

H.2 Bylaw for 1039 & 1043 Meares Street: Rezoning Application No. REZ00827 and Development Permit with Variances Application No. DPV00212

Moved By Councillor Caradonna

Seconded By Councillor Loughton

That the following bylaw **be given first and second readings:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1317) No. 23-083

CARRIED UNANIMOUSLY

DRAFT



Council Report

For the Meeting of November 2, 2023

To: Council **Date:** October 19, 2023
From: C. Kingsley, City Clerk
Subject: 1039 & 1043 Meares Street: Rezoning Application No. REZ00827 and Development Permit with Variances Application No. DPV00212

RECOMMENDATION

That the following bylaw be given first and second readings:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1317) No. 23-083

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 23-083.

The issue came before Council on July 27, 2023 where the following resolution was approved:

1039 & 1043 Meares Street: Rezoning Application No. REZ00827 and Development Permit with Variances Application No. DPV00212 (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 May 10, 2023 for 1039 & 1043 Meares Street, such bylaw to include density bonus provisions related to a \$118,000.00 with 70% going towards Downtown Core Area Public Realm Improvement Fund and 30% going towards Victoria Housing Reserve Fund.*
2. *That first and second reading of the zoning bylaw amendment be considered by Council and a public hearing date be set once the following conditions are met:*
 - a. *Plan revisions to ensure two off-street visitor parking stalls, meeting any required accessibility standards to the satisfaction of the Director of Engineering and Public Works.*
 - b. *Plan revisions, to the satisfaction of the Director of Engineering and Public Works, to ensure design and installation of an on-street dual head charger (one reserved for car share and one for the general public).*
 - c. *Confirmation that existing BC Hydro infrastructure would not negatively impact the ability to replant new trees within the City boulevard, to the satisfaction of the Director of Parks, Recreation and Facilities.*
 - d. *Plan revisions, to the satisfaction of the Director of Engineering and Public Works, to ensure that the civil and architecture plans are consistent with the*

landscape plan.

3. *That subject to approval in principle at the Public Hearing, the applicant prepares and executes the following legal agreements, with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor prior to adoption of the bylaw:*
 - a. *Provision of transportation demand management measures including:*
 - i. *Eco passes with a 3-year term for each unit that is not assigned a parking stall.*
 - ii. *Enhanced at grade bicycle parking, including a 37% increase in the number of stalls over the bylaw minimum, a bicycle maintenance area, a 110v plug for each stall, and the provision of 8 cargo bike parking stalls as illustrated on the plans.*
 - iii. *One car share vehicle.*
 - iv. *Car share memberships for each unit.*
 - v. *Design and installation of an on-street dual head charger (one reserved for car share vehicle and one for the general public).*
 - vi. *Provision of one EV charging station for each on-site parking stall.*
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. 00827, 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. 00212 for 1039 & 1043 Meares Street, generally in accordance with plans submitted to the Planning department and date stamped by Planning on May 1, 2023, subject to:*
 - a. *Proposed development meeting all City zoning bylaw requirements, except for the following variances:*
 - i. *decrease the minimum floor area per unit from 33m² to 29.50m²;*
 - ii. *decrease the front setback from 13.50m to 1.95m;*
 - iii. *decrease the south side (rear) setback from 11.35m to 3.215m;*
 - iv. *decrease the east side setback from 11.35m to 1.805m;*
 - v. *decrease the west side setback from 11.35m to 0.81m (canopy) and to 5.09m (building face);*
 - vi. *increase the site coverage from 20% to 74.10%;*
 - vii. *decrease the open site space from 30% to 12.90%;*
 - viii. *decrease the number of total vehicle parking stalls from 47 to 22;*
 - ix. *decrease the number of visitor parking stalls from 5 to 2;*
 - x. *decrease the number of commercial parking stalls from 1 to 0*
 - xi. *decrease the landscape between parking and property line from 1m to 0.12m;*
 - xii. *allow for double-stacked long-term bicycle racks.*
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. 23-083

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R-112 Zone, Multiple Dwelling Meares District and to rezone land known as 1039 and 1043 Meares Street from the R3-1 Zone, Multiple Dwelling District to the R-112 Zone, Multiple Dwelling Meares District.

The Council of The Corporation of the City of Victoria in an open meeting assembled enacts the following provisions:

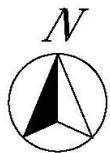
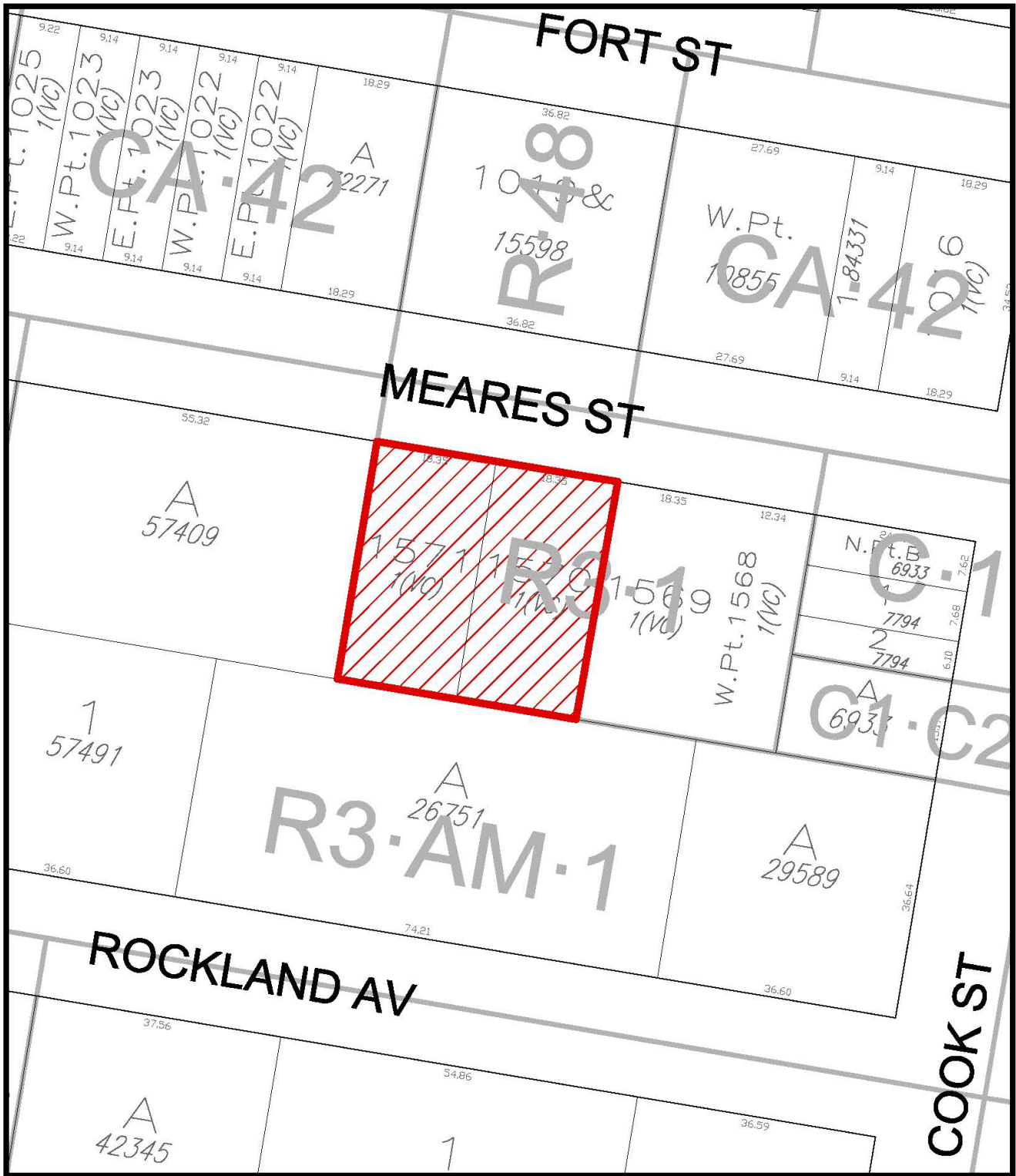
- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1317)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule “B” under the caption PART 3 – Multiple Dwelling Zones by adding the following words:

“3.151 R-112 Multiple Dwelling Meares District”
- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 3.150 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 1039 and 1043 Meares Street, legally described as PID: 009-396-730 Lot 1571, Victoria City and PID: 009-396-721 Lot 1570, Victoria City and shown hatched on the attached map, is removed from the R3-1 Zone, Multiple Dwelling District, and placed in the R-112 Zone, Multiple Dwelling Meares District.

READ A FIRST TIME the	day of	2023
READ A SECOND TIME the	day of	2023
Public hearing held on the	day of	2023
READ A THIRD TIME the	day of	2023
ADOPTED on the	day of	2023

CITY CLERK

MAYOR



1039 & 1043 Meares Street
 Rezoning No.00827



PART 3.151 – R-112 ZONE, MULTIPLE DWELLING MEARES DISTRICT

3.151.1 Definitions

In this Zone, “live-work” means a self-contained dwelling unit combined with commercial space, which is limited to one of the following commercial uses:

- i. coffee shop;
- ii. financial service;
- iii. retail;
- iv. making, processing, and assembly of products on a small scale;
- v. artist studio;
- vi. offices;
- vii. personal and professional services;
- viii. high tech.

3.151.2 Permitted Uses in this Zone

The following uses are the only uses permitted in this Zone:

- a. Multiple dwelling
- b. Home occupation subject to the regulations in Schedule “D”
- c. Accessory Buildings subject to the regulations in Schedule “F”
- d. Live-work

3.151.3 Siting

- a. Live-work uses are not permitted above the first storey of a building.

3.151.4 Lot Area

- a. Lot area (minimum) 1350m²

PART 3.151 – R-112 ZONE, MULTIPLE DWELLING MEARES DISTRICT

3.151.5 Floor Area, Floor Space Ratio

- a. Total floor area per dwelling unit (minimum) 33m²
- b. Total floor area (maximum) 3365m²
- c. Floor space ratio where the amenities have been provided pursuant to section 3.151.6.a (maximum) 2.49:1
- d. Floor space ratio where the amenities have not been provided pursuant to section 3.151.6.a (maximum) as follows:

<u>Storeys</u>	<u>Floor Space Ratio</u>
1	0.3:1.0
2	0.6:1.0
3	0.9:1.0
4	1.2:1.0
5	1.2:1.0
6	1.2:1.0

3.151.6 Community Amenities

- a. As a condition of additional density pursuant to Part 3.151.5, the following amenities must be provided as community amenities:
 - i. a monetary contribution of \$82,600 towards the Downtown Core Area Public Realm Improvement Fund, and
 - ii. a monetary contribution of \$35,400 towards the Victoria Housing Reserve Fund.
- b. Until the amenity contributions identified in Part 3.151.6.a. are paid in full, it shall be adjusted annually on January 1 commencing the second calendar year following the year Bylaw No. 23-083 is adopted and each year thereafter, by adding to the base contribution amounts in 3.151.6.a. an amount calculated by multiplying that base contribution as of the previous January 1 by the annual percentage increase in the CPI for the most recently published 12 month period.

For the purposes of this Part 3.151.6.a. “CPI” means the all-items Consumer Price Index for Victoria published by Statistics Canada or its successor in function.

PART 3.151 – R-112 ZONE, MULTIPLE DWELLING MEARES DISTRICT

3.151.7 Height, Storeys

- a. Building height (maximum) 22.5m
- b. Storeys (maximum)
 - i without roof deck 6
 - ii with roof deck 7

3.151.8 Setbacks

- a. Street boundary setback (minimum) 13.50m
- b. Rear yard setback (minimum) 11.35m
- c. Side yard setback from interior lot lines (minimum) 11.35m

3.151.9 Site Coverage, Open Site Space

a. The site coverage of a multiple dwelling shall not exceed the percentage that corresponds to the number of storeys in the multiple dwelling, as follows:

<u>Storeys</u>	<u>Maximum Site Coverage</u>
1	30%
2	30%
3	30%
4	30%
5	24%
6	20 %

- b. Open site space (minimum) 30%

3.151.10 Vehicle and Bicycle Parking

- a. Vehicle parking (minimum) Subject to the regulations in Schedule “C”.
- b. Bicycle parking (minimum) Subject to the regulations in Schedule “C”.