



June 29, 2023

Mayor and Council
City of Victoria

Re: JBNA CALUC Hearing for 131-135-139 Menzies Street

Dear Mayor Alto and Members of City Council:

The proponents for the development planned for 131-139 Menzies Street presented their proposal to members of the James Bay community at a public hearing held on June 14. The presenters were Niall Paltiel of Mike Geric Construction, Tony James of Continuum Architecture, and Nadine King of Watt Traffic Consultants. Approximately 120 residents attended this zoom meeting.

Declaration regarding Conflicting of Interest

This letter is issued by the JBNA Board, and was reviewed by all Board members per standard practice of the JBNA. Trevor Moat, an elected member of the Board of the JBNA, is the beneficial owner of property within 100m of the subject property. Mr. Moat recused himself from discussions between JBNA and the developer concerning the property. Mr. Moat chaired the CALUC hearing on June 14 in the absence of JBNA's regular Chair and Treasurer. The Proponent was agreeable to this change, and Mr. Moat provided no opinion during the hearing.

Meeting Context

The Proponents met several times with the JBNA Development Review Committee, and on different occasions with immediate neighbours to the project. This was the second CALUC hearing for this developer concerning this site. This proposal differs from the previous proposal in the following ways:

- A modest amount of ground-floor commercial space is provided
- The rear yard setback has been increased
- The underground parking area is smaller, and excavation no longer reaches the rear lot line
- The mix of units was changed to include four 3BR dwellings
- Roof-top deck space was removed, rooftop gables were added, and facades were changed

Other less significant changes were alluded to in the meeting and should be documented in the Proponent's cover letter to Mayor and Council.

Minutes, video, and the chat comments recorded during the meeting will be posted to:
<https://jbna.org/for-information/monthly-meetings/#>.

Site Context

The site is located just South of the "Five Corners" where Menzies, Simcoe, and Toronto Streets intersect. The proposal is to amalgamate three small R2 lots into a single rectangular parcel with 82.5 feet (25.15m) depth and 180 feet (54.86m) of frontage along the East side of Menzies Street, and to create a site-specific commercial/residential zone for this new parcel.

The two Northerly lots are within the “Large Urban Village” area of the OCP, and the third in the “Traditional Residential” area. If approved, the proposal would result in the removal or demolition of three century-old original homes on Menzies Street, none of which is on the heritage register, and all of which have been neglected for some time and are in various states of disrepair.

The neighbouring building to the North is a century-old single-story commercial structure with contiguous connection to other century-old buildings along Menzies Street to the street corner with Simcoe. To the south is a sequence of larger original 2- and 3-storey homes that have each been converted into multiple family dwellings over the years. Immediately behind the subject site is a set of century-old homes with frontage on Medana Street. The Medana Street homes are very well preserved, that block of Medana being one of the best and few remaining blocks with all original buildings still in existence on both sides of the street over the entire length of the block. Across Menzies Street from the site is a parking lot which serves a large neighbourhood grocery store.

Proposal Summary

The proposal is to construct a five-storey building on the northerly 2/3 of the combined lot with ground-floor commercial space and 4 storeys of residential space above. Adjoining that would be a three-storey, three-unit townhouse complex on the Southerly 1/3 of the lot.

The combined structure would provide a total of 43 rental apartments, including 8 studio units, 17 one-bedroom units, 14 two-bedroom units, and 4 three-bedroom units. The three-bedroom units would all have ground-level entrances. All units would be designated rental in perpetuity under covenant with the City of Victoria for 60 years. All units would be rented at market rates.

The proposed FSR's in the Large Urban Village lots and the Traditional Residential lot are 2.91 and 1.37 respectively, resulting in a weighted FSR of 2.39 for the proposed amalgamated lot.

Neighbour Feedback

Those who spoke at the CALUC hearing were almost unanimously opposed to this development proposal. The immediate neighbours to the East (rear) of the project (residents of Medana Street) expressed particularly strong opposition, as the proposed building will have major impacts on their privacy, views, gardens, and sunlight. While most of the community believe this site is a good candidate for appropriate re-development, neighbours and residents provided consistent feedback that this proposal is unsuitable and undesirable for this location, the proposed building being “too big, too tall”.

Comments provided by the community during the hearing included the following:

Building height is too great for the depth of the lot

- Lot depth is 25.15m (82.5 feet) depth, less City frontage right-of-way of 2.04m
- Neighbouring lots to Medana Street are also only 82.5 feet deep
- Proposed setback is significantly smaller than specified in other multi-storey zones
- Lot appears to be too shallow even for missing middle housing let alone a 5-storey complex
- Height and overlook are and always have been the main issues, but the developer has come back with a building that is even taller than the previous proposal.

Building footprint is too large for the area of the lot

- FSR of 2.91 and 2.39 is well over what is specified in OCP and prescribed in corresponding zoning bylaws
- Site coverage of 72.9% is well over what similar zones allow for lots this size
- Building height is well above and all setbacks well below what existing multi-storey zoning bylaws would permit for lots of this size
- Site area is 1243sqm for proposed 43 units, whereas another developer of 202-204 St. Lawrence St with 1212sqm area has proposed only 4 units

- The pitched roofs add to height unnecessarily and are not appropriate for a high-rise
- Large number of significant stretches to City's published guidelines are being sought
- Zoning laws are designed to protect neighbours, not to entitle developers.

Privacy and shading issues for neighbours at the rear (East) property line

- Developer stated previously that balconies would be inset, but the drawings clearly show that balconies project into the rear yard setback
- Balcony doors are full-height glass; developer stated windows would be elevated off floors
- There will be total loss of privacy and direct sunlight to the rear yard neighbours
- This is akin to expropriation without compensation.

Streetscape will be adversely affected

- Developer emphasizes massing transition from 5 to 3 to 1.5 storeys to south neighbour on Menzies, but makes no mention of 5 to 1 storey transition at the more visible North boundary, nor the 5 to 1.5 storey transition on the East (rear) boundary of the property
- This is a tourist area; a monolithic flat-face development is not suitable in the context of the historic village centre and streetscapes
- An unbroken vertical wall four storeys high faces Menzies street, which is contrary to what the OCP guidance calls for
- The proposed structure, façade, and transitions are abrupt and bear no relation to other buildings on the street.

Housing types and Living Spaces:

- The proposal removes 3 original period houses, adding to the list of dozens which have been lost or will soon be lost due to development in James Bay in recent years.
- Developer proposes four 3BR units of 43 total, so families are under-served
- MMHI calls for 30% of suites in a building to have 3 or more bedrooms
- More family-oriented housing is needed in James Bay
- Units are very small, especially the 3BR units
- There appears to be almost no storage space shown in the plans

Parking/Traffic Matters

- Parking is already in short supply on Medana and Menzies Streets; 17 spaces seems very inadequate for 43 units
- At least 34 parking spots should be provided under Schedule C
- Working people often need vehicles to do their jobs
- James Bay has limited access in the event of emergency; streets are narrow and traffic is congested, with only three exits from the district
- James Bay is in a tsunami area and has the highest median age in the city so emergency vehicle access is very important.

Trees and greenspace are being endangered and/or lost

- Trees are being removed regardless of bylaw protection, so the community is losing cooling value to buildings and habitat for birds and insects.
- Significant trees grow on adjoining properties and have roots that extend into the subject lots
- Trees will be starved for light and soil due to shading from the 5-storey building
- Developer acknowledges blasting will be necessary, since soil depth is shallow, and thus very precious for the tree roots.

Development context and tenancy issues

- A resident stated that each of the 13 districts in Victoria would need to build 50 units every year for 18 years to keep up with demand, and James Bay already has 428 units under development
- Land prices are increasing due to developer demand and increased densification

- Lower-income tenants are being displaced and forced to move away in a very tight rental market

Planning Context and Design Guidance

- Developer refers to the downtown core area plan, but this site is not in the downtown core
- The six-storey reference in the OCP is context-specific and not an entitlement; it needs to be justified by the proponent
- This is a mid-block development, and should not be tallest building on this side of the block, according to the OCP
- By way of comparison, the building at 225 Menzies, one block North, is also commercial ground floor with residential floors above, however:
 - o that lot is over 42m deep where the subject lot is only 25.15m deep
 - o that building is only four storeys high where the proposed building is five
 - o its front façade is highly articulated whereas the proposed façade is vertical
 - o its front setback is considerably larger, and a covered pedestrian area is provided
 - o the neighbours at the rear of that property are also multi-storey apartment buildings, not century-old houses
 - o Menzies Street is considerably narrower South of the five corners so buildings should be of lower height to maintain consistency
- James Bay is already the most densely populated residential community in Victoria, and also has the largest number of units being built of any Victoria district outside of downtown.

Developer has not responded to the most critical neighbour feedback

- Neighbours have been consistent that height/massing is too great, yet the proposal is still at five storeys, and even taller now due to addition of commercial space
- Height has always been the primary issue, and this proposal moves in the opposite direction to what neighbours requested
- A resident quotes from City staff comments sent to developer June 28 2022: *"Given the lower scale context and potential heritage value of some of the adjacent buildings and the relatively shallow depth of the property, the proposal could potentially benefit from a reduced scale that is more neighbourly and sensitive to the character of the James Bay village"*
- All engagements with developer have been at neighbours' request, not initiated by the developer; Neighbours want to have input into the design, not be told what is happening
- Several neighbours asked why the proponent is bringing an almost identical proposal back to CALUC when they have been clear about what build form they believe is best for the site.
- Neighbours have suggested that a townhouse development with no more than three storeys might be the best fit for this combined lot.

Residents made clear in their comments that while they support increased density, it must be aligned with the OCP, family-supportive, and sensitive to the unique needs and constraints of James Bay.

This proposal is well beyond what neighbours consider appropriate re-development of this site. The JBNA CALUC requests future community consultation be required in the event that an alternate proposal be advanced that differs significantly from the current approved use for this site.

Yours truly



Tim VanAlstine
JBNA CALUC CO-Chair

JBNA ~ honouring our history, building our future