



## Planning and Land Use Committee Report For the Meeting of November 26, 2015

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**To:** Planning and Land Use Committee                      **Date:** November 12, 2015  
**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development  
**Subject:** Development Permit Application No. 000443 for 257 Belleville Street

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### RECOMMENDATION

That Committee forward this report to Council and that Council consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 000443 for 257 Belleville Street in accordance with:

1. Plans date stamped November 9, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Development Permit lapsing three years from the date of this resolution.”

### LEGISLATIVE AUTHORITY

In accordance with Section 920(2) of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan (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 920(8) 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 Development Permit Application for the property located at 257 Belleville Street. The application site is currently occupied by the Admiral Inn.

On July 21, 2011, a Rezoning Application was 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. A Development Permit was subsequently approved allowing an eight-storey residential building containing 35 residential units. This permit was renewed by Council in 2013 for a three-year period. The current Development Permit is set to

expire in January 2016. The applicant is now seeking to renew this permit for an additional three years. The current Application is identical to the previously approved submission and no variances to the *Zoning Regulation Bylaw* are proposed.

The following points were considered in analysing this application:

- the proposal is consistent with an existing Development Permit Application approval
- it is considered that the proposal is consistent with the policies outlined in both the *Downtown Core Area Plan* and the new *Official Community Plan* which have both emerged since the first Development Permit approval was issued in July 2011.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to construct an eight-storey residential building in the form previously approved by Council in July 2011 and January 2013. 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 Cross Street frontage serves as the primary access point to the development. Cross Street is a public street but serves only as the access point to the application site and the existing development at Laurel Point. At street level, the building includes a covered pick-up and drop-off point for residents as well as an underground parking entry.

### **Sustainability Features**

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.

### **Active Transportation Impacts**

The application proposes the following features which support active transportation:

- 35 Class 1 bicycle parking spaces
- 6-space Class 2 bicycle rack.

### **Public Realm Improvements**

The following public realm improvements are being offered by the applicant in association with this Development Permit Application and have already been secured with 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 for the Harbour Pathway Fund (payment to be provided at Building Permit).

**Existing Site Development and Development Potential**

The current zoning applicable to the application site allows for multiple dwellings in a building with a maximum height of 30m and maximum floor space ratio of 3.0:1, subject to specific community amenities being provided to the City. The required community amenities are as follows:

- (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 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. Subject to the terms of a Covenant registered on title, items (b) and (c) must be resolved prior to commencing construction of the development.

**Data Table**

The following data table compares the proposal with the existing R-65 Zone, Belleville Street Multiple Dwelling District:

Zoning Criteria	Proposal	Zone Standard R-65
Site area (m <sup>2</sup> ) - minimum	2053.88	2000.00
Density (Floor Space Ratio) - maximum	3.00:1	3.00:1
Total floor area (m <sup>2</sup> ) - maximum	6153.22	6161.64
Height (m) - maximum	29.54	30.00
Storeys - maximum	8	n/a
Site coverage % - maximum	42.36	45.00
Open site space % - minimum	40.00	40.00
Setbacks (m) - minimum		
Front (Cross Street)	4.58	4.50
Rear (Belleville Street)	0.40	0.40
Side (Pendray Street)	2.52	2.50
Side (Interior)	0.19	nil
Parking - minimum	40	40
Visitor parking (minimum) included in the overall units	4	4
Bicycle parking stalls (minimum)	35	35

## **Community Consultation**

This Application does not propose any variances and, therefore, has not been referred to the James Bay Neighbourhood Association Land Use Committee.

## **ANALYSIS**

The main issues with the Development Permit application relate to:

- the consistency of the proposal with City Design Guidelines that have emerged since the proposal was originally approved in July 2012, namely those identified in new *Official Community Plan (OCP)* and the *Downtown Core Area Plan*
- the extended Development Permit expiration date requested by the applicant.

## **Development Permit Area and Design Guidelines**

The form and character of this development has previously been scrutinized by staff, the Planning and Land Use Committee and Council and was deemed acceptable. The initial Development Permit approval was also subject to review by the Advisory Design Panel (ADP) and their recommendations were reflected in both the approved and current plans. The proposal is generally consistent with the new *Official Community Plan* and *Downtown Core Area Plan* which have both emerged and been adopted since the first approval was granted.

The proposal is entirely consistent with an existing valid Development Permit that is scheduled to expire on January 17, 2016.

## **Extended Development Permit Expiration Date**

In accordance with Section 926 of the *Local Government Act*, the City normally grants a Development Permit approval for a period of two years. If construction associated with the approved development has not been substantially started within that two-year period, the application will lapse. The applicant has requested that Council extend the Development Permit period, in this instance, to three years for the following reasons:

- the current owner bought the property on September 30, 2015 and requires additional time to complete working drawings and complete the building permit application
- a three-year Development Permit approval allows the applicant to complete working drawings, create a marketing plan and achieve the required pre-sales without the constant pressure of the Permit expiration looming.

The applicant's rationale is outlined in more detail in their letter to Mayor and Council (attached). Council may choose to specify a date on which the Development Permit expires and make that date more than two years from the issue of that Development Permit.

Staff have no objections to the proposed three-year Development Permit approval on the basis that, as the *Official Community Plan* and *Downtown Core Area Plan* have recently been adopted, the applicable strategic policy objectives and Design Guidelines are unlikely to be subject to significant change within the approval period.

## **Resource Impacts**

There are no resource impacts anticipated.

## CONCLUSIONS

The proposal is consistent with the City's policies and design guidelines. The proposed design approach is considered to represent an appropriate fit for the area. The proposed development is subject to an existing Development Permit and there has been no change in circumstance which would justify an alternative recommendation in this instance.

## ALTERNATE MOTIONS

### Option 1

"That Council authorize the issuance of Development Permit Application No. 000443 for 257 Belleville Street in accordance with:

1. Plans date stamped November 9, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Development Permit lapsing two years from the date of this resolution."

### Option 2

That Council decline the application.

Respectfully submitted,

Mike Wilson  
Senior Planner - Urban Design  
Development Services Division

JH.

Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

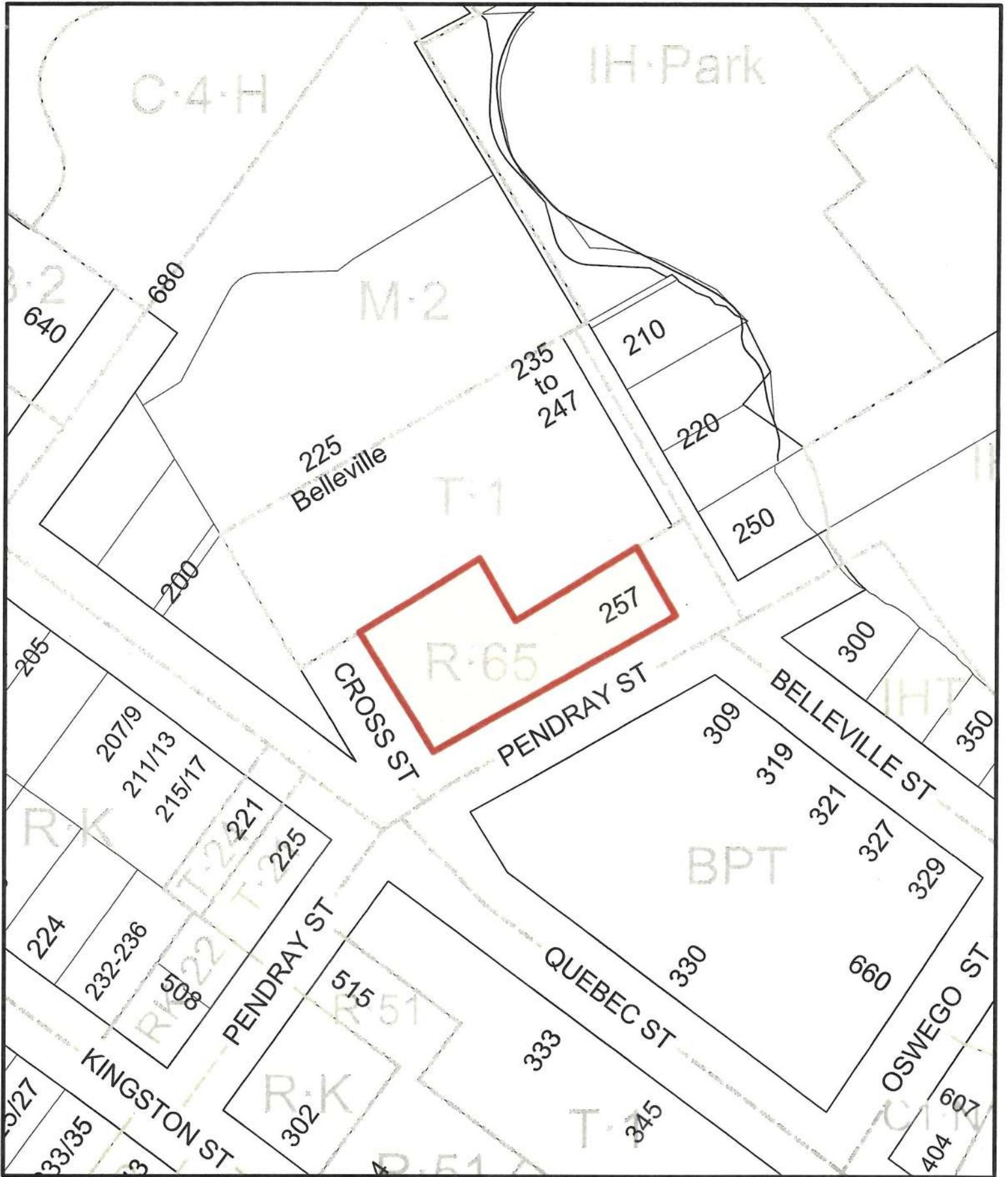
Report accepted and recommended by the City Manager:

Date:

November 17, 2015

## List of Attachments

- Zoning map
- Aerial map
- Letter from applicant dated October 24, 2015
- Plans dated November 9, 2015.



257 Belleville Street  
 Development Permit #000443





257 Belleville Street  
Development Permit #000443



alan lowe architect inc.

14 October 2015

City of Victoria  
#1 Centennial Square  
Victoria, British Columbia  
V8W 1R6

Attention: Mayor Helps and Councillors

Re: 257 Belleville Street, Victoria British Columbia, Development Permit Application

Your Worship Mayor Helps and Councillors;

On behalf of our client, ADZ Properties Ltd. we would like to request another three year extension on the approved development permit for the project at 257 Belleville Street. Development permit #000291 was issued on January 17, 2013 and will expire on January 17, 2016. Our client purchased the property on September 30, 2015 and would like the opportunity to review the existing plans, focus on their target market, and have time to complete their working drawings for their building permit.

The project has already contributed the \$74,000 amenity contribution towards the David Foster Harbour Pathway along Belleville Street between Oswego and Pendray. This was constructed in 2012. The other two community amenity contributions, construction of a plaza at the corner of Belleville Street and Pendray Street valued at least \$121,000, and the payment to the City of Victoria of \$312,000 to be placed in the Harbour Pathway Fund, will be resolved prior to the commencing construction of the development.

We have resubmitted the same plans that were approved on January 17, 2013 with no changes. We trust that Council will approve this extension so our client can have the time to develop their marketing plan, achieve their pre-sales, and develop their construction plans. Should you have any questions, please contact us at 250-360-2888.

Yours truly,



Alan Lowe

cc. Client

