



## Committee of the Whole Report

### For the Meeting of November 19, 2020

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**To:** Committee of the Whole **Date:** October 22, 2020

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

**Subject:** Update to Rezoning Application No. 00721 for 580-582 Niagara Street

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### RECOMMENDATION

That Council amend condition 'b' in the June 18, 2020 Council resolution for the Rezoning Application No. 00721 for 580-582 Niagara Street, as follows:

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00721 for 580-582 Niagara Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution on the property's title to secure:
  - a. a statutory right-of-way, to the satisfaction of the Director of Engineering;
  - b. a Housing Agreement to secure two of the four units as rental ~~in perpetuity~~ **for a period of 10 years.**

### LEGISLATIVE AUTHORITY

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures as well as the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

In accordance with Section 483 of the *Local Government Act*, Council may enter into a Housing Agreement which may include terms agreed to by the owner regarding the occupancy of the housing units and provided such agreement does not vary the use of the density of the land from that permitted under the zoning bylaw.

### EXECUTIVE SUMMARY

The purpose of this report is to seek Council's direction with regard to a proposed change to the term of the Housing Agreement associated with Rezoning Application No. 00721 for the

property located at 580-582 Niagara Street. As noted in the recommendation, the original motion secured the two new units as rental in perpetuity; the proposal is now to secure the units for a period of ten years.

The application is to rezone from the R-2 Two Family Dwelling District Zone to a site-specific zone in order to allow for two additional units in an existing duplex, for a total of four residential units. The two additional units are existing but unapproved. The original proposal included a condition that two of the units be secured as rental in perpetuity through a housing agreement. The applicant states that the ten-year term would help with the viability of the project and without this change it is unlikely to proceed. This timeframe would still be consistent with applicable policies as it supports the objective to enable adaptation of the existing housing stock to maintain a variety of housing types, as identified within the James Bay Strategic Directions in the *Official Community Plan, 2012* (OCP).

This change would also require site-specific parking requirements. For the purposes of calculating the minimum parking requirement for the building, if two of the units were secured as rental in perpetuity they would have been considered secondary suites and would not require any additional parking. The amended proposal, securing the units as rental for a period of ten years only, results in a six-stall parking requirement. Given that there are four stalls on-site, this results in a two-stall shortfall.

The following data table compares the previous parking and updated parking requirements. The asterisk indicates the proposed parking shortfall, which would be incorporated into the site-specific zone.

Parking Minimum	Number of Stalls Proposed	Number of Stalls Required
Previous proposal: Rental in perpetuity (Secondary Suites)	4	2
Updated proposal: Rental secured for 10 years	4 *	6

The reason for the resulting high parking requirement associated with the change in the term of rental tenure is due in part to the large size of the units. Given that the existing usage of the parking area for the four units is less than the four stalls currently provided, staff do not anticipate additional parking demand; staff therefore consider a lower four-stall requirement to be supportable.

## CONCLUSIONS

The recommended motion would secure the rental tenure of the building for a period of ten years. The updates remain in line with current and emerging City of Victoria policy with regard to rental housing and adaptation of the existing housing stock to create a variety of housing types. Therefore, staff recommend that Council consider supporting the revised proposal.

Respectfully submitted,



Chloe Bryden Tunis  
Planner  
Development Services



Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date: November 10, 2020

### List of Attachments

- Attachment A: Committee of the Whole Report from the June 18, 2020 meeting
- Attachment B: Minutes from the June 18, 2020 Committee of the Whole.