



James Bay Neighbourhood Association

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Victoria, B.C., Canada

www.jbna.org

October 21st, 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 12th (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 12th, 2016 Minutes

JAMES BAY NEIGHBOURHOOD ASSOCIATION

MINUTES - General Meeting October 12th, 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 4th and September 12th 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

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

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 8th 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 8th 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.