



## Committee of the Whole Report For the Meeting of April 12, 2018

---

**To:** Committee of the Whole **Date:** February 22, 2018  
**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development  
**Subject:** Rezoning Application No. 00598 for 953 Balmoral Road

---

### RECOMMENDATION

That Council decline Rezoning Application No. 00598 for the property located at 953 Balmoral Road.

### LEGISLATIVE AUTHORITY

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 482 of the *Local Government Act*, a zoning bylaw may establish different density regulations for a zone, one generally applicable for the zone and the others to apply if certain conditions are met.

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 953 Balmoral. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District to a new zone in order to construct a four storey multiple dwelling with a density of approximately 1.38:1 floor space ratio (FSR).

The following points were considered in assessing this application:

- the subject property is designated *Core Residential* in the Official Community Plan (OCP), which supports a diverse range of housing types including low and mid-rise multi-unit residential buildings.
- the Downtown Core Area Plan (DCAP) identifies this property within the Residential Mixed-Use District, which supports multi-residential development up to six storeys and a floor space ratio up to 2:1.
- The OCP encourages the logical assembly of development sites to enable the best

realization of development envisioned for the area. The proposed site area is approximately 671.5m<sup>2</sup>, which is a standard lot size for a duplex. The property to the west is an existing parking lot tied to a building on a different lot and there is a rooming house to the east. Given the existing neighbourhood context and the site's redevelopment potential, land assembly with the adjacent properties is strongly encouraged.

- the site being only 672m<sup>2</sup> cannot comfortably support a development at this proposed density, size and scale without significantly impacting the development potential of adjacent properties and achieving the densities that are supported in DCAP.
- the applicant is proposing to construct purpose-built rental; however they are unwilling to register a Housing Agreement to ensure that the building remains rental in perpetuity, or for a given time period. Instead the applicant notes that Council approval to strata title the building in the future would be required if the vacancy rate is less than 4%.

## **BACKGROUND**

### **Description of Proposal**

This Rezoning Application is to allow a four-storey multi-unit building with a density of approximately 1.38:1 floor space ratio (FSR).

The following differences from the existing R-2 Zone, Two Family Dwelling District, are related to increasing the floor space ratio, floor area, reducing setbacks and open site space requirements, and increasing the site coverage.

### **Affordable Housing Impacts**

The applicant proposes the creation of 11 new residential rental units which would increase the overall supply of housing in the area. The applicant is proposing to construct purpose-built rental; however they are unwilling to register a Housing Agreement to ensure that the building remains rental in perpetuity, or for a given time period. Instead the applicant notes that Council approval to strata title the building in the future would be required if the vacancy rate is less than 4%.

### **Sustainability Features**

The applicant has not identified any sustainability features associated with this proposal.

### **Active Transportation Impacts**

The application proposes 16 Class 1 (secure and enclosed) and seven Class 2 (one bike rack) bicycle parking spaces to support active transportation.

### **Public Realm Improvements**

No public realm improvements are proposed in association with this Rezoning Application.

### **Accessibility Impact Statement**

The British Columbia Building Code regulates accessibility as it pertains to buildings.

## Land Use Context

The area is characterized by a mix of commercial, institutional and residential land uses.

## Existing Site Development and Development Potential

The site is presently a vacant lot. Under the current R-2 Zone, the property could be developed as a duplex.

## Data Table

The following data table compares the proposal with the existing R-2 Zone, Two Family Dwelling District, as well as the R3-1 Zone, Multiple Dwelling District, which is seen as a comparable zone as it anticipates similar uses at a similar density. However, there are still numerous aspects of the proposal that would still not meet this zone's requirement. An asterisk is used to identify where the proposal is less stringent than the R3-1 Zone.

| Zoning Criteria                              | Proposal | Existing R-2 Zone               | Zone Standard R3-1 Zone         |
|--|----------|---------------------------------|---------------------------------|
| Site area (m <sup>2</sup> ) - minimum        | 671.50*  | 555.00                          | 920.00                          |
| Density (Floor Space Ratio) - maximum        | 1.38:1*  | 0.50:1                          | 1.20:1                          |
| Total floor area (m <sup>2</sup> ) - maximum | 929.50*  | 280.00                          | 805.80                          |
| Lot width (m) - minimum                      | 15.48    | 15.00                           | n/a                             |
| Height (m) - maximum                         | 12.19    | 7.60                            | 18.50                           |
| Storeys - maximum                            | 4.00     | 2                               | 6                               |
| Site coverage % - maximum                    | 43.00*   | 40.00                           | 30.00                           |
| Open site space % - minimum                  | 15.30*   | 30.00                           | 30.00                           |
| <b>Setbacks (m) – minimum:</b>               |          |                                 |                                 |
| Front  | 2.00*    | 7.50                            | 10.50                           |
| Rear   | 10.85    | 15.20                           | 6.10                            |
| Side (east)                                  | 1.52*    | 1.55                            | 6.10                            |
| Side (west)                                  | 3.64*    | 3.00                            | 6.10                            |
| <b>Parking – minimum</b>                     |          |                                 |                                 |
| Existing Schedule C                          | 5*       | 14                              | 12                              |
| Proposed Schedule C                          | 5*       | 8 (7 residential and 1 visitor) | 8 (7 residential and 1 visitor) |
| <b>Bicycle parking stalls - minimum</b>      |          |                                 |                                 |
| Class 1                                      | 16       | 11                              | 11                              |
| Class 2                                      | 6        | 6                               | 6                               |

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the North Park CALUC at a community meeting held on June 7, 2017. At this meeting, the applicant presented a proposal for a six-storey multi-unit residential building consisting of approximately 17 rental dwelling units. Minutes from the June 7, 2017 CALUC meeting are attached to this report. On June 15, 2017, the applicant submitted a rezoning application for a four-storey multi-unit residential building which caused some confusion; therefore, a second community meeting was held on August 15, 2017 to present the four-storey option. Minutes from the second community meeting are attached to this report.

## ANALYSIS

### Official Community Plan

The subject property is designated Core Residential in the *Official Community Plan, 2012* (OCP), which supports a diverse range of housing types including low and mid-rise multi-unit residential buildings. The subject property is within Development Permit Area 3(HC): Core Mixed-use Residential, which encourages higher density residential development on the edge of the Central Business District.

The OCP also encourages the logical assembly of development sites to enable the best realization of development potential for the area. The site area of the subject property is 671.5m<sup>2</sup>, which is a standard lot size for a duplex. The property to the west (949 Balmoral Road) is an existing parking lot tied to a building on a different lot and there is a rooming house located on the property to the east (959 Balmoral Road). Given the existing neighbourhood context and development potential, land assembly with the adjacent properties is strongly encouraged. All three properties have similar lot areas and lot widths. This approach would avoid mid-block, piecemeal development and achieve higher density residential development more consistent with the policies and objectives in the OCP. The property on the corner of Balmoral Road and Vancouver Street (one property to the east the subject site) is a large site which is occupied by a four-storey apartment building and could easily be redeveloped on its own in the future. Additionally, there are a number of scenarios that could see the lots to the west of the subject site being consolidated and redeveloped. Ideally, the subject site would be consolidated with one or both of the properties on either side of it in order to realize a better site plan with fewer impacts to the adjoining properties while achieving the overall density supported by policy.

If developed on its own, the subject property could handle some additional residential density; however, this would still compromise future redevelopment along this block of Balmoral Road and limit the future redevelopment of the area.

### Density Bonus Policy

In October 2016 Council adopted the *City of Victoria Density Bonus Policy*, which would apply to this proposal. The Policy identifies an amenity contribution target (fixed rate target) for standard rezoning of properties designated “Core Residential (less than 30,000ft<sup>2</sup> of bonus density)” in the OCP of \$129.17 per m<sup>2</sup>. Based on the bonus density calculation, the applicant would be required to provide an amenity contribution in the amount of \$76,694.69 towards the Local Amenities Reserve Fund and to the satisfaction of City Staff.

## **Downtown Core Area Plan**

The subject property is within the Residential Mixed-Use District in the *Downtown Core Area Plan* (DCAP), which supports multi-residential development up to six-storeys and a floor space ratio up to 2:1. The proposal for a four-storey multi-unit residential building with a FSR of 1.38:1 complies with the policies outlined in DCAP; however, staff have concerns with the overall design of the proposal, which will be discussed further in the concurrent report associated with the Development Permit with Variance Application.

## **Tree Preservation Bylaw and Urban Forest Master Plan**

There are no impacts to public trees with this application; however, there is one Horse chestnut tree protected by a Tree Preservation Bylaw on the neighbouring property at 959 Balmoral Road. The applicant provided an arborist report (attached) prepared by Talbot Mackenzie & Associates, which includes a tree assessment and tree impact mitigation measures. The report concluded that the tree may be impacted by the proposed construction; however, the impacts would be minor if floating pavement is installed where the proposed parking spaces overlap with the tree's critical root zone. Pruning would be required to lift the lower canopy above the nearest parking space at the property line and may be required to provide clearance for building construction.

The applicant is not proposing to plant additional trees on the subject property.

## **Statutory Right-of-Way**

A Statutory Right-of-Way (SRW) of 1.22m is required on Balmoral Road in order to achieve the standard width of a secondary collector street of 20.0m in the Highway Access Bylaw. The applicant will provide the SRW and has shown it on the site plan.

## **Regulatory Considerations**

Proposing a four-storey building on a lot with a site area of 671.5m<sup>2</sup> is tight and compromises the site planning with respect to providing sufficient landscaping and open site space, and will also impact the relationship with adjacent properties in the short-term and influence the redevelopment of those lots in the future.

By comparison, the standard R3-1 Zone requires a minimum lot area of 920.00m<sup>2</sup> and allows a maximum FSR of 1.2:1 for a four storey building. The zone also incorporates larger setbacks to allow for some breathing room between neighbouring buildings. If the subject property were consolidated with adjoining lots, the lot area would be approximately 2081.77m<sup>2</sup> which is a similar lot area to the nearby property at 975 Balmoral Road occupied by a four-storey apartment building. A larger site area could easily accommodate a six-storey building with adequate open site space, landscaping, appropriate setbacks, and underground parking. It would also provide more options for site planning and building footprint, and reduce impacts on the Horse chestnut tree. Allowing the subject property to redevelop on its own would limit the redevelopment potential of adjacent lots in the future.

## **CONCLUSIONS**

The proposal to construct a four-storey multi-unit building consisting of 11 rental units is consistent with the OCP and DCAP with respect to the proposed land use and density. The subject property is suitable for some additional higher density residential development,

although, preferably through a land assembly with adjacent properties to enable the best realization of development potential. Staff recommend for Council's consideration that this Rezoning Application is declined.

### ALTERNATE MOTION 1 (Amend Proposal)

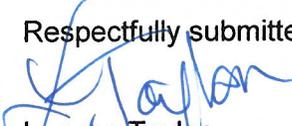
That Council direct staff to work with the applicant to refine the proposal to encourage a better fit with the current neighbourhood context and to minimize potential negative impacts associated with a piecemeal approach to development in this area.

### ALTERNATE MOTION 2 (advance application as presented)

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00598 for 953 Balmoral Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and a Public Hearing date be set once the following conditions are met:

1. Preparation of the following documents, executed by the applicant to the satisfaction of City Staff:
  - a. Statutory Right-of-Way of 1.22m on Balmoral Road.
2. The applicant provide an amenity contribution in the amount of \$76,694.69 toward the Local Amenities Reserve Fund in accordance with the *City of Victoria Density Bonus Policy* to the satisfaction of City Staff.
3. Following consideration of Rezoning Application No. 00487, if approved, that Council authorize staff to prepare and enter into an Encroachment Agreement for a fee of \$750 plus \$25 per m<sup>2</sup> of exposed shored face during construction, to the satisfaction of the City staff.

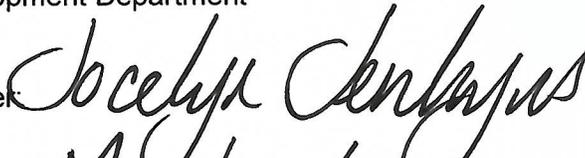
Respectfully submitted,

  
Leanne Taylor  
Senior Planner  
Development Services Department

  
Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

Date:

  
March 6, 2018

#### List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped January 18, 2018
- Attachment D: Package from applicant date stamped November 22, 2017 including Letter To Mayor and Council, correspondence, and Parking Study dated October 27, 2017, prepared by Watt Consulting Group
- Attachment E: Community Association Land Use Committee Comments dated June 7, 2017 and August 15, 2017
- Attachment F: Arborist Report prepared by Talbot Mackenzie & Associates.