

**F.2 Bylaw for 1326 Pandora Avenue: Rezoning Application No. 00767 and Development Permit with Variances Application No. 000594**

**Moved By** Councillor Dell

**Seconded By** Councillor Caradonna

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

1. Zoning Regulation Bylaw Amendment Bylaw (No. 1323) No. 23-094

**CARRIED UNANIMOUSLY**

DRAFT



## Council Report

For the Meeting of November 23, 2023

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**To:** Council **Date:** November 14, 2023  
**From:** C. Kingsley, City Clerk  
**Subject:** 1326 Pandora Avenue: Rezoning Application No. 00767 and associated Development Permit with Variances Application No. 00594

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### RECOMMENDATION

That the following bylaw be given first and second readings:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1323) No. 23-094

### BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 23-094.

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

**1326 Pandora Avenue: Rezoning Application No. 00767 and Development Permit with Variances Application No. 000594 (Fernwood)**

Rezoning Application

1. That subject to the following revisions, that Council instructs 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 4, 2023 for 1326 Pandora Avenue:
  - a. applicant revising the plans to ensure that a minimum height clearance of 2.1m is met for vehicle parking and access
  - b. the Arborist Report, Civil, and Landscape Plans are revised to the satisfaction of the Director of Parks, Recreation, and Facilities to address outstanding Parks comments including:
    - i. retention of tree NT2, or;
    - ii. or if tree NT2 is to be removed, clarification regarding ownership of the tree and updated plans and documentation to meet the Tree Protection Bylaw
    - iii. Inclusion of proposed municipal tree on civil drawings
    - iv. Site servicing plan showing
      - a. Hardscape surfaces and treatments

- b. Utility services: sanitary sewer, storm drain, water, gas, BC Hydro, and telecommunications
    - v. Removal of cedar fence from future site triangles
    - vi. Designation of two additional trees as replacement trees.
2. That first and second reading of the zoning bylaw amendment be considered by Council and a public hearing date be set once the above conditions are met.
3. 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. 00767, if it is approved, consider the following motion:

1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorizes the issuance of Development Permit with Variances No. 000594 for 1326 Pandora Avenue, in accordance with plans submitted to the Planning department and date stamped by Planning on October 31, 2022, subject to:
  - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
    - i. reduce the minimum front setback from 7.50m to 6.00m
    - ii. reduce the minimum rear setback from 14.41m to 4.00m
    - iii. reduce the minimum lot width from 15.00m to 13.39m
    - iv. increase the height from 7.60m to 10.50m
    - v. increase the number of storeys from 1.5 to 3
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. 23-094

NO. 23-094

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R-114 Zone, 1326 Pandora Street District, and to rezone land known as (1326 Pandora Avenue) from the R-2 Zone, Two Family Dwelling District to the R-114 Zone, 1326 Pandora Street District.

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

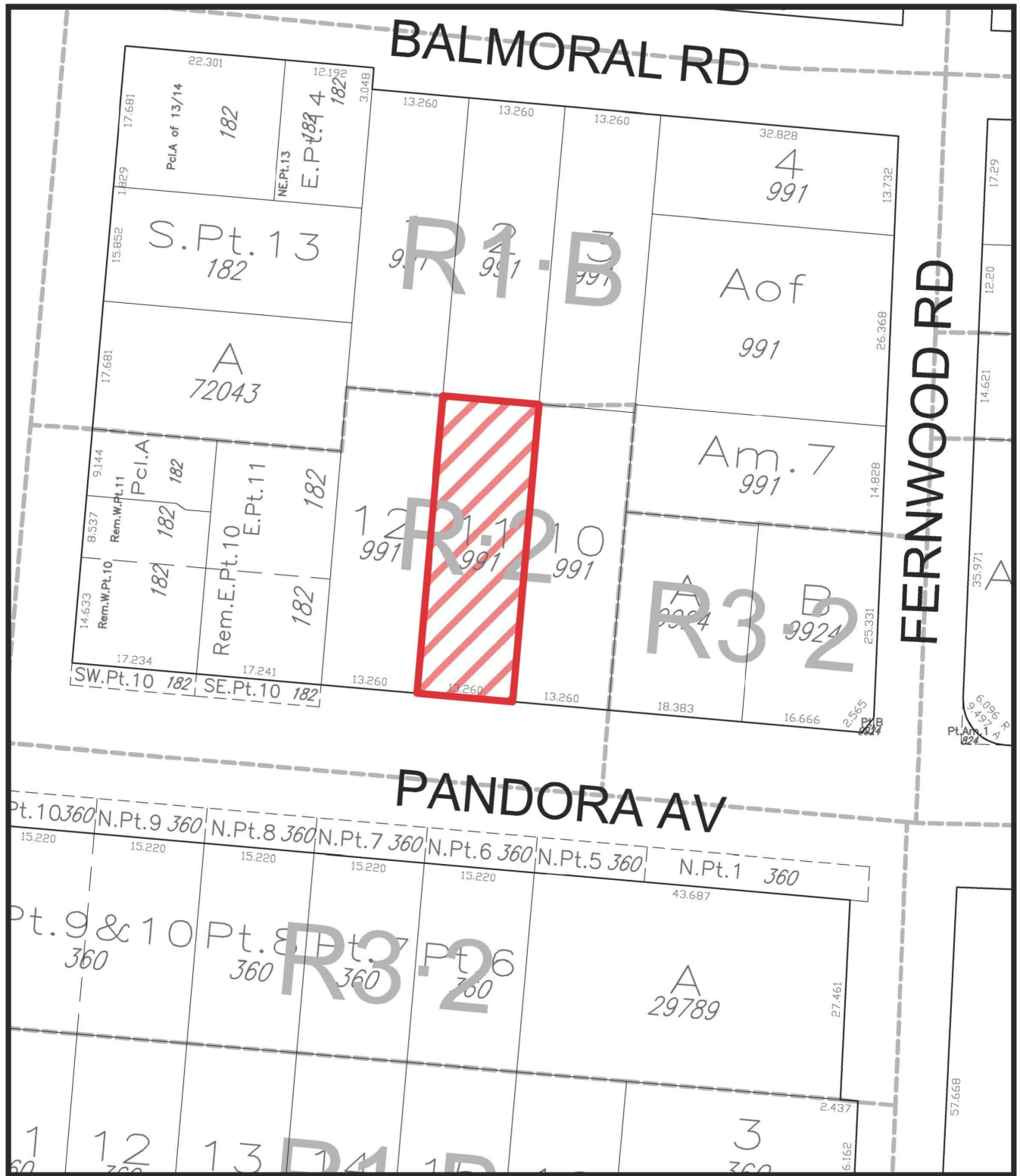
- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1323)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule “B” under the caption PART 3 – MULTIPLE DWELLING ZONES by adding the following words:  

“3.153 R-114 1326 Pandora Street District”
- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 3.152 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 1326 Pandora Street, legally described as PID: 008-123-331 Lot 11, Spring Ridge, Victoria, Plan 991 and shown hatched on the attached map, is removed from the R-2 Zone, Two Family Dwelling District, and placed in the R-114 Zone 1326 Pandora Street 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



1326 Pandora Avenue  
Rezoning No.00767



**PART 3.153 – R-114 ZONE, 1326 PANDORA STREET DISTRICT****3.153.1 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. Garage sales limited to no more than 2 in any year

**3.153.2 Site Area, Lot Area**

- |                               |                                  |
|-------------------------------|----------------------------------|
| a. <u>Site area</u> (minimum) | 545m <sup>2</sup>                |
| b. <u>Lot width</u> (minimum) | 15.00 m average <u>lot width</u> |

**3.153.3 Floor Area, Floor Space Ratio**

- |                                       |     |
|---------------------------------------|-----|
| a. <u>Floor space ratio</u> (maximum) | 1:1 |
|---------------------------------------|-----|

**3.153.4 Height, Storeys, Roof Decks**

- |   |   |
|---|---|
| a. Principal <u>building height</u> (maximum) | 7.6m in <u>height</u> and 2 <u>storeys</u> if the <u>building</u> does not have a <u>basement</u><br>7.6m in <u>height</u> and 1½ <u>storeys</u> if the <u>building</u> has a <u>basement</u> |
| b. <u>Roof deck</u>                           | Not permitted   |

**3.153.5 Setbacks, Projections**

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|--|--|
| a. <u>Front yard setback</u> (minimum)                               | 7.50m  |
| b. <u>Rear yard setback</u> (minimum)                                | 14.41m   |
| c. <u>Side yard setback</u> from interior <u>lot lines</u> (minimum) | 1.5m or 10% of the <u>lot width</u> whichever is greater<br>3.0m for one <u>side yard</u> when the <u>lot</u> is not serviced by a rear lane |
| d. Eave projections into <u>setbacks</u> (maximum)                   | 0.75m  |

**PART 3.153 – R-114 ZONE, 1326 PANDORA STREET DISTRICT**

**3.153.6 Site Coverage, Open Site Space**

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|-------------------------------------|--------|
| a. <u>Site Coverage</u> (maximum)   | 40.00% |
| b. <u>Open site space</u> (minimum) | 30.00% |

**3.153.7 Vehicle and Bicycle Parking**

- |                                     |  |
|-------------------------------------|--|
| a. <u>Vehicle parking</u> (minimum) | Subject to the regulations in Schedule "C" |
| b. Bicycle parking (minimum)        | Subject to the regulations in Schedule "C" |