



Committee of the Whole Report For the Meeting of January 9, 2025

To: Committee of the Whole **Date:** December 26, 2024

From: Karen Hoese, Director, Planning and Development

From: **Zone Text Amendment and Development Permit with Variances Application No. 00209 for 257 Belleville Street**

RECOMMENDATIONS

Zone Text Amendment

1. That Council instruct the Director of Planning and Development to prepare the necessary *Zoning Regulation Bylaw* amendment to remove the “community amenities” section in the R-65 Zone, Belleville Street Multiple Dwelling District.
2. Prior to the introduction of the *Zoning Regulation Bylaw* amendment, the applicant prepares and executes the following legal agreement, with contents satisfactory to the Director of Parks, Recreation and Facilities and in a form satisfactory to the City Solicitor:
 - a) Preparation of a legal agreement, executed by the applicant, to amend the covenant registered as CA2048143 to allow a transfer of cash-in-lieu in the amount of \$121,000 towards the cost of plaza construction, and \$312,000 for further enhancement of the Harbour Pathway.
3. That, after publication of notification in accordance with section 467 of the *Local Government Act*, first, second, and third reading of the *Zoning Regulation Bylaw* amendment be considered by Council.
4. That following the third reading of the *Zoning Regulation Bylaw* amendment, the applicant prepares and execute the following legal agreement, with contents satisfactory to the Director of Engineering and Public Works and the Director of Parks, Recreation and Facilities or in a form satisfactory to the City Solicitor prior to adoption of the bylaw:
 - a) Preparation of a legal agreement, executed by the applicant, to ensure that the public realm improvements are consistent with the *Downtown Public Realm Plan and Streetscape Standards*, and in general compliance with the Landscape Plans provided in the plans date stamped October 31 2023, with the further requirement that soil cells and

irrigation on the Pendray Street frontage be required for trees provided within the City right of way.

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 Variances No. 00209

That Council, after giving notice, consider the following motion:

“That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variance Application No. 00209 for 257 Belleville Street, in accordance with:

1. Plans date stamped October 31, 2023
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Increase the maximum height from 30m to 32m
 - ii. Increase the maximum site coverage from 45% to 53%
 - iii. Reduce the minimum open site space from 40% to 28%.
3. That the Development Permit, if issued, lapses in two years from the date of this resolution.”

LEGISLATIVE AUTHORITY

This report discusses a Rezoning (Zoning Text Amendment) Application and a concurrent Development Permit with Variances (DPV) Application. Relevant Zoning Text Amendment considerations include:

- removal of the community amenity provisions (to be secured by legal agreement).

Relevant DPV considerations include:

- the application’s consistency with the applicable design guidelines
- the impact of the proposed variances related to height, site coverage and open site space.

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 *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 revitalization of an area in which a commercial use is permitted, 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.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a *Zoning Regulation Bylaw* text amendment and a concurrent Development Permit with Variances Application for the property located at 257 Belleville Street. The application site is currently occupied by the Admiral Inn, which would be replaced by a residential building with approximately 35 dwelling units.

This proposal was originally approved in 2011; however, the approved permit (and subsequent renewals) have now lapsed. The proposal requires Council approval of a new Development Permit with Variances because the applicable policies and regulations have changed. Additionally, since the original rezoning application, it has been determined that the applicant will provide cash in lieu in place of constructing a portion of the Harbour Pathway (referred to as the “public plaza” in the report) which necessitates a *Zoning Regulation Bylaw* text amendment.

Variances are related to height, site coverage and open site space.

The following points were considered in assessing this application:

- The existing site-specific zone for the property (R-65 Zone, Belleville Multiple Dwelling District) requires community amenity contributions for improvements to the Harbour Pathway and the construction of a public plaza in order to achieve the density allowance specified within the existing zone. The original intent of this rezoning condition is maintained and will be secured with a legal agreement consistent with amendments to the *Local Government Act*. This will provide the City an opportunity to design the plaza in accordance with design features that reflect the evolving needs of this area.
- This proposed development remains largely unchanged from what was approved in 2011 with the exception of an additional level of underground parking and an increase in the number of long-term bike parking stalls. The additional vehicular and bike parking do not impact the design of the building’s exterior.
- The most relevant design guidelines applicable to this proposal are within the *Downtown Core Area Plan*. The proposal meets the intent of the applicable design guidelines as the proposal is well integrated with the surroundings through a building design that is reflective in massing, scale and materiality with the surrounding buildings. Design details ensure that the building has a strong street relationship and positive presence from a variety of public vantage points while mitigating potential concerns related to privacy and overlook along the north elevation.
- The variances for height, site coverage and open site space are resulting from changes to the *Zoning Regulation Bylaw* that have occurred since this development was originally proposed and approved over a decade ago. The height, site coverage and open site space have not changed since the original proposal and therefore represent technical variances which are

supportable.

- Additional enhancements to the public realm are required resulting from new requirements introduced after the initial approvals of this project. The additional requirements include improvements to the pedestrian experience along the Pendray Street frontage consistent with the *Downtown Public Realm Plan* and *Streetscape Standards*. These public realm improvements will be secured by way of a legal agreement.

BACKGROUND

History of Development Approvals

On July 21, 2011, a Rezoning Application and Development Permit were approved by Council allowing the property to be rezoned from the T-1 Zone, Limited Transient Accommodation District, to the R-65 Zone, Belleville Street Multiple Dwelling District, and to construct an eight-storey residential building, with 35 residential units.

Between January 2013 and November 2018, the Development Permit was renewed on three occasions and the final renewal expired on July 20, 2020.

The current application is generally consistent with the previously approved plans for the property with the following exceptions:

- An increase in number of underground parking stalls (additional level added) from 40 vehicle spaces to 78.
- An increase in the number of long-term bicycle parking stalls from 36 to 71 and the provision of six short-term bike parking stalls, in response to changes to the City's bicycle parking requirements.
- In the previous applications no variances were identified, but due to changes in definitions in the *Zoning Regulation Bylaw*, variances related to height, site coverage and open site space have been identified. As such, this application is now a Development Permit with Variances.
- Since the original approvals, the design guidelines within the *Downtown Core Area Plan* have been introduced. This is reviewed within the Analysis Section of this report.
- The *Downtown Public Realm Plan* and *Streetscape Standards* have also been introduced since the original approvals for this property. The project has been revised to reflect these new requirements.

Description of Proposal

The proposal is to construct an eight-storey residential building with approximately 35 dwelling units. The built form of the proposed building is generally consistent with proposals that were previously approved but have expired.

The proposed building would terrace back on each floor above the third storey away from the Harbour and along Pendray Street, minimizing its impact on the public realm. The proposal includes street-oriented townhouse units on the Pendray Street frontage. The design is more fully explored in the section of this report on the design guidelines.

The Cross Street frontage serves as the primary access point to the development. At street level, the

building includes a covered pick-up and drop-off point for residents as well as an underground parking entry. Cross Street is a public street but serves only as the access point to the application site and the Laurel Point condominium development at 225 Belleville Street.

Land Use Context and Site Development Potential

The area is characterized by a mix of residential and tourist commercial uses.

- The ten storey Laurel Point residential building and associated townhouses are located immediately to the northwest of the application site.
- The Harbour Pathway is situated immediately adjacent to the northeast edge of the site and Charles Redfern Park is located across Cross Street to the west.
- Both the subject site and the Belleville Terminal border the intersection of Belleville Street and Pendray Street, providing pedestrian access to the Harbour Pathway via Centennial Park and the northern vehicle access to the Belleville Terminal.
- The Gatsby Mansion, a building on the City's Heritage Register, is located across Pendray Street to the south-east.
- Two small scale Heritage Designated buildings are located to the south across Quebec Street at 221 and 225 Quebec Street, both of which are used for tourist accommodation. A Heritage Designated building is also located at 254 Belleville Street.



Figure 1: Aerial view of the subject site

The site is presently the Admiral Inn, with 34 suites rented on a weekly to yearly basis. This hotel will be demolished to accommodate this proposal.

The subject property was rezoned to a site-specific zone (R-65) in 2011 to allow for redevelopment for a multiple dwelling building with a maximum floor space ratio of 3:1, subject to the provision of the following community amenities:

- (a) the payment to the City of Victoria of \$74,000 to contribute to construction of the Harbour Pathway improvements along Belleville Street between Pendray Street and Oswego Street;
- (b) the construction of a plaza at the corner of Belleville Street and Pendray Street valued at at least \$121,000;
- (c) the payment to the City of Victoria of \$312,000 to be placed in the Harbour Pathway fund.

The payment identified in item (a) was required within 90 days following the adoption of the *Zoning Regulation Bylaw* amendment and has been received and the walkway has been constructed. Subject to the terms of a legal agreement registered on title, items (b) and (c) must be fulfilled prior to commencing construction of the development.

It is noted that the existing zone does not permit any other uses other than multiple dwellings. For clarity, there is no commercial component associated with this development.

Community Consultation

Public notification for the *Zoning Regulation Bylaw* text amendment has not been undertaken as there is no change to the density and land use established in the existing zoning.

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, this application was referred to the James Bay Neighbourhood Land Use Committee (CALUC) for a 30-day comment period on June 30, 2022, with revisions provided after that date. At the time of writing this report, a letter from the CALUC had not been received.

Pursuant to section 464(3) of the *Local Government Act*, Council is prohibited from holding a public hearing when a residential rezoning application is consistent with the OCP and residential uses comprise at least half of the gross floor area of all buildings and structures proposed as part of the development. However, notice must still be sent to all owners and occupiers of adjacent properties as specified in the City's *Land Use Procedures Bylaw* prior to introductory readings of the bylaws.

The associated 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.

Council has received correspondence on this application, which is attached to this report. It is noted that the correspondence from the public deals with wide variety of issues, some of which are outside the terms of reference for this application.

The most common issues raised are as follows:

- The units will not be affordable, and concern expressed about existing long-term tenants.
- There will be congestion and safety issues along Cross Street during and after construction.
- The setbacks from the Laurel Point condominiums are insufficient.
- The building form, height and number of storeys is inappropriate.
- Concerns about the staging and activity around the construction, including blasting.
- Shadowing of the Laurel Point green space.

ANALYSIS

Official Community Plan

The *Official Community Plan* (OCP) designates this property as Core Inner Harbour / Legislature. This designation envisions a range of uses including residential and tourist commercial. Heights of ten storeys or more away from the harbour are also identified as appropriate in the OCP, as determined by the context. The proposal is considered generally consistent with the OCP designation.

Public Realm

The following public realm improvements must be provided as a condition of achieving the proposed density and have been previously secured through a Section 219 Covenant:

- public plaza located at Belleville and Pendray streets with a minimum value of \$121,000
- payment to the City of Victoria of \$312,000 towards the continued development of the David Foster Pathway (payment now to be provided prior to the issuance of the Building Permit).

The public plaza (approximately 360 m²) will be constructed on City owned land located at the east boundary of the property at the corner of Belleville Street and Pendray Street (see figure 2). The terms of the original agreement require that the applicant construct a plaza valued at least \$121,000 in order to achieve the density proposed and that the plaza be constructed prior to commencement of construction of the proposed development. However, it is now deemed more appropriate that the applicant provide those monies to allow the City to design and complete the public plaza in accordance with the City's current design standards of these public spaces. This is a mutually agreeable compromise for the City and the applicant.

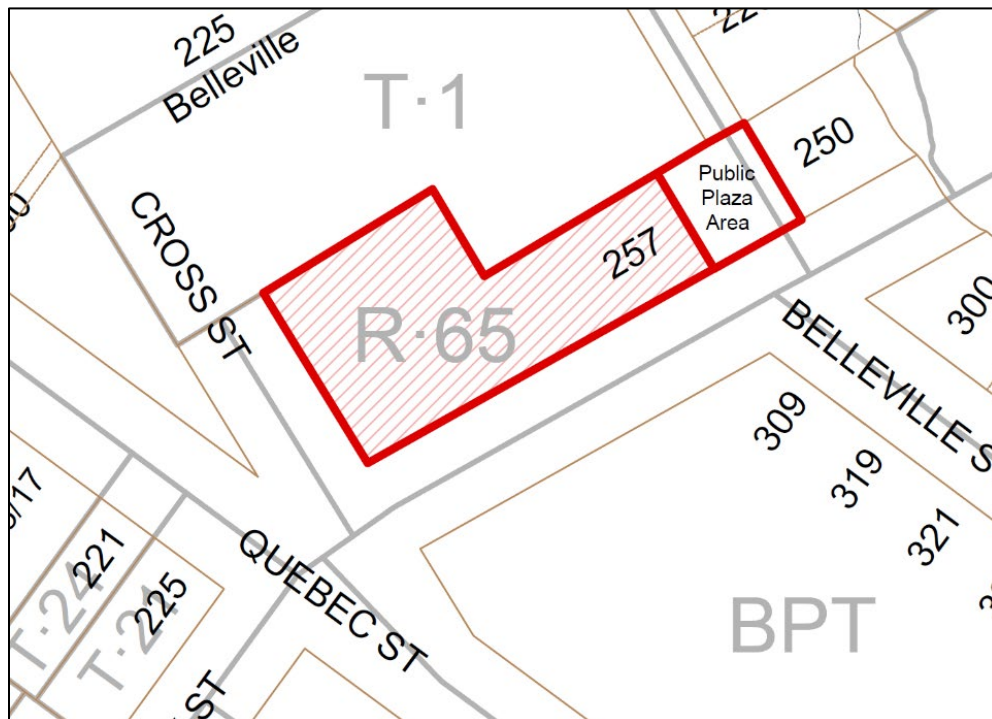


Figure 2: Map showing area of the public plaza

The revised public plaza design will be designed and constructed to the City of Victoria standards, with reference to the following:

- *Accessibility Framework*
- *Downtown Public Realm Plan and Streetscape Standards*
- *Harbour Pathway Plan.*

In addition to the contributions identified above, the *Downtown Public Realm Plan and Streetscape Standards* (which has been adopted since the original approvals for this project) impose further requirements for public realm improvements. These improvements will be secured by a legal agreement and will require the following:

- To improve pedestrian accessibility and safety, the crosswalk at the intersection of Pendray, Quebec, and Cross streets will be upgraded to a pedestrian activated flashing beacon. This will be done in coordination with City led work on the south-side of the intersection. Additional City led improvements to crossings along the corridor are anticipated as a part of future capital programs including cycling facilities along Pendray Street connecting to existing facilities on Belleville Street and those planned to the intersection of Montreal Street and Kingston Street.
- Along the Pendray Street frontage, a widened sidewalk designed to be consistent with the *Downtown Public Realm Plan and Streetscape Standards* will be required. This includes eight new street trees in grates, as well as pedestrian scale lighting and furniture. In order to assist the viability of the street trees, the City is requesting that soil cells be provided. The exact location of the trees will be determined when the site servicing for the project is finalized. The increased sidewalk width and boulevard along Pendray Street will be achieved by a statutory right-of-way of 0.86m (previously secured) and a narrowing of the vehicle travel lanes on Pendray Street.

Development Permit Area and Consistency with Design Guidelines

The *OCP* identifies this property within DPA 9 (Heritage Conservation): Inner Harbour. This designation allows Council to consider the form, character, exterior design, finishes and landscaping of the proposal. The objectives of this designation include enhancing the area through infill, building additions and open spaces with a high quality of architecture, landscape and urban design that responds to its historic setting through sensitive and innovative interventions.

As noted, up to approximately 35 market condominium units are proposed and includes street-oriented townhouse units with entrances along Pendray Street. The building terraces back on each floor above the third storey away from the water. The building also steps back along Pendray Street above the third floor, minimizing its impact on the public realm. Each unit has outdoor living space (patios or roof top decks) with orientation to the harbour area and minimal overlook to Laurel Point condominiums on the north elevation.

The Cross Street frontage is the primary access point to this development. Cross Street is a public street but serves only as the access point to the Laurel Point condominiums and this property. At street level, the building includes a covered pick-up and drop-off point for residents as well as the underground parking entry. The building exterior at street level includes extensive glazing and cedar siding. The parking entrance is screened from adjacent properties through a custom wood screen.

Adjacent to the public realm, visual interest is created by a mix of materials, building articulation, and fine detailed landscaping.

Exterior building materials include cast in place concrete with brick and wood features and balconies with tinted glass. Landscaping materials include basalt pavers, benches, a wooden screen, bollard lights, a water feature and a green roof on the uppermost level.

Downtown Core Area Plan

The *Downtown Core Area Plan* (DCAP) provides the design guidelines applicable to this proposal, and more specifically:

- Appendix 1: Public Outward View Guidelines
- Appendix 2: Public External View Guidelines
- Appendix 3: Sidewalk Width Guidelines
- Appendix 4: Building Design Guidelines.

The proposal is considered to be in general accordance with DCAP, summarized as follows:

Appendix 1 and 2: View Guidelines

The broad view (looking west from Bastion Square) towards the harbour entrance is currently framed by Laurel Point on the south. The Guidelines seek to ensure new development is located, sited and designed to maintain views of the character-defining element of the Laurel Point collection of buildings (condominiums and the Inn at Laurel Point). The proposed building's terraced form, which steps back away from the water, maintains outward views and is consistent with the buildings at Laurel Point. Moreover, the proposed step back of the upper portions of the building mitigates the impacts of the massing on the public realm.

Appendix 3: Sidewalk Width Guidelines

The proposal is consistent with these guidelines as reviewed under the Public Realm improvements.

Appendix 4: Building Design Guidelines

The Guidelines are aimed at evaluating applications to ensure a good fit within the context while providing unique design responses to the individual site conditions, opportunities and constraints. The following section outlines the proposed response to the main directions in the design guidelines in terms of street relationship, provision of outdoor common spaces, relationship to heritage context and considerations for tall buildings.

Relationship to the Street: Achieving a Human Scale

The ground level of the proposal achieves interest at the street level from:

- articulation of massing
- application of a variety of high quality materials
- detailing in terms of both the building and landscape design
- multiple street-front entries for individual townhouses as well as the main lobby.

The recessed townhouse entries, in combination with the brick and cedar clad three-storey townhouse forms which abut the street, serve to break up the lower-level massing of the building into smaller scale elements. These townhouse entries are accessed from patios which are raised slightly above grade. This modest grade separation strikes a balance between indicating private patio space for the tenants and providing a comfortable relationship with the public realm.

The western portion of the Pendray Street frontage includes a glazed exterior with direct entry into the lobby off Pendray Street. As the building angles back away from Pendray Street towards Cross Street, the frontage includes landscape improvements including benches, seating walls, plantings and a water feature, supporting occupant interaction.

Outdoor Common Spaces

The intent of this section of the Guidelines is to provide a range of shared outdoor amenity space that encourages social interaction, play and urban food production.

The proposed entrance area includes concrete planters with wood seats that provide a comfortable seating area for residents. Within the private area of the building on the main floor there are two additional seating areas.

Each unit has a private patio which maximizes access to sunlight with glass railings and decorative planters. Views are minimized to the Laurel Point condominiums as the larger patio areas intended for outdoor use are facing south and east.

Heritage Buildings: Additions and Adjacencies

With respect to the heritage context, the Guidelines seek to ensure the design of new buildings complement adjacent heritage buildings. Protected heritage buildings are located across the street at 319-329 Belleville Street as well as 221-225 Quebec Street and 254 Belleville Street. These protected buildings include the 2½-storey Queen Anne House (the Gatsby Mansion) located alongside two buildings constructed in 1877 to form part of “Huntingdon Manor”.

The widely divergent buildings that form the immediate context form a challenging context in which to design a suitable building. The applicant has chosen to respond to the Laurel Point collection of buildings context rather than context created by the late 19th century. This results in a context defined by contrast. This approach is viewed as justifiable in this instance as there is an established pattern of contrast extending along Quebec Street and Montreal Street that differentiate the more recent developments from the more historic residential areas of James Bay. In this instance, Quebec Street and Pendray Street serve as a logical break between the two divergent built environments and views to the heritage buildings from the public realm will not be compromised.

Tall Buildings

The Tall Building Guidelines for residential buildings focus on liveability as expressed by amenity space and privacy. According to the guidelines, the proposed 32m high building would be considered a mid-rise residential building.

In terms of massing, the proposed design complies with the urban design policy by virtue of reducing the bulk of the upper storeys; using a terraced building form which distinguishes the upper storeys

from the building podium and provides visual articulation along the primary street frontage. This base building frames the public realm by the introduction of townhouse units, with a number of entry points to the building along with patios and landscaping. Shadowing impacts on the public realm and adjacent properties are also minimized by the terraced building form.

The proposal generally complies with the intent of the guidelines requiring street wall elements intended to frame the street by creating open space enclosure along the Pendray Street frontage. Although as a result of the terraced form of development, stepping back from the Harbour waterfront, an eight-storey vertical building element would front Cross Street. However, while Cross Street is a public street, it primarily functions as a driveway access to the Laurel Point condominiums. Charles Redfern Park is situated between Cross Street and Quebec Street and this intervening space reduces the visual impact of this eight-storey building face.

The different cladding material on the first three levels serve to differentiate the mass from the base to the upper floors. The terraced form is reflective of the nearby Laurel Point collection of buildings. The light-coloured aluminum bands and clear glazed hand railings that extend horizontally across the building are a direct reference to the Laurel Point Inn. The red brick matches materials of buildings along the Harbour one block away along Montreal Street. As proposed, the building's massing and material selection include obvious references to the immediate context.

High Performance Buildings

Under the terms of a legal agreement registered on title, the owner covenants and agrees that the development shall be designed and constructed to the LEED Canada NC 2009 – Gold standard.

Housing

The application, if approved, would add approximately 35 new strata residential units, which would increase the overall supply of housing in the area and contribute to the targets set out in the *Victoria Housing Strategy*.

Affordability Targets

The proposal does not include affordable housing.

Housing Mix

The OCP identifies a mix of units as an objective and identifies the need for a diverse range of housing units including family housing. As submitted, this application proposes 26 one-bedroom with den dwelling units (including three ground-oriented townhouse style units) and nine two-bedroom units.

This application was submitted prior to the endorsement of the *Family Housing Policy*, which provides targets for housing mix and unit type. Under the policy, 25% of the total units would have to be two or more bedroom units and 5% of the total units would have to be three-bedroom units. The proposal includes nine two-bedroom units (25%) but there are no three-bedroom units.

Existing Tenants

This former hotel houses tenants in semi-furnished suites as per the *Residential Tenancy Act*. As noted, the property was subject to a rezoning application in 2011, which established the use and density of the proposal. The *Tenant Assistance Policy* was not in place in 2011.

With the current proposal requiring only a text amendment to alter the terms of the public plaza commitment, it is not viewed as a full rezoning thereby not requiring a Tenant Assistance Plan.

The applicant has indicated that the existing tenants have been advised of the eventual redevelopment of the property. The applicant has provided details of a voluntary tenant assistance commitment in the attached letter. The commitment provides the following:

For all tenants:

- Relocation support provided by the building manager.
- Option for tenants to take furniture from their semi-furnished units upon moveout.

At time of Four-Month Notice to End Tenancy:

- Tenants who have resided in the building at least one year prior to June 9, 2022, will receive free rent or equivalent monetary compensation as follows:
 - one to five years tenure – three months rent compensation
 - five to nine years tenure – four months rent compensation
- All other tenants will receive 1-month free rent or equivalent monetary compensation as per the *Residential Tenancy Act*.

Regulatory Consideration

Zone Text Amendment

The definition of the “community amenities” specifies that the public plaza was the responsibility of the applicant to construct. For reasons outlined above, this is no longer desirable as the original design concept is no longer compatible with the City’s design standards of urban spaces. The alternative is to have the City construct the plaza with a monetary contribution from the applicant. As such, the definition of “community amenities” within the site-specific zoning requires an amendment to allow a cash payment in the amount of \$121,000 in place of construction of the public plaza in order that the developer can achieve the maximum density. This will be secured in a legal agreement which will also embody the community amenity contribution requirements in accordance with changes to the *Local Government Act*.

Zoning Regulation Bylaw Variances

Three variances have been identified with this proposal, generally resulting from changes in the definitions of the Zoning Regulation Bylaw since the originally approved application. The attached Zoning Data Table compares the proposal with the R-65 Zone, Belleville Street Multiple Dwelling District.

Height

The height variance (increasing the height from 30m to 32m) relates to a mechanical penthouse on the roof. This mechanical penthouse was shown on the original approvals for the proposal, however, since the original approvals the definition of height has been amended and now includes this type of mechanical equipment if it is housed in a structure with floor area, so a variance is triggered. As the height is the same as originally submitted and the presence of this mechanical penthouse is not visually intrusive and does not impact neighbours, this variance is considered supportable.

Site coverage and Open Site Space

This variance for site coverage (from 45% to 53%) is required as a result of *Zoning Regulation Bylaw* amendments defining outdoor features, which effected how site coverage is calculated. The calculation now includes any structure over 0.6m above grade, so parts of the building that were previously excluded are now included in this calculation.

This variance for open site space (from 40% to 28.5%) is a direct result of the recalculated site coverage, as elements such as raised ground level patios (constructed 0.6m above grade) are no longer considered as site open space. However, the plans as they relate to site coverage and open site space have not changed since the original approval in 2011 and are supportable.

Advisory Design Panel Review

The Advisory Design Panel (ADP) reviewed the original Development Permit proposal at their March 30, 2011 and, as a result, design revisions were made to the project. As the Development Permit renewal application is consistent with the previous approvals it has not been deemed necessary to refer the proposal back to ADP.

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 between October 24, 2019, and July 1, 2021, so *Tree Preservation Bylaw No. 05-106* (consolidated November 22, 2019) applies.

The applicant has provided an arborist report (attached). A total of 18 trees have been inventoried. Of these, nine are located on the subject lot, one of which is bylaw protected. One bylaw protected tree and three non-bylaw protected trees are located off-site. There are five existing municipal trees, two on the Cross Street frontage and three on the Belleville Street frontage.

The on-site bylaw protected tree (32cm diameter Birch, Tree No. 12) is proposed for removal. Removal of the tree is required for excavation of the underground parkade and construction of the building. At the 2:1 ratio outlined in the *Tree Preservation Bylaw*, the applicant is proposing to plant two new trees on the subject lot to replace the bylaw tree removed.

Currently there are no municipal trees on the Pendray Street frontage. Eight new municipal trees are proposed on the Pendray Street in irrigated soil cells with adequate soil volumes to support long term viability of the new trees. It is noted that final placement of trees and hardscape surfaces will be dependent on the location of site servicing (utilities, sanitary sewer, storm drain, and water).

Resource Impacts

The design and construction of the public plaza will require further input from the City.

The anticipated impact on Parks budget is as follows:

Increased Inventory	Annual Maintenance Cost
Street Trees (\$60 per tree) – 8 net new	\$480
Irrigation for trees	\$800

CONCLUSIONS

The proposed land use and density of the proposal are consistent with the current site zoning, however, an amendment to the *Zoning Regulation Bylaw* is required to facilitate a revision to the definition of amenity contribution and to place the amenity contribution in a separate legal agreement.

The design of the proposal is consistent with the applicable design guidelines and the proposed design approach is considered to represent an appropriate fit for the area. The proposed development is consistent with the previously approved Development Permits for the site and there has been no change in circumstance which would justify an alternative recommendation in this instance. The variances that have been identified are technical in nature and do not represent any substantive changes to the previously approved development.

In light of the above it is recommended that Council consider supporting this application.

ALTERNATE MOTION

That Council decline the Zone Text Amendment and Development Permit with Variances Application No. 00209 for the property located at 257 Belleville Street.

Respectfully submitted,

Rob Bateman
Senior Planner
Development Services Division

Karen Hoese, Director
Planning and Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped October 31, 2023

- Attachment D: Letter from applicant regarding development dated March 27, 2024
- Attachment E: Arborist report prepared by Gye + Associates, September 15, 2021
- Attachment F: Letter from applicant regarding Tenant Assistance Plan dated March 27, 2024
- Attachment G: Project Data Table
- Attachment H: Correspondence (Letters received from residents)