



**Council Report  
For the Meeting of April 22, 2021**

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**To:** Council **Date:** April 15, 2021  
**From:** Karen Hoese, Director, Sustainable Planning and Community Development  
**Subject:** **Update on Rezoning Application No. 00693 and Development Permit with Variance Application No .00117 for 1029 Queens Avenue**

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**RECOMMENDATION**

**Rezoning Application No. 00693**

That Council give first and second readings of Zoning Regulation Bylaw Amendment No. 21-051 (Amendment No. 1230) and give first, second and third reading of Housing Agreement (1029 Queens Avenue) Bylaw No. 21-052.

**Development Permit with Variances Application No. 00117**

Then 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 Variances Application No. 00117 for 1029 Queens Avenue, in accordance with:

1. Plans date stamped **January 20, 2020. (Revised plan date)**
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - a. reduce the required vehicle parking from four stalls to one stall
  - b. reduce the 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. Details of the bicycle parking (stall dimensions and security features) to be provided at building permit stage.
4. The Development Permit with Variances lapsing two years from the date of this resolution.

Request to add 1029 Queens Avenue to the City of Victoria Register of Heritage Properties (North Park)

*That, concurrent with Rezoning Application No. 00693, if it is approved, Council approve the request to add the property located at 1029 Queens Avenue to the City of Victoria Register of Heritage Properties pursuant to section 598 of the Local Government Act. “*

**EXECUTIVE SUMMARY**

The purpose of this report is to present Council with an update on the Rezoning and Development Permit with Variances Applications for the property located at 1029 Queens Street. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District, to a new zone in order to retain the existing two-family dwelling and permit a new two-family rental residential building in the side yard. The proposed variances are related to siting and vehicle parking. The application was considered by Council on December 12, 2019, where the following resolution was approved:

Rezoning Application No. 00693

*That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00693 for 1029 Queens Avenue, 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. *Placement of the existing duplex on the Heritage Register. (Refer to the Heritage Report on this application.)*
2. *Preparation and execution of legal agreement to secure the rental housing along with affordability considerations to the satisfaction of the Director of Sustainable Planning and Community Development.*
3. *A legal agreement to secure four car share memberships (one per dwelling unit) plus a \$100 usage credit for each membership to the satisfaction of the Director of Engineering and Public Works.*

Development Permit with Variances Application No. 00117

*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:*
  - a. *reduce the required vehicle parking from four stalls to one stall*
  - b. *allow more than one principal building on a lot*

- c. *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.*

Request to add 1029 Queens Avenue to the City of Victoria Register of Heritage Properties (North Park)

*That, concurrent with Rezoning Application No. 00693, if it is approved, Council approve the request to add the property located at 1029 Queens Avenue to the City of Victoria Register of Heritage Properties pursuant to section 598 of the Local Government Act. “*

## **COMMENTS**

### Building Design

The applicant revised the design of the proposed two-family dwelling to establish a better street relationship by creating a front door on the street elevation. The newly introduced front door and adjacent window are framed by an overhang, creating a defined street entry to the lower unit. The paving materials also emphasize this area as an entry. The proportions of the proposed two-family dwelling and design revisions create a good fit with the existing two-family dwelling.

The recommendation for the Development Permit with Variances Application has been updated accordingly to reflect the revised plan submission.

### Variances

While drafting the new site-specific zone, it was discovered that the variance to limit the number of principal dwellings conflicted with the intent of the new zone to allow an additional two-family dwelling on the property. Therefore, this variance has been eliminated and the number of buildings has been clarified in the new zone. All other variances remain the same.

### Public Hearing Conditions

As a condition of rezoning, Council requested that the applicant secure the rental housing along with affordability considerations to *the satisfaction of the Director of Sustainable Planning and Community Development*. The applicant executed a housing agreement, which provides for the following:

- all units will be rental in perpetuity, except for one unit may be owner-occupied to provide flexibility for the owner
- each unit is designated as a “median income unit” in perpetuity and the monthly rent will be no more than 30% of the median gross household income limit for one, two and three-bedroom units as defined in the housing agreement.

An agreement with MODO has been registered on title to provide a MODO membership for each dwelling unit on the property, for a total of four memberships plus a driving credit of \$100 per each resident that becomes a MODO driver.

The recommendation provided for Council's consideration contains the appropriate language to advance this application to a Public Hearing.

Respectfully submitted,

Leanne Taylor  
Senior Planner  
Development Services Division

Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager

#### **List of Attachments**

- Revised plans dated January 20, 2020