



Committee of the Whole Report

For the Meeting of April 11, 2024

To: Committee of the Whole **Date:** March 28, 2024

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

Subject: **Rezoning Application No. 00834 and Development Permit with Variances Application No. 00236 for 1005 Chamberlain Street**

RECOMMENDATIONS

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 March 28, 2024, for 1005 Chamberlain Street.
2. That, pursuant to section 30 of the *Land Use Procedures Bylaw*, Council waives the requirement for the holding of a public hearing.
3. That, after publication of notification in accordance with section 467 of the *Local Government Act*, first, second, and third reading of the zoning bylaw amendment be considered by Council once the following conditions are met:
 - a. preparation and execution of a Housing Agreement for a term of five years to secure the two-family dwelling (duplex) building as rental, on terms to the satisfaction of the Director of Sustainable Planning and Community Development.
4. That following third reading of the Zoning Regulation Bylaw amendment, the applicant prepare and execute a legal agreement to secure a 3.0m wide right-of-way for pipes and access for sanitary sewer purposes, with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor prior to adoption of the bylaw.
5. That adoption of the Zoning Regulation 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.
6. 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, 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. 00236 for 1005 Chamberlain Street, in accordance with plans submitted to the Planning department and date stamped by Planning on February 22, 2024, subject to:
 - a. securing the provision of **four** car share memberships including car share credits for each membership with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor.
 - b. proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the minimum front yard setback from 7.50m to 7.43m
 - ii. reduce the minimum rear yard setback from 10.47m to 6.70m
 - iii. reduce the minimum side yard setback (south) from 3.00m to 2.23m
 - iv. reduce the minimum side yard setback (north) from 1.50m to 0.75m
 - v. reduce the minimum number of residential parking spaces from 2 space to 0 spaces
 - vi. increase the maximum projection for stairs into the front yard setback from 2.50m to 4.46m
 - vii. increase the maximum projection for porches and ramps into the front yard setback from 2.50m to 2.78m
 - viii. increase the maximum number of storeys from two storeys to three storeys
 - ix. increase the maximum height of a building from 7.60m to 8.02m
 - x. allow for roof decks.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.”

LEGISLATIVE AUTHORITY

This report discusses a Rezoning Application and concurrent Development Permit with Variances Application. Relevant rezoning considerations included in the proposal are to change the use and increase the density, while the relevant Development Permit considerations relate to the applications consistency with the relevant design guidelines and the impact of the variances.

Enabling Legislation

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 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*. A Development Permit may vary or supplement the Zoning Regulation Bylaw but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, and the siting, form, exterior design and finish of 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 present Council with information, analysis and recommendations for a Rezoning Application and Development Permit with Variances (DPV) Application for the properties located at 1005 Chamberlain Street.

The subject site is comprised of two legal lots. The proposal is to rezone a portion of the subject site from the R1-G zone, Gonzales Single Family Dwelling District, to a site specific zone to facilitate a lot line adjustment through subdivision that would retain the existing two family dwelling (duplex) on a small lot (Proposed Lot A) fronting Chamberlain Street and create a new vacant R1-G zoned lot at the corner of Chamberlain Street and Brighton Avenue (Remainder Lot B).

The following points were considered in assessing the Rezoning application:

- The proposal is consistent with the Traditional Residential designation in the *Official Community Plan, 2012* (OCP), which envisions ground-orientated dwellings up to a maximum density of 1.1:1 floor space ratio (FSR).
- The proposal is consistent with the housing objectives of the *Gonzales Neighbourhood Plan* that encourage retaining existing detached single- and two-family housing stock and preserving existing neighbourhood character; however, it is inconsistent with the policies that support heritage designation of buildings with heritage merit and the suggested minimum site size (555m²) for duplexes.
- The proposal was unable to achieve “satisfactory support” per the *Small Lot House Rezoning Policy* because the majority of the polled neighbours provided neutral response; however, the proposal aligns with the Small Lot House Design Guidelines for houses on small lots within the policy.
- The building was converted into a duplex on May 11, 1942, in accordance with the house conversion regulations, which allows single family dwellings constructed prior to 1984 to be converted to a duplex or multiple dwellings. At some point after that, an additional suite was added without permits; however, the applicant has decided to proceed with a duplex application rather than legalizing the third suite.
- The subject site is already comprised of two separate lots with similar lot sizes, and rezoning is to facilitate the adjustment of these two legal lot lines and permit the duplex to remain as presently sited.
- As part of the subdivision associated with this proposal, the owner will provide a 1.38m wide road dedication along the Chamberlain Street frontage, which helps to achieve a standard local road width at this location.

There is a concurrent Development Permit with Variances application for the existing duplex on Proposed Lot A which pertains to the existing form and character, exterior design, finishes, and landscaping of the existing duplex and site conditions as per the design guidelines within Development Permit Area (DPA) 15D: Intensive Residential – Duplex. The following points were considered in assessing the Development Permit with Variances application:

- The proposal is consistent with the general neighbourliness design guidelines for buildings respecting existing neighbourhood character but is inconsistent with the technical site size for considering duplexes based on the City's *Neighbourliness Guidelines for Duplexes*.
- The proposal is consistent with the design guidelines for buildings based on the City's *Buildings, Signs and Awnings Advisory Design Guidelines*.
- The requested variances related to reducing setbacks and residential parking, increasing height and number of storeys, and allowing roof decks are all supportable as they offer a contextual response to the existing site condition and existing neighbourhood character.
- The existing front and back duplex orientation provide unit entrances directly oriented to the street, consistent with the *Gonzales Neighbourhood Plan* which encourages new development that compliments the existing detached character of the neighbourhood.
- Other than minor alterations to the existing duplex, no new development is being proposed at this time.

It is recommended that a site-specific zone be drafted should Council choose to advance the application. It will be based on a combination of the R-2 Zone, Two Dwelling District, and the R1-G2 Zone, Gonzales Small Lot District, because the proposal closely resembles these two zones.

Alternate motions have been provided at the end of this report which include advancing the application but holding the public hearing associated with the Rezoning application. Section 464(3) of the *Local Government Act*, which prohibits public hearings for certain types of residential rezoning applications, does not apply because there is no development proposed through the rezoning and concurrent development permit with variances applications, however, pursuant to Section 464(2), Council can waive or hold the public hearing.

BACKGROUND

Description of Proposal

The proposal is to rezone a portion of the subject site from the R1-G Zone, Gonzales Single Family Dwelling District, to a site-specific zone to facilitate a lot line adjustment through subdivision that would retain the existing duplex on a small lot (Proposed Lot A) fronting Chamberlain Street and create a new vacant R1-G zoned lot at the corner of Chamberlain Street and Brighton Avenue (Remainder Lot B).

The following changes are proposed and would be accommodated in the new zone:

- decreasing the minimum lot width from 15.00m to 11.47m
- decreasing the minimum site area from 555.00m² to 341.80m²
- increasing the maximum site coverage from 30% to 38.39%
- increasing the maximum total floor area from 160.00m² to 179.11m²
- increasing the maximum floor space ratio (FSR) from 0.50:1 to 0.53:1
- increasing the maximum number of dwelling units per building from one to two.

Land Use Context

The area is characterized by single family dwellings with some duplexes and multi-unit house conversions. The adjacent properties are developed as single-family dwellings.

Existing Site Development and Development Potential

Figure 1 shows the location of the subject site. The existing house was converted to a duplex on May 5, 1942. At some point after that, an additional suite was added without permits; however, the applicant has decided to proceed with a duplex application rather than legalizing the third suite. The existing duplex is located on the north portion of the site and the rear portion of the building extends across the shared interior property line between the two lots. An accessory structure (detached garage) is located on the smaller interior lot, as the current driveway access is off Brighton Avenue.

Under the R1-G Zone, Gonzales Single Family Dwelling District, each of the subject properties could be re-developed as single-family dwellings with secondary suites or garden suites.

Schedule P: Missing Middle Regulations also applies in the current zone, which would permit a houseplex with up to six dwelling units on the interior lot and a corner townhouse with up to 12 units on the corner lot, for a total of 18 residential units. Alternatively, the two lots could be consolidated into one large corner lot and developed as a heritage conserving infill project with designation of the existing building.



Figure 1. Aerial photo of subject site

Data Table

The data table compares the Proposed Lot A development (new small lot with existing duplex) with the R-2, Two Dwelling District, which permits duplex buildings and the R1-G2, Gonzales Small Lot District, which is the standard small lot zone for the Gonzales neighbourhood. An asterisk is used to identify where the proposal does not meet the regulations.

The proposed vacant lot (Remainder Lot B) meets the minimum site area requirements of the existing R1-G Zone, Gonzales Single Family Dwelling District.

Zoning Criteria	Proposed Lot A	R-2 Zone	R1-G2 Zone
Site area (m ²) – minimum	341.80*	555.00	300.00
Lot width (m) – minimum	11.74*	15.00	10.00
Number of dwelling units per building	2*	2	1
Number of buildings per lot – maximum	1	1	1
Density (Floor Space Ratio) – maximum	0.53*	0.50	0.55
Total floor area (m ²) – maximum	179.11*	N/A	160.00
1 st & 2 nd storey floor area (m ²) – maximum	185.99	280.00	N/A
Combined floor area (m ²) – maximum	272.95	380.00	N/A
Height (m) – maximum	8.02*	7.60	7.50
Storeys – maximum	3*	1.5 / 2	1.5 – basement 2.0 – no basement
Site coverage (%) – maximum	38.39*	40	30
Open site space (%) – minimum	61.61	30	50
Setbacks - Front (m) – minimum	7.43*	7.50	6.00
Setbacks – Rear (m) – minimum	6.70*	10.47	9.10
Setbacks – Side South (m) – minimum	2.23*	3.00	2.40
Setbacks – Side North (m) – minimum	0.75*	1.50	1.50
Setbacks – Projections (porch, ramps, lift) (m) – minimum	2.78*	3.50	2.50
Setbacks – Projections (stairs) (m) – minimum	4.46*	3.50	2.50
Setbacks – Projections (Eave projections) (m) – minimum	0.61	0.75	N/A

Zoning Criteria	Proposed Lot A	R-2 Zone	R1-G2 Zone
Residential parking spaces – minimum	0*	2	2

Housing

As this application is to allow for a lot line adjustment through subdivision, it would not add any new residential units. However, the application retains the existing two-family dwelling (duplex) and creates a new vacant R1-G zoned lot.

Housing Mix

At present there is no policy that provides targets regarding housing mix and unit type is not regulated or secured. However, the OCP identifies a mix of units as an objective and identifies the need for a diverse range of housing units including family housing.

Security of Tenure

The applicant has offered to enter into a housing agreement to ensure that the existing dwelling units remain rental units for a period of five years. While they have been asked to consider a longer-term commitment, five years is the maximum they are prepared to offer.

Existing Tenants

The existing duplex building currently has three rental dwelling units within it including the duplex and a ground floor secondary suite that was added without permits. The application is for a duplex only and eliminates the illegal suite.

A tenant assistance plan has been submitted with the Rezoning application. However, because the tenant currently living in the illegal suite has lived there for less than a year prior to the application date they are considered ineligible for assistance under the *Tenant Assistance Policy*.

Accessibility

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*.

Mobility

The application proposes the following features which support multi-modal transportation:

- two car share (MODO) memberships per dwelling unit
- four long-term, secured, weather protected bicycle parking spaces.

As part of the associated subdivision, the owner will provide a 1.38m wide road dedication along the Chamberlain Street frontage of both properties. This road dedication contributes to a more standard local road width and supports the City's public realm and mobility goals.

Public Realm

No public realm improvements beyond City standard requirements are proposed in association with this application.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, prior to submission of the application, it was posted on the Development Tracker along with an invitation to complete a comment form on June 13, 2022. Mailed notification was sent to owners and occupiers of property within 100m of the subject property advising that a consultation process was taking place, and that information could be obtained, and feedback provided through the Development Tracker. A sign was also posted on site, to notify those passing by of this consultative phase. Additionally, the applicant participated in a Gonzales Community Land Use Committee Meeting with the CALUC on June 27, 2022. A letter dated June 27, 2022, along with the comment forms are attached to this report.

In accordance with the City's *Small Lot House Rezoning Policy*, the applicant has polled the immediate neighbours. The polling resulted in only 33% supporting the application with the remaining number of polled neighbours having voted neutral or opted not to comment. Technically, under this policy, "satisfactory support" is considered to be support in writing for the project by 75% of the neighbours. A previous poll based on an old proposal was completed back in 2022 which also resulted in 33% support. Both of the completed Small Lot House Rezoning Petitions, summary and illustrative map provided by the applicant are attached to this report.

Section 464(3) of the *Local Government Act* prohibits a local government from holding a public hearing for a rezoning application that is consistent with the OCP and is intended to permit residential development. This rezoning application does not meet the criteria for prohibiting a public hearing because there is no residential development associated with this application; however, pursuant to section 464(2) of the *Local Government Act*, Council may choose to not hold a public hearing where the application is consistent with the OCP.

Notice must still be sent to all owners and occupants of adjacent properties as specified in the City's *Land Use Procedures Bylaw* advising that the public hearing is being waived prior to introductory readings of the bylaws. Should Council wish to hold a public hearing, an alternate motion has been provided at the end of this report. The associated development permit application proposes variances, therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

Heritage Merit

The home at 1005 Chamberlain Street is a three-storey, two-family home with a ground floor secondary suite. It has through-the-roof dormers and a brick chimney. The façade is made up of painted wood shingles and trim. There are leaded glass panels, and multi-paned upper sashes in the double-hung wood windows. There have been alterations over the years including an addition to the rear, however, from the exterior the original building maintains the majority of its form and character. As shown in the city's Fire Insurance Plans, from 1913, and indicated on historical permit cards, the building was built in or around 1908.

Overall, the existing home looks to be in good condition and maintains many of the original character-defining elements. The applicant has been advised as to the importance of protecting

the exterior of the house through the heritage designation process. Heritage designation would ensure that future alterations or additions of the home are reviewed by city staff and the Heritage Advisory Panel, and that the house is protected from demolition. Designation would also enable the property owner to apply for heritage grants and incentives for the ongoing maintenance and future seismic upgrade work. However, the applicant has indicated that the property owner does not want to pursue heritage designation of the building.

ANALYSIS

Rezoning Application

Official Community Plan, 2012

The *Official Community Plan* (OCP, 2012) Urban Place Designation for the subject property is Traditional Residential, which consists primarily of residential and accessory uses in a wide range of primarily ground-oriented building forms including single, duplexes, townhouses and row-houses and house conversions with a low density residential FSR of approximately 1.1:1. The built form under Traditional Residential includes missing middle housing and other ground-oriented buildings, including attached, duplex, and single detached dwellings. Building heights of up to 12m are permitted (under Schedule P: Missing Middle Regulations).

Gonzales Neighbourhood Plan

The *Gonzales Neighbourhood Plan* supports the retention of existing buildings, the preservation of single-family home streetscapes and the green character of the neighbourhood. The retention of the existing building and creation of a vacant lot that can accommodate development of a single-family dwelling is considered consistent with this objective.

As well, the *Gonzales Neighbourhood Plan* establishes neighbourhood specific requirements for small lot development, which include a rear yard requirement of 9.1m, a maximum floor area of 160m² and a maximum site coverage of 30%. The proposal does not meet these neighbourhood specific siting and size requirements for small lot development. However, as noted, the reason for this is primarily due to the retention of the existing building, which is consistent with the overarching goals of the Plan. On balance the application is considered generally consistent with the goals and objectives of the *Gonzales Neighbourhood Plan*.

Small Lot House Rezoning Policy

The *Small Lot House Rezoning Policy* goals and objectives, as well as the *Small Lot House Design Guidelines* found within this policy, calls for supporting growth through small, adaptive, and gradual change, and that care should be taken to conserve heritage features, the streetscape, and the existing urban tree canopy. The policy states that the design should use a good neighbour design approach in relation to privacy, landscaping, sunlight, view, and parking e.g. in cases where structures are sited very close to the lot line, provide more generous side setbacks. The design guidelines focus on providing adequate setbacks to neighbouring properties, providing parking to mitigate on-street parking demand, and retention of healthy mature trees on the lot.

The *Small Lot House Rezoning Policy* requires applicants to achieve satisfactory support by polling all voting-age persons who occupy or own properties that are adjacent, or less than 10m away, or across a street and to obtain support in writing for the project by 75% of the neighbours. The proposal at 1005 Chamberlain Street received 33% support, which does not meet the policy.

However, the majority of neighbours opted not to comment, and no one specifically opposed it. Furthermore, comments received from a previous petition indicated a preference to retain the existing duplex. Impacts to use and enjoyment from any immediate neighbours has not been identified through the neighbourhood petition process, therefore it is recommended that the application be supported.

Development Permit with Variances Application

The *Official Community Plan* (OCP, 2012) identifies this property as being within Development Permit Area 15D: Intensive Residential – Duplex and the associated design guidelines apply.

Neighbourliness Guidelines for Duplexes

The *Neighbourliness Guidelines for Duplexes* recommend that an interior site (i.e. not a corner lot) having a width greater than 15m and a site area in excess of 670m² is an appropriately sized lot for a duplex. The proposal is inconsistent with this specific recommendation for considering duplex sized lots. However, these design guidelines also speak to building orientation, appropriate building height, neighbourliness considerations, and creating an appropriate streetscape and to maintain the impression of a single building on a single lot, which the proposal aligns with.

The design guidelines say that neighbourliness occurs where new development appears to fit comfortably within the established scale of the street and that building patterns and rhythms of buildings and open space which are characteristics of a street and area should be respected. On balance the application is considered generally consistent with the overall design guidelines of the *Neighbourliness Guidelines for Duplexes*.

Buildings, Signs and Awnings Advisory Design Guidelines

The Advisory Design Guidelines for Building in the *Buildings, Signs and Awnings Advisory Design Guidelines* ensures that buildings also create attractive streetscapes and aligns with architectural and landscape features of the immediate area. The proposal aligns with these guidelines.

Regulatory Considerations

Setbacks

In order to permit the existing duplex building to remain as presently sited on Proposed Lot A, multiple setback variances are required, which include:

- reducing the minimum front yard setback from 7.50m to 7.43m
- reducing the minimum rear yard setback from 10.47m to 6.70m
- reducing the minimum side yard setback (south) from 3.00m to 2.23m
- reducing the minimum side yard setback (north) from 1.50m to 0.75m
- increasing the maximum projection for stairs into the front yard setback from 2.50m to 4.46m
- increasing the maximum projection for porches and ramps into the front yard setback from 2.50m to 2.78m.

The primary objectives of setbacks in the front, rear and sides of a property is to allow for the preservation of green spaces for trees, landscaping, and stormwater management, and to provide an outdoor amenity space for residents and to avoid shading neighbouring properties. The front

yard and side yard setback reduction requests are minor in nature, and the rear yard setback reduction request is due to an existing condition and is a result of retaining the building.

There is still adequate separation from neighbouring properties and any future construction on Remainder Lot B. Allowing the structures that currently project into the setbacks is also to accommodate the duplex in its existing state. In addition, the front setback and projection variances are partially due to the provision of a 1.38m road dedication the applicant is providing along Chamberlain Street to support the City's public realm and mobility goals.

No impacts to neighbouring lots has been identified. The variances required to permit the existing duplex to remain as presently sited are considered supportable.

Parking

The applicant is requesting relief from the requirement of providing one residential parking space per dwelling unit. To mitigate some of the potential impacts from this variance the applicant is proposing four secured long term bicycle parking spaces and one Modo car share membership for each dwelling unit. The requested variance for the elimination of two on-site residential parking spaces are considered supportable.

Height and Number of Storeys

Allowing the existing duplex to remain on Proposed Lot A as presently sited requires variances to increase the maximum allowable height of a building and the maximum number of storeys. As the building is existing and its height is consistent with applicable policy, these variances are considered supportable.

Roof Decks

Consistent with the existing R1-G Zone, the new zone would not permit roof decks as a right. The proposed upper storey balconies, which are a typical design feature of traditional buildings in the area, are technically roof decks as they are located above the second storey of the building. However, these balconies are small in size and are existing balconies attached to the duplex. Therefore, a roof deck variance is considered supportable as they are consistent with the character of the area, provide private outdoor space for the dwelling units and would have minimal impact on adjacent properties.

Tree Preservation Bylaw and Urban Forest Master Plan

The goals of the *Urban Forest Master Plan* include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighbourhoods. This application was received after July 1, 2021, so Tree Protection Bylaw No. 21-035 applies. A total of 21 trees have been inventoried. Of these, 14 are located on the subject lot, five of which are bylaw protected. Five bylaw protected trees are located off-site and there are two existing municipal trees along the Chamberlain Street frontage. All trees are currently proposed for retention, however, many of the protected trees fall within the building envelope on the vacant lot and could be proposed for removal with future residential development on this lot.

CONCLUSION

Rezoning a portion of the subject site to facilitate a lot line adjustment through subdivision that

would retain the existing duplex on a small lot (Proposed Lot A) and create a new vacant R1-G zoned lot (Remainder Lot B) is generally consistent with the majority of the relevant policies. Allowing the duplex on Proposed Lot A to remain as presently sited is considered consistent with the design guidelines for Development Permit Area 15D: Intensive Residential – Duplex.

Therefore, it is recommended that Council advance this application and waive the requirement for a public hearing.

ALTERNATE MOTIONS

Option 1 – Advance the Application and Hold a Public Hearing

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 March 28, 2024, for 1005 Chamberlain Street.
2. That first and second reading of the Zoning Regulation Bylaw amendment be considered by Council and a Public Hearing date be set once the applicant has provided the following items:
3. That, after publication of notification in accordance with section 467 of the *Local Government Act*, first, second, and third reading of the zoning bylaw amendment be considered by Council once the following conditions are met:
 - a. preparation and execution of a Housing Agreement for a term of 5 years to secure the two-family dwelling (duplex) building as rental, on terms to the satisfaction of the Director of Sustainable Planning and Community Development.
4. That following third reading of the Zoning Regulation Bylaw amendment, the applicant prepare and execute a legal agreement to secure a 3.0m wide right-of-way for pipes and access for sanitary sewer purposes, with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor prior to adoption of the bylaw.
5. That adoption of the Zoning Regulation 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.
6. 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, 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. 00236 for 1005 Chamberlain Street, in accordance with plans submitted to the Planning department and date stamped by Planning on February 22, 2024, subject to:

- a. securing the provision of **four** car share memberships including car share credits for each membership with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor.
- b. proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the minimum front yard setback from 7.50m to 7.43m
 - ii. reduce the minimum rear yard setback from 10.47m to 6.70m
 - iii. reduce the minimum side yard setback (south) from 3.00m to 2.23m
 - iv. reduce the minimum side yard setback (north) from 1.50m to 0.75m
 - v. reduce the minimum number of residential parking spaces from 2 space to 0 spaces
 - vi. increase the maximum projection for stairs into the front yard setback from 2.50m to 4.46m
 - vii. increase the maximum projection for porches and ramps into the front yard setback from 2.50m to 2.78m
 - viii. increase the maximum number of storeys from 2 storeys to 3 storeys
 - ix. increase the maximum height of a building from 7.60m to 8.02m
 - x. allow for roof decks.

2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.”

Option 2 – Decline

That Council decline Rezoning Application No. 00834 and Development Permit with Variances Application No. 00236 for the properties located at 1005 Chamberlain Street.

Respectfully submitted,

Kasha Janota-Bzowska
 Planner
 Development Services Division

Karen Hoese, Director
 Sustainable Planning and Community
 Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Map of Subject Property
- Attachment B: Plans date stamped February 22, 2024
- Attachment C: Arborist Report dated September 13, 2023
- Attachment D: Letter from Applicant to Mayor and Council dated February 22, 2024
- Attachment E: Gonzales Community Association Land Use Committee Comments dated June 27, 2022 & September 19, 2019
- Attachment F: Combined Small Lot Rezoning Petition(s) dated December 7, 2023, and November 8, 2022
- Attachment G: Copy of Approved Tenants Assistance Plan
- Attachment H: Pre-Application Consultation Comments from Online Feedback Form
- Attachment I: Correspondence (Letters received from residents)