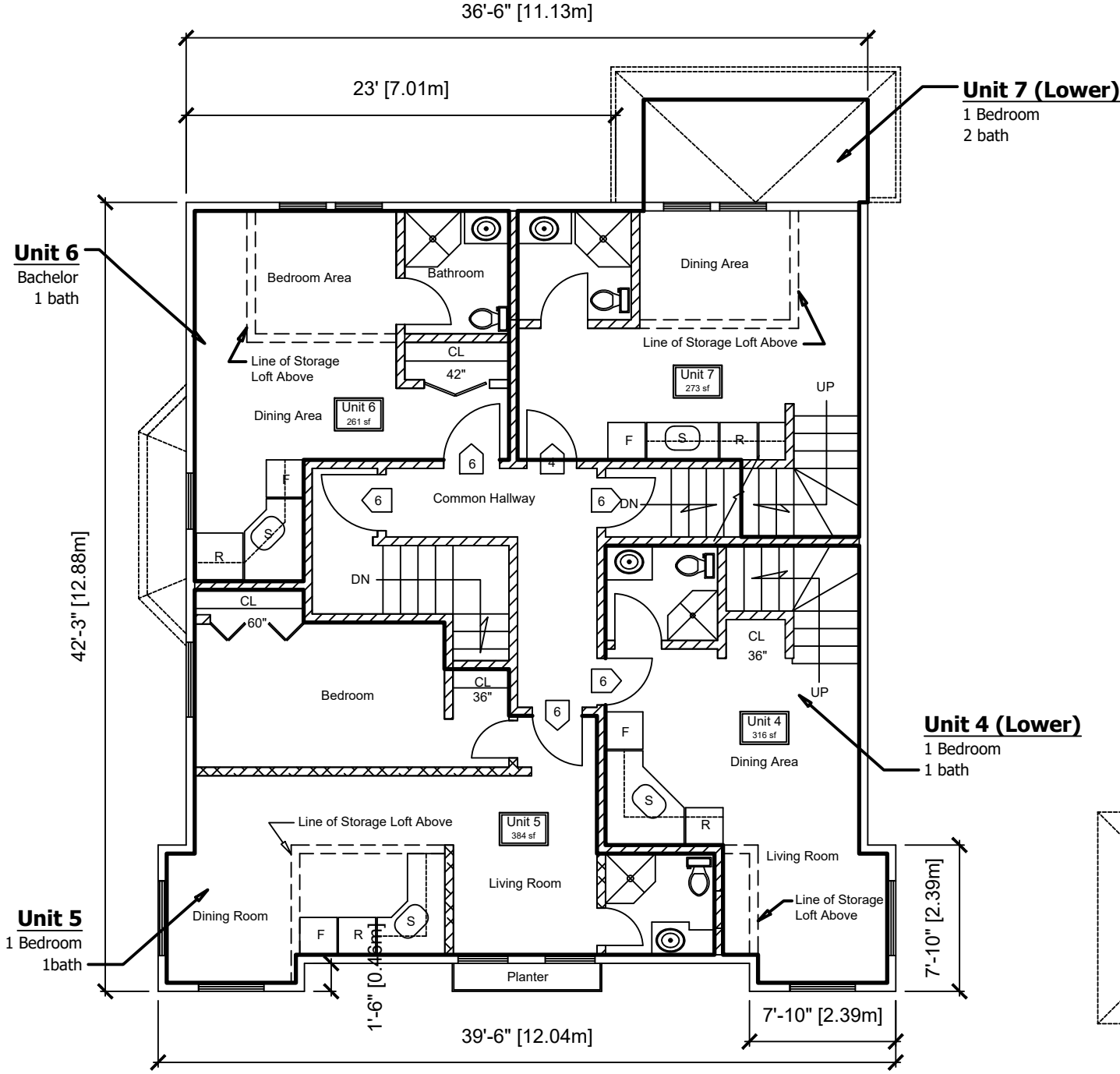
- Fire Rated Separation
- Unrated Interior Partition
- Exterior Wall - Existing House Envelope



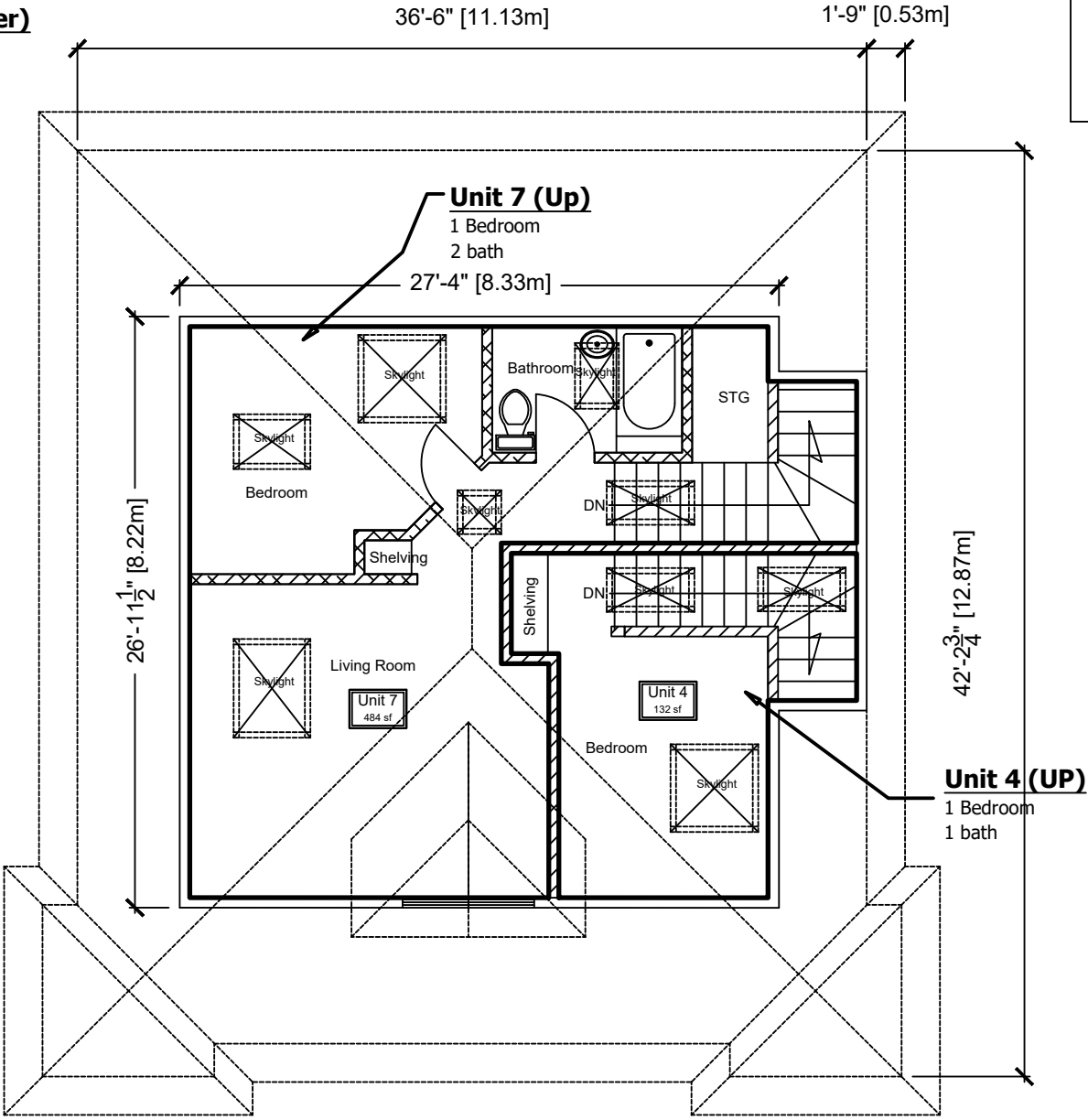
Second Floor = 4 Suites (w/ baths)  
Attic Floor = Upper level of existing 2 suites from Second floor (4 & 7)

Wall Legend :

- Fire Rated Separation
- Unrated Interior Partition
- Exterior Wall - Existing House Envelope



A Second Floor  
1601.87sf [ 148.82m2]



B Attic Floor  
798.98 sf [ 74.22m2]



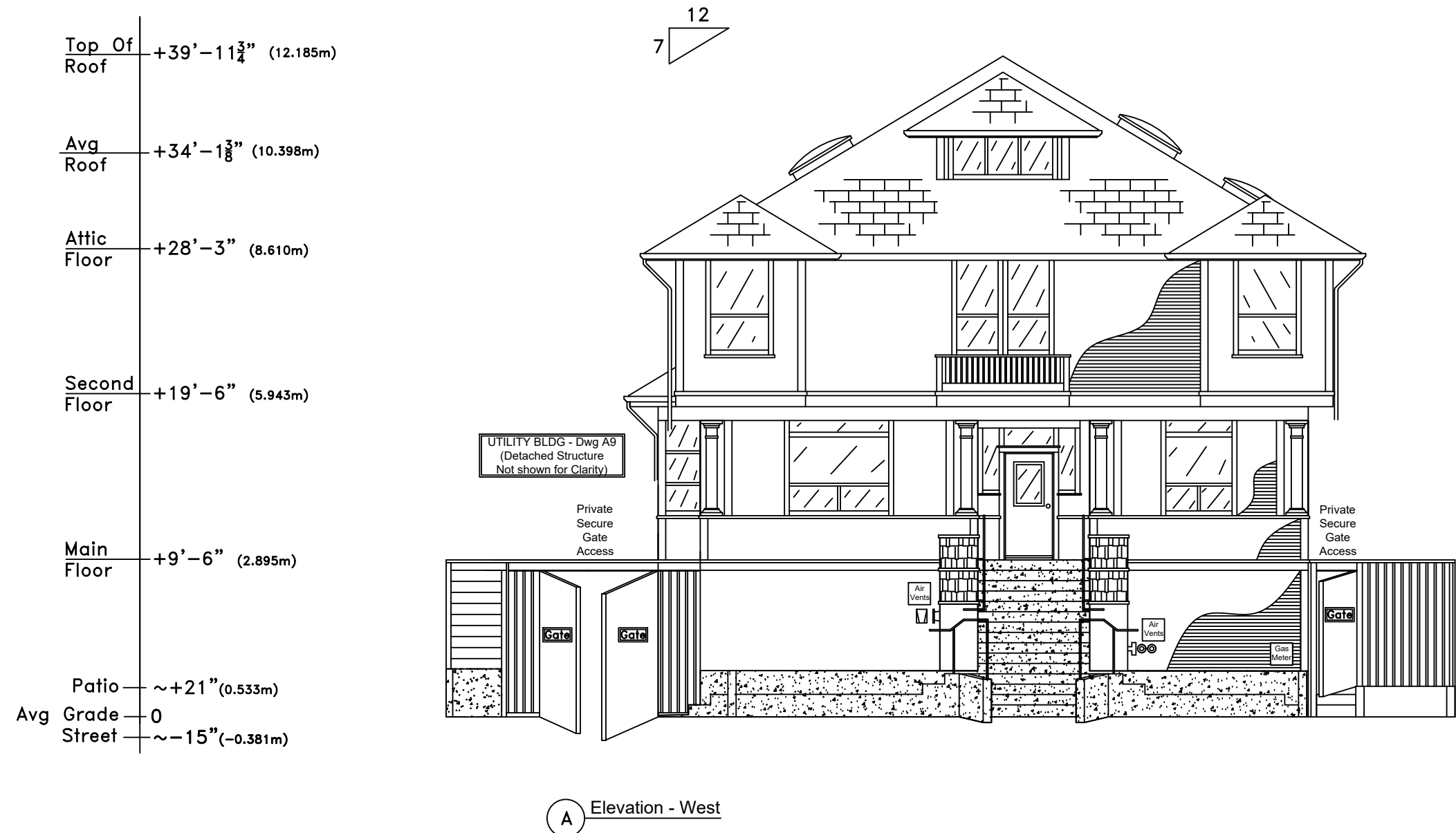
John Ivison & Associates Ltd.  
1-778-898-1909  
JohnIvison@JohnIvison.com

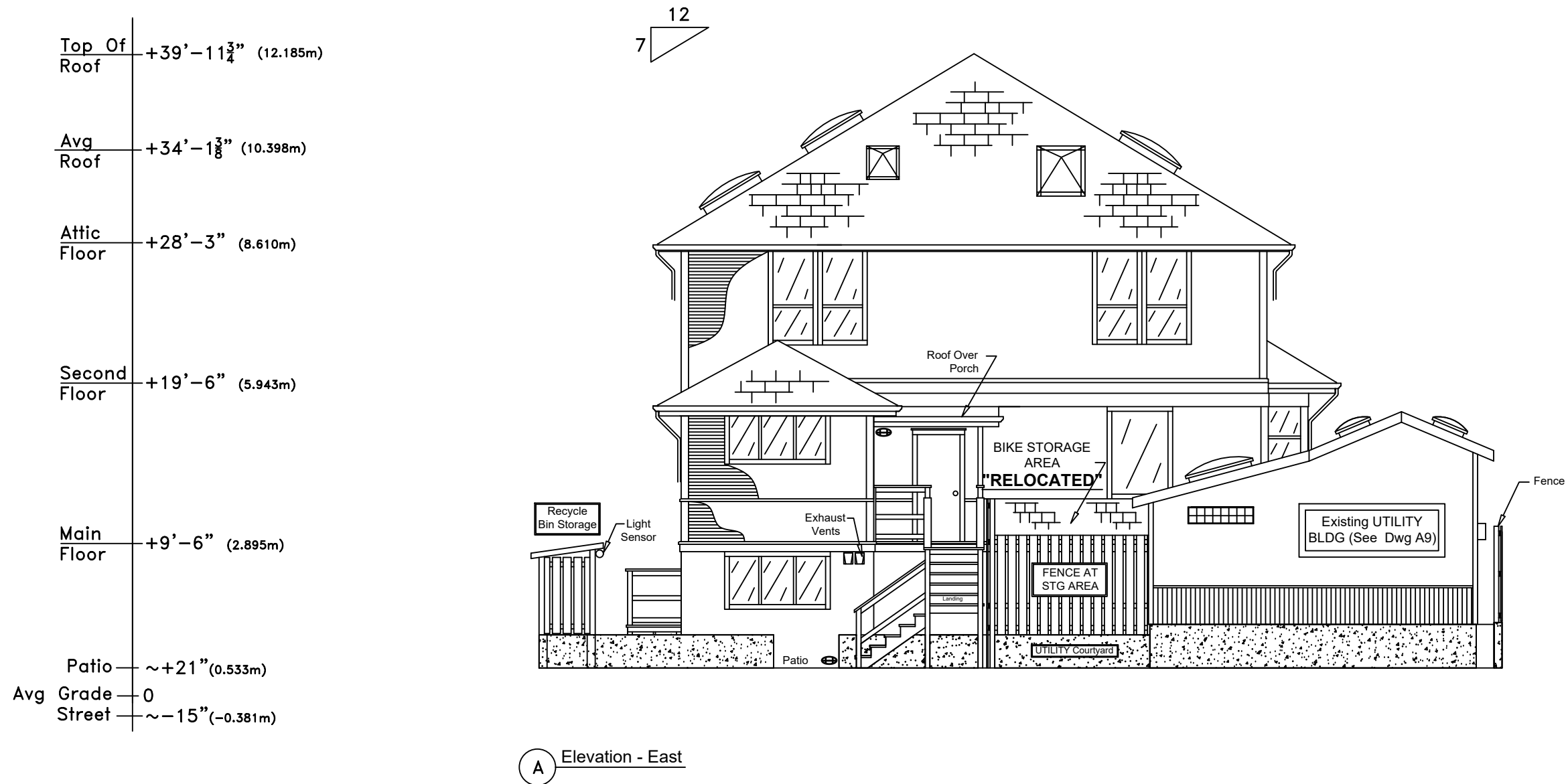
Mainland 3184 W. 6th Ave.,  
Vancouver, B.C. V6K 1X6  
Canada  
Island 6251 Thomson Terrace,  
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SCALE: 1/8"=1'	DRAWN: CDM
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DISK NO. NA	FILE No. GDO-001/0814

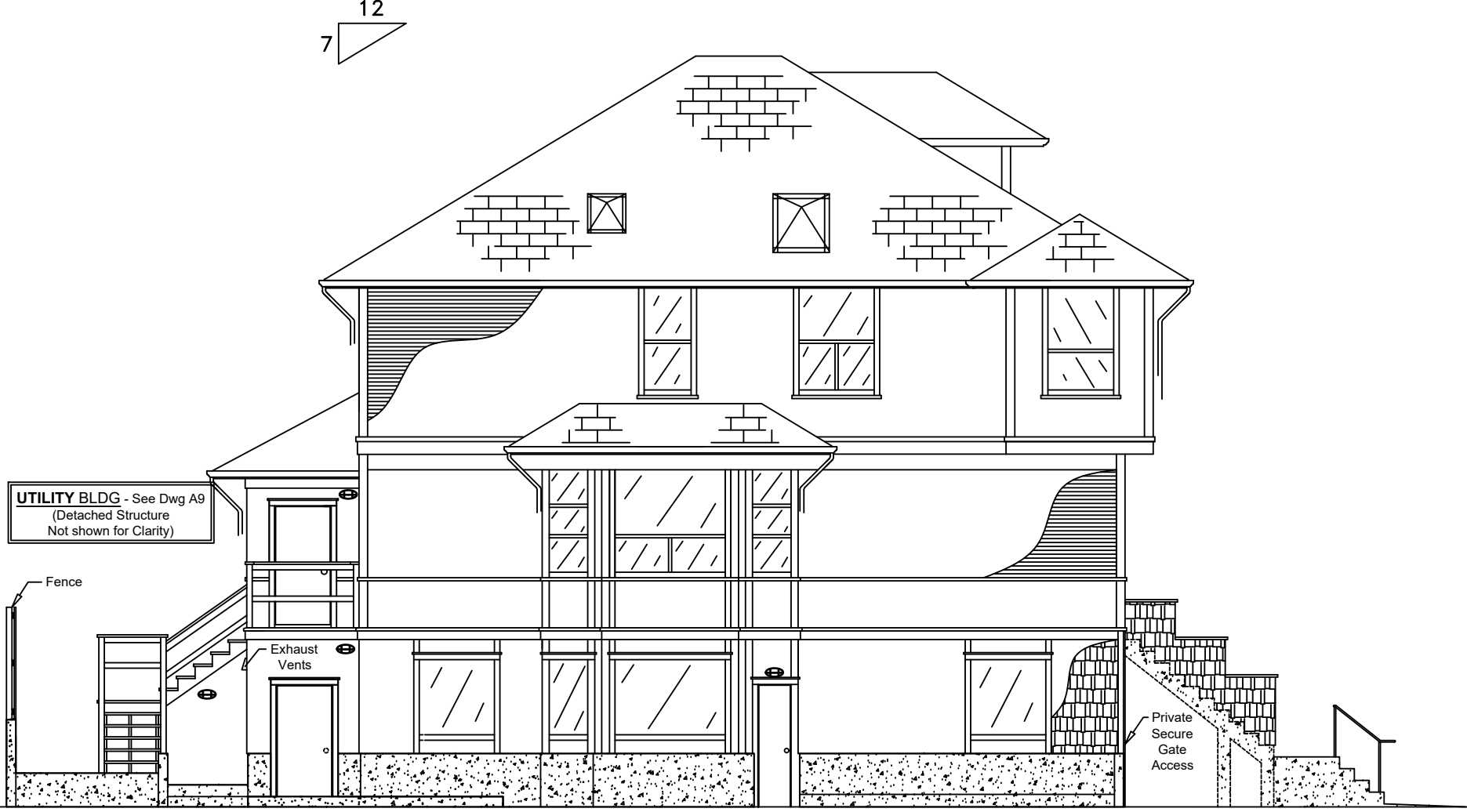
Mr. Gordon Osborne (REZONING DRAWINGS) 121 Menzies Street, Victoria, B.C.	
Floor Plans House (Second / Attic)	
Issue Date: May 2021	EDIT VERSION 9

Drwg #:  
**A2**





Top Of Roof +39'-11 $\frac{3}{4}$ " (12.185m)  
Avg Roof +34'-1 $\frac{3}{8}$ " (10.398m)  
Attic Floor +28'-3" (8.610m)  
Second Floor +19'-6" (5.943m)  
Main Floor +9'-6" (2.895m)  
Patio ~+21" (0.533m)  
Avg Grade 0  
Street ~-15" (-0.381m)



A Elevation - North



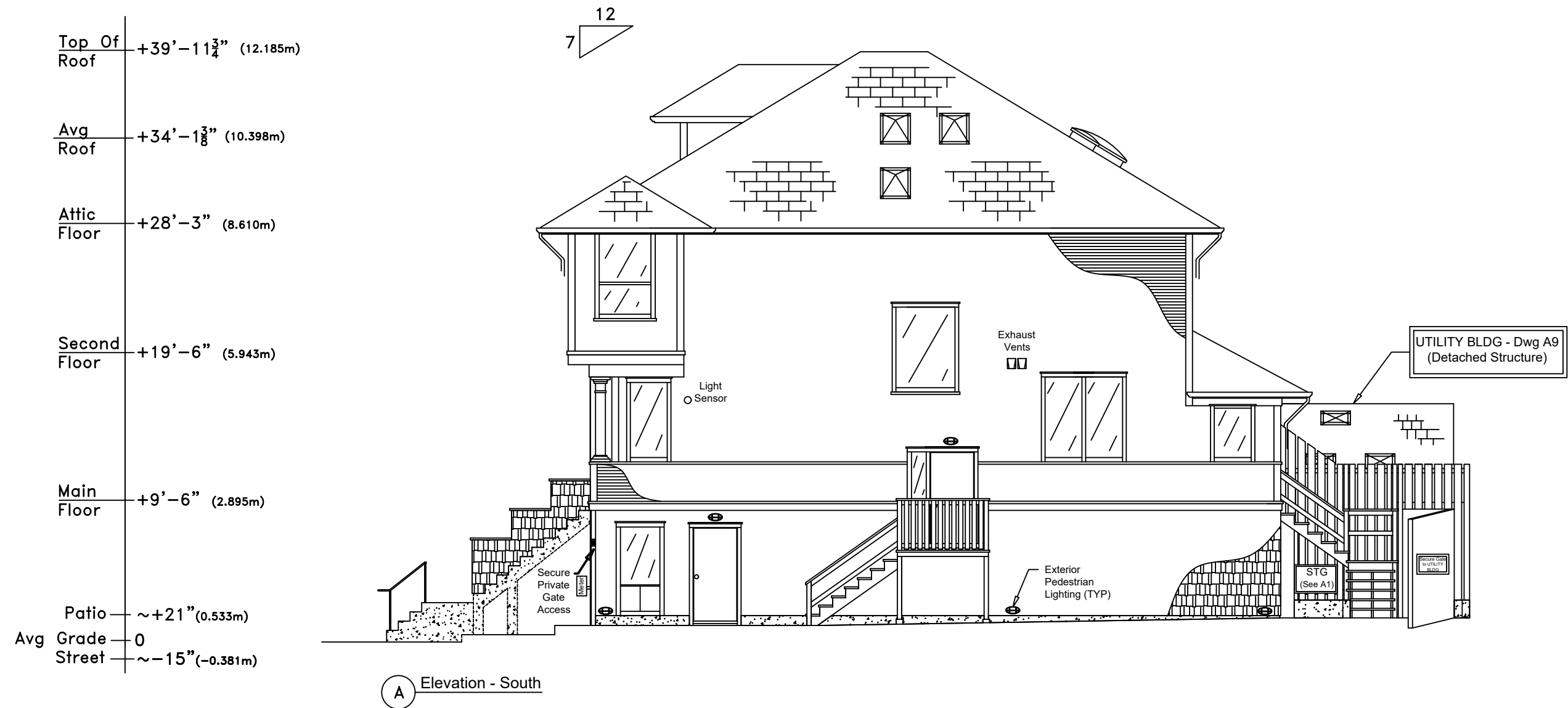
**John Ivison & Associates Ltd.**  
1-778-898-1909  
JohnIvison@JohnIvison.com

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Island 6251 Thomson Terrace, Maple Bay, Duncan, B.C. V9L 5R1

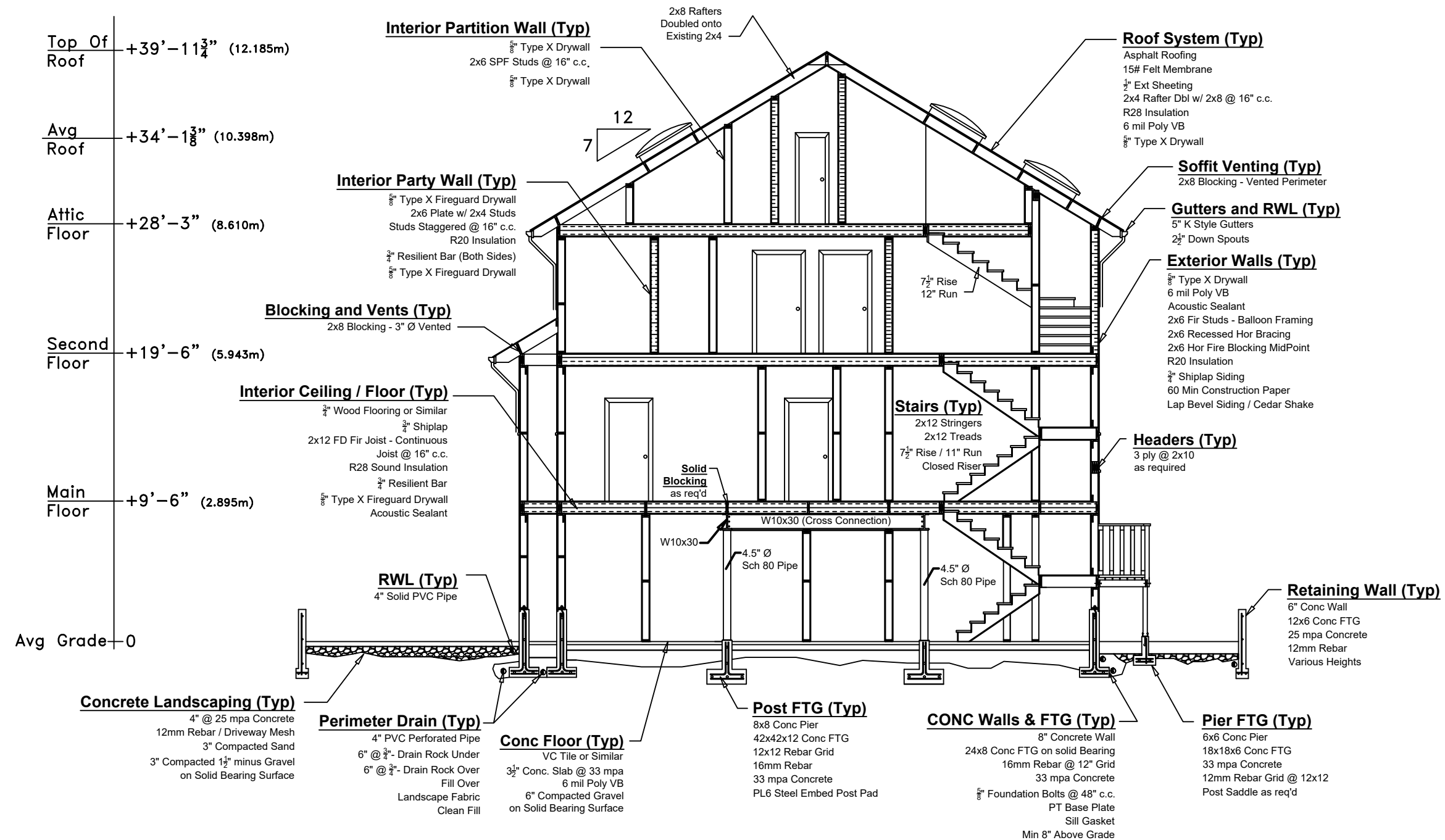
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DATE: MAY.20.2021 CHECKED: JTI/JIAA  
Approved for use in Construction (Initials) \_\_\_\_\_  
DISK NO. NA FILE No. GDO-001/0814

**Mr. Gordon Osborne (REZONING DRAWINGS)**  
121 Menzies Street, Victoria, B.C.  
**Elevation North - Rezoning Drawings**  
Issue Date: May 2021 EDIT VERSION 9

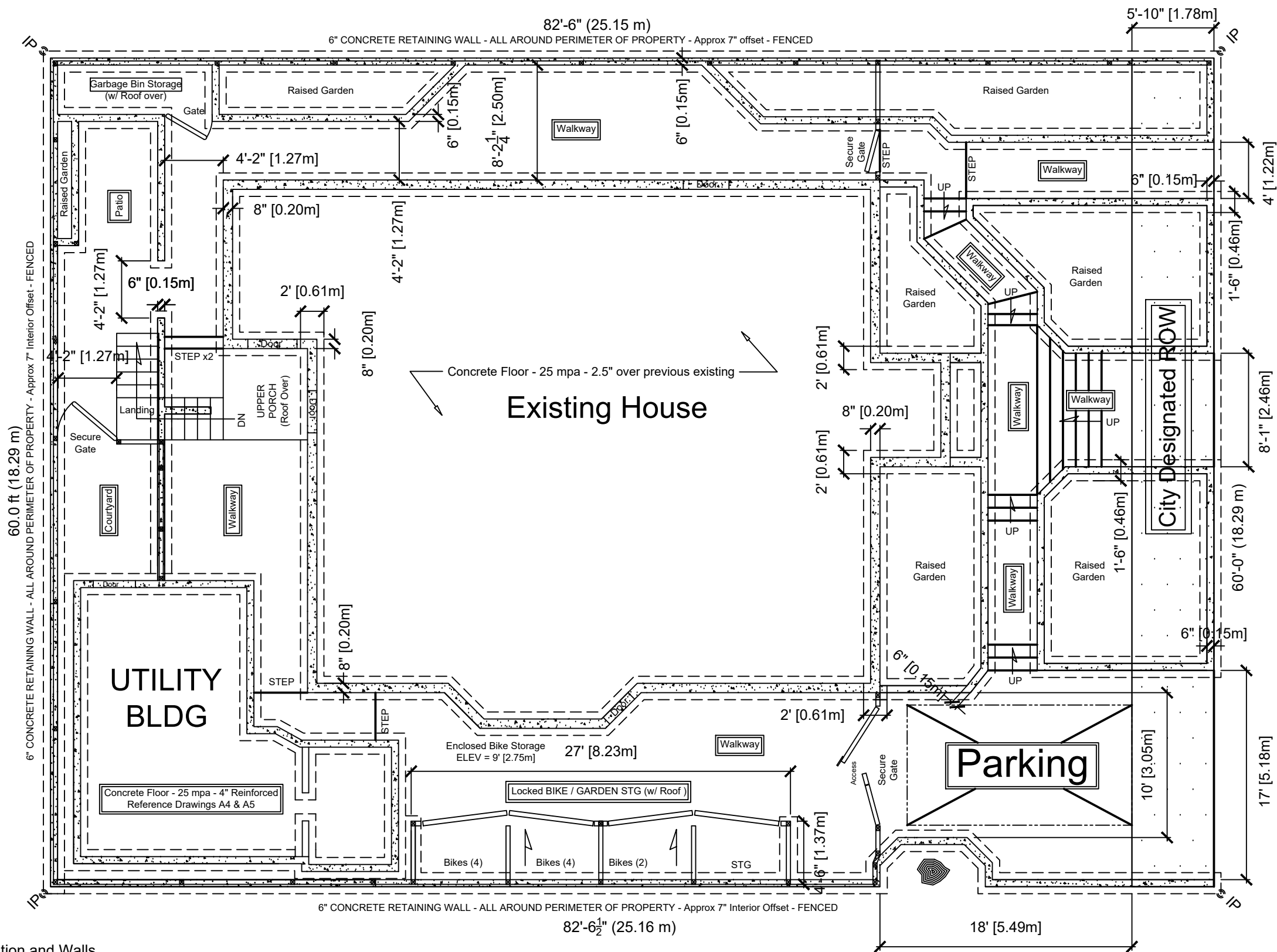
Drwg #:  
**A5**








**A Existing House - General X Section**  
Information Observed or Confirmed as drawn




Menzies Street

**A** Concrete Foundation and Walls  
- Approved 1992 Construction  
Information Observed or Confirmed as drawn


**Wall Legend :**




Concrete FND FTG & Wall  
- Approved Permit 1992

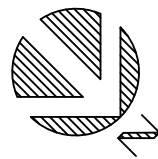


Fence Line with Post  
- Fence around perimeter

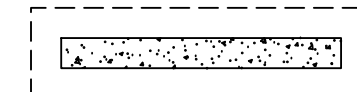


Iron Pin (IP)

 <div><b>John Ivison &amp; Associates Ltd.</b> 1-778-898-1909 JohnIvison@JohnIvison.com  Mainland 3184 W. 6th Ave., Vancouver, B.C. V6K 1X6 Canada  Island 6251 Thomson Terrace, Maple Bay, Duncan, B.C. V9L 5R1</div>	SCALE: <u>1/8"=1'</u> DRAWN: <u>CDM</u>		Mr. Gordon Osborne (REZONING DRAWINGS)		Drwg #:  <b>A8</b>
	DATE: <u>MAY.20.2021</u> CHECKED: <u>JTI/JIAA</u>		121 Menzies Street, Victoria, B.C.		
	Approved for use in Construction (Initials) _____		FND FTG & Walls - Rezoning Drawings		
	DISK NO. <u>NA</u> FILE No. <u>GDO-001/0814</u>		Issue Date: May 2021	EDIT VERSION	

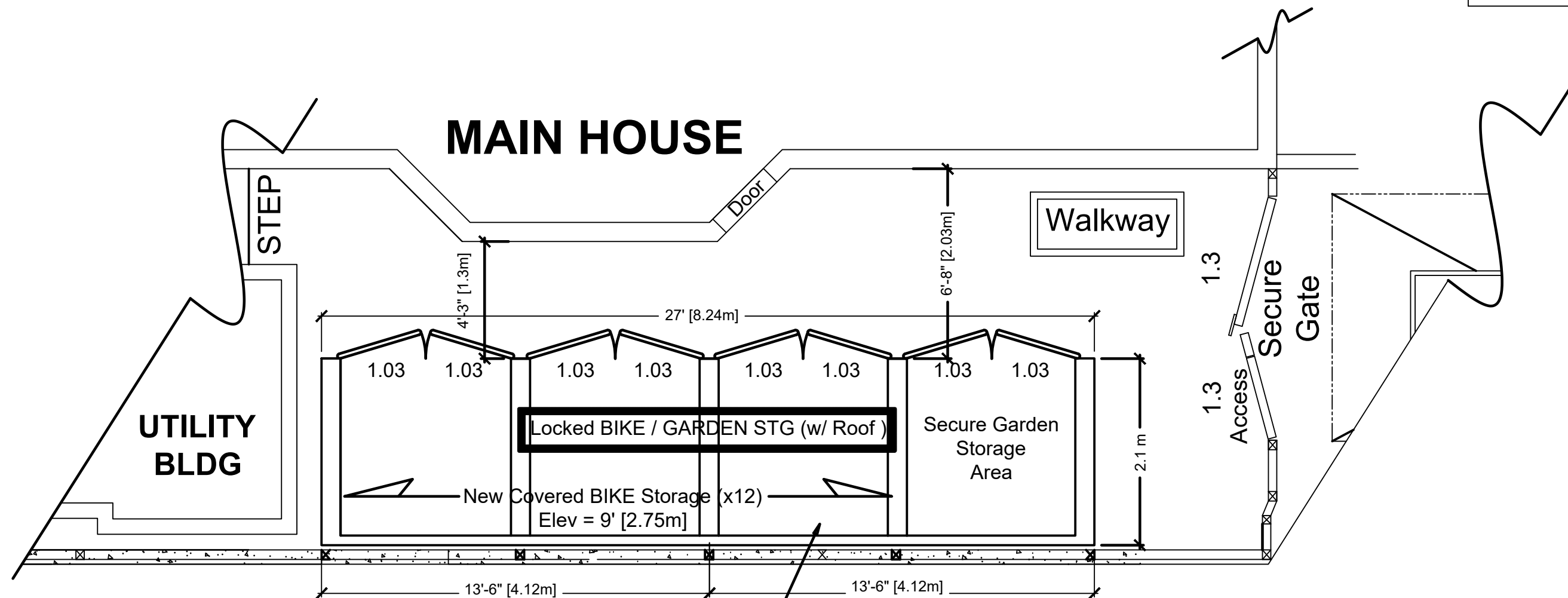


Wall Legend :




Concrete FND FTG & Wall  
- Approved Permit 1992

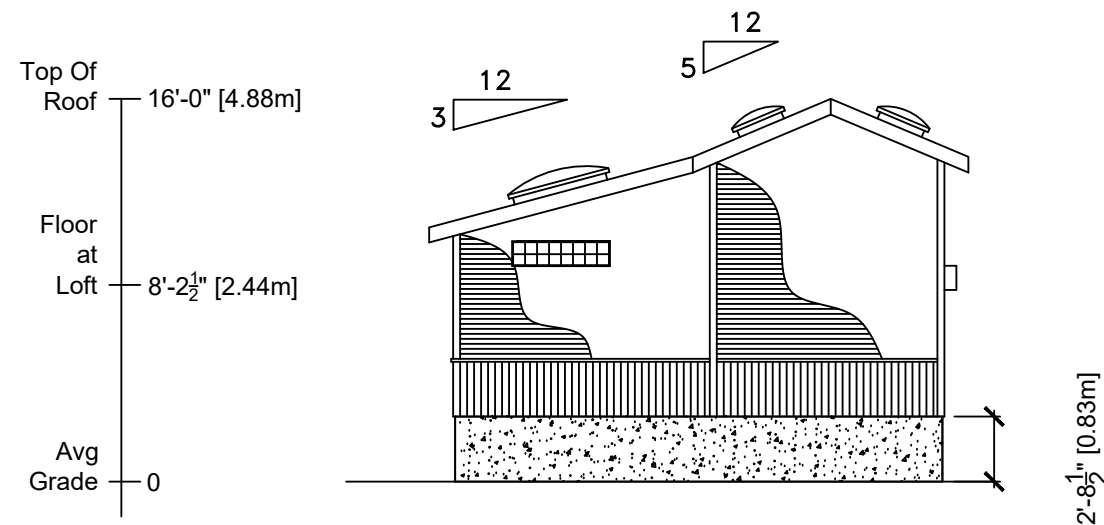
Fence Line with Post  
- Fence around perimeter



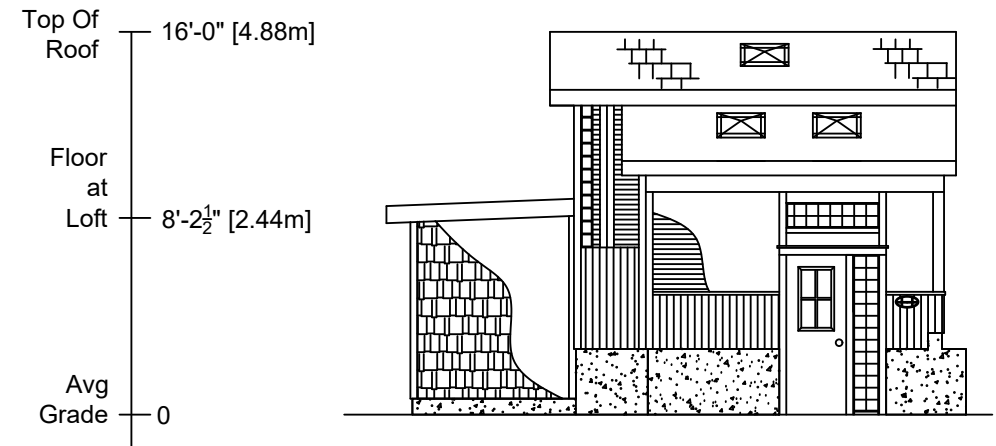
See Also Detail C3a / A8

A Detail Bike / Garden Storage  
See DWG A8

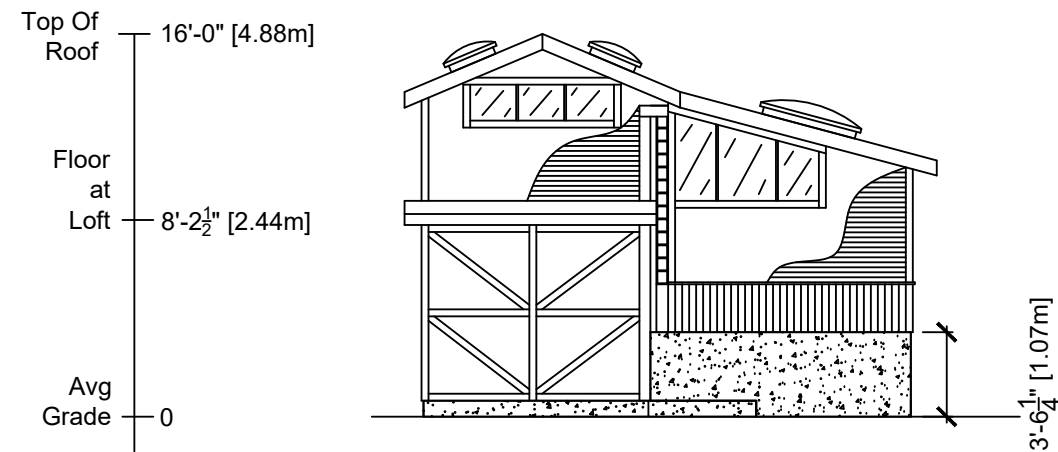
 <div>John Ivison &amp; Associates Ltd. 1-778-898-1909 JohnIvison@JohnIvison.com</div> <div>Mainland 3184 W. 8th Ave., Vancouver, B.C. V6K 1X6 Canada</div> <div>Island 6251 Thomson Terrace, Maple Bay, Duncan, B.C. V9L 5R1</div>	SCALE: <u>1/8"=1'</u> DRAWN: <u>CDM</u>		Mr. Gordon Osborne (REZONING DRAWINGS) 121 Menzies Street, Victoria, B.C.			Drwg #:  <b>A8</b>  <b>A</b>
	DATE: <u>MAY.20.2021</u> CHECKED: <u>JTI/JIAA</u>					
	Approved for use in Construction (Initials) _____		Detail - Bikes & Garden STG - Proposed			
	DISK NO. <u>NA</u> FILE No. <u>GDO-001/0814</u>		Issue Date: May 2021		EDIT VERSION	



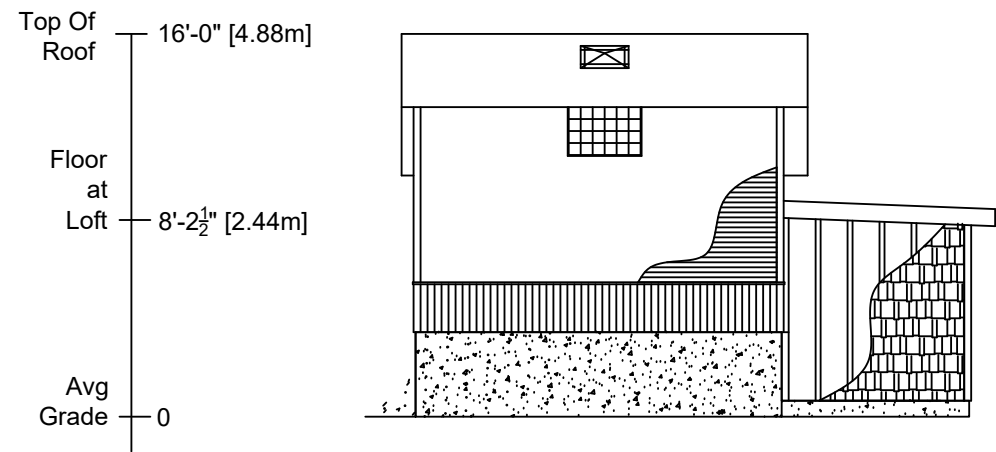
**B** UTILITY BLDG - East Elev  
General Representation



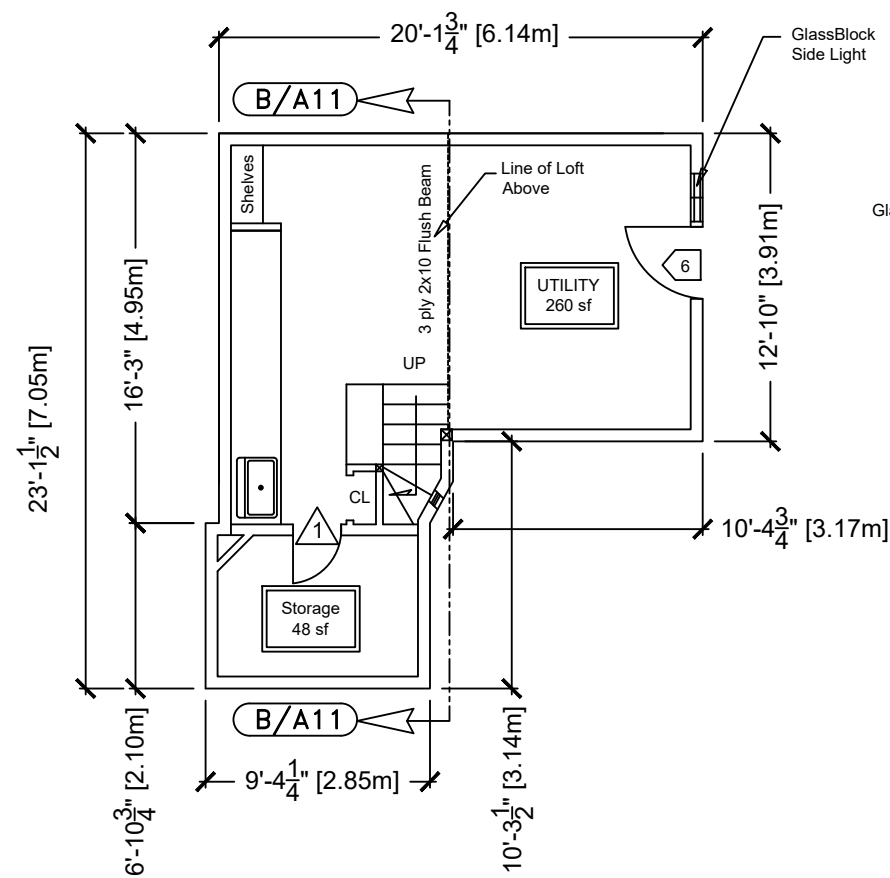
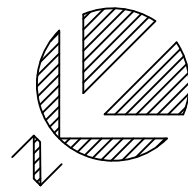
**D** UTILITY BLDG - South Elev  
General Representation



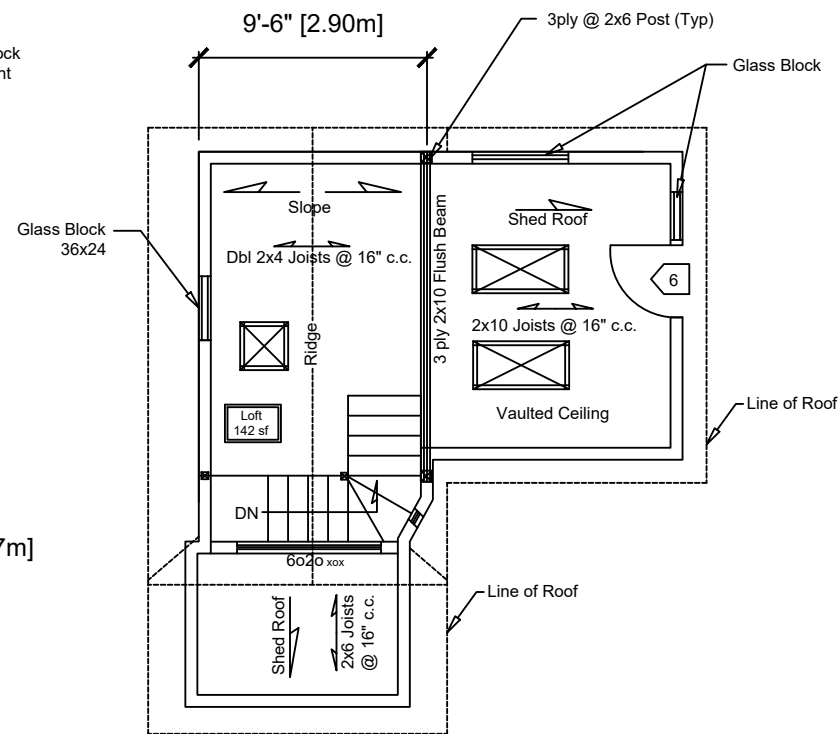
**A** UTILITY BLDG - West Elev  
General Representation



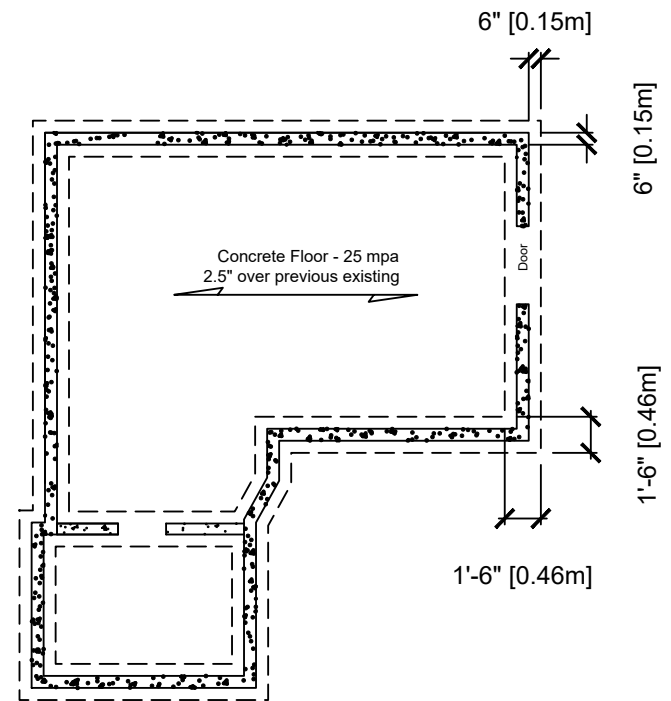
**C** UTILITY BLDG - North Elev  
General Representation



**A** UTILITY BLDG - Floor Plan - Lower Flr  
312.94 sf [29.07m<sup>2</sup>]



**B** UTILITY BLDG - Flr Plan - Upper Loft  
134.33 sf [13.22m<sup>2</sup>]



**C** UTILITY BLDG - FND Plan

## UTILITY BLDG

447 sf [41.52 m<sup>2</sup>]



**John Ivison & Associates Ltd.**

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V9L 5R1

SCALE: 1/8"=1' DRAWN: CDM

DATE: MAY.20.2021 CHECKED: JTI/JIAA

Approved for use in  
Construction (Initials)

DISK NO. NA FILE No. GDO-001/0814

**Mr. Gordon Osborne (REZONING DRAWINGS)**  
121 Menzies Street, Victoria, B.C.

**UTILITY BLDG - FND - Rezoning Dwgs**

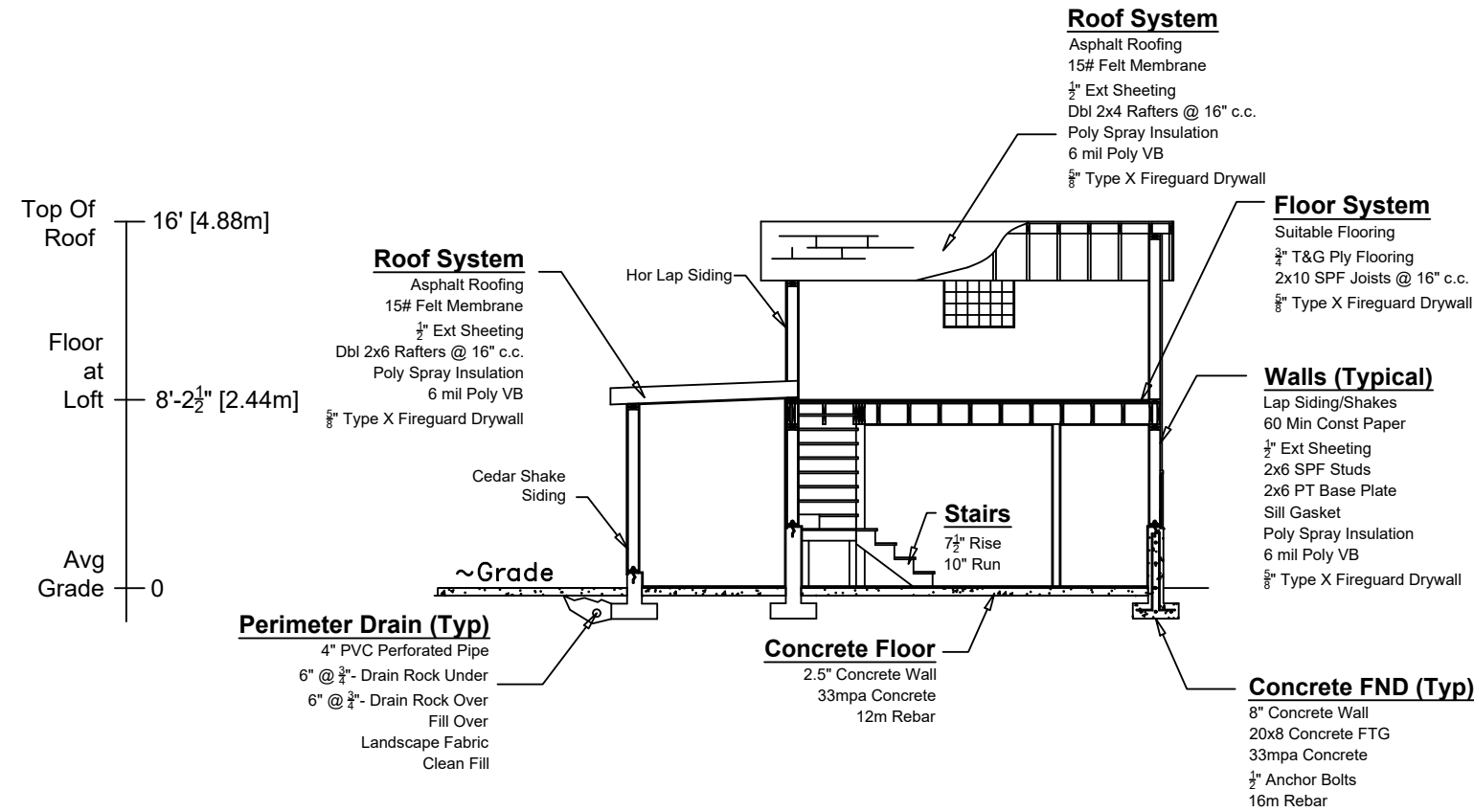
Issue Date: May 2021

EDIT VERSION

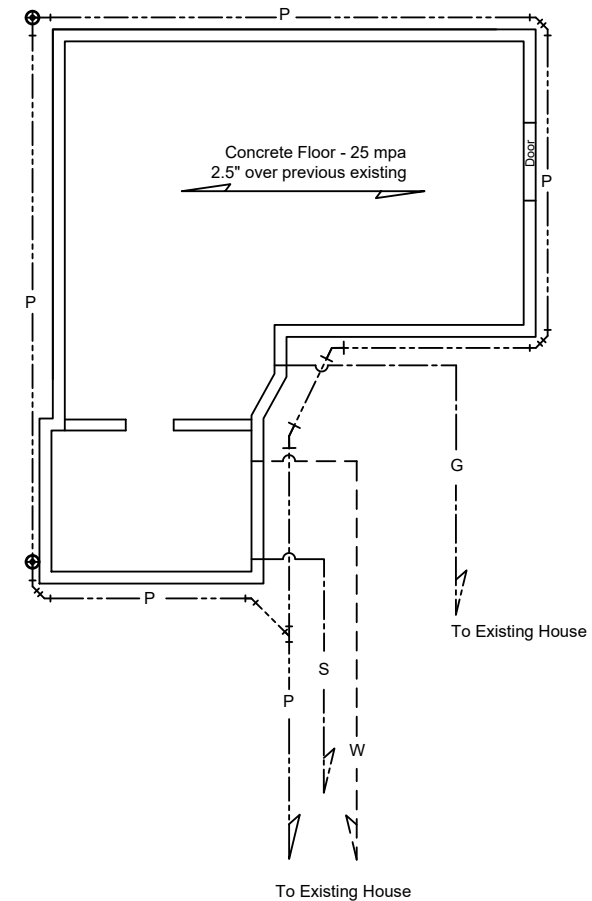
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Drwg #:

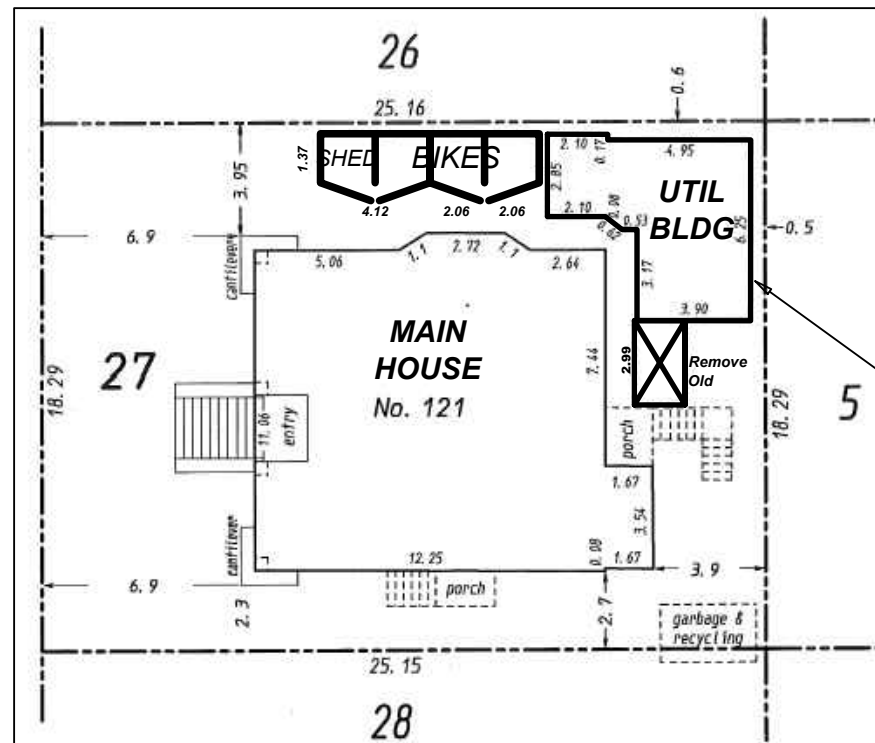
**A10**



**B UTILITY BLDG - Gen X Sec**  
General Representation

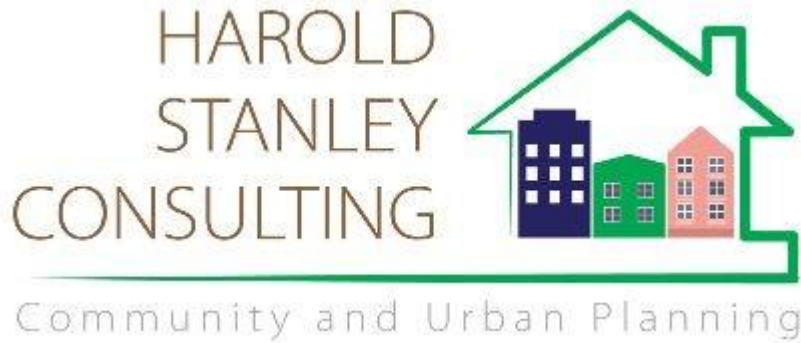


**C UTILITY BLDG - Services**



**PROPOSED  
UTILITY BLDG**

**A LOT Survey - UTILITY**



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.

Variances 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 variances 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.





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

# Tenant Assistance Plan

**This form must be submitted with your rezoning or development application. For contact, please send questions to your development services planner.**

## SUMMARY: Instructions and steps for Developers and Property Owners

STEP 1	<b>BACKGROUND:</b> Understand your rights and responsibilities as a landlord. Please review the documents in the background section pertaining to relocating tenants and the City's rental replacement policies.
STEP 2	<b>POLICY APPLICATION:</b> Complete tenant impact assessment to determine the requirements of your application.
STEP 3	Complete application requirement, including: a. Current Site Information b. Tenant Assistance Plan c. Tenant Communication Plan d. Appendix A - Current Occupant Information and Rent Rolls (For office use only) e. Appendix B - Correspondence with Tenants Communication (For office use only)
STEP 4	<b>SUBMIT:</b> Complete form and submit to: a. Email digital copy of plan to <a href="mailto:housing@victoria.ca">housing@victoria.ca</a> (include appendices)
STEP 5	<b>REVISE:</b> Applicant to update and return application requirements with staff input.
STEP 6	<b>FINALIZE:</b> City staff to finalize the review and signs off application requirements and used as attachment for the Committee of the Whole report.

## BACKGROUND: Rights and Responsibilities of Landlords and Tenants

The rights and responsibilities of landlords and tenants are regulated by the Province and is set out in the [Residential Tenancy Act](#).

Please refer to the City of Victoria's [website](#) for more information regarding the City of Victoria's rental housing policies. Supporting documents include:

- Tenant Assistance Instructions and Checklist
- Tenant Assistance Policy
- Frequently Asked Questions
- Sample Letter to Tenants
- Request for Tenant Assistance Form and Privacy Guidelines
- Final Tenant Assistance Report

## POLICY APPLICATION: Tenant Impact Assessment to Determine the Requirements of your Application

Answer the questions below to determine whether a plan is required with your application:

Tenant Impact	Indicate:		Application Requirement
Are you redeveloping or demolishing a building that will result in loss of existing residential units?	Yes	No	If yes, complete the next question.
Does your work require the permanent relocation of tenant(s) out of the building?	Yes	No	If yes, complete and submit a tenant assistance plan.
Do you have tenant(s) who have been residing in the building for more than one year?	Yes	No	If yes, tenants are eligible under the tenant assistance plan

**If any are selected no, then a tenant assistance plan is not required as part of your application.**

# TENANT ASSISTANCE PLAN

## A. Current Site Information

Site Address:	
Owner Name:	
Company Name:	
Tenant Relocation Coordinator (Name, Position, Organization):	

### EXISTING RENTAL UNITS

Unit Type	# of Units	Average Rents (\$/Mo.)
Bachelor		
1 BR		
2 BR		
3 BR		
3 BR+		
Total		

## B. Tenant Assistance Plan

For any renovation or redevelopment that requires relocation of existing tenants, the property owner must create a Tenant Assistance Plan that addresses the following issues:

- Early communication with the tenants
- Appropriate compensation
- Relocation assistance
- Moving costs and assistance
- Right of first refusal

The City has developed a Tenant Assistance Plan template that is available for applicant use. The template includes the required FOIPPA section 27(2) privacy notification which should be identified for tenants.

Please refer to the Tenant Assistance Policy with Tenant Assistance Plan guidelines for Market Rental and Non-Market Rental Housing Development.

### **Required under the Residential Tenancy Act**

#### **Notice to End Tenancies**

A landlord may issue a Notice to End Tenancy only after all necessary permits have been issued by the City. In addition, landlords must give four months' notice to end tenancies for renovation, demolition, and conversions. Tenants have 30 days to dispute the notice.

For more information, please refer to the [Landlord Notice to End Tenancy](#).

#### **Renovations and Repairs**

Renovations and repairs must be so extensive that they require the unit to be empty in order for them to take place, and the only way to achieve the necessary emptiness or vacancy is by terminating a tenancy. The RTA and associated guidelines provide specific guidance pertaining to whether a landlord may end a tenancy in order to undertake renovations or repairs to a rental unit.

For more information, please refer to [Ending a Tenancy for Landlord's use of Property](#).

#### **Right of First Refusal**

In instances of renovations or repairs requiring vacancy, the RTA requires tenants be offered the right of first refusal to enter into a new tenancy agreement at a rent determined by the landlord. This right of first refusal applies only to a rental unit in a residential property containing 5 or more units, and there are financial penalties for non-compliance.

For more information, please refer to [Tenant Notice: Exercising Right of First Refusal](#).

**For full details, please check the Government of British Columbia [website](#).**

Tenant Assistance Plan Components	APPLICANT		CITY STAFF
	Tenant Assistance Plan		Did the Applicant meet policy?
	Date:	dd/mm/yyyy	dd/mm/yyyy
<b>Compensation</b>  Please indicate how you will be compensating the tenant(s).			<b>Yes</b>  <b>No</b>
<b>Moving Expenses</b>  Please indicate how the tenant(s) will receive moving expenses and assistance.			<b>Yes</b>  <b>No</b>
<b>Relocation Assistance</b>  Please indicate how the tenant(s) will receive relocation assistance.			<b>Yes</b>  <b>No</b>
<b>Right of First Refusal</b>  Please indicate whether the applicant is offering right of first refusal to the tenant(s). Please indicate your reasoning.			<b>Yes</b>  <b>No</b>
<b>Tenants Requiring Additional Assistance</b>  Please indicate whether there are tenants requiring additional assistance. If so, please indicate how the applicant plans to provide additional support.			<b>Yes</b>  <b>No</b>
<b>Other Comments</b>			

Tenant Communication Plan Components	APPLICANT	
	Tenant Communication Plan	
	Date:	dd/mm/yyyy
How and when did you inform tenants of the rezoning or development application?		
How will you be communicating to tenants throughout the rezoning or development application (including decisions made by Council)?		
What kind of resources will you be communicating to your tenants and how will you facilitate tenants in accessing these resources? (Please see the City's <a href="#">website</a> for a list of resources)		
Have tenant(s) confirmed with you whether they request assistance? If so, please indicate the staff responsible or whether a third-party service is requested.		
Other communications notes:		



**FINAL TAP Review - [For City Staff to complete]**

Application received by \_\_\_\_\_ (City Staff) on \_\_\_\_\_ (Date)

Did the applicant meet TAP policy?                      Yes                      No

Staff Comments on  
final plan:



## *James Bay Neighbourhood Association*

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

[www.jbna.org](http://www.jbna.org)

October 21<sup>st</sup>, 2016

Mayor & Council,  
City of Victoria

**Re: CALUC Community Meeting - 121 Menzies St**

The community meeting to consider the proposal at 121 Menzies was held on October 12<sup>th</sup> (46 attendees). Attached please find an excerpt of the General Meeting minutes regarding the proposal.

A proposal for this property was presented at the April 8, 2015 JBNA meeting. The letter from that meeting is appended. The R-2 building was renovated in 1992 and subsequently given an occupancy permit for seven LHK suites. The owner soon thereafter completed additional renovations, added five others. The current proposal is for 11 units.

All but one meeting participant expressed strong negative responses to the proposal. The question and response period was quite extensive with further explanation and additional similar comments to the further points raised. The minutes capture some of these comments.

The one positive comment suggested that the units would be "affordable" and therefore the proposal should be supported.

The negative responses focused on the disrespect for the process and the precedent the proposal would set. This train of thought was expressed a few times, more so after the proponent said there are others in the neighbourhood who have done the same thing, meaning created suites beyond permissive zoning.

For your consideration,

Marg Gardiner,  
President, JBNA  
CALUC Co-Chair

Cc: Harold Stanley  
CoV Planning

## *EXCERPT from JBNA October 12<sup>th</sup>, 2016 Minutes*

### **JAMES BAY NEIGHBOURHOOD ASSOCIATION**

#### **MINUTES - General Meeting October 12<sup>th</sup>, 2016 – 46 present**

#### **7. CALUC: 121 Menzies**

Harold Stanley, Planning Consultant,

Charles Miller, Engineering Technologist, Duncan Valley Designs

John Ivison, John Ivison & Associates

#### ***Marg Gardiner reported on the Development Review Committee (DRC) pre-meetings:***

*On July 4<sup>th</sup> and September 12<sup>th</sup> JBNA Committee members, Tim VanAlstine, Wayne Shillington, and Marg Gardiner met with the proponents. Trevor Moat was at the July meeting and Tim Sommer at the September Meeting.*

*A proposal for this property was presented at the April 8, 2015 JBNA meeting. The letter from that meeting will be appended to the letter from this meeting as the issues remain.*

*The R-2 building was renovated in 1992 and subsequently given an occupancy permit for seven LHK suites. The owner soon thereafter completed additional renovations, added five more suites in the building and then converted a garage to stand-alone accommodation. With changes, there were 13or14 rental suites. The added suites were constructed without City permits or approval.*

*Since that time, the proponent has had consultations with the City and reworked the interior configuration and is now proposing 11 units.*

*At the pre-meetings, the items suggested to be contentious remained:*

- 1) the precedent it might set and the message to other landowners who could make similar unapproved renovations or that this would set a precedent for the level of density and type of renovation permitted in the community.*
- 2) the parking shortfall which further frustrates residents who are searching for parking near 5-corners and especially Thrifty Foods.*

#### Community Meeting presentation:

John Ivison . . building constructed in 1906 was originally single family R-2 zoning. Owner G Osborne purchased in 1992. 1992 restoration started; house raised, windows/doors replaced, painting, roof and gutters. Interior changes 7 light housekeeping suites, 7 kitchenettes, 4 common washrooms. Additional work took place which increased units to 14, this was done without permit. Only 1 parking space. The current proposal has no plans to provide additional parking based on parking study. Has a secured area for bikes.

#### Questions/comments:

***Q/A opportunity given to those proposal live within 100m of 121 Menzies, followed by invitation to any resident. (addresses not captured for all speakers)***

C: resident – the approval of zoning for 7 units should never have been exceeded

C: Lewis St resident – take offense when you state there are other buildings which have suites greater than permitted and only reason you are here is that it was “*just the one found out*”. This insults those who follow the system and create suites legitimately.

Q: Lewis St - want 11 suites, an office, garden suite are they included in the 11

A: Yes

Q: What is rent range and suite size range

A: range of rent \$330 and \$1000 monthly. Currently 250 sqft, with reduction from 14 to 11 suites range will be 287 to 780 sqft

C – takes great exception to how this has been presented. Defies all zoning requirements. Crams in units.

Q: How many tenants currently in residence

A: 7

C: 17 yr resident, appreciates issue of affordability, worth supporting. 11 units not to be sneered at.

C: Don't support it -flies in face of by-laws, permits, what's the point of other community members following rezoning regulations if people flaunt regulations. Sets a bad precedent. Has had 24 yrs of revenue from the illegal suites. Restore back to original 7 suites. Proponent is trying to pull on heart-strings to rationalise his circumvention of bylaws. Others have followed the rules, and it cost them a lot.

Q: What are alternatives.

A: will have to restore back to original 7 units.

C: 1992 entitled to 7 suites – compromise 11 suites – need to go back to 7 suites. Currently occupied by 7 renters. No one would be displaced.

Q: if reduced to 7 suites won't be as affordable?

A: Yes, would have to revert back to light-housekeeping suites no individual bathrooms would be shared. That is the term of the covenant which was entered into – if proposal does not succeed then must revert.



## James Bay Neighbourhood Association

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234 Menzies St  
Victoria, B.C.  
V8V 2G7

[www.jbna.org](http://www.jbna.org)

April 20th 2015

Mayor and Council  
#1 Centennial Sq.  
Victoria BC

**Re:** Development Re-zoning: 121 Menzies from 7 to 13 units

Mayor and Council:

A proposal related to an application to re-zone a multi-unit building located at 121 Menzies Street was presented at the April 8, 2015 meeting of the James Bay Neighbourhood Association (JBNA). Approximately 80 people attended the meeting.

The presentation focussed on the fact that the building had been renovated in 1992 and subsequently given an occupancy permit for seven suites. The owner soon thereafter completed additional renovations, added five more suites in the building and converted a garage to stand-alone accommodation, bringing the total to thirteen rental suites. The owner acknowledges that the six added suites were constructed without City permits or approval. The owner now is requesting that the building "stays AS IS and modify the zoning to reflect the structure."

Re-zoning proposals frequently elicit strong reactions from residents in the immediate vicinity. This particular proposal brought forth comments from people who live in many different parts of James Bay.

In summary, there were those who thought that there is a need for small, affordable rental accommodation. Others stated that the exterior of the building and the lot were well-maintained and in keeping with the heritage look of James Bay and still others were not concerned about there being only a single parking space for the thirteen units. On the other hand, there were those who questioned whether all construction had been done to code and whether all suites were safe for tenants.

Some speakers were frustrated that they had met City standards, incurred permit costs and paid increased property taxes after renovating their property while this landlord had not. There were those who were concerned that approval of this application would be seen as either condoning the owner's actions and thus send a signal that other landowners could make similar unapproved renovations or that this would set a precedent for the level of density and type of renovation permitted in the community.

I have included below the minutes of our April 8<sup>th</sup> Neighbourhood Association meeting that relate to this rezoning application and a letter I received from a resident who could not attend this meeting.

Yours truly,  
CALUC Chair, JBNA

## **JBNA CALUC - 121 Menzies**

### **April 8<sup>th</sup> Meeting minutes**

Development Re-zoning: 121 Menzies from 7 to 13 units

Charles Miller, Duncan Valley Designs, presenter  
Richard Skene, Architectural Securities Inc,  
Gordon Osborne, Owner  
John Ivison, Structural Eng Alex Apotoli, P. Eng

A multi-unit apt since 1992, density from 7 units to 13. Building build in 1906, single family R2 zoning, owed by Mr. Osborne since 1992. Currently zoned for 7 suites, was over the current R2 zoning but City rezoned to permit 7 LHK suites in 1992. Renovated the house and raised 2 ft. for legal basement. Extensive restoration of exterior and interior in 1992. Likely 7 units in place when inspected. However, additional suites constructed around same time: Unauthorized construction.

Now requesting modified zoning for 12 suite and 1 garden suite, with 4 additional suite in basement, 1 addition al suite on main floor, and the garden suite – garage conversion.

Only 1 parking spot for building – garden suite tenant has this spot. 2 other people in apt who own cars of 13 suites. Building has secure bike location.

#### **Q/A:**

Q – Superior St resident who is also a landlord – questions regarding permits, was plumbing done with professionals, electricians etc.

A – Yes for original 7 suites, not conforming for additional suites that's why requesting rezoning. Had over-built (pipes etc) in 1992 so plumbing conformed to code.

Q – Superior Cont'd – As a landlord, one of the houses I manage has a larger footprint than the whole Menzies property and would not consider 13 units for it. This proposal is not supportable.

C - Pilot St resident – I've gone through the rezoning process, followed what was required. You are asking the community to support the rezoning. For 22 years you have benefited from 5 illegal suites and you're asking for forgiveness because you are now making it right. This is not acceptable, the building should be reverted back to the 7 suites that were allowed by the city in 1992. These actions are not acceptable.

C – Simcoe resident – support affordable housing, states tenants are safe

C – Montreal St resident – do I as a single dwelling owner get to do this? Not likely. You've done this before – this is not supportable.

C - San Jose resident – walks past building, likes it, collecting of rain water, clean, no garbage, building a good citizen for street.

Q – Menzie St resident – going through process today are you up to today's standards? You state you can't meet, are you asking for relax of requirements?

A – Want to present an alternate process for today's standards

Q – Kingston St – if city doesn't approve request does the building revert back to 7 units?

A – Reserves right to answer at this time – wants to bring back into standards.

C – You might be a good landlord and your tenants might be good; but the zoning stays with the building and this is too much for this site.

C – Residents may be good citizens, that's all laudable, but 22 years of benefit by the owner, don't know that the owner has been a good citizen.

A – Not here to condone Mr Osborne's conduct, states he was heavily fined by hydro, here trying to rectify situations

Q – What was the original parking requirement for the 7 units?

A – 7 units required 3 parking stalls, currently only 1 parking stall for the

Q – Parking requirement in 1992 was 3 – was garage used as a garage

A – Garage was used as a garage prior to conversion in 1992.

C – So from the beginning you never intended to comply with parking. The garden unit should revert to parking as additional parking is needed..

C – Resident - St James St project was turned down due to parking, I don't believe that a stall is always needed for every resident; but more is needed than being proposed. With the St James proposal the City insisted on a car share requirement, if the City unwisely proceeds with this proposal, there should be a requirement for a couple of car shares spots right there. C – Have major concern for this application as will open floodgates, can't support this.

C – Why is it not possible to consider something less than 13 units?

A – Want to legalize those existing since 1992

Q – Is there egress for all existing suites?

A – All suites have egress

C – Wrong approach taken, my concern what happens when property is sold, what if the next owner isn't as responsible as the current?

A – Can't answer at this time until know what city will do?

C – The rezoning application should be looked at as though the property was Greenfield. If that were the case, what would be permitted.

Q – What about water, plumbing?

A – Already up to code for 13 suites since 1992.

C – For the 7 units was there an occupancy inspection?

A – Yes, all plumbing was roughed in in 1992, and electrical but due to finances the 6 extras suites weren't done.

A – Was approved for occupancy in 1992.

C – Very concerned about the precedence this will set and subsequent owners, put city and this community in a very difficult situation.

Q – Was building up to code in 1992?

A – Yes

Q – What have you done since then? Current codes

A – Met and have gone beyond what is required as of 2012, need to find out from city what can and can't be relaxed.

Q – Are they up to 2012 codes?

A – Have just touched surface of 2012 codes and are reviewing with city.

C – Medana St res – until a week ago didn't know how many people lived in building – support.

**Letter from resident on Medana St.**

To: Tom Coyle,

I oppose the rezoning of this property to allow 12 units plus a Garden Suite even though this use has been illegally in place for some years. The zoning does not allow this and the fact the property has had so many units for so long does not make it right. The neighbouring house to the north also contains more units than the zoning allows. Parking problems spill over onto neighbouring streets as there is not enough parking on Menzies Street. Thirteen units is excessive for a zoning meant for two units, but permitted to have seven. The small size of the multiple units contributes to more neighbourhood/tenant turnover which affects the character of the neighbourhood.

Even though this is to be a site specific bylaw, a precedent will be set. I am unable to attend the Community Meeting due to a schedule conflict.



## Committee of the Whole Report

### For the Meeting of July 27, 2017

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**To:** Committee of the Whole **Date:** July 20, 2017

**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development

**Subject:** Development Variance Permit No. 00194 for 121 Menzies Street

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### RECOMMENDATION

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. 00508, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application No. 00194 for 121 Menzies Street in accordance with:

1. Plans date stamped May 25, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a) decrease the dwelling unit floor area (minimum) from 33.00m<sup>2</sup> to 28.98m<sup>2</sup>
  - b) decrease the number of parking stalls from eight to one
  - c) locate the parking in the front yard
  - d) locate accessory buildings in the side yard
  - e) increase total site coverage from 40% to 42.30%
  - f) increase the height of one accessory building from 3.50m to 4.41m
  - g) decrease the rear setback of an accessory building from 0.60m to 0.50m
  - h) decrease the side setback of accessory buildings from 0.60m to 0.40m
  - i) decrease the separation space between an accessory building and a principle building from 2.40m to 1.0m
  - j) increase the rear yard site coverage for an accessory building from 25.00% to 29.80%
3. The Development Permit lapsing two years from the date of this resolution."

### LEGISLATIVE AUTHORITY

In accordance with Section 498 of the *Local Government Act*, Council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.



## **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at 121 Menzies Street. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to a site specific zone in order to permit a 10 dwelling unit House Conversion at this location. There is a concurrent Rezoning Application, as well as a Heritage Designation Application, that are presented in separate reports.

The variances are related to decreasing the unit size required in a conversion, reducing the parking requirements and reducing requirements related to siting and height of accessory buildings. The variances are supportable because they are the result of existing conditions and do not appear to substantially impact the adjacent properties.

## **BACKGROUND**

### **Description of Proposal**

This proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to site specific zone to allow a House Conversion with 10 dwelling units. The proposed variances are related to:

- decreasing the dwelling unit floor area
- decreasing the number of parking stalls
- changing the parking location
- increasing total site coverage
- increasing the floor area of an accessory building
- increasing the height of an accessory building
- decreasing the setbacks of an accessory building
- altering the permitted location of an accessory
- decreasing the separation space required between a principle building and an accessory building
- increasing the rear yard site coverage associated with an accessory building.

### **Sustainability Features**

As indicated in the applicant's letter dated April 21, 2017, the following sustainability features are associated with this application:

- rainwater collection
- recycling and composting
- vegetable gardens
- high efficiency appliances with low water flow.

### **Active Transportation Impacts**

The application proposes bike racks which support active transportation.

### **Public Realm Improvements**

No public realm improvements are proposed in association with this Development Permit Application; however, the applicant is willing to provide a 1.78m Statutory Right-of-Way along Menzies Street.

## **Accessibility Impact Statement**

The British Columbia Building Code regulates accessibility as it pertains to buildings.

## **Tree Preservation Bylaw and Urban Forest Master Plan**

There are no Tree Preservation Bylaw impacts with this application.

## **Existing Site Development and Development Potential**

The site is presently illegally developed as 11 dwelling units (with individual bathrooms), two housekeeping units (with a shared bathroom), and one garden suite. The site was approved for seven housekeeping units, but was subsequently modified without securing the necessary City permits.

Under the current R-2 Zone, the regulations in the R1-B Zone, Single Family Dwelling District, would apply due to the size of the lot. The property could be developed as a single-family dwelling with a secondary suite or garden suite.

## **Relevant History**

The existing building is approved for seven housekeeping units. At some point in the past, the building was renovated to accommodate 11 self-contained dwelling units (each with a separate bathroom), two housekeeping units, and the accessory building was converted into a dwelling unit totalling 14 dwelling units on the site.

## **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 October 12, 2016. A letter dated October 21, 2016 is attached to this report.

This application proposes variances; therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

## **ANALYSIS**

### **Regulatory Considerations**

The following table shows the variances that would be required to facilitate this development in conjunction with the concurrent Rezoning Application. This approach, rather than building these unique attributes into a new zoning bylaw, is recommended so these less stringent requirements are not entrenched in the zoning bylaw, running with the land even if the existing building is lost at some future date. Similarly, legal non-conforming conditions, such as height and setbacks will remain as legal non-conforming conditions so that again, if the building was ever destroyed, future development would need to conform to the zoning regulation bylaws of the day.

Zoning Criteria	Proposal	Zone Standard
<b>Principle Building - Conversion</b>		
Dwelling Unit Floor Area (m <sup>2</sup> ) - minimum	28.98	33.00
Parking - minimum	1	8
Parking - location	Front Yard	Behind Front Yard
Site Coverage (total) (%) - maximum	42.30	40
<b>Accessory Buildings– Schedule F</b>		
Location	Side and Rear Yard	Rear yard
Height (m) - maximum	4.41	3.50
Setbacks (m) - minimum:		
Rear	0.50	0.60
Side	0.40	0.60
Separation space from principal building	1.00	2.40
Rear yard site coverage (%) - maximum	29.80	25.00

The height, number of storeys, setback and site coverage variances are supportable because they are existing and do not seem to have a substantial impact on the adjacent properties. The applicant has supplied a Parking Study (attached) to justify the parking variance and is providing 10 bicycle parking spaces to help with the shortfall.

## CONCLUSIONS

This Development Variance Permit Application to permit a 10 dwelling unit house conversion would not substantially impact adjacent properties. The parking variance is supported by a Parking Study and mitigated by 10 bicycle parking stalls. Staff recommend that Council consider supporting this application.

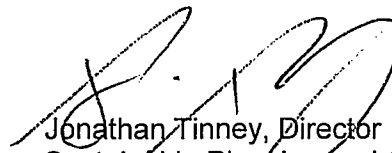
## ALTERNATE MOTION

That Council decline Development Variance Permit Application No. 00194 for the property located at 121 Menzies Street.

Respectfully submitted,



Rob Bateman  
Senior Process Planner  
Development Services Division



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

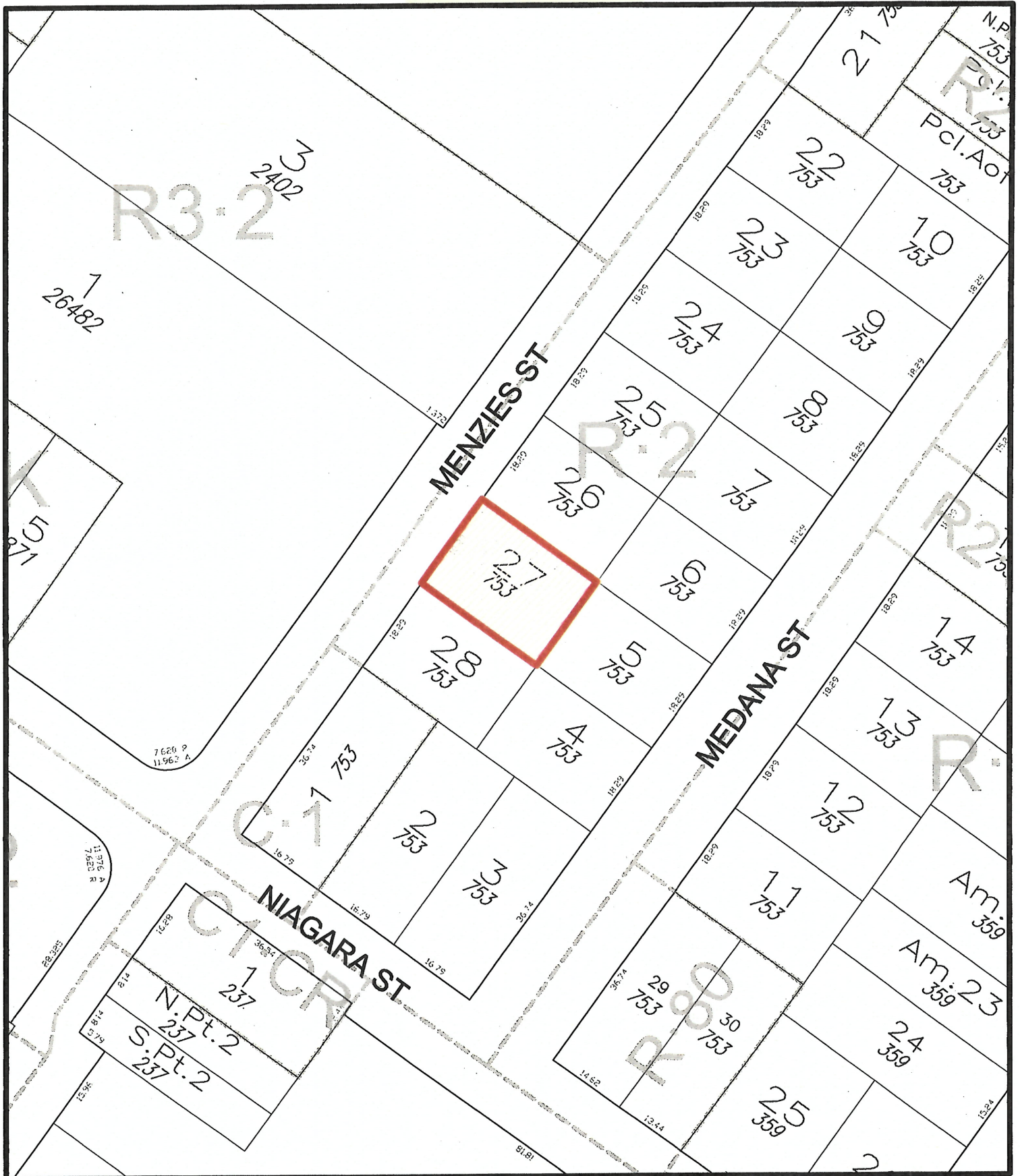


Date:

July 18, 2017

**List of Attachments:**

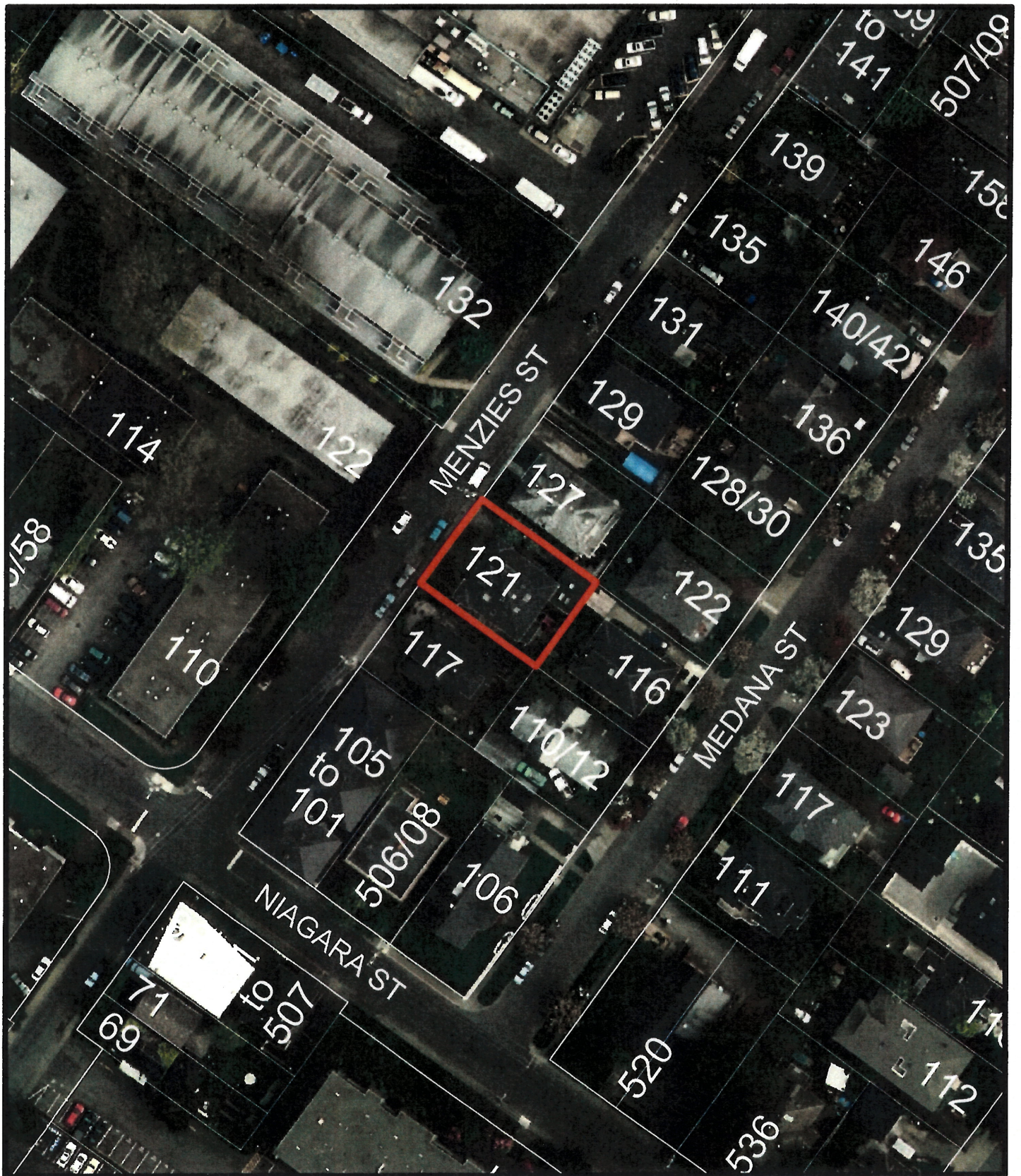
- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped May 25, 2017
- Attachment D: Letter from applicant to Mayor and Council dated April 21, 2017
- Attachment E: Community Association Land Use Committee Comments dated October 21, 2016
- Attachment F: Parking Review dated January 22, 2016.



121 Menzies Street  
Rezoning No.00508







121 Menzies Street  
Rezoning No.00508





# Rezoning Application Drawings



PID: 008674477

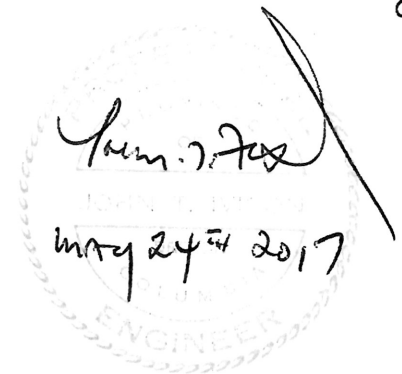
Owner: Gordon D. Osborne

121 Menzies St, Victoria, BC, V8V-2G4

Legal: Lot 27, Section 11 Beckley Farm, Victoria, BC

Plan: 753


ATTACHMENT C



**Received**  
City of Victoria

MAY 25 2017

Planning & Development Department  
Community Planning Division

 <b>John Iverson &amp; Associates Ltd.</b> <small>1-778-808-1969 johniverson@johniverson.com</small> <small>John Iverson 2194 W. 9th Ave. Vancouver, B.C. V6K 9P8 Canada</small>	SCALE: <u>1/8"=1'</u> DATE: <u>APRIL 15 2017</u> Approved for use in Construction (Initials) _____ DISK NO. <u>NA</u> FILE No. <u>GDO-001/0814</u>	DRAWN: <u>CDM</u> CHECKED: <u>JTI/JAA</u> Mr. Gordon Osborne (REZONING DRAWINGS) 121 Menzies Street, Victoria, B.C. Rezoning Application Drawings Issue Date: APR 2017 EDIT VERSION <u>5</u>	Drwg #: <b>C1</b>

## Table of Contents

- C1 - Cover Sheet
- C2 - Table Of Contents
  - Construction Notes
  - Door and Window Schedule
  - Suite Data Information Table
- C3 - Lot Plan - Survey - 2014
  - Project Data Table
- C4 - City to House Site Services

### Architectural (APPROVED) 1992 - Drawing #

#### HOUSE

- A1 - Floor Plans - Main / Bsmnt
- A2 - Floor Plans - 2nd / Attic
- A3 - Elevations - West
- A4 - Elevations - East
- A5 - Elevations - North
- A6 - Elevations - South
- A7 - General X Section
- A8 - Concrete FND, FTG's and Walls

#### Window Schedule

- 20-60" - [1]
- 26-50" - [2]
- 26-56" - [3]
- 30-36" - [4]
- 36-36" - [5]
- 36-56" - [6]
- 40-36" - [7]
- 40-40" - [8]
- 40-50" - [9]
- 60-30" - [10]
- 60-40" - [11]
- 60-50" - [12]
- 20-40" - [13]
- 26-30" - [14]

#### Door Schedule (Rating)

- 24" std. - [1]
- 28" std. - [2]
- 30" std. - [3]
- 32" std. - [4]
- 34" std. - [5]
- 36" std. - [6]
- 24" Fire 1.0 Hour - [1]
- 28" Fire 1.0 Hour - [2]
- 30" Fire 1.0 Hour - [3]
- 32" Fire 1.0 Hour - [4]
- 34" Fire 1.0 Hour - [5]
- 36" Fire 1.0 Hour - [6]

### General Construction Notes

- 1) Building contractor is to Verify all dimensions on site before proceeding
- 2) Measurements on site take precedence over scaling off drawings.
- 3) All concrete is to be a minimum 20 mpa (3000 psi) @ 28 days
- 4) All lintels in load bearing walls to be a minimum 2@2x10 SPF unless otherwise noted.
- 5) All plates on concrete to be rot treated & or be separation isolated upon installation.
- 6) Flush framed members shall be anchored using joist hangers.
- 7) Flash all unprotected openings and changes in materials on exterior walls.
- 8) All grades shown are approximate only.
- 9) All construction to comply with Local, BC and National Building codes as applicable.
- 10) All materials specified are subject to local availability
- 11) Roof Trusses and Manufactured floor members shall be designed by authorized engineer, who shall ensure that lintels, beams and posts over load bearing points are designed to withstand appropriate loads imposed upon them.
- 12) Design snow loads = 35psf (not to be exceeded)
- 13) All structural framing lumber shall be #1 & 2 SPF or better unless noted otherwise.
- 14) Do not use Fingerjoint (FJ) studs under beams, lintels or girders.
- 15) Lot Survey has been completed and construction is to be contained and maintained within dimensions of observed building envelope.

*John T. Iverson*  
 MAY 24 2017  
 JOHN T. IVESON  
 COLUMBIA  
 ENGINEER

### Suite Data Information Table

Floor / Suite #	ft 2	m2	Configuration
Bsmnt #8	237.08	22.03	Bachelor w/ Bath
Bsmnt #9	548.70	50.98	1 Bedroom w/ 2 bath Full Kitchen & Dining "Caretaker"
Bsmnt #11	159.15	14.79	Bachelor w/ Bath & Kitchenette
Main Flr #1	256.67	23.85	Bachelor w/ Bath & Kitchen w/ Stg Loft
Main Flr #3	348.49	32.38	1 Bedroom w/ Bath and Kitchen
Main Flr #10	544.34	50.57	2 Bedroom w/ Bath and Kitchen w/ Stg Loft
2nd Floor #4	377.87	35.10	1 Bedroom w/ Bath and Kitchen w/ Stg Loft - 2 Levels
2nd Floor #5	409.24	38.02	1 Bedroom w/ Bath and Kitchen w/ Stg Loft
2nd Floor #6	261.29	24.27	Bachelor w/ Bath and Kitchen w/ Stg Loft
2nd Floor #7	775.99	72.09	1 Bedroom w/ 2 bath and Kitchen w/ Stg Loft - 2 Levels
Bsmnt Office	254.88	23.68	Caretaker / Owner Office space
<b>Totals</b>	<b>4598.29</b>	<b>427.21</b>	Mixed Usage Units

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Planning & Development Department  
Community Planning Division

**John Iverson & Associates Ltd.**  
 1-778-446-1009  
 john@jiverson.com  
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 Vancouver, B.C. V6K 6H6  
 Canada  
 2581 Thompson Terrace  
 Maple Bay District, B.C.  
 V2L 5H1

SCALE: 1/8"=1'  
 DATE: APRIL 15, 2017  
 DRAWN: CDM  
 CHECKED: JTI/JAA  
 Approved for use in Construction (Initials)  
 DISK NO. NA FILE NO. GDO-001/0814

Mr. Gordon Osborne (REZONING DRAWINGS)  
 121 Menzies Street, Victoria, B.C.

Table of Contents - Rezoning Dwgs

Issue Date: Jan 2017

EDIT VERSION

5

Drwg #:

C2

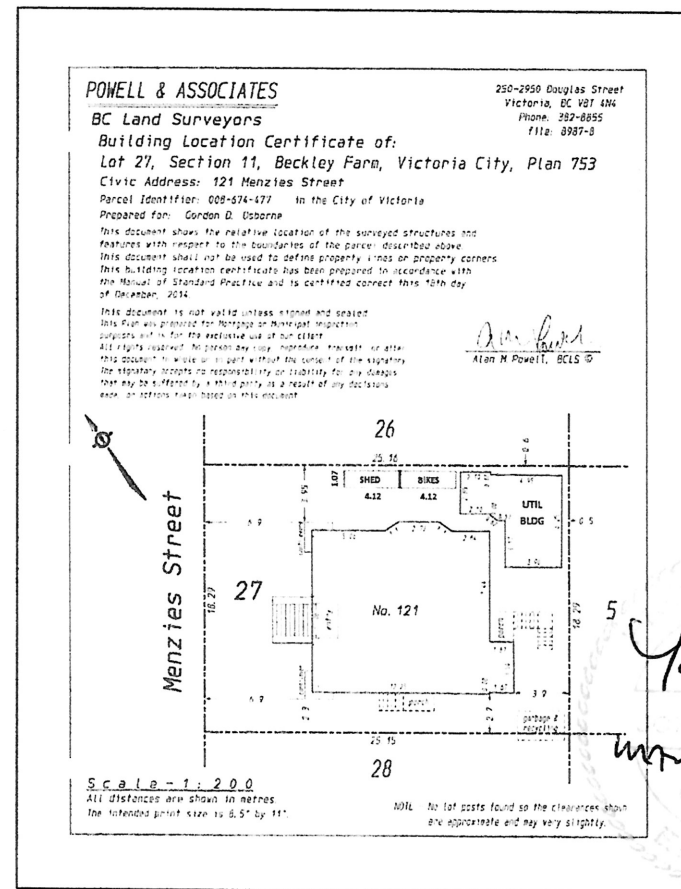
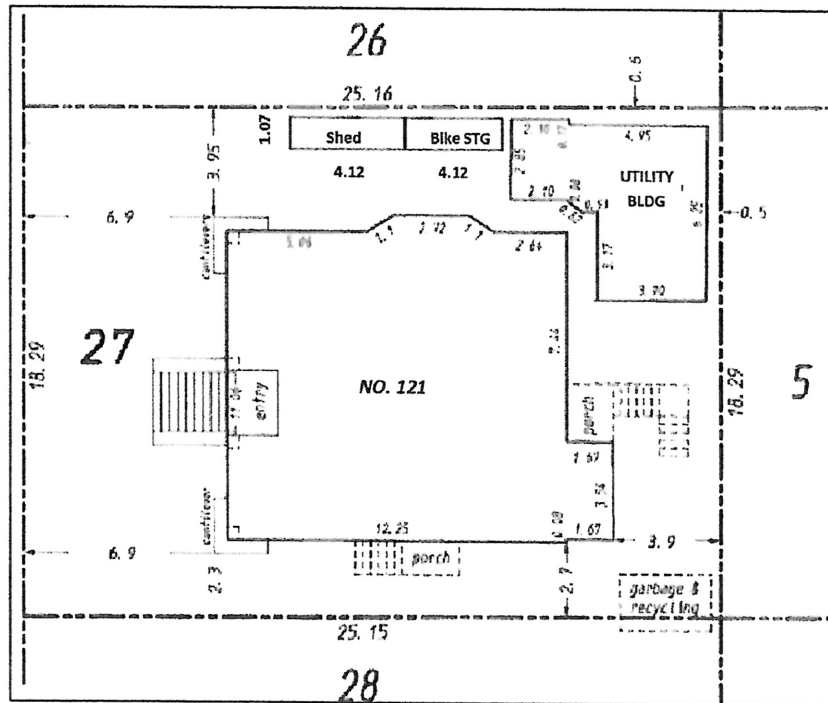


Project Information Data Table	
Zone Existing	R-2 (DP16)
Proposed Zone	New Zone - Site Specific
Site Area	*5028.80 sf (467.19 m2)
Total Floor Area	*5625.95 sf (522.67 m2)
Commercial Floor Area	NA
Floor Space Ratio	*1.12
Site Coverage %	42.3
Open Site Space %	*44
Height of Building	39'-11 $\frac{3}{4}$ " (12.19m)
Number of Storeys	4
Parking Stalls on Site #	1
Bicycle Parking	*10

Building Setbacks	
Front Yard	24'-3 $\frac{1}{4}$ " (7.40m)
Rear Yard	12'-9 $\frac{1}{2}$ " (3.90m)
Side Yard (North)	11'-9 $\frac{3}{8}$ " (3.59m)
Side Yard (South)	9'-2 $\frac{1}{4}$ " (2.80m)
Combined Side Yards	20'-11 $\frac{3}{8}$ " (6.39m)

\* Denotes Revised Data

Residential Units Details	
Total Number of Units	*10 Mixed Usage
Unit Type	*1 Bdrm / 2 Bdrm / Bachelor
Ground Orientated Units	3
Min Unit Floor Area	*159.15 sf (4.79 m2)
Residential Floor Area	Refer to Suite Data Table - DWG C2



A Proposed Bike Parking - STG Area

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Community Planning Division

John Ivson & Associates Ltd.  
1-778-998-1909  
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Mainland 3184 W. 5th Ave.  
Vancouver, B.C. V6K 1X5  
Canada  
Island 6251 Thomson Terrace  
Maple Bay, Duncan, B.C.  
V9L 5H1

SCALE: 1/8"=1'  
DATE: APRIL 15, 2017  
DRAWN: CDM  
CHECKED: JTI/JAA  
Approved for use in  
Construction (Initials)  
DISK NO. NA FILE No. G00-001/0814

Mr. Gordon Osborne (REZONING DRAWINGS)  
121 Menzies Street, Victoria, B.C.  
Site Plan and Data - Rezoning Dwgs

Issue Date: Apr 2017

EDIT VERSION

5

C3

City of Victoria Note:

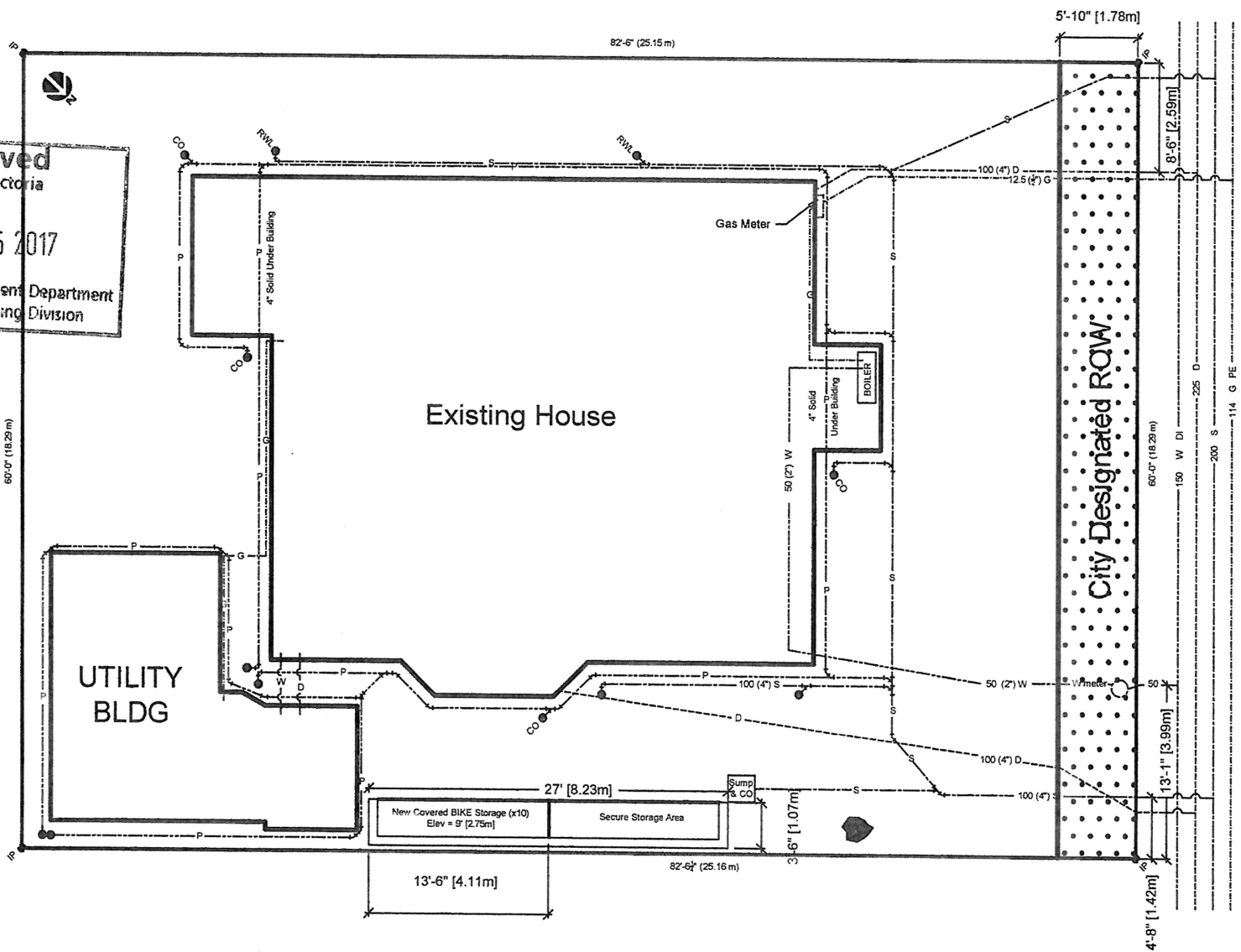
*Tom J. Ivison*  
May 24<sup>th</sup> 2017

Menzies Street

**LEGEND :**


- 4" PVC Street "Y"
- 4" PVC "45°" Elbow
- 4" PVC "90°" Elbow
- Rain Water Leader (RWL) or Clean Out (CO)
- 200 P Domestic Perimeter 4" Solid PVC
- 200 S City Storm - 8" | Domestic 4" PVC
- 150 W DI City Water - 6" | Domestic 2" PVC
- 114 G PE City Gas - 4.5" | Domestic 1/2" Copper
- 225 D City Sanitary - 9" | Domestic 4" PVC

Iron Pin (IP)

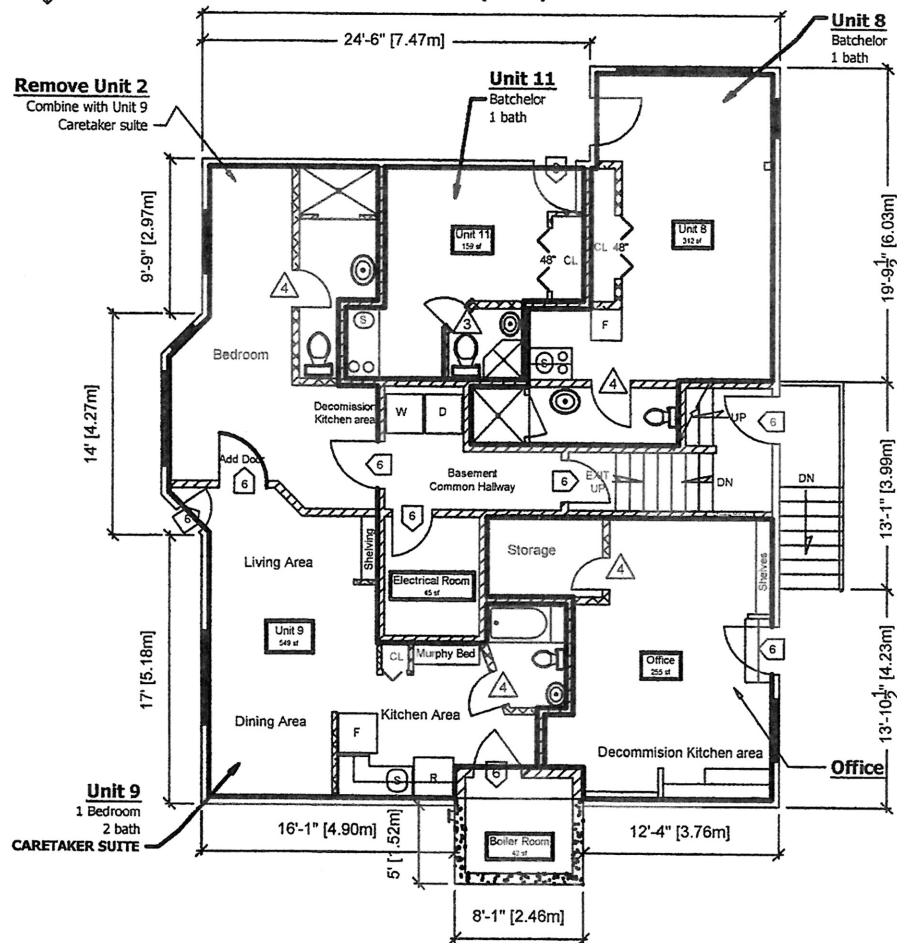


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MAY 25 2017  
  
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Community Planning Division

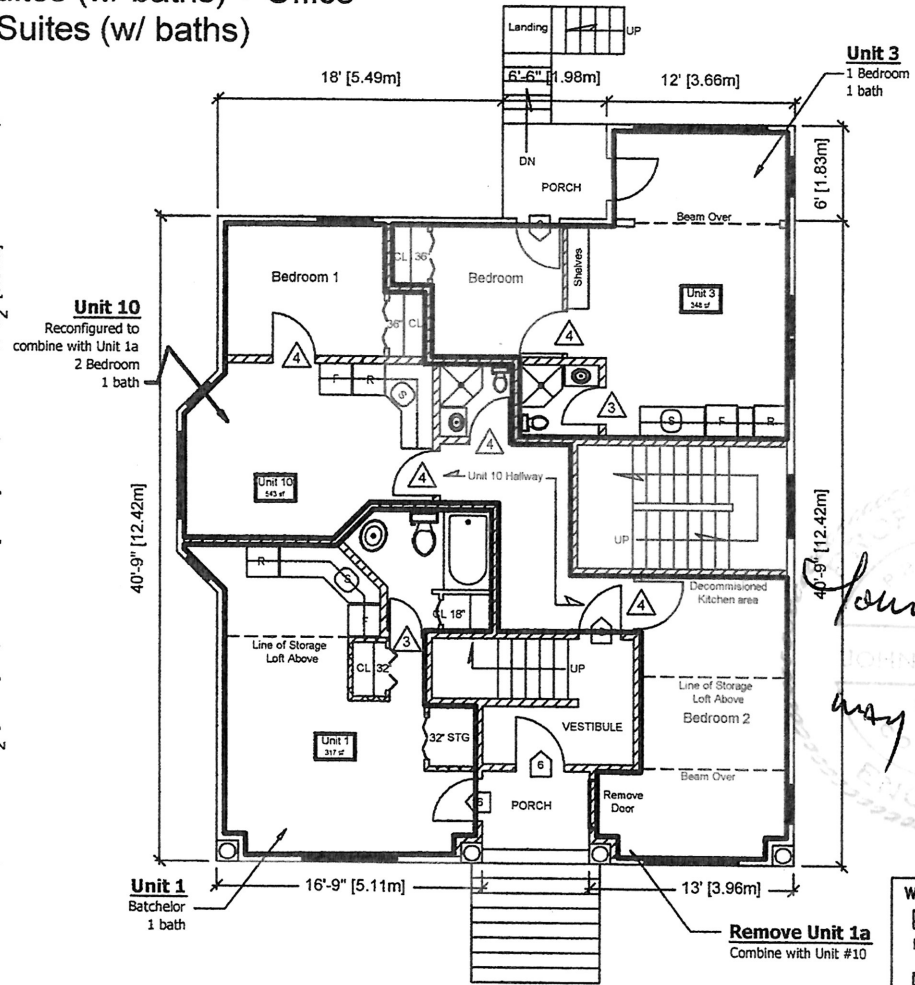
**B** Site Services

 <div>John Ivison &amp; Associates Ltd. 1-778-593-1909 JohnIvison@JohnIvison.com</div> <div>Mainland 3154 W. 5th Ave., Vancouver, B.C. V6K 1X5 Canada</div> <div>Island 8251 Thomson Terrace, Maple Bay, Duncan, B.C. V9L 5R1</div>	SCALE: 1/8"=1'		DRAWN: CDM		Mr. Gordon Osborne (REZONING DRAWINGS) 121 Menzies Street, Victoria, B.C.			Drwg #:  <b>C4</b>
	DATE: APRIL 15 2017		CHECKED: JTI/JAA		Site Services - App'd 1992 - Alternate Plan			
	Approved for use in Construction (Initials)				Issue Date: Apr 2017			
	DISK NO. NA		FILE No. GDO-001/0814		EDIT VERSION		5	

Basement Floor = 3 Suites (w/ baths) + Office  
Main Floor = 3 Suites (w/ baths)





**A** Basement Floor  
1576.45 sf [146.46m<sup>2</sup>]




**B** Main Floor  
1548.84 sf [143.89m<sup>2</sup>]

**Wall Legend :**

 Fire Rated Separation

 Unrated Interior Partition

 Exterior Wall - Existing House Envelope

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**John Ivison & Associates Ltd.**  
1-778-898-1909  
JohnIvison@JohnIvison.com

<b>Mainland</b>	<b>Inland</b>
3184 W. 6th Ave.,	6251 Thomson Terrace,
Vancouver, B.C. V6K 1X8	Maple Bay, Duncan, B.C.
Canada	V9L 6T1

SCALE:  $1/8"=1'$

DRAWN: CDM

DATE: APRIL 15 2017

CHECKED: JTI/JAA

Approved for use in  
Construction (Initials)

DISK NO. NA

FILE No. GDO-001/0814

Mr. Gordon Osborne (REZONING DRAWINGS)	
121 Menzies Street, Victoria, B.C.	

Floor Plans House (Basement /Main)

Issue Date: Apr 2017	EDIT VERSION
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Issue Date: Apr 2017

EDIT VERSION

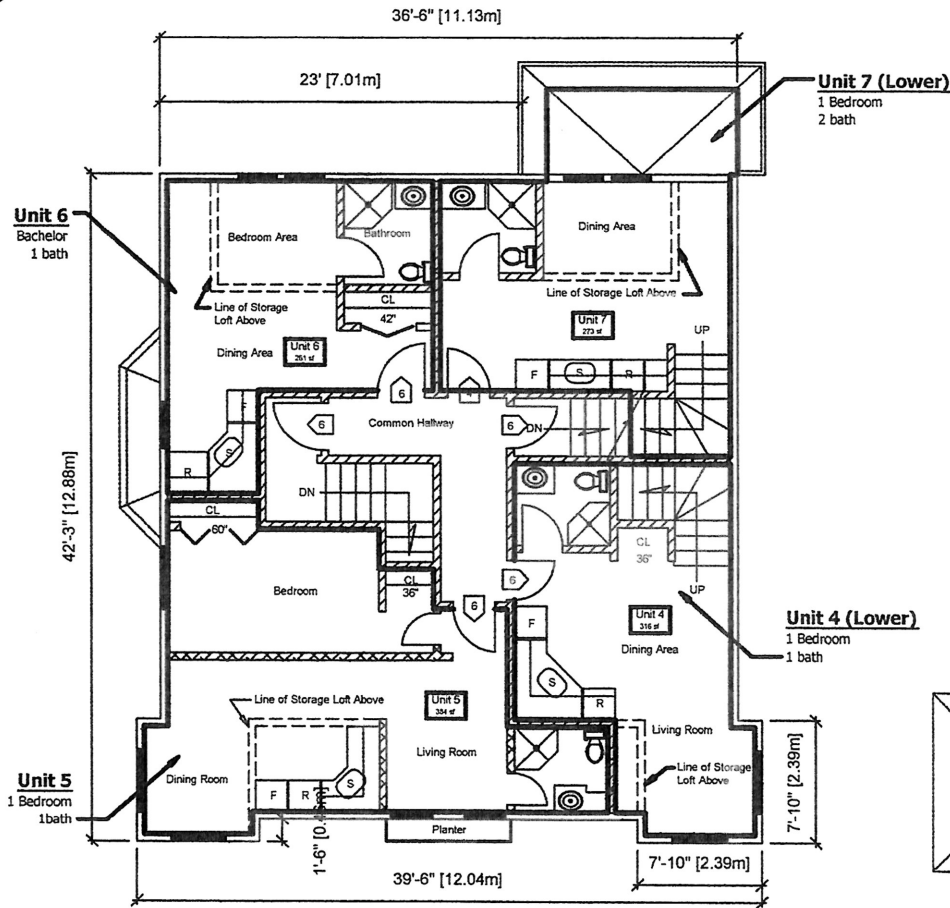
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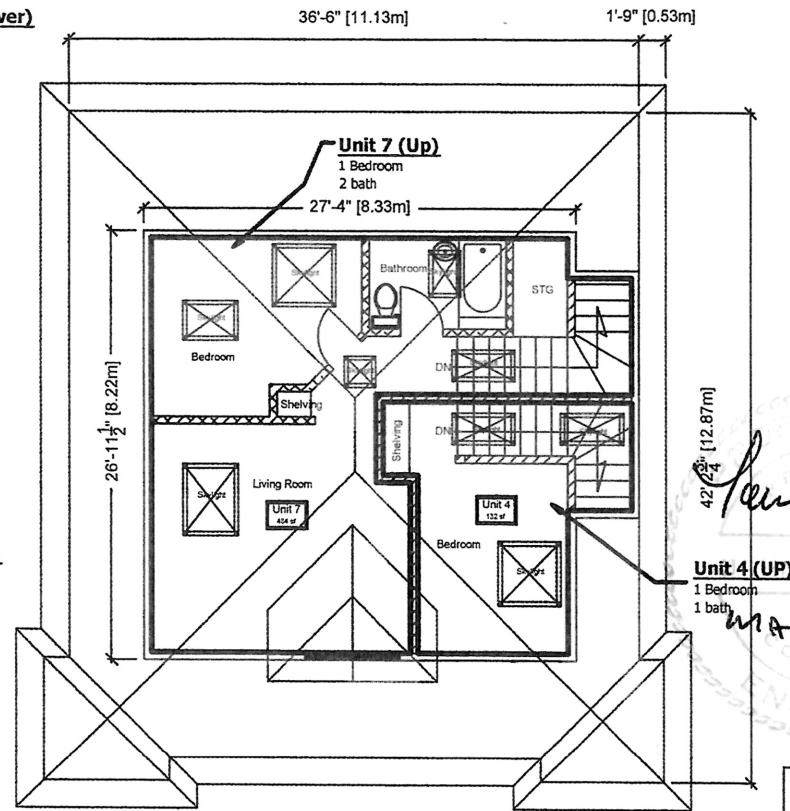
A 1



Second Floor = 4 Suites (w/ baths)  
Attic Floor = Upper level of existing 2 suites from Second floor (4 & 7)



**A** Second Floor  
1601.87sf [148.82m<sup>2</sup>]




**B** Attic Floor  
798.98 sf [74.22m<sup>2</sup>]

**Wall Legend :**  
Fire Rated Separation  
Unrated Interior Partition  
Exterior Wall - Existing House Envelope

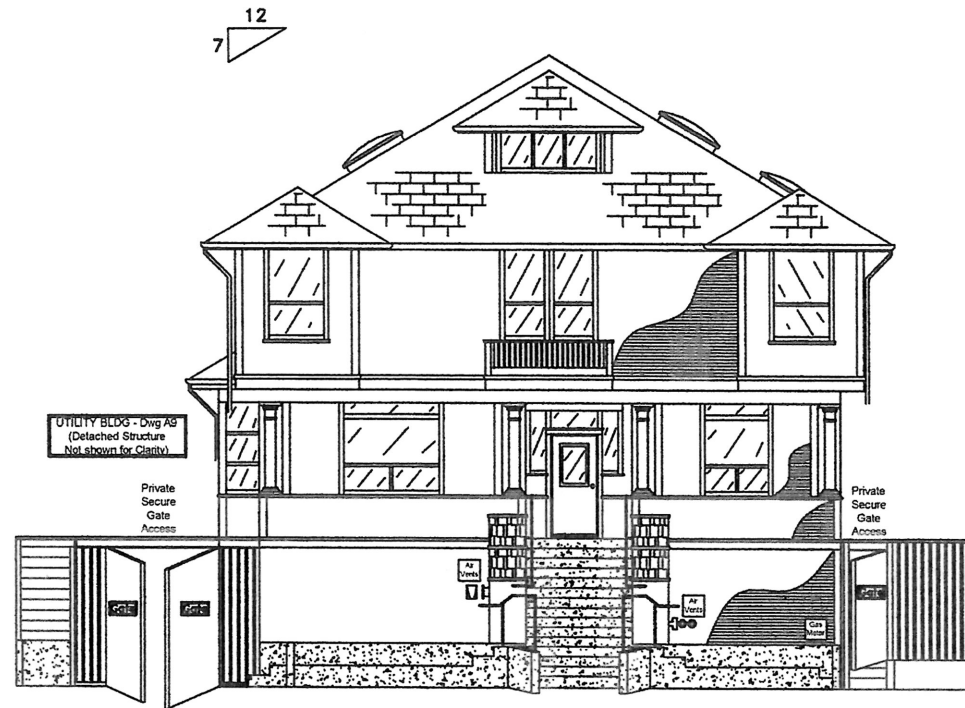
*Pen. 7 Jua*  
*May 24<sup>th</sup> 2017*

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City of Victoria  
MAY 25 2017  
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Community Planning Division

 <b>John Ivison &amp; Associates Ltd.</b> 1-778-699-1909 John.Ivison@johnivison.com  Makland 3184 W. 6th Ave., Vancouver, B.C. V6K 1X8 Canada  Island 8251 Thomson Terrace, Maple Bay, Duncan, B.C. V9L 5R1	SCALE: 1/8"=1" _____ DRAWN: CDM _____		Mr. Gordon Osborne (REZONING DRAWINGS) 121 Menzies Street, Victoria, B.C.		Drwg #:
	DATE: APRIL 15, 2017 _____ CHECKED: JTI/JAA _____				
	Approved for use in Construction (Initials) _____		Floor Plans House (Second / Attic)		A2
DISK NO. NA _____ FILE No. GDO-001/0814 _____		Issue Date: Apr 2017		EDIT VERSION 5	

City of Victoria Note:


Top Of Roof +39'-11 $\frac{3}{4}$ " (12.185m)  
 Avg Roof +34'-1 $\frac{3}{8}$ " (10.398m)  
 Attic Floor +28'-3" (8.610m)  
 Second Floor +19'-6" (5.943m)  
 Main Floor +9'-6" (2.895m)  
 Patio ~+21" (0.533m)  
 Avg Grade 0  
 Street ~-15" (-0.381m)



A Elevation - West

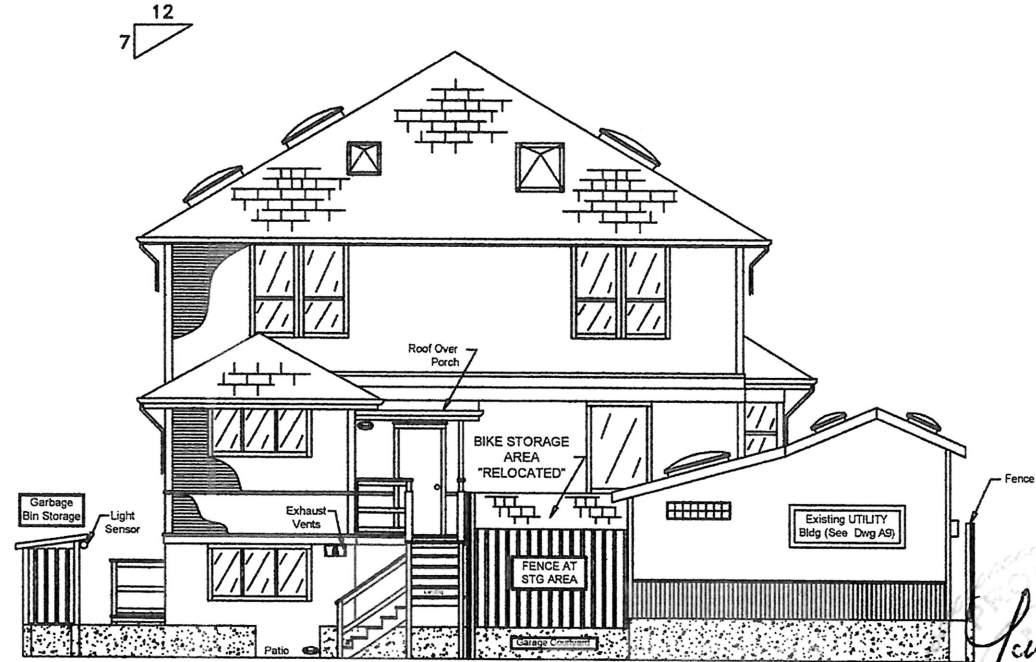
*John T. Iverson*  
 May 24<sup>th</sup> 2017  
 JOHN T. IVERSON  
 ENGINEER

**Received**  
 City of Victoria  
 MAY 25 2017  
 Planning & Development Department  
 Community Planning Division

 <b>John Iverson &amp; Associates Ltd.</b> 1-778-638-1009 John.Iverson@johniverson.com Mainland: 2184 W. 8th Ave., Vancouver, B.C. V6K 1X8 Canada Island: 6251 Thomson Terrace, Maple Bay, Duncan, B.C. V9L 5Y1 Canada	SCALE: 1/8"=1' DATE: APRIL 15, 2017 Approved for use in Construction (Initials) _____ DISK NO. NA FILE No. G00-001/0814	DRAWN: CDM CHECKED: JTI/JAA Mr. Gordon Osborne (REZONING DRAWINGS) 121 Menzies Street, Victoria, B.C. Elevation West - Rezoning Drawings Issue Date: APR 2017 EDIT VERSION 5	Drwg #: <b>A3</b>

City of Victoria Note:

Top Of Roof +39'-11 $\frac{3}{4}$ " (12.185m)  
 Avg Roof +34'-1 $\frac{3}{8}$ " (10.398m)  
 Attic Floor +28'-3" (8.610m)  
 Second Floor +19'-6" (5.943m)  
 Main Floor +9'-6" (2.895m)  
 Patio ~+21" (0.533m)  
 Avg Grade 0  
 Street ~-15" (-0.381m)



A Elevation - East

*John I. Ivison*  
 MAY 24<sup>th</sup> 2017

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 City of Victoria

MAY 25 2017

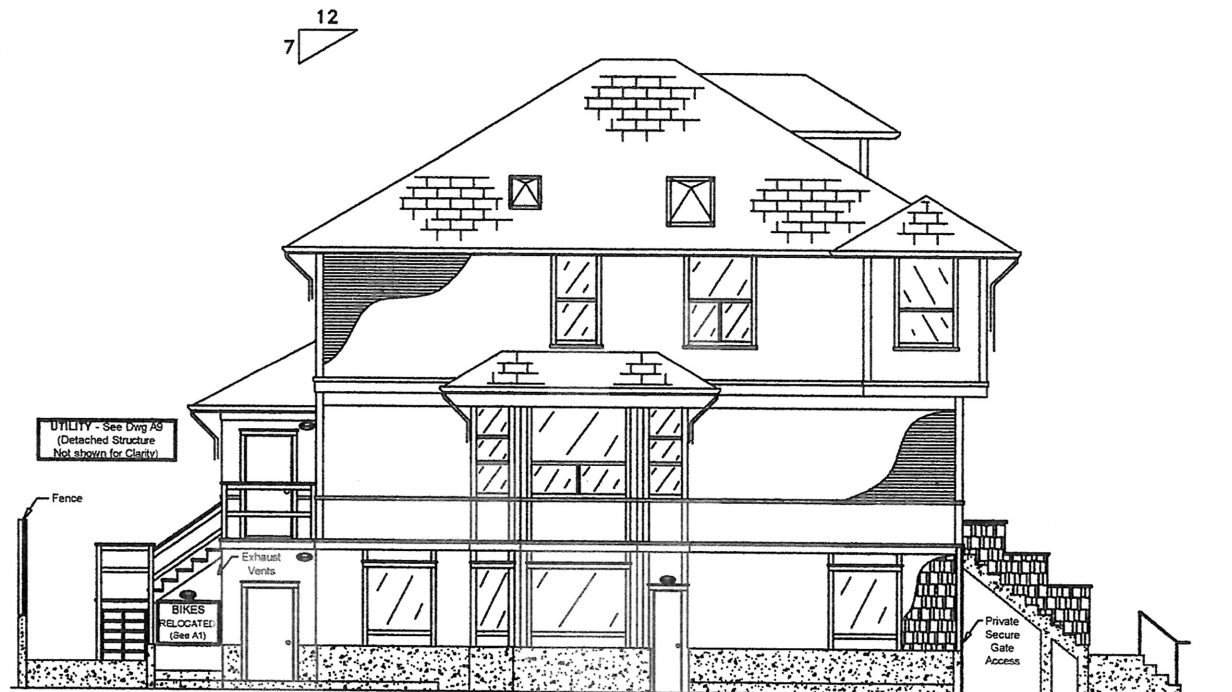
Planning & Development Department  
 Community Planning Division


**John Ivison & Associates Ltd.**  
 1-778-893-1909  
 JohnIvison@johnivison.com  
 Mainland 3154 W. 6th Ave., Vancouver, B.C. V6K 1Y3  
 Island 6251 Thomson Terrace, Maple Bay, Duncan, B.C. V9L 5P1

SCALE: 1/8"=1' DATE: APRIL 15 2017 Approved for use in Construction (Initials) _____ DISK NO. NA FILE No. GDO-001/0814	DRAWN: CDM CHECKED: JTI/JAA Mr. Gordon Osborne (REZONING DRAWINGS) 121 Menzies Street, Victoria, B.C. Elevation East - Rezoning Drawings Issue Date: APR 2017	Drwg #: <b>A4</b> EDIT VERSION 5
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City of Victoria Note:


Top Of Roof +39'-11 $\frac{3}{4}$ " (12.185m)  
 Avg Roof +34'-1 $\frac{3}{8}$ " (10.398m)  
 Attic Floor +28'-3" (8.610m)  
 Second Floor +19'-6" (5.943m)  
 Main Floor +9'-6" (2.895m)  
 Patio ~+21" (0.533m)  
 Avg Grade 0  
 Street ~-15" (-0.381m)



A Elevation - North

*John I. Ivison*  
 MAY 24<sup>th</sup> 2017

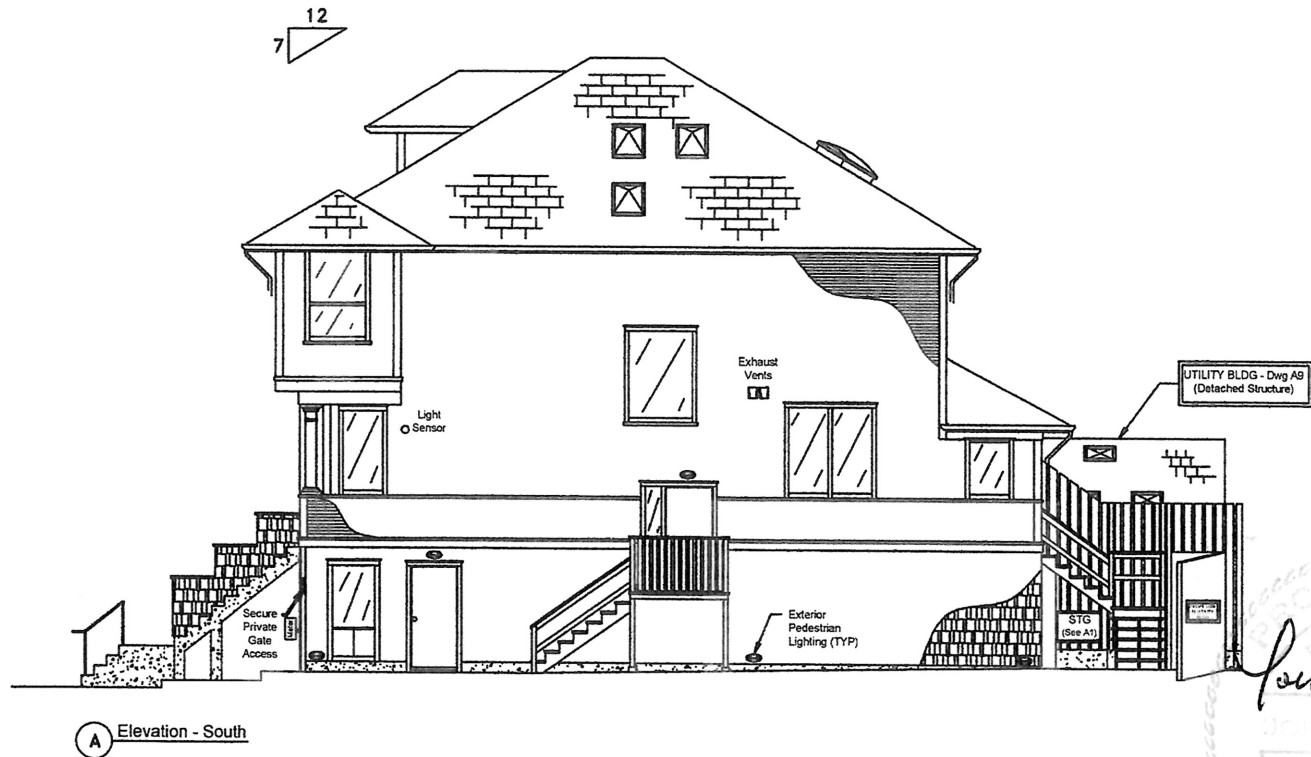
Received  
 City of Victoria  
 MAY 25 2017  
 Planning & Development Department  
 Community Planning Division

 <b>John Ivison &amp; Associates Ltd.</b> 1-778-888-1909 John.Ivison@johnivison.com Mainland: 3184 W. 5th Ave., Vancouver, B.C. V6K 1X8 Canada Island: 6251 Thomson Terrace, Maple Bay, Duncan, B.C. V9L 5P1	SCALE: 1/8"=1' DATE: APRIL 15, 2017 Approved for use in Construction (Initials) _____ DISK NO. NA FILE No. GDO-001/0814	DRAWN: CDM CHECKED: JTI/JAA Mr. Gordon Osborne (REZONING DRAWINGS) 121 Menzies Street, Victoria, B.C. Elevation North - Rezoning Drawings Issue Date: APR 2017	Drwg #: <b>A5</b> EDIT VERSION 5



City of Victoria Note:

Top Of Roof +39'-11 $\frac{3}{4}$ " (12.185m)  
 Avg Roof +34'-1 $\frac{3}{8}$ " (10.398m)  
 Attic Floor +28'-3" (8.610m)  
 Second Floor +19'-6" (5.943m)  
 Main Floor +9'-6" (2.895m)  
 Patio ~+21" (0.533m)  
 Avg Grade 0  
 Street ~-15" (-0.381m)



*form 7 fuse*  
*may 24<sup>th</sup> 2017*

Received  
 City of Victoria

MAY 25 2017

Planning & Development Department  
 Community Planning Division



John Ivson & Associates Ltd.  
 1-778-508-1009  
 John.Ivson@johnivson.com

Markham 3184 W. 6th Ave.  
 Vancouver, B.C. V6K 1X3  
 Canada  
 Island 6251 Thomson Terrace  
 Maple Bay, Duncan, B.C.  
 V9L 5P1

SCALE: 1/8"=1' DRAWN: CDM  
 DATE: APRIL 15 2017 CHECKED: JTI/JIAA  
 Approved for use in Construction (Initials)  
 DISK NO. NA FILE No. GDO-001/0814

Mr. Gordon Osborne (REZONING DRAWINGS)  
 121 Menzies Street, Victoria, B.C.  
 Elevation South - Rezoning Drawings

Issue Date: APR 2017

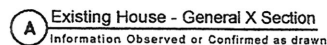
EDIT VERSION

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Drwg #:

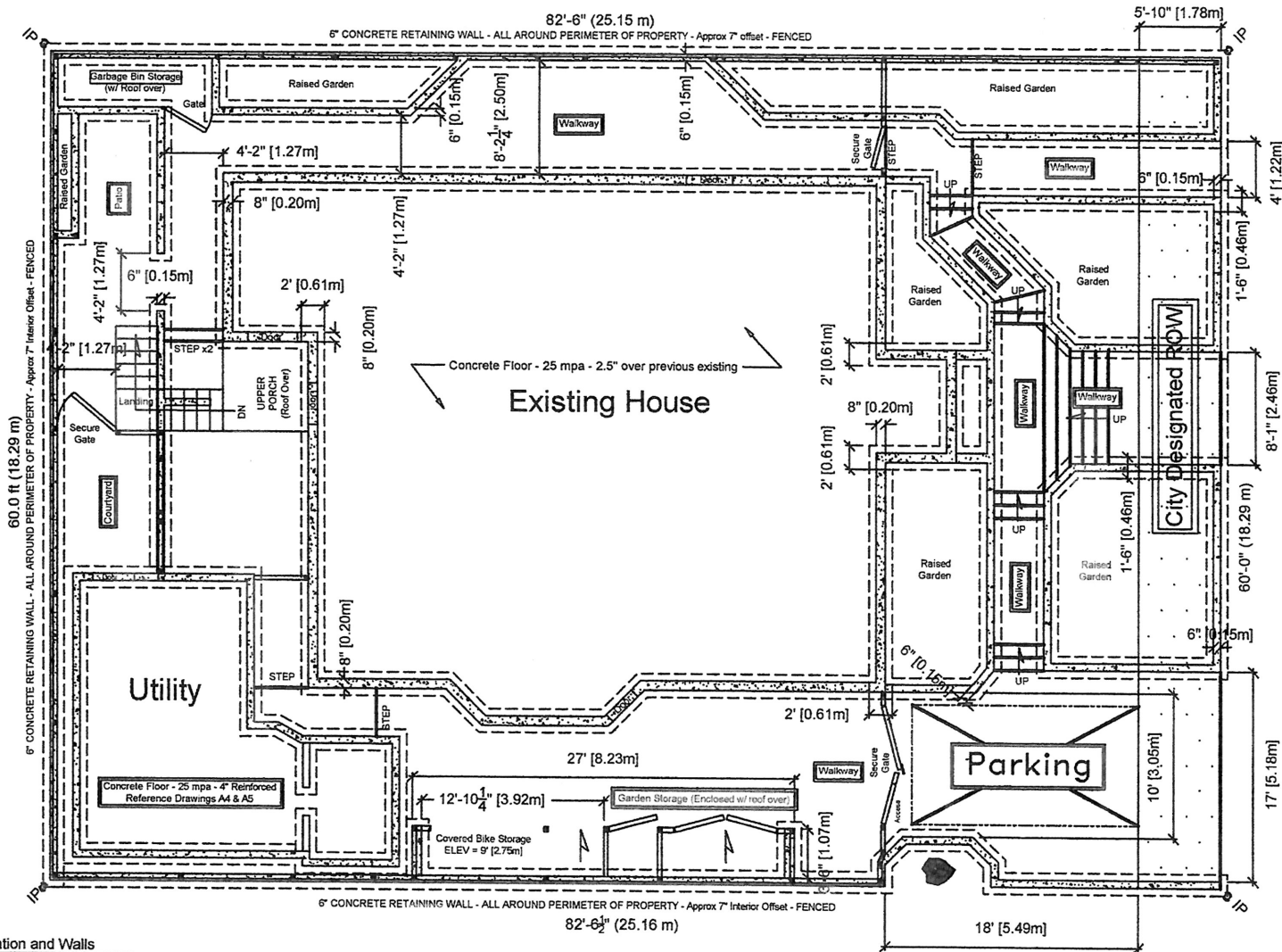
A6





Planning & Development Department  
Community Planning Division

A7



Menzies Street

*John I. Iverson*  
May 24th 2017

Wall Legend :	
	Concrete FND FTG & Wall - Approved Permit 1992
	Fence Line with Post - Fence around perimeter
	Iron Pin (IP)

**A** Concrete Foundation and Walls  
- Approved 1992 Construction  
Information Observed or Confirmed as drawn

Received  
City of Victoria

MAY 25 2017

Planning & Development Department  
Community Planning Division

**John Iverson & Associates Ltd.**  
1-778-969-1909  
John.Iverson@JohnIverson.com  
Vancouver, B.C. V6K 1X3  
Canada

SCALE: 1/8"=1'  
DATE: APRIL 15, 2017  
DRAWN: CDM  
CHECKED: JTI/JAA  
Approved for use in  
Construction (Initials)  
DISK NO. NA FILE No. GDO-001/0814

Mr. Gordon Osborne (REZONING DRAWINGS)  
121 Menzies Street, Victoria, B.C.

FND FTG & Walls - Rezoning Drawings

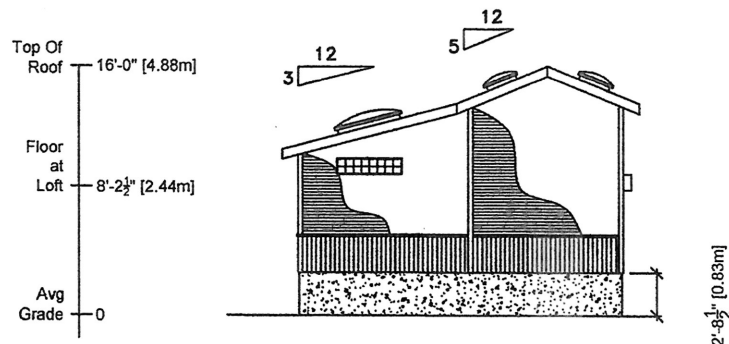
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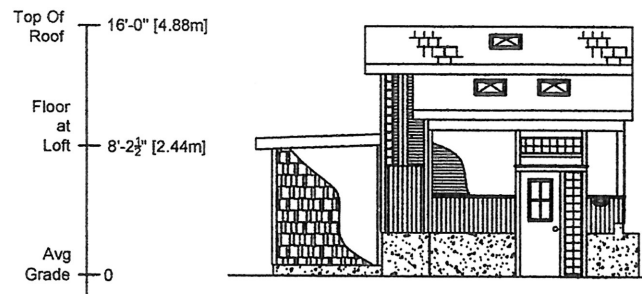
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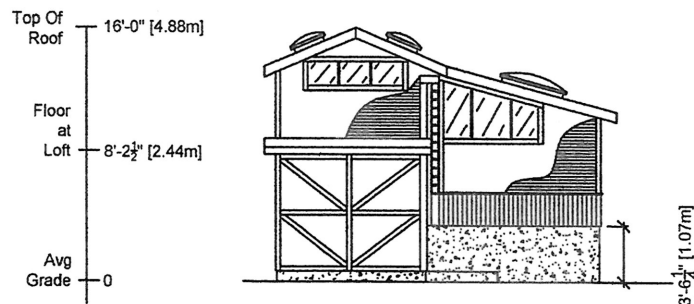
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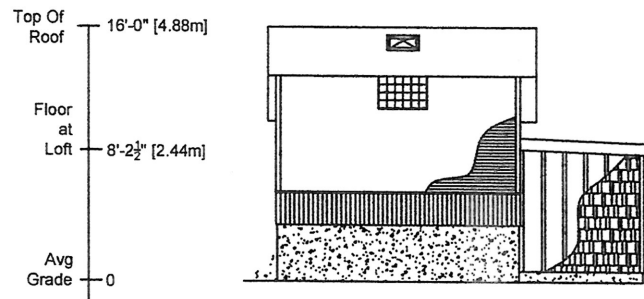
**B** UTILITY - East Elev  
General Representation



**D** UTILITY - South Elev  
General Representation

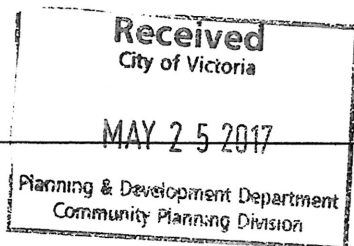



**A** UTILITY - West Elev  
General Representation



**C** UTILITY - North Elev  
General Representation

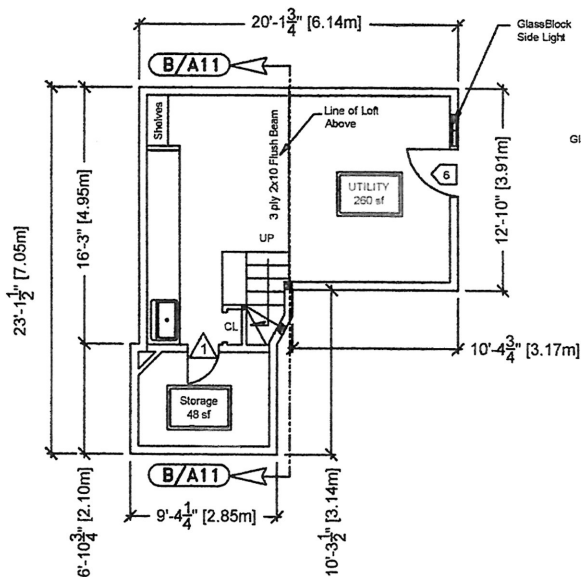
*John. 7. 7. 18*  
*may 24<sup>th</sup> 2017*



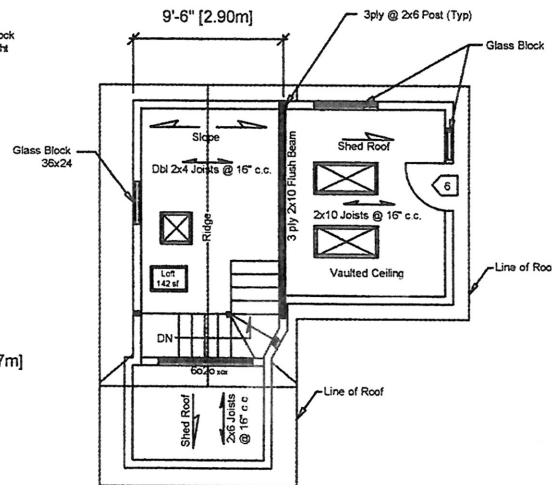
 <b>John Ivison &amp; Associates Ltd.</b> 1-778-698-1909 John.Ivison@johnivison.com Mainland: 3184 W. 5th Ave., Vancouver, B.C. V6K 1G8 Canada Island: 6080 Thomson Terrace, Maple Bay, Duncan, B.C. V9L 6R1 Canada	SCALE: <u>1/8"=1'</u> DATE: <u>APRIL 15 2017</u> Approved for use in Construction (Initials) _____ DISK NO. <u>NA</u> FILE No. <u>GDO-001/0814</u>	DRAWN: <u>CDM</u> CHECKED: <u>JTI/JAA</u> _____ _____	<b>Mr. Gordon Osborne (REZONING DRAWINGS)</b> 121 Menzies Street, Victoria, B.C. <b>UTILITY BLDG Elev - Rezoning Dwgs</b> Issue Date: Apr 2017	Drwg #: <b>A9</b>
	EDIT VERSION <u>5</u>			



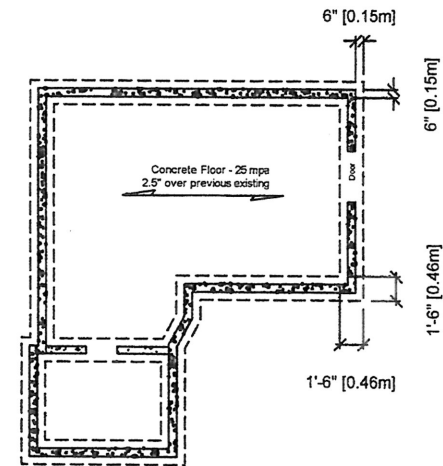
City of Victoria Note:



**A** UTILITY - Floor Plan - Lower Fir  
312.94 sf [29.07m<sup>2</sup>]

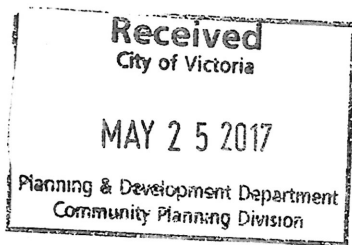


**B** UTILITY - Fir Plan - Upper Loft  
142.33 sf [13.22m<sup>2</sup>]



**C** UTILITY - FND Plan

*John. J. Ford*  
*May 24<sup>th</sup> 2017*



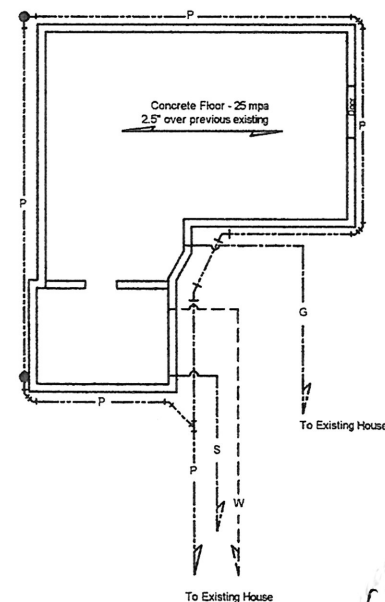
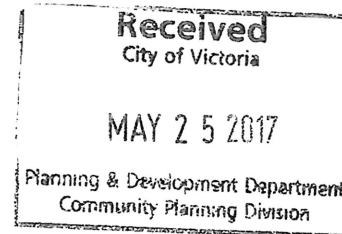
**John Ivison & Associates Ltd.**  
1-778-098-1909  
JohnIvison@johnivison.com  
Mainland: 3194 W. 8th Ave.,  
Vancouver, B.C. V6K 1X8  
Canada  
Island: 8281 Thomson Terrace,  
Maple Bay, Duncan, B.C.  
V9L 5R1

SCALE: 1/8"=1'  
DATE: APRIL 15, 2017  
DRAWN: CDM  
CHECKED: JTI/JAA  
Approved for use in Construction (Initials)  
DISK NO. NA FILE No. GDO-001/0814

**Mr. Gordon Osborne (REZONING DRAWINGS)**  
121 Menzies Street, Victoria, B.C.  
**UTILITY BLDG - FND - Rezoning Dwgs**  
Issue Date: Apr 2017  
EDIT VERSION 5

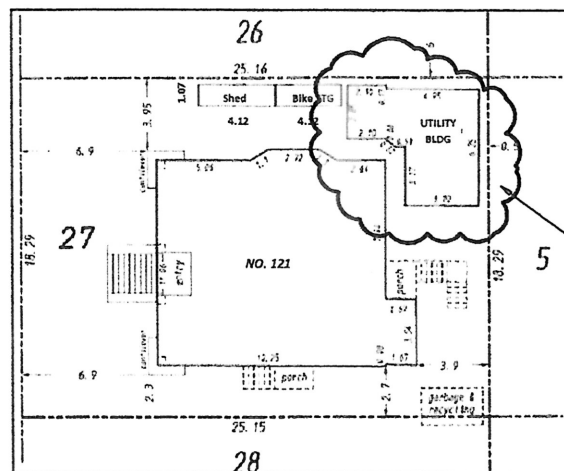
Drwg #:  
**A10**

City of Victoria Note:



C UTILITY - Bldg Services

*John Ivison*  
MAY 24th 2017



B UTILITY - Gen X Sec  
General Representation

A LOT Survey - UTILITY

**John Ivison & Associates Ltd.**  
1-779-659-1500  
John.Ivison@johnivison.com

Midland 3154 W. 5th Ave.  
Vancouver, B.C. V6K 1X8  
Canada

Island 6251 Thomson Terrace,  
Maple Bay, Duncan, B.C.  
V9L 5P1

SCALE: 1/8"=1'  
DATE: APRIL 15 2017  
DRAWN: CDM  
CHECKED: JTI/JAA

Approved for use in Construction (Initials)

DISK NO. NA FILE No. GDO-001/0814

Mr. Gordon Osborne (REZONING DRAWINGS)  
121 Menzies Street, Victoria, B.C.

UTILITY BLDG - X Sec - Site & Services - Rez Dwgs

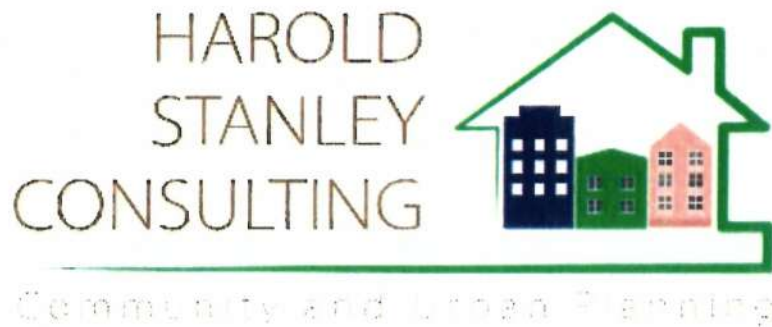
Issue Date: Apr 2017

EDIT VERSION

5

Drwg #:

A11



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

April 21, 2017

**RE: Rezoning application for 121 Menzies Street: Lot 27, Section 11, Beckley Farm, Victoria City, Plan 753**

The proposal is to rezone the above noted residential property from the current R-2 (two family dwelling district) zone to one that would permit and accommodate 10 self-contained suites with a Floor Space Ratio of 1.19.

In 1992, the owner of the property was issued a Building Permit to renovate the property so as 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 is a one-bedroom Garden Suite created through the conversion of an existing exterior garage, for a total of 14 suites. All of the suites, with the exception of the caretaker suite, are rented.

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, likely 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 proposed rezoning 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 in close proximity to 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 recently approved new Housing Strategy including: the reduction of parking requirements; the removal of minimum dwelling unit size regulations in multi-dwelling residential zones; 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 rezoning 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 held a meeting with James Bay residents in May of last year 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 rezoning is approved.

The property, with a number of 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 policy. 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

With only one parking space on the property there is technically a deficiency of 7 parking spaces based on the proposed 10 dwelling units. In January of last year, the owner retained the services of a transportation consultant to conduct a parking review of the property. The study, done with the current 14 suites, concluded that the few vehicles associated with the building are comfortably accommodated with the existing on street parking and one on-site parking space. There's been only one complaint from neighbours regarding parking, and that was 20 years ago. Turnover of suites has been extremely low and prospective tenants are made aware of the lack of on-site parking.

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.



The building has a number of sustainability features. Rainwater from the eaves is collected via drain pipes into a series of rain barrels around the building, keeping rainwater from entering the storm sewers and providing water to 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 current development of the property, with 14 dwelling units, has been in place for over 20 years;
- A consultant has determined that the 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 new Housing Strategy;
- The property is in a very walkable location with good cycling and transit access, and parking has not been a problem;
- The current development contains a number of sustainability features that will be retained;
- The rezoning will ensure the preservation of a valuable heritage asset and streetscape by having the property heritage designated if the rezoning is successful;
- 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.

Thank you for your consideration of this matter.

Yours Sincerely;

Harold Stanley M. Env. Design  
Community Planning Consultant  
Harold Stanley Consulting



*James Bay Neighbourhood Association*

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

[www.jbna.org](http://www.jbna.org)

October 21<sup>st</sup>, 2016

Mayor & Council,  
City of Victoria

**Re: CALUC Community Meeting - 121 Menzies St**

The community meeting to consider the proposal at 121 Menzies was held on October 12<sup>th</sup> (46 attendees). Attached please find an excerpt of the General Meeting minutes regarding the proposal.

A proposal for this property was presented at the April 8, 2015 JBNA meeting. The letter from that meeting is appended. The R-2 building was renovated in 1992 and subsequently given an occupancy permit for seven LHK suites. The owner soon thereafter completed additional renovations, added five others. The current proposal is for 11 units.

All but one meeting participant expressed strong negative responses to the proposal. The question and response period was quite extensive with further explanation and additional similar comments to the further points raised. The minutes capture some of these comments.

The one positive comment suggested that the units would be "affordable" and therefore the proposal should be supported.

The negative responses focused on the disrespect for the process and the precedent the proposal would set. This train of thought was expressed a few times, more so after the proponent said there are others in the neighbourhood who have done the same thing, meaning created suites beyond permissive zoning.

For your consideration,

Marg Gardiner,  
President, JBNA  
CALUC Co-Chair

Cc: Harold Stanley  
CoV Planning



## **EXCERPT from JBNA October 12<sup>th</sup>, 2016 Minutes**

### **JAMES BAY NEIGHBOURHOOD ASSOCIATION**

#### **MINUTES - General Meeting October 12<sup>th</sup>, 2016 – 46 present**

#### **7. CALUC: 121 Menzies**

Harold Stanley, Planning Consultant,

Charles Miller, Engineering Technologist, Duncan Valley Designs

John Ivison, John Ivison & Associates

#### ***Marg Gardiner reported on the Development Review Committee (DRC) pre-meetings:***

*On July 4<sup>th</sup> and September 12<sup>th</sup> JBNA Committee members, Tim VanAlstine, Wayne Shillington, and Marg Gardiner met with the proponents. Trevor Moat was at the July meeting and Tim Sommer at the September Meeting.*

*A proposal for this property was presented at the April 8, 2015 JBNA meeting. The letter from that meeting will be appended to the letter from this meeting as the issues remain.*

*The R-2 building was renovated in 1992 and subsequently given an occupancy permit for seven LHK suites. The owner soon thereafter completed additional renovations, added five more suites in the building and then converted a garage to stand-alone accommodation. With changes, there were 13or14 rental suites. The added suites were constructed without City permits or approval.*

*Since that time, the proponent has had consultations with the City and reworked the interior configuration and is now proposing 11 units.*

*At the pre-meetings, the items suggested to be contentious remained:*

- 1) the precedent it might set and the message to other landowners who could make similar unapproved renovations or that this would set a precedent for the level of density and type of renovation permitted in the community.*
- 2) the parking shortfall which further frustrates residents who are searching for parking near 5-corners and especially Thrifty Foods.*

#### **Community Meeting presentation:**

John Ivison . . building constructed in 1906 was originally single family R-2 zoning. Owner G Osborne purchased in 1992. 1992 restoration started; house raised, windows/doors replaced, painting, roof and gutters. Interior changes 7 light housekeeping suites, 7 kitchenettes, 4 common washrooms. Additional work took place which increased units to 14, this was done without permit. Only 1 parking space. The current proposal has no plans to provide additional parking based on parking study. Has a secured area for bikes.

#### **Questions/comments:**

***Q/A opportunity given to those proposal live within 100m of 121 Menzies, followed by invitation to any resident. (addresses not captured for all speakers)***

C: resident – the approval of zoning for 7 units should never have been exceeded

C: Lewis St resident – take offense when you state there are other buildings which have suites greater than permitted and only reason you are here is that it was “*just the one found out*”. This insults those who follow the system and create suites legitimately.

Q: Lewis St - want 11 suites, an office, garden suite are they included in the 11

A: Yes

Q: What is rent range and suite size range

A: range of rent \$330 and \$1000 monthly. Currently 250 sqft, with reduction from 14 to 11 suites range will be 287 to 780 sqft

C – takes great exception to how this has been presented. Defies all zoning requirements. Crams in units.

Q: How many tenants currently in residence

A: 7

C: 17 yr resident, appreciates issue of affordability, worth supporting. 11 units not to be sneered at.

C: Don't support it -flies in face of by-laws, permits, what's the point of other community members following rezoning regulations if people flaunt regulations. Sets a bad precedent. Has had 24 yrs of revenue from the illegal suites. Restore back to original 7 suites. Proponent is trying to pull on heart-strings to rationalise his circumvention of bylaws. Others have followed the rules, and it cost them a lot.

Q: What are alternatives.

A: will have to restore back to original 7 units.

C: 1992 entitled to 7 suites – compromise 11 suites – need to go back to 7 suites. Currently occupied by 7 renters. No one would be displaced.

Q: if reduced to 7 suites won't be as affordable?

A: Yes, would have to revert back to light-housekeeping suites no individual bathrooms would be shared. That is the term of the covenant which was entered into – if proposal does not succeed then must revert.





## James Bay Neighbourhood Association

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234 Menzies St  
Victoria, B.C.  
V8V 2G7

[www.jbna.org](http://www.jbna.org)

April 20th 2015

Mayor and Council  
#1 Centennial Sq.  
Victoria BC

**Re:** Development Re-zoning: 121 Menzies from 7 to 13 units

Mayor and Council:

A proposal related to an application to re-zone a multi-unit building located at 121 Menzies Street was presented at the April 8, 2015 meeting of the James Bay Neighbourhood Association (JBNA). Approximately 80 people attended the meeting.

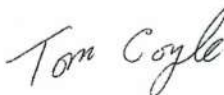
The presentation focussed on the fact that the building had been renovated in 1992 and subsequently given an occupancy permit for seven suites. The owner soon thereafter completed additional renovations, added five more suites in the building and converted a garage to stand-alone accommodation, bringing the total to thirteen rental suites. The owner acknowledges that the six added suites were constructed without City permits or approval. The owner now is requesting that the building "stays AS IS and modify the zoning to reflect the structure."

Re-zoning proposals frequently elicit strong reactions from residents in the immediate vicinity. This particular proposal brought forth comments from people who live in many different parts of James Bay.

In summary, there were those who thought that there is a need for small, affordable rental accommodation. Others stated that the exterior of the building and the lot were well-maintained and in keeping with the heritage look of James Bay and still others were not concerned about there being only a single parking space for the thirteen units. On the other hand, there were those who questioned whether all construction had been done to code and whether all suites were safe for tenants.

Some speakers were frustrated that they had met City standards, incurred permit costs and paid increased property taxes after renovating their property while this landlord had not. There were those who were concerned that approval of this application would be seen as either condoning the owner's actions and thus send a signal that other landowners could make similar unapproved renovations or that this would set a precedent for the level of density and type of renovation permitted in the community.

I have included below the minutes of our April 8<sup>th</sup> Neighbourhood Association meeting that relate to this rezoning application and a letter I received from a resident who could not attend this meeting.

Yours truly,  
  
CALUC Chair, JBNA

## **JBNA CALUC - 121 Menzies**

### **April 8<sup>th</sup> Meeting minutes**

Development Re-zoning: 121 Menzies from 7 to 13 units

Charles Miller, Duncan Valley Designs, presenter  
Richard Skene, Architectural Securities Inc,  
Gordon Osborne, Owner  
John Ivison, Structural Eng Alex Apotoli, P. Eng

A multi-unit apt since 1992, density from 7 units to 13. Building build in 1906, single family R2 zoning, owed by Mr. Osborne since 1992. Currently zoned for 7 suites, was over the current R2 zoning but City rezoned to permit 7 LHK suites in 1992. Renovated the house and raised 2 ft. for legal basement. Extensive restoration of exterior and interior in 1992. Likely 7 units in place when inspected. However, additional suites constructed around same time: Unauthorized construction.

Now requesting modified zoning for 12 suite and 1 garden suite, with 4 additional suite in basement, 1 additional suite on main floor, and the garden suite – garage conversion.

Only 1 parking spot for building – garden suite tenant has this spot. 2 other people in apt who own cars of 13 suites. Building has secure bike location.

#### **Q/A:**

Q – Superior St resident who is also a landlord – questions regarding permits, was plumbing done with professionals, electricians etc.

A – Yes for original 7 suites, not conforming for additional suites that's why requesting rezoning. Had over-built (pipes etc) in 1992 so plumbing conformed to code.

Q – Superior Cont'd – As a landlord, one of the houses I manage has a larger footprint than the whole Menzies property and would not consider 13 units for it. This proposal is not supportable.

C - Pilot St resident – I've gone through the rezoning process, followed what was required. You are asking the community to support the rezoning. For 22 years you have benefited from 5 illegal suites and you're asking for forgiveness because you are now making it right. This is not acceptable, the building should be reverted back to the 7 suites that were allowed by the city in 1992. These actions are not acceptable.

C – Simcoe resident – support affordable housing, states tenants are safe

C – Montreal St resident – do I as a single dwelling owner get to do this? Not likely. You've done this before – this is not supportable.

C - San Jose resident – walks past building, likes it, collecting of rain water, clean, no garbage, building a good citizen for street.

Q – Menzie St resident – going through process today are you up to today's standards? You state you can't meet, are you asking for relax of requirements?

A – Want to present an alternate process for today's standards

Q – Kingston St – if city doesn't approve request does the building revert back to 7 units?

A – Reserves right to answer at this time – wants to bring back into standards.

C – You might be a good landlord and your tenants might be good; but the zoning stays with the building and this is too much for this site.

C – Residents may be good citizens, that's all laudable, but 22 years of benefit by the owner, don't know that the owner has been a good citizen.

A – Not here to condone Mr Osborne's conduct, states he was heavily fined by hydro, here trying to rectify situations



Q – What was the original parking requirement for the 7 units?

A – 7 units required 3 parking stalls, currently only 1 parking stall for the

Q – Parking requirement in 1992 was 3 – was garage used as a garage

A – Garage was used as a garage prior to conversion in 1992.

C – So from the beginning you never intended to comply with parking. The garden unit should revert to parking as additional parking is needed..

C – Resident - St James St project was turned down due to parking, I don't believe that a stall is always needed for every resident; but more is needed than being proposed. With the St James proposal the City insisted on a car share requirement, if the City unwisely proceeds with this proposal, there should be a requirement for a couple of car shares spots right there. C – Have major concern for this application as will open floodgates, can't support this.

C – Why is it not possible to consider something less than 13 units?

A – Want to legalize those existing since 1992

Q – Is there egress for all existing suites?

A – All suites have egress

C – Wrong approach taken, my concern what happens when property is sold, what if the next owner isn't as responsible as the current?

A – Can't answer at this time until know what city will do?

C – The rezoning application should be looked at as though the property was Greenfield. If that were the case, what would be permitted.

Q – What about water, plumbing?

A – Already up to code for 13 suites since 1992.

C – For the 7 units was there an occupancy inspection?

A – Yes, all plumbing was roughed in in 1992, and electrical but due to finances the 6 extras suites weren't done.

A – Was approved for occupancy in 1992.

C – Very concerned about the precedence this will set and subsequent owners, put city and this community in a very difficult situation.

Q – Was building up to code in 1992?

A – Yes

Q – What have you done since then? Current codes

A – Met and have gone beyond what is required as of 2012, need to find out from city what can and can't be relaxed.

Q – Are they up to 2012 codes?

A – Have just touched surface of 2012 codes and are reviewing with city.

C – Medana St res – until a week ago didn't know how many people lived in building – support.

**Letter from resident on Medana St.**

To: Tom Coyle,

I oppose the rezoning of this property to allow 12 units plus a Garden Suite even though this use has been illegally in place for some years. The zoning does not allow this and the fact the property has had so many units for so long does not make it right. The neighbouring house to the north also contains more units than the zoning allows. Parking problems spill over onto neighbouring streets as there is not enough parking on Menzies Street. Thirteen units is excessive for a zoning meant for two units, but permitted to have seven. The small size of the multiple units contributes to more neighbourhood/tenant turnover which affects the character of the neighbourhood.

Even though this is to be a site specific bylaw, a precedent will be set. I am unable to attend the Community Meeting due to a schedule conflict.

## ATTACHMENT F



#201, 791 Goldstream Ave  
Victoria, BC V9B 2X5  
T 250.388.9877  
F 250.388.9879  
wattconsultinggroup.com  
blvdgroup.ca

Tinney & Associates  
568 Victoria Avenue  
Victoria BC V8S 4M6

January 22 2016  
Our File: 1933

Attn: Roger Tinney

### RE: 121 Menzies Street Parking Review

Boulevard Transportation, a division of Watt Consulting Group was retained by Tinney & Associates to undertake a parking review for the residential building at 121 Menzies Street in the City of Victoria. This high level review provides an informed professional opinion regarding parking supply and demand.

#### 1.0 EXISTING BUILDING

The site is located at 121 Menzies Street in the City of Victoria. See **Map 1**. The site was converted into seven light house-keeping units approximately 20 years ago, and has since changed unit types and configuration which requires a rezoning process.

There are a total of 14 units with a mix of bachelor, studio, and one-bedroom units, and range from 134 sq.ft. to 484 sq.ft. Two of the units share a bathroom, the rest are self contained.

There is one off-street parking space and 12 bicycle parking spaces.

#### 2.0 PARKING REQUIREMENT

The site is located in the R-2 Zone: Two Family Dwelling District which requires parking per the City of Victoria's Zoning Bylaw, "Schedule C". See **Table 1**. Total required parking for the site is 18 spaces.

**TABLE 1. PARKING REQUIREMENT**

Unit Type	# of Units	Parking Requirement	Applied to the Site
Light House Keeping Units	2	Buildings converted to housekeeping units	1 space for the first unit + 0.5 space for every unit over 1
Bachelor / One-Bedroom Units	12	Multiple Dwellings located in zones other than R3-1 and R3-2	1.3 spaces / unit
Total Required Parking			18

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## MAP 1. SUBJECT SITE



## 3.0 RESIDENT PARKING DEMAND

### Existing Site

The site has an existing vehicle ownership of 5 vehicles<sup>1</sup>, a demand rate of 0.36 vehicles per unit. The parking space on site is currently being utilized by visitors or maintenance vehicles; residents currently park on-street. Residents regularly utilize bike parking and it is typically seen at high occupancy.

### Representative Sites

Resident parking demand has been estimated based on vehicle ownership information obtained from previous studies. Sites shown in **Table 2** are located on the periphery of downtown and are market rental apartments which are expected to exhibit similar parking demand to the subject site. Average vehicle ownership among sites is 0.37 vehicles per unit and ranges from 0.19 vehicles per unit to 0.56 vehicles per unit. The average vehicle ownership rate applied to the subject site suggests residents will own five vehicles; supporting the existing parking demand.

<sup>1</sup> Information obtained on January 8 2015 from building landlord

TABLE 2. SUMMARY OF VEHICLE OWNERSHIP AT REPRESENTATIVE SITES<sup>2</sup>

Location	Units	Owned Vehicles	Demand Rate (vehicles/unit)
1118 Balmoral Road	24	10	0.42
1635 Cook Street	70	26	0.37
2549 Dowler Place	16	9	0.56
1110 Queens Avenue	16	3	0.19
2136 Ridge Road	32	12	0.38
1039 View Street	160	32	0.20
1147 View Street	22	10	0.45
2523 Wark Street	16	8	0.50
1158 Yates Street	18	4	0.22
		Average	0.37

The subject site consists of small units. The sites surveyed were typical rental apartment sites, but not necessarily small units. Smaller units tend to exhibit lower parking demand because of the fewer number of occupants and/or lower income residents.

#### 4.0 VISITOR PARKING DEMAND

Visitor parking demand rates have been demonstrated in the range of 0.05-0.07 vehicles per unit for multi-family residential<sup>3</sup>. Using a conservative estimate of 0.1 vehicles per unit, visitor parking demand is expected to be 1 vehicle.

#### 5.0 ON-STREET PARKING CONDITIONS

On-street parking utilization was observed in the area surrounding the site, including Menzies Street, Niagara Street and Simcoe Street. See **Map 2**. Observations were conducted over two periods to understand on-street parking conditions during weekday PM and weekend daytime; when resident demand is highest.

Residents of the site currently park on-street and it is assumed were accounted for in observations. The likeliest location residents seek parking is Menzies Street adjacent the site in the residential parking only area, which was seen at 88% occupancy with three spaces unoccupied. Total parking was observed at 70% occupancy with 24 spaces unoccupied. Parking that is available to residents was observed at 72% occupancy with 21 spaces unoccupied. Generally, parking is available within a one-block radius of the site.

<sup>2</sup> Data was obtained from ICBC as of September 30, 2013

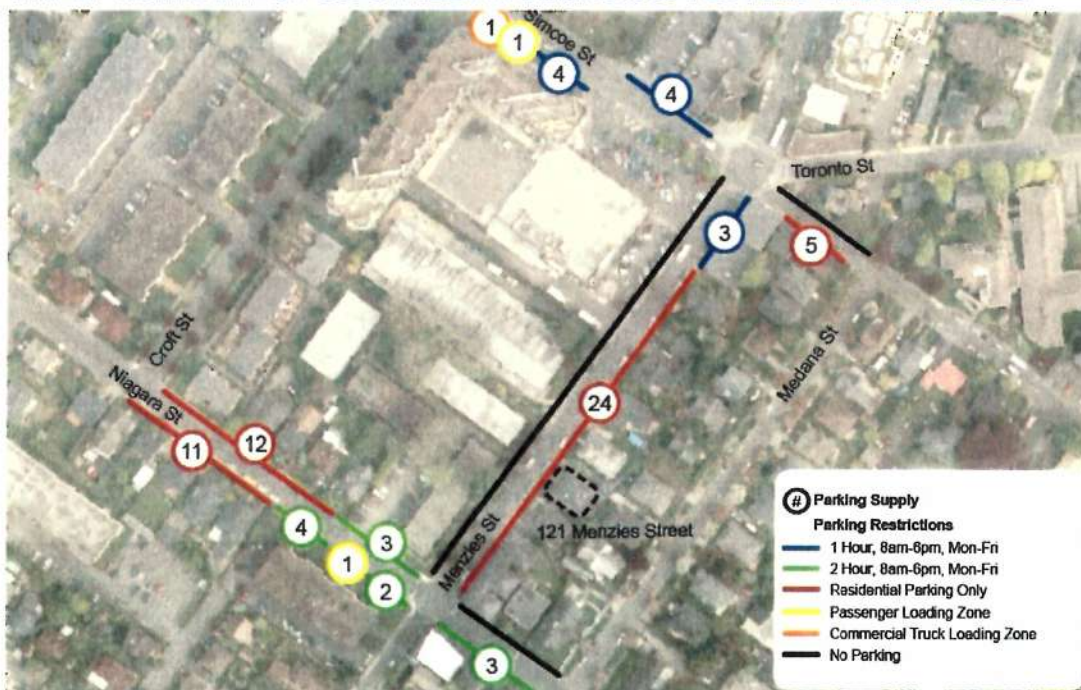
<sup>3</sup> Based on observations of visitor parking demand conducted in 2015 for two studies of multi-family residential sites (one adjacent downtown Victoria, the other in Langford) and findings from the 2012 *Metro Vancouver Apartment Parking Study* (Table 31, pg50) available at: [www.metrovancouver.org/services/regional-planning/PlanningPublications/Apartment\\_Parking\\_Study\\_TechnicalReport.pdf](http://www.metrovancouver.org/services/regional-planning/PlanningPublications/Apartment_Parking_Study_TechnicalReport.pdf)



TABLE 3. SUMMARY OF ON-STREET PARKING CONDITIONS

Street	Restrictions	Parking Supply (spaces)	Vehicles Observed	
			Sun. Jan. 10 @ 2pm	Thurs. Jan. 14 @ 9pm
Menzies St	Simcoe St – Niagara St (E)	1 hr, 8am-6pm, Mon-Fri	3	1
	Res Parking Only	24	21	20
	Simcoe St – Niagara St (W)	No Parking	-	-
	Croft St – Menzies St (N)	Res Parking Only	6	7
Niagara St	2 hr, 8am-6pm, Mon-Fri	3	2	2
	2 Hr, 8am-6pm, Mon-Fri	6	2	4
	Croft St – Menzies St (S)	Pass. Loading Zone	0	0
	Res. Parking Only	11	7	8
	Menzies St – Medana St (N)	No Parking	-	-
	Menzies St – Medana St (S)	2 Hr, 8am-6pm, Mon-Fri	3	3
Simcoe St	Croft St – Menzies St (N)	1 Hr, 8am-6pm, Mon-Fri	4	2
	Pass. Loading Zone	1	0	1
	Croft St – Menzies St (S)	Comm. Loading Zone	1	0
	1 Hr, 8am-6pm, Mon-Fri	4	4	2
	Menzies St – Medana St (N)	No Parking	-	-
	Menzies St – Medana St (S)	Res. Parking Only	5	5
Total		79	54	55

MAP 2. SUMMARY OF ON-STREET PARKING SUPPLY AND RESTRICTIONS



GREAT!

## 6.0 SUMMARY

Site parking demand is six vehicles (five resident and one visitor) and is not accommodated on site. Site demand is already incorporated into on-street parking demand; suggesting that on-street parking supplies accommodate demand. There is no expected additional parking demand associated with the site.

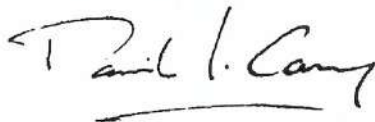
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Please do not hesitate to contact the undersigned if you have comments or questions.

Sincerely,

## BOULEVARD TRANSPORTATION

a division of Watt Consulting Group

per,



**Daniel Casey**, MCIP, RPP, M.Plan  
Senior Transportation Planner



**Mairi Bosomworth**, BA  
Junior Transportation Planner

## 6. LAND USE MATTERS

### 6.4 Rezoning Application No. 00508, Development Variance Permit Application No. 00194, and Heritage Designation Application No. 000162 for 121 Menzies Street

Committee received reports dated July 20, 2017, and July 11, 2017, from the Director of Sustainable Planning and Community Development regarding an application to permit a 10 dwelling unit house conversion and designate the property as heritage.

#### **Motion:**

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

#### **Rezoning Application No. 00508**

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw amendments that would authorize the proposed development outlined in Rezoning Application No. 00508 for 121 Menzies Street, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation of the following documents, executed by the applicant:
  - a. Housing Agreement Bylaw to secure the 10 dwelling units as rental housing in perpetuity with a caretaker living on site to the satisfaction of the Director of Sustainable Planning and Community Development.
  - b. Statutory Right-of-Way of 1.78 metres along Menzies Street to the satisfaction of the Director of Engineering and Public Works.

#### **Development Variance Permit Application No. 00194**

2. 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. 00508, if it is approved, consider the following motion:  
"That Council authorize the issuance of Development Variance Permit Application No. 00194 for 121 Menzies Street in accordance with:

1. Plans date stamped May 25, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. decrease the dwelling unit floor area (minimum) from 33.00m<sup>2</sup> to 28.98m<sup>2</sup>
  - b. decrease the number of parking stalls from eight to one
  - c. locate the parking in the front yard
  - d. locate accessory buildings in the side yard
  - e. increase total site coverage from 40% to 42.30%
  - f. increase the height of one accessory building from 3.50m to 4.41m
  - g. decrease the rear setback of an accessory building from 0.60m to 0.50m
  - h. decrease the side setback of accessory buildings from 0.60m to 0.40m
  - i. decrease the separation space between an accessory building and a principle building from 2.40m to 1.0m
  - j. increase the rear yard site coverage for an accessory building from 25.00% to 29.80%
3. The Development Permit lapsing two years from the date of this resolution."

#### **Heritage Designation Application No. 000162**

3. That Council consider the following motion:  
"That Council approve the designation of the property located at 121 Menzies Street, pursuant to Section 611 of the *Local Government Act*, as a Municipal Heritage Site, and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set.

CARRIED UNANIMOUSLY 17/COTW

[REDACTED]

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**From:** Kirk Buhne [REDACTED]  
**Sent:** Tuesday, August 15, 2017 2:32 PM  
**To:** Development Services email inquiries  
**Subject:** 121 Menzies Street - Proposed Development

City Council

Re: 121 Menzies Street - Proposed Development

I oppose the application to allow for this property to have anywhere near the proposed number of ten units. Such use does not fit the zoning of this neighbourhood and flouts the spirit of the zoning bylaw. Zoning regulations serve a purpose. Please enforce them.

For well over a decade this property and the one immediately to the north have flouted zoning laws and been rented out with many small housekeeping units. The density and the type of tenants such housing attracts has been a blight on the block and the adjacent R2 zoned houses. I purchased a home on this block under the understanding that zoning standards for neighbouring homes are to be more or less followed. Ten units in one home on a 60' wide lot with only one parking spot is not in the spirit of the bylaw.

### 1. Precedent

Such a rezoning sets a dangerous precedent. Will all of the adjacent R2 zoned houses now use this precedence to apply for zoning as ten unit flop houses or even as high end micro apartments with no parking? Breaking a home into as many small units as possible brings in the maximum rent per square foot/metre. Other house owners may seek to maximize profits on otherwise R2 zoned homes, changing the character of the neighbourhood. James Bay has plenty of high density yet its character is formed by its R2 and single family homes. Is it right to convert every home in James Bay into ten units, creating a neighbourhood of transients rather than a stable neighbourhood of longer term residents, families who care about the neighbourhood? No! Approving this rezoning puts the unique character of James Bay in peril.

### 2. Overcrowding

Instead of having just one or two neighbours there are to be ten on one lot. This causes problems, especially when the tenants have mental disorders, which has been a common issue with tenants of this property for many decades. I assumed that zoning standards would be followed when I invested in my home twenty years ago. Changing the population of a neighbouring home changes the neighbourhood and my enjoyment of it.

### 3. Parking

Multiple units contribute to a parking problem. This property has one parking space, in the front yard. It has room for two more spaces as parallel parking on the road. If the units are upgraded they will attract tenants with vehicles and tenant guests with vehicles. Zoning regulations call for appropriate parking, not in tandem, behind the main

front wall of the house. There are quickly growing parking problems on this block already. We have resident only parking restrictions, but these restrictions are ignored. The parking problem spills off of Menzies and onto adjacent streets. I purchased my home assuming that I and my guests would have available street parking in front of my property. As apartments and suites are upgraded they attract people who own cars. This is an issue. 121 Menzies needs more parking if it is to have more than 2 dwelling units.

#### 4. Unsuitable Development

So many units in one home multiply all types of neighbour problems. This is one of the most densely inhabited buildings in James Bay and has been for decades. Allowing so many units in one house destabilizes the neighbourhood with a more transient population with less concern and investment in the neighbourhood. This happened to James Bay in the past in the 1960s and led to many of the homes of James Bay being torn down to make way for the ugly stucco mid-rise apartments, almost destroying the unique historic neighbourhood character. To preserve the unique character of James Bay we need to maintain the family neighbourhoods. South of one commercial building at Simcoe, this block is comprised of mostly single family homes and one heritage apartment block. Note that the property to the south may have about three units, but they have been inhabited by the same extended family, and they have on property parking. There is plenty of high density housing in James Bay already. Why increase the density here?

We have enough densely zoned properties housing transient and mentally ill people in this neighbourhood already. Note that some adjacent properties, on Medana have two units in the spirit of R2 zoning. Some properties have illegal basement suites, but not 10 suites!

This zoning application is entirely inappropriate. If it is approved, will I be compensated for not being able to park in front of my own house, for having ten households on a property adjacent to my home. I expect no compensation but do expect zoning regulations to be followed.

Kirk Buhne

Owner: 140 Medana St.



[REDACTED]

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**From:** Lisa Helps (Mayor)  
**Subject:** FW: Rezoning Application for 121 Menzies Street, full of bedbugs

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**From:** Spirit Jewels [REDACTED]  
**Sent:** October 10, 2017 3:14 PM  
**To:** Council Secretary <councilsecretary@victoria.ca>; Lisa Helps (Mayor) <mayor@victoria.ca>; Marianne Alto (Councillor) <MAlto@victoria.ca>; Chris Coleman (Councillor) <ccoleman@victoria.ca>; Ben Isitt (Councillor) <BIsitt@victoria.ca>; Jeremy Loveday (Councillor) <jloveday@victoria.ca>; Margaret Lucas (Councillor) <mlucas@victoria.ca>; Pam Madoff (Councillor) <pmadoff@victoria.ca>; Charlayne Thornton-Joe (Councillor) <cthornton-joe@victoria.ca>; Geoff Young (Councillor) <gyoung@victoria.ca>; [REDACTED]  
[REDACTED] dwight whitson [REDACTED] Geri Shawnoo [REDACTED]  
**Subject:** Rezoning Application for 121 Menzies Street, full of bedbugs

To Mayor and Council;

I am writing this letter with video and photos in concerns of the proposed housing plans for 121 Menzies Street, Victoria, BC V8V-2G4. I do not wish anymore people who might be paying rent to Gordon Osbourne and Al Critchely to live in the nightmare that I am now drowning in.

**Unit 1** - I, Julie DeVries, has lived in this unit for one year. A year ago I told the landlord I was getting bit. He told me they were spider bites. He lied to me. I know this to be a fact now, that I have had bedbugs all this time, as I found out that Brian who lives directly above me had his place fumigated right at the time I moved in as I saw the PSI parked outside twice and Brian told me. Also, Cal had his place fumigated for bedbugs 1 1/2 years ago (six months before I moved in) by PSI. The bites on my body the last year don't lie. I just found out this past July what bedbugs are.

**Unit 1A** - George Wier also has indicated that he has found bed bugs and has bedbugs bits.

**Unit #5** - 1 year ago Brian, who lives above me, had to pay for his bedbug fumigation.

**Unit #10** - 1 1/2 years ago Cal Brisseau had to pay for the bedbug fumigation in his suite. Just last month he was evicted and lost everything. He left with the shirt on his back and is homeless.

**Unit #7** - Toni Hill who lived in her suite for one month. PSI came to fumigate and landlord was told he needs to fumigate the whole house cause we all have bedbugs. She also lost all her furniture and bedding and borrowed \$7000.00 to replace her losses. She had kept the bugs she found in a vile I gave her before she moved out. She was badly infected.

**Unit #6** - I forget this young man's name but he has bedbugs and has them in a small vile I gave him. He can't say much for fear of being evicted, as the rest of us have been.

**Unit #8** - Ben is a chronic alcoholic with mental challenges. He lives with bedbugs. Ben says he squishes them to kill them and gets bites on his body. I have video conversation with him in August 2017.

The others have told me they are scared to mention anything in fear of an eviction notice and scared they can't find a place to live. So they are scared to have to pay for fumigation fees or that they will get evicted and lost into our housing crisis.

Since I've told other tenants, they have also raised their concerns with the landlord. All of us who spoke up have been evicted for one reason or another. The eviction was handed to us the day or two after we spoke up on our right to a healthy home that we pay most of our money to. This is landlord harrasment. This has been an ongoing problem for at least three years that I know of.

I have also addressed the landlord and owner on Landlord harrasment and their emotional and verbal abuse. Our landlord has recently physically attacked the tenant, George, who lives across from me and has verbally abused Cal, from PSI. PSI will no longer service this house at 121 Menzies Street.

I have also tried to talk to the owner, Gordon D Osbourne about my bites. I showed him bites on my leg and face and told him the other tenants also had bedbugs. Gordon looked at me and snapped at me, "It's non of your business." Another time he says, "WELL, MOVE THEN." Me move? I told Al Critchely, one year ago when I moved in and had to sleep on the floor till I got a bed, that I was getting bit. He just got snippy and said that it was spider bites. I also told him that I would write on paper for him to fix the bathroom sink, which has never got done and about the water drops on the living room window. He told me never to write anything on paper so I believed that these matters would get addressed.

Now I have come to realize that Al never had intentions of fixing or addressing our concerns as he only wanted NO PAPER TRAIL OF OUR EVIDENCE THAT WE HAVE HOUSING CONCERNS AND A HOUSE FULL OF BEDBUGS. Cal got evicted and left with the shirt on his back. He is now homeless and no furniture. I saw the black spots on his brown wood shelving unit after furniture got hauled out of his place. I had a photo but accidently deleted.

There is a lot of discrimination from the landlord. During a phone conference I had set up with the Residential Tenancy Branch, my landlord, two witnesses of mine, Al Critchely (landlord) went on to say that people on welfare are only out for a free ride. I could not believe what I was hearing. I was addressing the fact that:

- 1) I was lied to for a year from Al
- 2) that I have no proof of that as I was told not to write anything on paper
- 3) that I am losing out on all my furniture (I had only \$66.00 to live off after rent, bus pass, and bank fees are paid) and now I have to replace all my furniture
- 4) that I live off permanent disability for severe Post Traumatic Stress disorder
- 5) I am a Sixties Scoop child who landed in a home where I was sexually and physically abused all my life
- 6) I have laboratory confirmation of the bedbugs I found in my home
- 7) over 70 photos of bedbug bites on myself and my 20 year old son when he stays with me
- 8) etc, etc.

This letter is to notify mayor and council of this proposed site from Gordon D Osbourne and the fact that this whole house is infected with bedbugs. I have been told that men like this just want to keep a money mine to line their wallets and don't care if it is at the cost of the disabled or welfare population. I know see a bigger perspective on the quote, "don't judge a book by its cover". This house has plumbing issues and bedbugs. In my strong opinion, it needs to be torn down as the bedbugs had been too long in this house. They can live a year with no food and hibernate up to six months (PSI) told me. Renting 12 suites that have been in this home at almost \$1000.00 per month is almost \$145,000.00 per year and Gordon just tells me to mind my own business about bedbugs infecting our lifetime belongings and biting our face and bodies everyday? Why are men like this allowed to get away with such abuse and crime. It is wrong.

I have not been out to visit friends at their homes since I had confirmation from the laboratory results in July 2017. I do not invite people to my home now. People are grossed out know I live in a place where the owner and landlord refuse to help us. I have lost out on work every month now. I am losing out on my furniture. It is mentally and psychologically exhausting and very traumatizing. I keep everything in plastic bags until I can get moved. I have no money for new furniture. But yet these men get to sit in front of you asking for permission on this residence? For what, so they can continue to abuse, harass, and lie about the living conditions that their tenants have to live with? I feel I am very deserving of compensation over all this manipulation from the landlord and owner. I feel I am deserving of money back for the loss of my furniture and bedding.

Plumbing is another issue. My bathroom and kitchen sink have overflowed. I tried to call the landlord. No answer. There is not place on his phone to leave a message. There is NO EMERGENCY CONTACT information. Why? Then the neighbor upstairs has flooding in his sinks a couple days after me. When was the last time these pipes have been cleaned or thoroughly inspected. I or is there a problem that the owner is hiding? I was told a year ago by the landlord not to worry about the gurgling sounds coming up my sinks and that a little water will come up from time to time. This is an old house.

The mailboxes are none. There is only one. This past **Saturday, October 7, 2017, my landlord, Al Critchely comes to my door with mail. He said, "Here's your mail. It was raining outside." This is a federal crime to take my mail to his house and give it to me on his choosing!** Second, if he left it in the mailbox, it is DRY and safe. We all should have our own mailboxes. Privacy with our mail. But it is open for all. My door is to the left of the mailbox. I have had problems before with Al and our (myself and others) mail. Even with wind, the mailbox is out of the pathway of rain and kept safe inside the one little mailbox for all of the units and other people who use this address who don't live here.

The buzzer system to get in does not have updated information. I have had to help police or ambulance on several occasions get in to assist whatever crisis was going on.

Emergency contact information. This place could go down in flames and become hazardous to the other older homes on this street. Especially with our dry weather.

Another issue is the physical violence that our landlord did to one of the tenants. Current file at police station on this matter. This was in August 2017.

The vidoes are bedbugs found October 4 and 5, 2017. I have more video but due to time I am submitting these two for evidence of an ongoing problem of bedbugs here at this residence.

How would you like to go out in the community like this? How would you like your children going out like this to school or work? It is embarassing.

My rent was paid on time every month this past year. The whole time the landlord lied to me about bedbugs. Yet, I get an eviction notice for speaking up? We all do?

Bedbug bites under my arm.

On my hand

On my arm

On my legs.....and I get no compensation for the mental and psychological trauma that will stay with me for a long time as a result of all this. I spoke with Tracy Campbell from Our Place and she lived through this nightmare and she said she is still mentally affected by the bedbug infestation she lived through.

These are bedbug bites on my 20 year old son's back. The Victoria Health nurse said that my son is allergic to the bedbug saliva as he gets very large welts around the point of contact.

My son works full time in road construction and these huge welts from the bedbugs is very distracting as my son works with underground electrical wires, underground pipes and huge machines all day long. To have his feet, ankles and legs itch so bad is very dangerous. Yet, the landlord refuses to fumigate my home and my belongings as he was suggested to do and ordered to do.

Bedbug bites on myson's feet. You cannot tell me that we have no bedbug infestation. I have way more photos of our bites on file.

Kurt found bedbugs in my home. Residential Tenancy Branch told the landlord to have my home treated before I move out October 6, 2017. Nothing has been done. I have not even been notified of the outcome of Kurt coming in for the inspection.

I wake up at 4:30 am when my son is in town staying with me for work purposes. October 7, 2017, I wake up and I can tell you there is nothing worse than waking up to thise fricken bugs on you and where you sleep and live. And I am told by the owner to mind my own business. I am evicted for speaking up. I am losing out on my furniture. I am losing my bedding.

This is the owner, Gordon Osbourne and his pickup truck with furniture from Cal's suite #10. Cal lived behind me and was fumigated 1 1/2 years ago. The landlord made him pay for the fumigation. Because the treatment was NOT done elsewhere in the building, the bugs continued to move and multiply. THis furniture was taken away two days before Vcitoria Pest Control came in to inspect suite #10 and maybe Toni's suite #7. No evidence left for pest control.

Yes, we are bedbug carriers. This is my knapsack when I went to my doctor's appointment at Coolaide society. The receptionist gave me a bottle to put the fricken bug in. I was horrified and tried not to cry. Yes, one is held hostage by this infestation when nobody decides to treat the problem.

To try keep bedbugs off my body or being a carrier of the fricken things in this city of ours, I live out of plastic garbage bags till I move. And the owner is mad at me?????

All our shoes are kept in bags, our knapsacks, and I buy a lot of products to try reduce any bites or bugs.

My landlord told me not to worry about the gurgling in my sinks. Well, Sept. 22, 2017 the sinks overflowed all over my floors. I tried to call my landlord but he refused to answer his phone (he was home as he lives below me), as he usually does. He leaves no space for phone messages. The next day after I told the whole building not to use their water or drain it down the sinks (landlord's job, not mine) Al answered his phone.

My son and I kept scooping out water to keep it from flooding in the kitchen and bathroom. Are there no laws about emergency contact numbers for fire, flooding and other emergencies. I threw those towels out as I did not know if this was other people's sewage flooding my home.

This letter is to address the proposed housing plans. I hope that in the rights of any human that the owner is going to house here and take the \$1000.00 a month out of their wallets to put into his wallet.....that the bedbugs are ELIMINATED or the house torn down. Also have the plumbing and total electrical wiring checked out as there has been a fair bit of crackling sounds from the sockets.

If anyone has any questions regarding this matter, feel free to contact me at this email address or at my cell [REDACTED] [REDACTED] My next step is to talk to our media resources. I was told by my neighbour that this house was already in the news a year ago for bedbugs.

Respectfully,

Julie DeVries.

**From:** Laura Neil [REDACTED]  
**Date:** October 24, 2016 at 9:20:18 PM PDT  
**To:** <[mwilson@victoria.ca](mailto:mwilson@victoria.ca)>  
**Cc:** <[ccoates@victoria.ca](mailto:ccoates@victoria.ca)>  
**Subject:** Re: 121 Menzies St rezoning application

Hello

I am writing you today to register my opposition to the rezoning application being made by Mr. Gordon Osbourne, owner/landlord of 121 Menzie.

I first learned of the application at the James Bay Neighbourhood Association general meeting held in April 2015. During Mr. Osbourne's representatives presentation I and many of those in attendance took great exception to what was being proposed, the precedent that it had the potential to create and the insult to those of us who had abided by the by-laws and followed due process for our projects and rezoning applications.

The most recent presentation was conducted at the JBNA general meeting on October 12<sup>th</sup> and again the majority of those present did not support Mr. Osbourne's application, for most of the reasons that I have listed above.

What was even more aggesses was the comment by Mr. Osbourne's representative John Ivison, when he stated "if his client hadn't been caught" they wouldn't be before us, asking for our support to find a compromise to correct the wrong.

It is also my opinion that Mr. Ivison attempted to play on the good nature of those present stating Mr. Osbourne was providing a much necessary accommodation for the more marginalized in society, those with alcohol and addictions issues, who have challenges in securing rental accommodation.

Mr. Osbourne may have provided units to those individuals and he should be acknowledged however it should never have been done at the expense of those in this city who do their do diligence, respect due process and don't operate illegal suites.

Mr. Osbourne has had 24 years of revenue from the 7 illegal suites in his building without benefit of due process, he shouldn't be rewarded for his bad behaviour, and his building should be reverted back to the it's original capacity of 7 units from the current 14.

Thank you for your time.

Laura Neil  
21 Pilot St  
Victoria  
[REDACTED]

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# Development Variance Permit Application for 121 Menzies Street



1



2

## Existing Subject Building



3

## Existing Adjacent Building (North)



4



## Existing Adjacent Building (South)

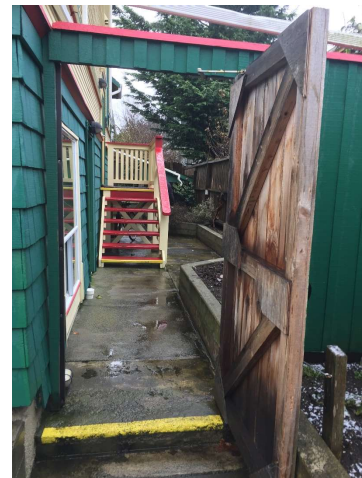


5

## Existing Side Yards



North

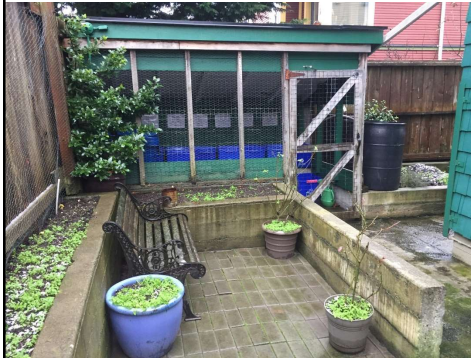


South



6

## Existing Rear Yard



Looking South

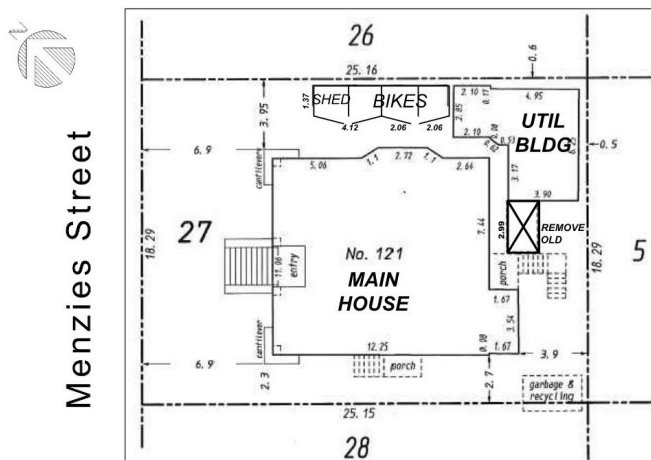


Looking North



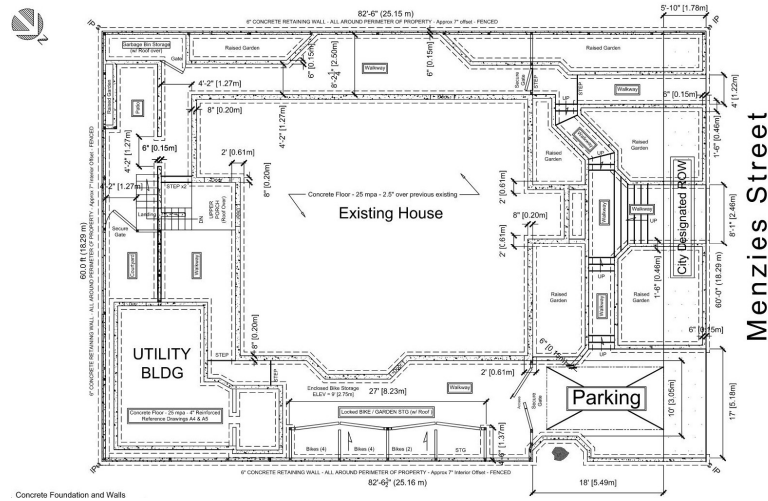
7

## Site Layout



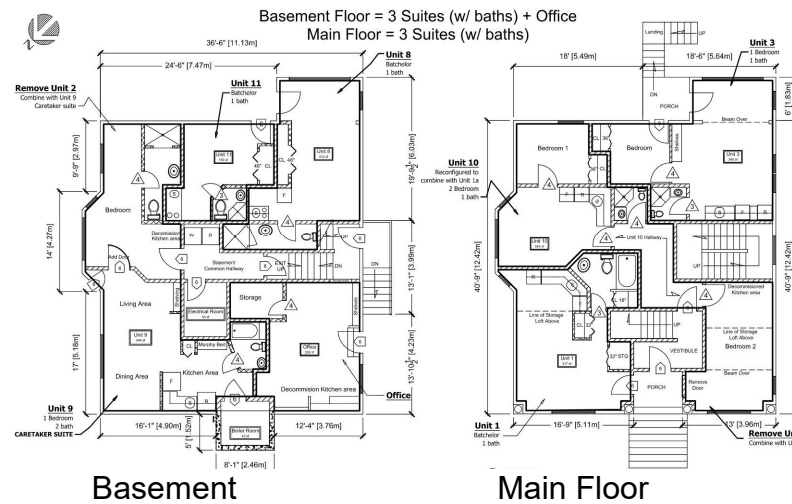
8

## Site Foundations (showing parking & SRW)



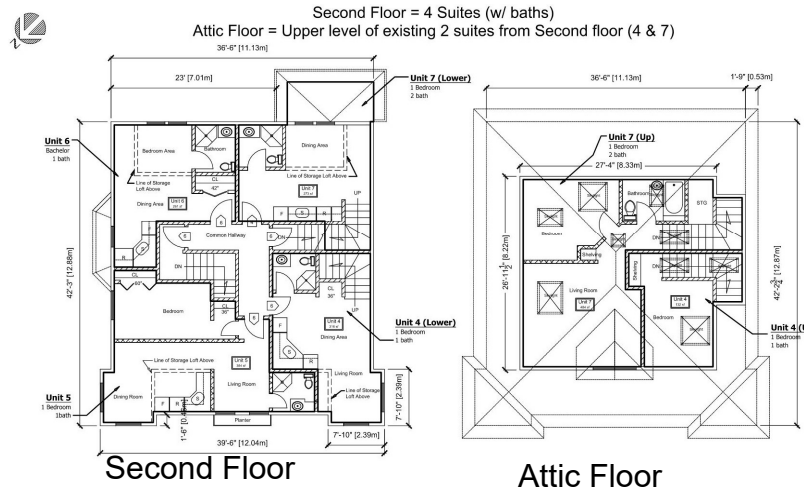
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## House Conversion: Floor Plans



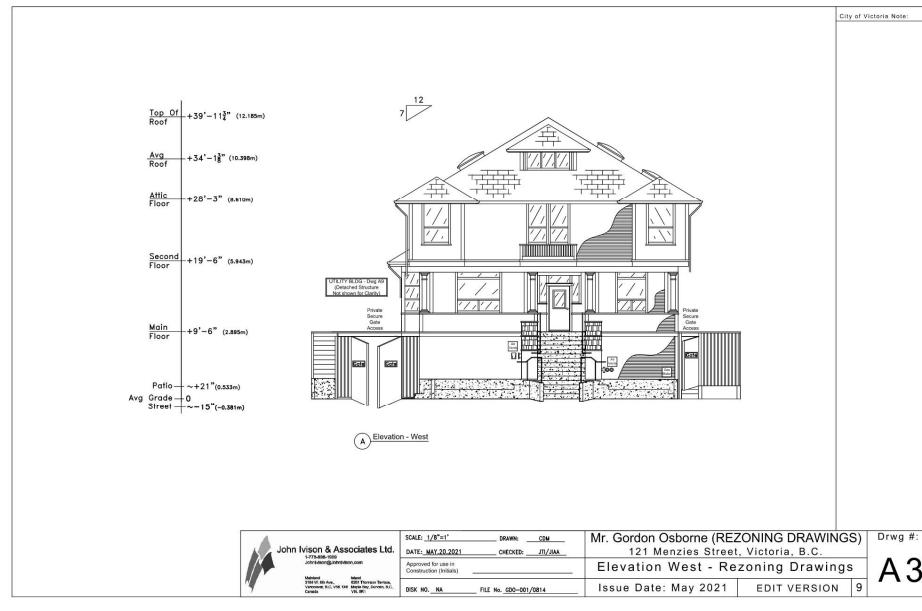
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## House Conversion: Floor Plans



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## House Conversion: Front (west) Elevation



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## House Conversion: Side (north) Elevation





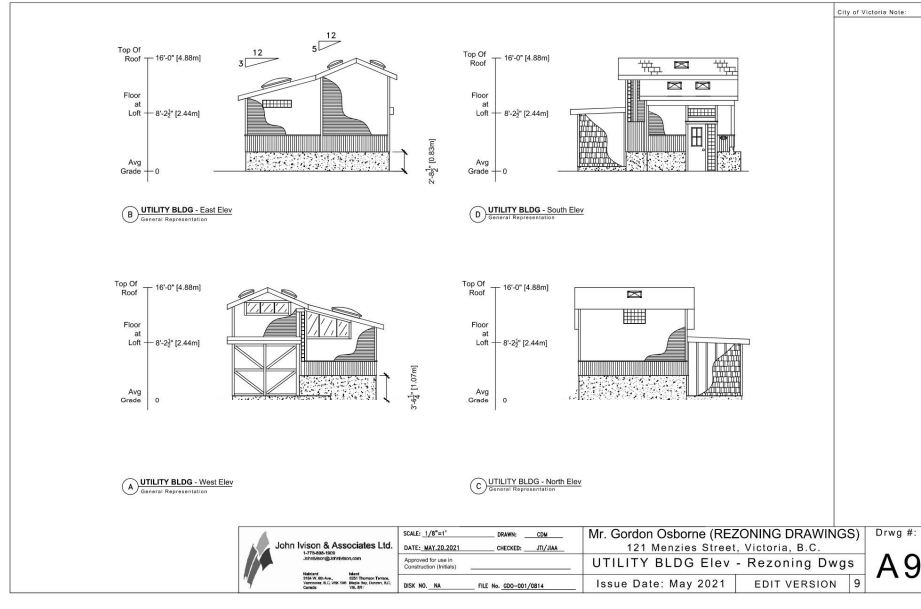
## House Conversion: Section



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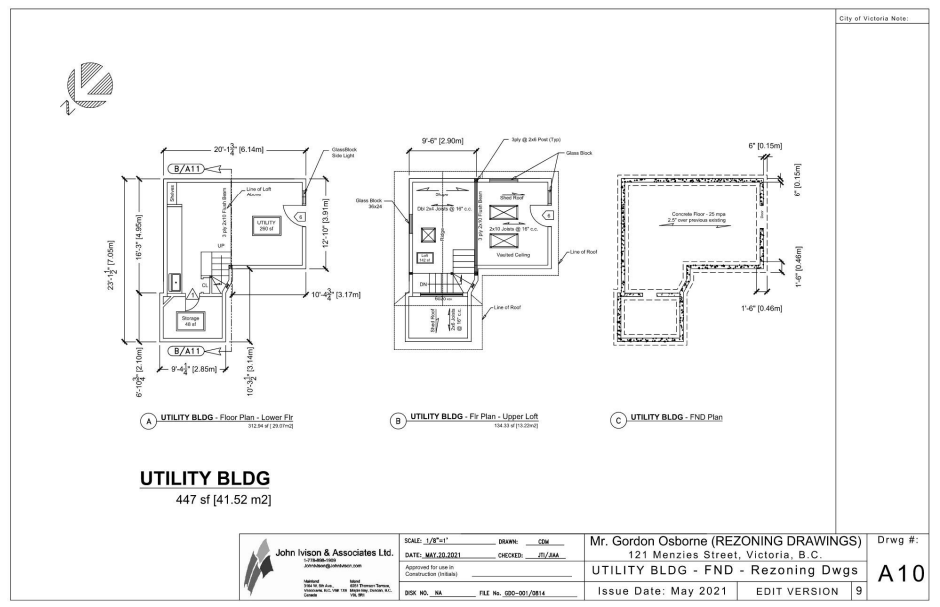


## Accessory Building: Elevations



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## Accessory Building: Floor Plans



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## Proposed Variances

- i. decrease the dwelling unit floor area (minimum) from 33.00m<sup>2</sup> to **28.98m<sup>2</sup> 14.79m<sup>2</sup>**;
- ~~ii. decrease the number of parking stalls from eight to one;~~
- iii. locate the parking in the front yard;
- iv. locate accessory buildings in the side yard;
- v. increase total site coverage from 40% to 42.30%;
- vi. increase the height of one accessory building from 3.50m to 4.41m;
- vii. decrease the rear setback of an accessory building from 0.60m to 0.50m;
- viii. decrease the side setback of accessory buildings from 0.60m to 0.40m;
- ix. decrease the separation space between an accessory building and a principle building from 2.40m to 1.0m;
- x. increase the rear yard site coverage for an accessory building from 25.00% to 29.80%;
- xi. increase the combined floor area for an accessory building from 37.00m<sup>2</sup> to 41.61m<sup>2</sup>.**

