



Committee of the Whole Report For the Meeting of July 14, 2022

To: Committee of the Whole **Date:** June 30, 2022

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

Subject: **Rezoning Application No. 00789 for 450 Dallas Road and associated Official Community Plan Amendment and Development Permit with Variances Application No. 00177**

RECOMMENDATION

Rezoning Application

That Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 475 of the *Local Government Act* and the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00177 for 450 Dallas 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. Submission of revised plans that address the following:
 - a. Design of the Lewis Street and Dallas Road intersection to City standards, to the satisfaction of the Director of Engineering and Public Works.
 - b. Confirm the location of the PMT and the conceptual conduit routing in the City right-of-way to the PMT shown on the civil plan, and indicate "reinforced boulevard as per BC Hydro and Parks Division standards" at the PMT location on Menzies Street in the boulevard area, on both the civil plan and landscape plans.
 - c. Label the SRW on the Utility Plan and ensure the water vault is located on private property in the SRW.
 - d. Show the tree locations in the City right-of-way on the Utility Plan.
 - e. Confirm the boulevard landscaping in the SRW along Lewis Street and ensure the civil plan matches the landscape plans.
2. Preparation of legal agreements executed by the applicant to secure the following with the form and contents to the satisfaction of the Director of Sustainable Planning and Community Development and the City Solicitor:
 - a. Secure the building as rental in perpetuity.

- b. Secure a minimum of eight three-bedroom units within the proposed building.
3. Preparation of legal agreements executed by the applicant to secure the following with the form and contents to the satisfaction of the Director of Engineering and Public Works and the City Solicitor:
 - a. Secure a minimum of 160 long-term bicycle stalls including 10 cargo bicycle stalls, electrical charging capabilities for 50% of the long-term bicycle stalls, a bicycle repair station, car share memberships and a \$100 credit to the car share program for all the units, two car share vehicles and two publicly accessible car share vehicle stalls.
 - b. Secure intersection improvements to the Lewis Street and Dallas Road intersection.
 - c. Secure a Statutory Right-of-Way of 2.4m along the Lewis Street and Menzies Street frontages.
4. That Council consider who is affected by the proposed changes to the Official Community Plan, and determine that the following persons, organizations and authorities will be affected:
 - a. those within a 200 metre radius of the subject property;
5. That Council provide an opportunity for consultation pursuant to Section 475 of the *Local Government Act*, and direct the Director of Sustainable Planning and Community Development to:
 - a. mail a notice of the proposed OCP Amendment to the persons within a 200 metre radius of the subject property; and
 - b. post a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
6. That Council consider that no consultation is necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; or the provincial or federal governments or their agencies because the proposed OCP amendment does not affect them.

Development Permit with Variances Application

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. 00789, if it is approved, consider the following motion:

1. That Council authorize the issuance of Development Permit with Variances Application No. 00177 for 450 Dallas Road, in accordance with:
 - a. Plans date stamped March 25, 2022.
 - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. increase the number of storeys for a second building from six to seven
 - ii. reduce the street boundary setback on Menzies Street from 5.0m to 2.81m
 - iii. reduce the internal lot line setback from 4.0m to 0.70m
 - iv. reduce the residential vehicle parking from 100 stalls to 56 stalls.
2. That the Development Permit, if issued, lapses in two years from the date of this resolution.

LEGISLATIVE AUTHORITY

This report discusses a Rezoning Application, Official Community Plan Amendment and a concurrent Development Permit with Variances Application. The relevant rezoning consideration of the proposal is to increase the density while the relevant Development Permit with Variances considerations relate to the application's consistency with design guidelines and the impact of 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, the location of uses on the land and within 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.

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, 2012* (OCP). 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 commercial, industrial and multi-family 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.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application, Official Community Plan Amendment and Development Permit with Variances Application for the property located at 450 Dallas Road. The proposal is to rezone from the R3-H Zone, High Density Dwelling District to a new zone in order to construct a seven-storey residential rental building (six storeys plus rooftop access) with approximately 54 units while retaining the existing twelve-storey residential building to the east. There is a concurrent Development Permit with Variances Application pertaining to the proposed form, character, exterior design, finishes and landscaping, and variances related to number of storeys, north and east setbacks, and residential vehicle parking stalls.

The following points were considered in assessing the Rezoning Application:

- The proposal to increase the density from 1.68 to 2.41 Floor Space Ratio (FSR) exceeds the urban place designation of the *Official Community Plan, 2012* (OCP) which envisions densities up to 2.0 FSR and would require an Official Community Plan Amendment. The proposal is supportable as the rental tenure of the building is being secured in perpetuity, nearly 30% of the provided units will be family-sized units, the design of the building is sympathetic to the neighbourhood and the building creates a positive street relationship.

- The proposal to increase the height from six to seven storeys is inconsistent with the envisioned six-storey height in the OCP but is supportable as the building reads as six storeys and the seventh storey is only for the rooftop access and mechanical room.
- The proposal is inconsistent with limiting heights to three to four stories within the *James Bay Neighbourhood Plan* (1996). However, the applicant has created a step back at the fourth storey of the north portion of the building. In addition, the proposal is consistent with the Plan's recommendation to provide a range of housing opportunities, as the proposal provides a variety of unit typologies including eight three-bedroom units.
- The proposal is consistent with the *Tenant Assistance Policy*.
- The new vehicle access will be located off Lewis Street, which is consistent with the *Highway Access Bylaw*. To address traffic calming on Lewis Street, a driveway-style intersection design will be used to more clearly present Lewis Street as a pedestrian-friendly neighbourhood street, additional road markings will be installed further delineating the no parking zone, and additional landscape improvements will be secured through a legal agreement.

The following points were considered in assessing the Development Permit with Variances Application:

- The proposal is generally consistent with the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development* as it provides a transition in height both from the 12-storey building and to the rest of the neighbourhood. It also creates a positive street relationship for both street frontages, incorporates a modern architectural expression of the existing and adjacent 12-storey building and is well landscaped both at ground level and on various rooftops.
- The proposal to increase the number of storeys from the six anticipated in the OCP to seven is supportable as the seventh storey is only for the mechanical room and the amenity space access and otherwise the building presents as six-storeys.
- The proposal to reduce the street boundary setback on Menzies Street from 5.0m to 2.81m is supportable as this new setback is for the one-storey parkade exit stairs and would have minimal impact on the street relationship.
- The proposal to reduce the internal lot line setback from 4.0m to 0.70m is supportable as this setback is for the one-storey bicycle room. A green wall is proposed to minimize the impact and above the first storey the building has a 4.0m or greater setback.
- The proposal to reduce the residential vehicle parking from 100 stalls to 56 stalls is supportable as the applicant is proposing an extensive Transportation Demand Management program, including long term bicycle stalls beyond Bylaw requirements, a bicycle repair station, car share memberships for each of the units, two car share vehicles and two car share stalls.

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone from the R3-H Zone, High Density Dwelling District to a site-specific zone for a new seven-storey, 54-unit rental building located to the west of an existing twelve-storey residential building on the same site. The proposed building presents as six-storeys but is defined by the *Zoning Regulation Bylaw* as seven-storeys due to the mechanical room and amenity access located on the rooftop.

The following changes from the current R3-H Zone are being proposed and would be accommodated in the new zone:

- increase the density from 1.68 to 2.41 FSR
- reduce the street boundary setback from 15m to 5m
- reduce the internal lot line setback from 5.95m to 4.0m
- increase the site coverage from 14% to 67%.

The request to amend the *Official Community Plan, 2012 (OCP)* is necessary in order to increase the density above the Urban Residential place designation which envisions densities of up to approximately 2.0 FSR.

The associated Development Permit with Variances Application is for the design of the new seven-storey rental building and associated landscaping. Specific details include:

- a six-storey building mass that steps down to four storeys at the rear to provide a transition to the northern single-family dwellings
- individual entries for the ground floor units on Lewis Street
- main entrance fronting onto Dallas Road and located adjacent to the existing 12-storey building
- private amenity space through balconies and at-grade patios, and common amenity space on a rooftop patio
- access to a new underground parkade from Lewis Street.

Exterior materials include:

- stack bond brick at the base of the building
- ceraclad ceramic coated vertical panels
- prefinished alucobond panel
- precast fibre cement sculptural panels.

Landscaping elements include:

- rain gardens along the Dallas Street frontage
- four new boulevard trees and a sidewalk along the Lewis Street frontage
- painted metal pergolas and gates for the ground floor units on Lewis Street
- rooftop gardens on levels two, five and six
- a common rooftop amenity space with various seating arrangements.

The proposed variances are related to:

- increasing the number of storeys for a second building from six to seven
- reducing the street boundary setback on Menzies Street from 5.0m to 2.81m
- reducing the internal lot line setback from 4.0m to 0.70m
- reducing the residential vehicle parking from 100 stalls to 56 stalls.

Land Use Context

The area is characterized by a variety of residential uses, including single family dwellings, duplexes, townhouses and multi-unit residential buildings.



Existing Site Development and Development Potential

The site is presently used as a multi-unit residential development. The 12-storey building has 57 units within it and the three-storey building that is proposed for demolition has 16 units within it.

Under the current R3-H Zone, High Density Dwelling District, the property could be developed as a 12-storey multi-unit residential building and a density up to 1.68 FSR.

Data Table

The following data table compares the proposal with the existing R3-H Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone. The relevant policy for the Urban Residential urban place designation is included where applicable.

Zoning Criteria	Proposal	Existing R3-H Zone	OCP Urban Residential
Site area (m ²) – minimum	2935.95	2787	
Density (Floor Space Ratio) – maximum	2.41*	1.68	~2.0

Zoning Criteria	Proposal	Existing R3-H Zone	OCP Urban Residential
Total floor area (m ²) – maximum	7077	N/A	
Lot width (m) – minimum	48.77	N/A	
Height (m) – maximum	23.8 (proposed) 32.86 (existing)	34	
Storeys – maximum	7 (proposed) 12 (existing)	N/A	~6
Site coverage (%) – maximum	66.67*	14	
Open site space (%) – minimum	46.14	40	
Setbacks (m) – minimum			
Street boundary (Dallas Road)	8.26*	15	
Street boundary (Lewis Street)	5.89 (proposed patios)* 6.59 (proposed balconies)* 7.20 (proposed building face)* 4.73 (existing)*	15	
Street boundary (Menzies Street)	2.81 (proposed parkade exit stairs)*	15	
Internal lot line (north)	0.70*	5.95	
Entrance canopy or steps to a street	4.73*	12	
Parking – minimum			
Residential	56*	100	
Visitor	11	11	
Bicycle parking stalls – minimum			

Zoning Criteria	Proposal	Existing R3-H Zone	OCP Urban Residential
Short Term	6 (proposed) 6 (existing)	6 (proposed) 0 (existing)	
Long Term	160	63	

Active Transportation

The application proposes the following features which support active transportation:

- 160 long term bicycle stalls, including ten cargo bicycle stalls
- 50% of the long-term bicycle stalls will be equipped for electric bicycle charging
- twelve short term bicycle stalls located near the main entrances
- a bicycle repair station located in the underground parkade.

The existing 12-storey building is exempt from long-term bicycle parking requirements. However, the applicant is proposing 97 more stalls than required by *Schedule C*, which is still more than would be required if the 12-storey building was not exempt, and the proposed stalls would be available to all residents of the property.

The excess long-term bicycle stalls and the bicycle repair station would be secured via a legal agreement.

Public Realm

The applicant is proposing a driveway-style intersection crossing of Lewis Street at Dallas Road to further emphasize pedestrian priority. This treatment continues the sidewalk through the intersection and will prompt slower vehicle speeds through grade, material, and texture cues. This would also be secured with a legal agreement.

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 23, 2021. Mailed notification was sent to owners and occupiers of the property within 200m 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 virtual community meeting with the CALUC on July 14, 2021. A letter dated July 16, 2021 along with the comment forms are attached to this report.

In response to the consultation, the applicant has added eight three-bedroom units to diversify the unit mix and added more family units. In addition, the applicant returned to the CALUC in September 2021, engaged in discussions with Lewis Street residents on December 16, 2021 and engaged on numerous occasions with City Staff in determining solutions to traffic calming on Lewis Street.

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.

ANALYSIS

Official Community Plan (OCP) Amendment Application

The proposal includes a request to amend the OCP to increase the density from 2.0 to 2.41 FSR.

OCP Consultation

The *Local Government Act* (LGA) Section 475 requires a Council to provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected by an amendment to the OCP. Consistent with Section 475 of the LGA, Council must further consider whether consultation should be early and ongoing. This statutory obligation is in addition to the Public Hearing requirements. In this instance, staff recommend for Council's consideration that notifying owners and occupiers of land located within 200 metres of the subject site along with posting a notice on the City's website will provide adequate opportunities for consultation with those affected.

The OCP Amendment Application to permit densities exceeding the Urban Place Designation of Urban Residential will allow the proposed Floor Space Ratio of 2.41. Through the Community Association Land Use Committee (CALUC) Community Meeting process all owners and occupiers within a 200 metre radius of the site were notified and invited to participate in a Community Meeting; therefore, the consultation proposed at this stage in the process is recommended as adequate and consultation with specific authorities, under Section 475 of the LGA, is not recommended as necessary.

Should Council support the OCP amendment, Council is required to consider consultation with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board and the provincial government and its agencies. However, further consultation is not recommended as necessary for this amendment to the Urban Place Designation as this matter can be considered under policies in the OCP.

Council is also required to consider OCP Amendments in relation to the City's *Financial Plan* and the *Capital Regional District Liquid Waste Management Plan* and the *Capital District Solid Waste Management Plan*. This proposal will have no impact on any of these plans.

Rezoning Application

Official Community Plan

The subject site is designated as Urban Residential in the *Official Community Plan, 2012* (OCP), which envisions low to mid-rise multi-unit residential buildings up to approximately six-storeys and density up to approximately 2.0 Floor Space Ratio (FSR). An OCP amendment is required to increase the density to 2.41 FSR, which is considered supportable as the new building would provide a transition from the existing 12-storey building to the lower density neighbourhood to the north and west. The place character features envisioned for lands designated Urban Residential, include variable yard setbacks with primary doorways facing the street, front yard landscaping and off-street parking located at the rear or underground.

The proposed building meets the broad objectives of the OCP, as it provides new rental housing, presents as six-storeys, has primary doorways facing the streets at ground-level, and has extensive landscaping. Although the density of 2.41 FSR exceeds the envisioned density of 2.0 FSR in the OCP, the massing of the proposed building is broken up through variation in the façade and step backs at upper levels.

James Bay Neighbourhood Plan

The *James Bay Neighbourhood Plan* (1996) identifies the site within the Residential district, which envisions apartments generally limited to three to four storeys. Although the proposal is for a massing of six-storeys, the applicant has created a step back at the fourth storey of the north portion of the building to address the envisioned four-storey height limit in the neighbourhood plan policy, which has the added benefit of providing a more sensitive transition to the lower density area to the north. The Plan also recommends providing a range of housing opportunities, which the proposal provides through its variety of unit composition, including eight three-bedroom units.

Inclusionary Housing and Community Amenity Contribution Policy

The proposal is for a purpose-built rental project, which will be secured in perpetuity through a legal agreement. However, this application qualifies as an atypical rezoning due to the OCP Amendment and would normally require an economic analysis to be conducted to determine if there is a land lift. In this instance, the applicant would prefer to advance the application without an economic analysis. Similar proposals for rental buildings have not generated a land lift, and as such staff do not believe an economic analysis is necessary.

Housing

The application, if approved, would add approximately 38 new residential rental units, which would increase the overall supply of housing in the area and contribute to the targets set out in the *Victoria Housing Strategy*.

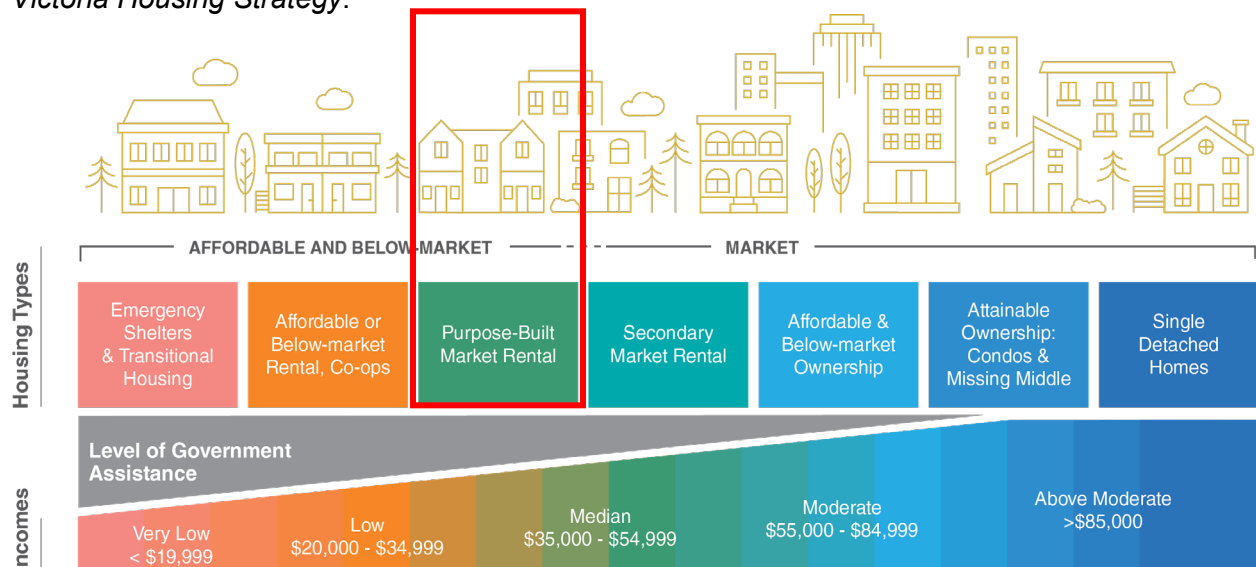


Figure 1. Housing Continuum

Affordability Targets

The proposal consists of approximately 54 residential rental units at market rates.

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. As submitted, this application proposes 19 studios, 20 one-bedrooms, 7 two-bedrooms and 8 three-bedrooms. The applicant has agreed to secure the provision of at least eight three-bedrooms in a Housing Agreement.

Security of Tenure

A Housing Agreement is being proposed which would secure the building as rental in perpetuity.

Existing Tenants

The proposal is to demolish an existing building which would result in a loss of 16 existing residential rental units. Consistent with the Tenant Assistance Policy, the applicant has provided a Tenant Assistance Plan which complies with the policy and is attached to this report.

The applicant has met the policy requirements related to compensation, moving expenses, and Right of First Refusal at 20% below market rates. Tenants will also be given the option to move into an adjacent building on-site. The applicant has agreed to provide frequent and regular communication to tenants throughout the project and will be providing an update on Tenants Requiring Additional Assistance at Public Hearing.

Highway Access Bylaw

The Highway Access Bylaw regulates vehicle access to public highways. On corner lots with more than one street frontage, the driveway crossing is to be sited on the street having the more minor classification. This is to reduce potential conflicts between road users. The subject site has three frontage streets: Dallas Road (Secondary Arterial), Menzies Street (Collector), and Lewis Street (Local). The existing driveway crossing on Menzies Street is considered legal non-conforming and the new access to the additional vehicle parking proposed is allocated to the lesser classified Lewis Street, which is consistent with the Highway Access Bylaw. The driveway crossing on Lewis Street will also provide a more direct two-way access to the site, reducing circuitous routing associated with the one-way south-bound nature of Menzies Street.

As previously noted, the applicant has engaged with the CALUC and neighbouring residents on several occasions to determine how to address traffic calming on Lewis Street. In collaboration with City staff, the applicant has developed a driveway-style intersection design that more clearly presents Lewis Street as a lower volume, pedestrian-friendly neighbourhood street. This treatment continues the sidewalk through the intersection and further prompts slower vehicle speeds through grade, material and texture cues. Additional road markings further delineating the no parking zone, along with landscape improvements, are proposed at the corner of Lewis Street and Dallas Road to improve sight lines between road users. These road improvements would be provided by the applicant and secured through a Section 219 covenant.

Development Permit with Variances Application

Official Community Plan: Design Guidelines

The *Official Community Plan, 2012* (OCP) identifies this property within Development Permit Area (DPA) 16: General Form and Character. The objectives of this DPA are to:

- integrate new buildings in a manner that complement and enhance the established place character of an area through high quality architecture, landscape and urban design
- provide a sensitive transition to adjacent and nearby areas
- achieve more liveable environments through considerations for human scaled design, high quality open spaces, privacy impacts, safety and accessibility.

The applicable design guidelines within DPA 6A are the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development* (2012), *Advisory Design Guidelines for Buildings, Signs and Awnings* (1981) and the *Guidelines for Fences, Gates and Shutters* (2010). The proposal is generally consistent with the Design Guidelines in the following ways:

- the proposal provides a transition in height both from the 12-storey building to the rest of the neighbourhood as well as towards the rear with the step back at four-storeys
- the design of the ground plane creates a positive street relationship for both street frontages
- the proposed building incorporates a modern architectural expression of the existing and adjacent 12-storey building through the roof overhangs and the decorative frieze
- the proposal is well landscaped both at ground level and on various rooftops
- parking is generally located underground where possible, with accessible and car share stalls located at-grade and close to the street.

In addition, the *James Bay Neighbourhood Plan* encourages retention of significant buildings in the neighbourhood as well as a visual harmony of form and scale between new buildings and adjacent residential units. Further, streetscapes should be improved and upgraded by restricting new development to fit with existing structures through sympathetic design, scale, form and materials to surrounding units. Finally, the Plan envisions new multi-unit residential development be limited to three to four storeys. In response to this last objective, the applicant has created a step back at the fourth storey of the north portion of the building, which also has the added benefit of providing a more sensitive transition to the single-family dwelling to the north. Therefore, the proposal is generally consistent with these goals and objectives.

Variances

Number of Storeys

The proposal to increase the number of storeys from six to seven is supportable as the seventh storey is only for the mechanical room and the amenity space access. Despite this technicality, the massing of the building presents as six storeys.

Setbacks

The proposal to reduce the street boundary setback on Menzies Street from 5.0m to 2.81m is supportable as this new setback is for the one-storey parkade exit stairs and would have minimal impact on the street relationship. The existing 12-storey building is also within this setback at 4.73m from the property line, but this is a legally non-conforming condition.

The proposal to reduce the internal lot line setback from 4.0m to 0.70m is supportable as this setback is for the one-storey long-term bicycle room and will therefore have minimal impacts on the neighbouring property. A green wall is proposed on the north facade to minimize potential impacts and above the first storey the building steps back to a 4.0m or greater setback.

Parking

The proposal to reduce the residential vehicle parking from 100 stalls to 56 stalls is supportable as the applicant is proposing an extensive Transportation Demand Management program to offset the number of vehicle trips. This program includes 160 long-term bicycle stalls (97 stalls more than required by *Schedule C*), 10 cargo bicycle stalls, a bicycle repair station, car share memberships and \$100 in car share credit for each of the units, two car share vehicles and two publicly accessible car share stalls. The 160 long term bicycle stalls would also be available to the residents of the 12-storey building, who currently only have 10 long-term stalls. The 160 stalls is still 33 stalls more than *Schedule C* would require if both buildings were new developments.

Accessibility

The building is compliant for accessibility as required by the *British Columbia Building Code*. The applicant has provided one accessible vehicle parking stall in the underground parkade and one accessible parking stall for visitors at-grade and has worked with staff to incorporate the emerging City of Victoria van accessible standards. In consultation with staff, the applicant is also proposing an additional accessible parking space for on-street parking complete with an accessible let down mid-block and clearances to adjacent street parking spaces.

Sustainability

As indicated in the applicant's letter dated March 24, 2022, the following sustainability features are associated with this proposal:

- extensive Transportation Demand Management program including car share memberships, two car share vehicles and secure bicycle parking that exceeds City minimums
- Energy Star rated appliances, motion sensor lighting and programmable thermostats to reduce energy consumption
- low flow plumbing fixtures, high efficiency irrigation system and native and adaptable planting to improve water efficiency
- green roofs on levels two, four and six.

Advisory Design Panel Review

The application was reviewed by the Advisory Design Panel (ADP) on September 22, 2021. At that meeting, the following motion was passed:

"That the Development Permit with Variances Application No. 00177 for 450 Dallas Road be approved as presented."

The ADP unanimously endorsed the proposal, and no changes were requested. The ADP communicated to staff the desire to further consider the relocation of the parking access from Lewis Street to Menzies Street, recognizing the narrow two-way dead-end condition of Lewis

Street. Staff have investigated this option but concluded the parkade access must be off Lewis Street, which is further discussed in this report under the Highway Access Bylaw heading above.

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 neighborhoods. This application was received after October 24, 2019, therefore Tree Preservation Bylaw No. 05-106 (consolidated November 22, 2019) applies, protecting trees larger than 30cm diameter at breast height (DBH).

There is one (1) bylaw protected private tree being removed along Lewis Street. It is Tree #863/#13645 *Acer pseudoplatanus* (Sycamore maple) with a DBH of 90cm. There are no other bylaw or non-bylaw protected trees affected by the development. Similarly, there are no off-site trees being affected.

There are no municipal frontage trees being impacted by this development although there are a total of 10 new municipal trees proposed to be planted; four (4) along Lewis Street, three (3) along Dallas Street, and three (3) along Menzies Street. These will be in taxed boulevards and the species of tree will be identified by the Parks Department through a Building Permit Application. Underground parking will not extend to the property line but will stop at the SRW; therefore, adequate soil volume should be available for the street trees, which will also be irrigated.

A total of 64 private tree species of varying sizes will be planted as part of this development. Of the 64 trees, two of the larger species at-grade will be bylaw protected as replacement trees for the one existing bylaw protected tree being removed as part of the proposal. In total, there are approximately 38 trees proposed to be planted at-grade, seven trees on level 2, five on level 3, and 14 on level 4. The trees on levels 2-4 will be smaller species requiring less soil volumes. Any private trees to be planted on structures should have adequate soil volumes to support the planned species.

CONCLUSIONS

Although the proposal exceeds the envisioned densities within the Urban Residential designation in the OCP, numerous other OCP objectives are achieved such as residential rental housing, family-sized units, and quality urban design. In addition, the proposed development is generally consistent with the relevant Design Guidelines, provides a transition from the 12-storey building to the lower density neighbourhood and positively contributes to an active street frontage. Therefore, staff recommend that Council consider supporting the OCP Amendment, Rezoning and Development Permit with Variances Applications.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00789 for the property located at 450 Dallas Road.

Respectfully submitted,

Mike Angrove
Senior Planner – Development Agreements
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: Subject Map
- Attachment B: Plans date stamped March 25, 2022
- Attachment C: Letter from applicant to Mayor and Council dated March 24, 2022
- Attachment D: Parking Study & Transportation Demand Management Plan dated November 29, 2021
- Attachment E: Access Review Memorandum dated March 23, 2022
- Attachment F: Arborist Report dated November 15, 2021
- Attachment G: Minutes from the Advisory Design Panel Meeting on September 22, 2021
- Attachment H: Tenant Assistance Plan
- Attachment I: Community Association Land Use Committee Comments dated July 16, 2021
- Attachment J: Pre-Application Consultation Comments from Online Feedback Form
- Attachment K: Correspondence (Letters received from residents).