



Committee of the Whole Report For the Meeting of July 18, 2019

To: Committee of the Whole **Date:** July 4, 2019
From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development
Subject: Rezoning Application No. 00598 and Development Permit with Variance Application No. 000506 for 953 Balmoral Road

RECOMMENDATION

That Council decline Rezoning Application No. 00598 and Development Permit with Variance Application No. 000506 for the property located at 953 Balmoral Road.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with an update on the Rezoning and Development Permit with Variance Applications for the property located at 953 Balmoral Road. The proposal is to rezone the subject property from the R-2 Zone, Two Family Dwelling District, to a new zone in order to construct a four-storey, multi-unit residential building with a density of approximately 1.38:1 floor space ratio (FSR).

On September 6, 2018, Council passed the following motion (attached):

Rezoning Application No. 00598

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.*
 - b. *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.*
 - c. *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 m² of exposed shored face during construction, to the satisfaction of the City staff.*

Development Permit with Variance Application No. 000506

That, subject to review by the Advisory Design Panel and report back to the Committee of the Whole, 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. 00598, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 000506 for 953 Balmoral Road, in accordance with:

- 1. Plans date stamped January 18, 2018*
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:*
 - i. reduce the required number of parking spaces from 12 to 5*
 - ii. Part 3.3(10): reduce the front yard setback from 10.50m to 2.00*
 - iii. Part 3.3 (10): reduce the side (east) yard setback from 6.10m to 1.52m*
 - iv. Part 3.3(10): reduce the side (west) yard setback from 6.10m to 3.64m*
 - v. Part 3.3(4)(1): increase the site coverage from 30% to 43%*
 - vi. Part 3.3(4)(6)(1): reduce the open site space from 30% to 15.30%*
- 3. Registration of legal agreements on the property’s title to secure the MODO Car Share Vehicle and parking space, car share memberships, one monthly transit pass for each unit over a period of three years (396 monthly passes), and one bicycle for each unit to the satisfaction of City Staff.*
- 4. Revise the landscape plan to indicate floating pavement where the proposed parking spaces overlap with the tree’s critical root zone in accordance with the arborist report prepared by Talbot Mackenzie & Associates.*
- 5. The Development Permit lapsing two years from the date of this resolution.”*

In accordance with Council’s motion above, on October 24, 2018, the Advisory Design Panel reviewed the proposal and provided a recommendation that the applicant make changes related to the massing and side yard setbacks, and provide design consideration to the landscaping, privacy of ground-oriented units, front entryways and balconies on the upper units (minutes attached). In response to the ADP’s comments and recommendation, the applicant made some revisions to the landscaping by adding some landscaping in the front yard, a landscaping strip on the east side of the building and the surface parking area and a trellis system along the rear property line. The applicant also added glazed front doors to soften the front entryways. There are no changes related to the massing and side yard setbacks.

COMMENTS

On October 24, 2018, the Advisory Design Panel passed the following recommendation for Council’s consideration:

That Development Permit with Variances Application No. 000506 for 953 Balmoral Road be approved subject to the following changes:

- increase the side yard setbacks and redistribute the massing to reduce negative impacts on neighbours’ properties, allow for enhanced soft landscaping and improve liveability*
- provide design consideration to enhanced landscaping, attention to street frontage, main entrance sequence, private walk-up entrance and rear parking lot area*
- reconsider the privacy of ground-oriented suites*
- update drawings to include a more consistent depiction of the proposal, including how the windows are detailed, the depth of the façade, shadow studies and 3D renderings*

- *consider the entrances in context of the public realm and streetscape*
- *consider the addition of balconies for the upper units.*

In response to the ADP's comments and recommendation, the applicant made some revisions to the landscaping by adding some landscaping in the front yard, a landscaping strip on the east side of the building and surface parking area and a trellis system along the rear property line. The applicant also added glazed front doors to soften the front entryways. There are no changes related to the massing and side yard setbacks. Staff still have concerns with the overall size, scale and massing, building setbacks, window placement, limited soft landscaping and outdoor open space and the transition between the public and private realm.

From a policy perspective, staff continue to have concerns with the impact that this proposal would have on the future redevelopment of Balmoral Road. The OCP encourages the logical assembly of development sites to enable the best realization of development potential for the area. Given the existing neighbourhood context and development potential, land assembly with the adjacent properties is strongly encouraged. If the subject property were consolidated with one or both of the adjoining properties on Balmoral Road, then this scenario would achieve a higher-density residential development with a greater number of dwelling units consistent with the policies and objectives in the OCP, avoid mid-block, piecemeal development and realize a better site plan with fewer impacts to the adjoining properties. Staff's recommendation is to decline the Rezoning and Development Permit with Variance Applications; however, an alternate motion is provided should Council wish to advance these applications to a Public Hearing.

ALTERNATE MOTION

Rezoning Application No. 00598

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:
 - i. Statutory Right-of-Way of 1.22m on Balmoral Road.
 - ii. 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.

Development Permit with Variance Application No. 000506

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. 00598, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 000506 for 953 Balmoral Road, in accordance with:

1. Plans date stamped May 14, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the required number of parking spaces from 12 to 5

- ii. Part 3.3(10): reduce the front yard setback from 10.50m to 2.00
 - iii. Part 3.3 (10): reduce the side (east) yard setback from 6.10m to 1.52m
 - iv. Part 3.3(10): reduce the side (west) yard setback from 6.10m to 3.64m
 - v. Part 3.3(4)(1): increase the site coverage from 30% to 43%
 - vi. Part 3.3(4)(6)(1): reduce the open site space from 30% to 15.30%.
3. Registration of legal agreements on the property's title to secure the MODO Car Share Vehicle and parking space, car share memberships, one monthly transit pass for each unit over a period of three years (396 monthly passes), and one bicycle for each unit to the satisfaction of City Staff.
 4. The Development Permit lapsing two years from the date of this resolution."

Respectfully submitted,


 Leanne Taylor
 Senior Planner
 Development Services Division





Andrea Hudson, Acting Director
 Sustainable Planning and Community
 Development Department

Report accepted and recommended by the City Manager:



Date:

July 11, 2019

List of Attachments

- Attachment A: Revised plans dated May 14, 2019
- Attachment B: Advisory Design Panel report, October 24, 2018
- Attachment C: Minutes from the Advisory Design Panel meeting on October 24, 2018
- Attachment D: Letter to Mayor and Council dated March 6, 2019
- Attachment E: Letter to Mayor and Council dated May 7, 2018
- Attachment F: Letter to Mayor and Council dated August 17, 2018
- Attachment G: Package from the 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 H: Council minutes, September 6, 2018
- Attachment I: Committee of the Whole report, September 6, 2018
- Attachment J: Committee of the Whole report, June 7, 2018
- Attachment K: Committee of the Whole report, March 15, 2018.