

K. BYLAWS

Councillor Young withdrew from the meeting at 11:56 p.m. due to a pecuniary conflict of interest with the following item, as the applicant is a client of his firm.

K.7 Bylaws for 953 Balmoral Road: Rezoning Application No. 00598 and Development Permit with Variances Application No. 000506

Moved By Councillor Alto

Seconded By Councillor Potts

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1206) No. 19-091

CARRIED UNANIMOUSLY

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

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

1. Housing Agreement (953 Balmoral Road) Bylaw (2019) No. 19-092

CARRIED UNANIMOUSLY

Moved By Councillor Alto

Seconded By Councillor Potts

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 residential parking spaces from **9 to 3**
 - ii. reduce the front yard setback from **4m to 2m**
 - iii. reduce the side (east) yard setback from 6m to 1.52m
 - iv. reduce the side (west) yard setback from 6m to 3.64m
 - v. increase the site coverage from 30% to 43%
 - vi. reduce the open site space from 30% to 15.30%
 - vii. **Reduce the width of a landscape strip from 1 m to nil along the west and south property lines.**
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."

CARRIED UNANIMOUSLY

Councillor Young returned to the meeting at 11:57 p.m.



Council Report

For the Meeting of November 28, 2019

To: Council **Date:** November 25, 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

Rezoning Application No. 00598

That Council give first and second reading of the Zoning Regulation Bylaw Amendment No. 19-091 (Amendment No. 1206), and give first, second, and third readings to Housing Agreement (953 Balmoral Road) Bylaw No. 19-092.

Development Permit with Variances 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 residential parking spaces from **9 to 3**
 - ii. reduce the front yard setback from **4m to 2m**
 - iii. reduce the side (east) yard setback from 6m to 1.52m
 - iv. reduce the side (west) yard setback from 6m to 3.64m
 - v. increase the site coverage from 30% to 43%
 - vi. reduce the open site space from 30% to 15.30%
 - vii. **Reduce the width of a landscape strip from 1m to nil along the west and south property lines.**

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."

EXECUTIVE SUMMARY

The purpose of this report is to present Council with an update regarding the Rezoning and Development Permit with Variances Applications for the property located at 953 Balmoral Road. The proposal is to increase the density to 1.38:1 floor space ratio (FSR) and construct a four-storey, multi-unit residential building. In accordance with Council's motion of July 18, 2019 included below, the necessary conditions that would authorize the approval of applications for the subject property have been fulfilled. The motion from the July 18, 2019 Council meeting is as follows:

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 Variances 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:

3. *Plans date stamped May 14, 2019.*
4. *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%.*

5. *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.*
6. *The Development Permit lapsing two years from the date of this resolution."*

COMMENTS

Parking Variances

The proposed residential parking variance has been adjusted as a result of a requirement to provide one visitor parking space and a MODO car-share parking space on-site. The applicant is proposing to reduce the required number of residential parking spaces from nine to three.

It was also discovered that a variance is required to reduce the width of a landscape strip between a parking space and the west and south property line from 1m to nil. The applicant is proposing a fence along the property line to screen the parking.

Front Yard Setback

The new zone requires a front yard setback of 4m and as a result the proposed front yard setback variance has been adjusted to reflect this requirement.

Housing Agreement

The applicant's letter dated May 7, 2018 states that the applicant is willing to enter a Housing Agreement to ensure that the dwelling units would remain rental for 25 years and that two of the units would be rented at 10% below market rent. A Housing Agreement Bylaw has been prepared and the applicant provided an executed Housing Agreement to secure the above.

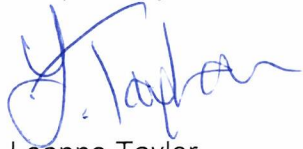
Public Hearing

With regard to the pre-conditions that Council set in relation to these applications, staff can report that the following items have been fulfilled:

- an executed Section 219 Covenant was provided to secure the Transportation Demand Management measures
- an executed Section 219 Covenant and easement were provided for a 1.22m Statutory Right-of-Way on Balmoral Road
- the amenity contribution of \$76,694.69 is secured in the new zone.

The recommendation provided for Council's consideration contains the appropriate language to advance these applications to a Public Hearing and an Opportunity for Public Comment.

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:

Nov 27, 2019

List of Attachments

- Attachment A: Council minutes dated July 18, 2019.

F. LAND USE MATTERS**F.1 Rezoning Application No. 00598 and Development Permit with Variance Application No. 00506 for 953 Balmoral Road (North Park)**

Councillor Young left the meeting at 9:10 a.m. due to non-pecuniary conflict with this item as his former clients are involved with this project.

Council received a report from the Acting Director of Sustainable Planning and Community Development in regards to a proposal to build an 11 unit rental dwelling apartment building. Staff recommend the application be declined due to the lack of changes to massing and side yard setbacks.

Committee discussed:

- *Advantages and disadvantages of the project*

Moved By Councillor Alto

Seconded By Councillor Dubow

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."

FOR (6): Mayor Helps, Councillor Alto, Councillor Loveday, Councillor Potts, Councillor Collins, and Councillor Thornton-Joe

OPPOSED (1): Councillor Dubow

CARRIED (6 to 1)