



Committee of the Whole Report For the Meeting of December 12, 2019

To: Committee of the Whole **Date:** November 28, 2019

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: Development Permit with Variances Application No. 00117 for 1029 Queens Avenue

RECOMMENDATION

That prior to setting the Public Hearing for the Rezoning Application, the applicant consider revisions to the proposed two-family dwelling to create a more direct relationship with the street to the satisfaction of the Director of Sustainable Planning and Community Development.

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. 00693, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00117 for 1029 Queens Avenue, in accordance with:

1. Plans date stamped July 26, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the required off-site vehicle parking from four stalls to one stall
 - ii. allow more than one principal building on a lot
 - iii. variances for front yard setback for the new building from 7.5m to 6.74m, and side yard setback from 3.0m to 2.24m with combined side yard setback from 4.5m to 3.29m.
3. The Development Permit lapsing two years from the date of this resolution.
4. Details of the bicycle parking (stall dimensions and security features) to be provided at building permit stage.

LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances Application for the property located at 1029 Queens Avenue. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District, to a site-specific zone in order to retain the existing duplex and permit a new two-unit rental residential building in the side yard.

The variances are related to parking, setbacks and the number of buildings per lot.

The following points were considered in assessing this application:

- The proposed design of the new duplex is not consistent with the applicable design guidelines, which encourage ground-oriented buildings that face the street.
- Schedule C of the *Zoning Regulation Bylaw* requires one parking stall per dwelling unit for two family dwellings. One off-street parking stall is provided representing a shortfall of three parking stalls. The lack of on-site parking will create competition for on-street parking.
- To mitigate the shortfall of parking stalls, four car share memberships would be secured, and bicycle parking is provided in excess of the Bylaw requirements, if Council chooses to advance this application.
- The front yard parking will be permeable pavers, making the parking area more visually attractive than the current gravel driveway.

BACKGROUND

Description of Proposal

The proposal is for a new two-storey duplex to be constructed in the west side yard. Specific details include:

- each new unit will be one bedroom, with 52.6 m² of floor area
- the upper unit is accessed from a side door on the east elevation and the lower unit is accessed at grade from the rear yard
- the siding materials are cement board and the roofing material is asphalt shingles
- the existing accessory building will remain and used for bicycle storage
- one parking stall is provided in front of the new duplex.

There are a number of variances associated with this application:

- a parking variance is required: one off-street parking stall is provided, whereas four stalls are required: one for each unit within a duplex
- a variance is required to allow two principal buildings on a lot as the General Regulations of the *Zoning Regulation Bylaw* stipulate only one principal building per lot
- the variances relating to siting (setbacks) are discussed in the Rezoning Application report.

Data Table

The following data table compares the proposal with the existing R-2 Zone, identifying the parking variance, the number of buildings per lot and setback variances. The rationale for this approach is that if the development as currently proposed is not constructed, then outright approval is not granted for these variances. In addition, the setback variances described in the Rezoning Application will also be considered as part of this Development Permit with Variances.

The complete data table is provided in the Rezoning Application report.

Zoning Criteria	Proposal	Zone Standard R-2	Notes
Vehicle Parking – minimum	1*	4	One vehicle parking space per unit
Number of buildings – maximum	2*	1	Only one two-family dwelling permitted per lot
Setbacks (m) – minimum			
Front	6.74*	7.5	
Rear	14.37	12.8	
Side (east)	n/a	1.83	Existing duplex in east side yard
Side (west)	2.24*	3.0	
Combined side yards	3.29*	4.5	

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the revised plans were referred for a 30-day comment period to the North Park Neighbourhood Association on August 8, 2019. No comments on the revised plans have been received.

A letter from the North Park Neighbourhood Association, dated February 13, 2019, is attached to the Rezoning Application report. In the letter from the Neighbourhood Association, the applicant is noted as stating that 3 to 4 parking stalls will be provided on-site; however, this has changed to one parking stall due to revisions to the layout of the new building.

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

Development Permit Area and Design Guidelines

The *Official Community Plan* (OCP) guidelines applicable to this property are the Intensive Residential - Duplex (15D) as the subject parcel is zoned for two-family dwellings. In this context, the main objective of these guidelines is to integrate infill developments in Traditional Residential areas that is compatible with existing neighbourhoods through considerations for privacy, landscaping and parking. The main applicable guidelines are the Neighbourliness Guidelines for Duplexes.

The proposed building has bedroom windows on the street elevation, the entrance to the lower unit is through the rear of the building and the entrance to the upper unit is on the east elevation. The applicant has indicated that this layout is favoured to achieve southern exposure for the main living areas of each unit. Given the narrow frontage of the building, limited options are available for door placement. The current proposal is an improvement over previous submissions, which incorporated parking within the building, thus having garage doors at street elevation.

The Guidelines promote a positive street presence and favour a side-by-side duplex with each unit having a direct connection to the street by way of front doors, porches and windows. Coupled with the OCP and Neighbourhood Plan direction, this lack of visible doors and connection to the street (other than the bedroom window) is not ideal.

In terms of contextual fit, the proposed two-family dwelling has proportions and a roof line that complement the existing building on the property. The proposed building also provides an appropriate infill and transition to the existing apartment building, with a separation distance of approximately 7 m between the buildings, which is a sufficient separation distance for privacy purposes. In addition, the proposed landscaping will act as a buffer between the two buildings.

Regulatory Considerations

The most significant variance from the *Zoning Regulation Bylaw*, General Regulations, is the request for two buildings on a lot. With the combined floor area of all the buildings on the lot, the 0.5:1 FSR density provisions of the R-2 Zone is exceeded. The requested density is 0.56:1 FSR, which is still within the upper limit of 1:1 FSR envisioned by the OCP for properties within the Traditional Residential designation.

With respect to the parking variance, the anticipated parking shortfall will impact parking availability on the street and increase competition for on-street parking with residents of surrounding properties.

To help offset some of the anticipated parking shortfall, the applicant has offered one car share membership for each of the units plus a \$100 usage credit for each membership. The closest car share location is Queens Avenue and Quadra Street. This requirement has been included in the Rezoning Application report's alternative recommendation. The applicant has also indicated that they will provide secure weather-protected bicycle parking in the accessory building, with the details to be determined as part of the building permit process.

The subject parcel is centrally located, within walking or cycling distance of the downtown, Crystal Pool and Quadra Village. This locational factor may contribute to overall lower car ownership.

Schedule C specifies lower parking requirements for affordable dwelling units based on unit size; however, these lower standards only apply to projects within multiple dwelling units. This project does not comply with the definition of a multiple dwelling unit. If the affordable housing standards applied, three parking stalls would be required and, as such, a parking variance would still be required.

CONCLUSIONS

A more direct physical connection to the street would improve the consistency of this application with the applicable design guidelines. As such, staff is recommending that before the applications advance to a Public Hearing, the applicant consider revisions to improve consistency with the design guidelines.

Should the associated Rezoning Application proceed, then a parking variance, the setback variances as well as variance to allow two buildings on one lot will be required as part of the Development Permit with Variances. To mitigate the parking shortfall, a car share membership for each unit is required along with a \$100 usage credit for each membership, which will be secured prior to setting the Public Hearing for these applications. These requirements are listed in the staff recommendations associated with the Rezoning Application.

ALTERNATE MOTION


That Council decline Development Permit with Variances Application No. 00117 for the property located at 1029 Queens Avenue.

Respectfully submitted,


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Senior Planner
Development Services


Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Date: Dec 5, 2019

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans, dated/date stamped July 26, 2019
- Attachment D: Letter from applicant to Mayor and Council, dated July 25, 2019
- Attachment E: Community Association Land Use Committee Comments, dated February 13, 2019
- Attachment F: Arborist Report from Talbot Mackenzie & Associates, dated May 31, 2019
- Attachment G: Victoria Heritage Foundation, Statement of Significance, dated October 2019.