



Council Report

For the Meeting of April 27, 2023

To: Council **Date:** April 19, 2023
From: C. Kingsley, City Clerk
Subject: 349 Kipling Street and 1400 Fairfield Road: Rezoning Application No. 00702 and Development Permit with Variances Application No. 00219

RECOMMENDATION

That the following bylaw be given first and second readings:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1301) No. 23-033

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 23-033.

The issue came before Council on February 9, 2023 where the following resolution was approved:

349 Kipling Street and 1400 Fairfield Road: Rezoning Application No. 00702 and Development Permit with Variances Application No. 00219 (Fairfield)

Rezoning Application

1. *That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated December 12, 2022, for 349 Kipling Street and 1400 Fairfield Road, such bylaw to include density bonus provisions at the amounts of \$38,750 towards the City of Victoria's Housing Reserve Fund and \$38,750 towards the Local Amenities Fund.*
2. *That first and second reading of the zoning bylaw amendment be considered by Council and a public hearing date be set subject to the developer building the core mechanical systems by electrification.*
3. *That subject to approval in principle at the public hearing, the applicant prepare and execute the following legal agreements, with form satisfactory to the City Solicitor prior to adoption of the bylaw:*
 - a. *Secure a 0.86m wide statutory right of way along Fairfield Road to the satisfaction of the Director of Engineering and Public Works.*
4. *That adoption of the zoning bylaw amendment will not take place until all of the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.*
5. *That the above Recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.*

Development Permit with Variance Application

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. 00702, if it is approved, consider the following motion:

1. "That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00219 for 1400 Fairfield Road and 349 Kipling Street, generally in accordance with plans submitted to the Planning department and date stamped by Planning on November 15, 2022, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the flanking street setback (Kipling Street) from 6m to 1.67m;
 - ii. reduce the rear yard setback (Fairfield Road) from 6m to 3.36m;
 - iii. reduce the front yard setback (Thurlow Road) from 6m to 4.80m;
 - iv. reduce the south side setback from 4m to 1.66m;
 - v. permit roof decks in the form of balconies;
 - vi. locate the accessory building (garbage) in the rear/side yard, increase the height from 3.50m to 4.05m and reduce the separation space from the main building from 2.40m to 1.32m;
 - vii. increase site coverage from 50% to 51.1%;
 - viii. decrease the floor area per attached dwelling unit from 100m² to 92.3m² ;
 - ix. reduce the number of residential vehicle parking stalls from 9 to 8;
 - x. reduce the number of visitor parking stalls from 1 to 0;
 - xi. reduce the required aisle depth clearance behind the two garage parking stalls along Thurlow Road from 7m to 5.27m at the centre and to 3.43m at both ends.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution".

Respectfully submitted,

Curt Kingsley
City Clerk

Report accepted and recommended by the City Manager

List of Attachments:

- Bylaw No. 23-033