

AGENDA ITEM NO: 7.9

MEETING DATE: July 4, 2023

**STAFF REPORT – COVER SHEET**

SUBJECT: Arch Developments Ltd.  
Rezoning / 46120 & 46130 First Avenue  
and 9164 Nowell Street DATE: June 28, 2023

DEPARTMENT: Planning Department  
RZ001608, DVP01353 & DP001583 PREPARED BY: Stella Xiao / sw

---

**1. SUMMARY OF ISSUE:**

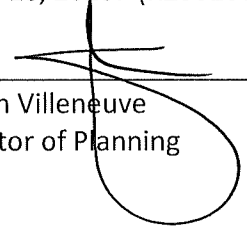
The applicant wishes to rezone the subject properties from an R2 (Urban Residential Transition) Zone to an R5 (Low Rise Apartment) Zone to facilitate the construction of an apartment building. Once the Bylaw has been to public hearing, staff recommend that Council give third reading and adoption to the Bylaw with respect to the properties located at 46120 & 46130 First Avenue and 9164 Nowell Street.

A concurrent Development Variance Permit application has been submitted to vary Zoning Bylaw standards as detailed within the report.

As the properties are within Development Permit Area No. 6 (Infill), a Development Permit for "form and character" is required and further described within the report.


**2. RECOMMENDATION:**

Recommendation that "Zoning Bylaw Amendment Bylaw 2023, No. 5321", which proposes to rezone properties located at 46120 & 46130 First Avenue and 9164 Nowell Street from an R2 (Urban Residential Transition) Zone to an R5 (Low Rise Apartment) Zone, be given first and second reading; and further, that a Public Hearing be called for July 18, 2023. (RZ001608)

  
\_\_\_\_\_  
Gillian Villeneuve  
Director of Planning

**3. CHIEF ADMINISTRATIVE OFFICER'S  
RECOMMENDATION/COMMENTS:**

Supports recommendation.

  
\_\_\_\_\_  
Chris Crosman  
Chief Administrative Officer

**STAFF REPORT ON REZONING APPLICATION RZ001608, DEVELOPMENT VARIANCE PERMIT APPLICATION  
DVP01353 & DEVELOPMENT PERMIT APPLICATION DP001583**

PREPARED BY: Stella Xiao DATE: June 28, 2023

POSITION: Planner I DEPARTMENT: Planning Department

---

**1. DEFINITION OF ISSUE:**

The applicant wishes to rezone the subject properties from an R2 (Urban Residential Transition) Zone to an R5 (Low Rise Apartment) Zone to facilitate the construction of an apartment building. Once the Bylaw has been to public hearing, staff recommend that Council give third reading and adoption to the Bylaw with respect to the properties located at 46120 & 46130 First Avenue and 9164 Nowell Street.

A concurrent Development Variance Permit application has been submitted to vary the following Zoning Bylaw standards:

- reduce the interior side lot line setback from 6.75m to 6.15m for the 4<sup>th</sup> storey, and from 7.5m to 6.15m on the 5<sup>th</sup> storey on the east property line to accommodate the internal staircase and 4<sup>th</sup> storey balconies;
- increase the building height from 17.5m to 20.3m to incorporate a varied roofline and access to the rooftop amenity area;
- permit off-street parking spaces in association with a multi-unit development to be directly accessed from a highway (rear lane);
- waive the requirement for a landscaping strip to be provided between off-street parking spaces and a public highway (rear lane); and,
- waive the requirement for a common amenity area to have a minimum contiguous area of no less than 200m<sup>2</sup> for the indoor amenity area on the second-storey.

As the properties are within Development Permit Area No. 6 (Infill), a Development Permit for “form and character” is required as detailed below.

**2. PROPOSAL:**

In summary, the proposal includes:

- a 6-storey 48-unit apartment building, all being small apartment units;
- a modern building design with a complementary colour scheme;
- ample landscaping along the property frontages and throughout the rooftop common amenity area; and,
- sufficient off-street parking.

The final lot layout must comply with City Bylaws and include urban frontage improvements on First Avenue and Nowell Street including barrier curb, sidewalk and LED streetlighting, as well as rear lane paving to City standards. The requirements of the Tree Management (Land Development) Bylaw and Floodplain Regulation Bylaw apply to the development.

### 3. REZONING:

The applicant requests to rezone the subject properties to the R5 (Low Rise Apartment) Zone to facilitate construction of a 6-storey apartment building. As the parcels are located close to the downtown core, in proximity to transit and commercial services, the increased density and building height permitted within the R5 Zone is considered appropriate in this location and in keeping with the existing “Residential 3 – Low Rise Apartment” designation of the Downtown Land Use and Development Plan. Furthermore, existing apartment buildings and townhouses extend along First Avenue to the east and west of the subject properties. As such, the proposal is in keeping with the redevelopment trend in the area and respects the overall character of the neighbourhood.

### 4. DISCUSSION REGARDING VARIANCES:

Overall, the proposed development is a high-quality addition to the area. The design of the building and site is visually appealing and will be architecturally consistent with the existing residential developments within the surrounding area. A discussion in relation to the proposed variances is provided below.

#### Setbacks

As shown on the rendering below, the variances requested for interior side lot line setback (from 6.75m to 6.15m for the 4<sup>th</sup> storey and from 7.5m to 6.15m on the 5<sup>th</sup> storey) only apply to the internal stairwell and 4<sup>th</sup> storey balconies, whereas the remainder of the 4<sup>th</sup> and 5<sup>th</sup> storeys are both stepped back to 7.5m to reduce the impact of massing on the neighbouring property. To provide greater privacy for the adjacent site, the stairwell windows are proposed to be frosted. Building articulation and projections including the balconies on the 4<sup>th</sup> storey serve to ease the transition between the building face and protruding stairwell, reducing the perception of a difference between the two sections. As the stairwell constitutes a small portion of the eastern wall, the potential impact of a reduced setback is anticipated to be minimal.



### Building Height

The applicant requests to increase the maximum building height from 17.5m to 20.3m to create visual interest through a varied roofline as well as to provide access to the rooftop amenity area. The proposed roofline creates a more appealing design through vertically extending building articulation, in addition to incorporating accessibility to the outdoor common amenity area. Furthermore, the architectural details incorporated into the roofline are not expansive and have a limited impact on the overall massing of the building. As such, the requested variance is considered supportable.

### Landscaping and Access for Parking

Although the Zoning Bylaw requires all parking for apartment developments to be accessed via a single driveway to a street or lane, in this instance, parking spaces which have direct access to and from the lane are proposed in addition to the gated parkade and as such, a variance is required. This parking layout is consistent with surrounding developments and due to the low traffic volume on the lane, does not pose a concern for vehicle movement, as confirmed by the Engineering Department. As such, parking spaces which have direct access to the lane are considered appropriate. To facilitate this layout, the applicant has also requested to waive the requirement for a landscape bed to be provided between this parking area and the lane as the provision of landscaping would block access to the parking. As screening of parking located in a rear lane is not warranted, the proposed variance is considered supportable.

### Common Amenity Area

Based on the total number of units proposed, a minimum of 400m<sup>2</sup> of common amenity area is required to be provided, with no area being less than 200m<sup>2</sup>. Although the applicant has provided a total combined common amenity area of 468m<sup>2</sup> divided between a 322m<sup>2</sup> outdoor amenity area on the rooftop and a 146m<sup>2</sup> interior amenity area on the 2<sup>nd</sup> storey, the indoor space does not meet the minimum contiguous area of 200m<sup>2</sup>. As such, a variance is required to facilitate this layout. As the total common amenity area provided exceeds the minimum requirement and the indoor space includes two balconies, a bar kitchen, and a bathroom, there is ample opportunity to configure the space for a range of uses and as such the requested variance is considered acceptable.

## **5. DEVELOPMENT PERMIT CONSIDERATIONS:**

As demonstrated by the attached checklist evaluation for DPA 6, the proposed apartment development generally complies with the Multi-family Infill Development Design Guidelines. A summary of the DPA 6 guidelines can be found below. For information, a copy of the proposed site plan, landscape plan and colour elevations are attached.

### Summary and CPTED Review

In support of the application, the applicant has also submitted a CPTED (Crime Prevention Through Environmental Design) report prepared by *AMR Systems Ltd.*, which is attached for information. A summary of the CPTED assessment is shown in the table below:

CPTED Elements	Recommendations	
	✓ included in the design	✗ not included in the design
<b>Natural Access Control</b>		<ul style="list-style-type: none"> <li>✗ Consider adding glazing (either in the form of side lites or glazed doors) in all entrances into and out of stairwells, exits, and communal spaces to promote visibility and safety.*</li> <li>✗ A coded gate and door should be considered at the entrances of the lobbies and parking area to prevent unwanted users from obtaining access after hours.**</li> <li>✗ Visible hydro / electrical boxes to be vinyl wrapped to deter graffiti or be screened from public view.*</li> </ul>
<b>Natural Surveillance</b>		<ul style="list-style-type: none"> <li>✗ Consider adding windows to the east wall of building to promote Natural Surveillance and provide intrigue and interest to the wall face.***</li> <li>✓ Provide lighting at the following areas: visitor parking, mailboxes, pedestrian routes from visitor parking, main entrance doors of each unit, exterior side of garage doors, any internal walkways and main pedestrian routes.*</li> </ul>
<b>Territoriality</b>		<ul style="list-style-type: none"> <li>✓ Have a well-lit complex sign along First Avenue and Nowell Street and clearly identify all entrances to the building on the property.*</li> </ul>
<b>Maintenance</b>		<ul style="list-style-type: none"> <li>✓ Landscaping should include ground-cover shrubs around the building which do not grow taller than the underside of any windowsill, and which are located at least 2 ft (0.6m) from all entrances.**</li> <li>✓ Trim any large vegetation (i.e., trees) to maintain sightline of 6 feet under the canopy.**</li> <li>✓ Confirm the garbage enclosure is locked and screened from public view to avoid unwanted users from accessing the waste. This allows for a cleaner development which will be a positive influence on the surrounding area.**</li> </ul>
<p>* Included as a condition within the draft Development Permit.</p> <p>** All landscaping and building maintenance will be at the discretion of the strata once the building is occupied.</p> <p>*** Due to the proximity of the building to the adjoining lot to the east, the applicant has reduced the number of windows on the eastern wall to preserve the privacy of the neighbouring parcel.</p>		

## 6. DESIGN REVIEW AND ADVISORY COMMITTEE:

The Design Review Advisory Committee (DRAC) reviewed the subject Development Permit application and associated variances on June 13, 2023 and made the following recommendation:

*That the Design Review Advisory Committee supports DP001583 and recommend Council approve the application subject to the following conditions:*

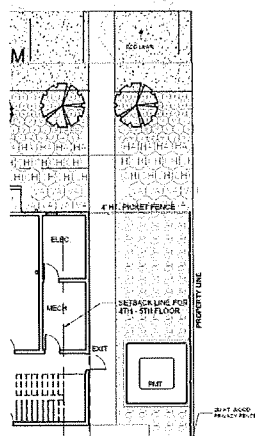
1. *that all utility equipment, including mailboxes and mechanical equipment, be wrapped or screened from public view through a combination of landscaping, vinyl adhesives, and/or fencing;*
2. *that a detailed lighting plan be submitted prior to the issuance of a Building Permit with lighting provided at the following areas: visitor parking, mailboxes, pedestrian routes from visitor parking, main entrance doors of each unit, exterior side of garage doors, any internal walkways and main pedestrian routes;*
3. *that a well-lit complex sign is provided at the main entrance to the building;*
4. *that decorative bicycle racks be provided for all publicly accessible spaces;*
5. *that programming to accommodate younger age groups be incorporated into the outdoor common amenity area;*
6. *that additional plantings or a structure be provided in the rooftop common amenity area to provide shade on the south and west sides of the space;*
7. *that all tree species utilized along the street frontages are selected to accommodate the overhead power lines;*
8. *that additional planting be provided along the northeast property line to increase visual interest and screening of the utility box;*
9. *that additional and varied colours or building materials be incorporated onto both the east and west building elevations to provide further visual interest and reduce massing; and,*
10. *that an irrigation system be incorporated throughout all landscape areas within the property.*

The applicant was present and agreed to all conditions of the Development Permit (DP001583). In response, revised plans were submitted with the following:

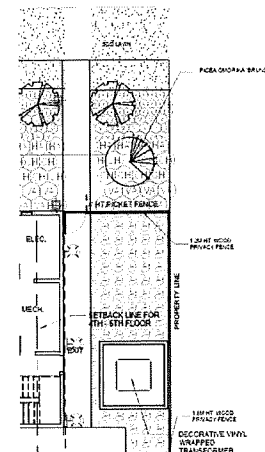
### Condition 1 and 8

In response to the first and eighth conditions, an additional conifer tree was added between the PMT and First Avenue along with vinyl wrapping to provide further screening in addition to the previously provided tree and 1.2m fencing. A condition has been added to the draft Development Permit (DP) to ensure compliance.

Original



Revised



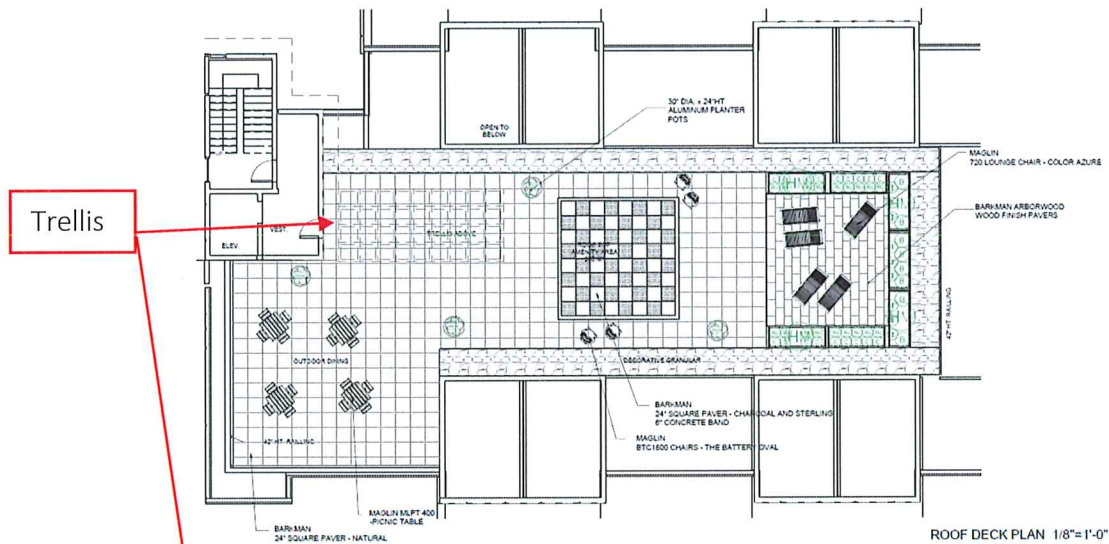
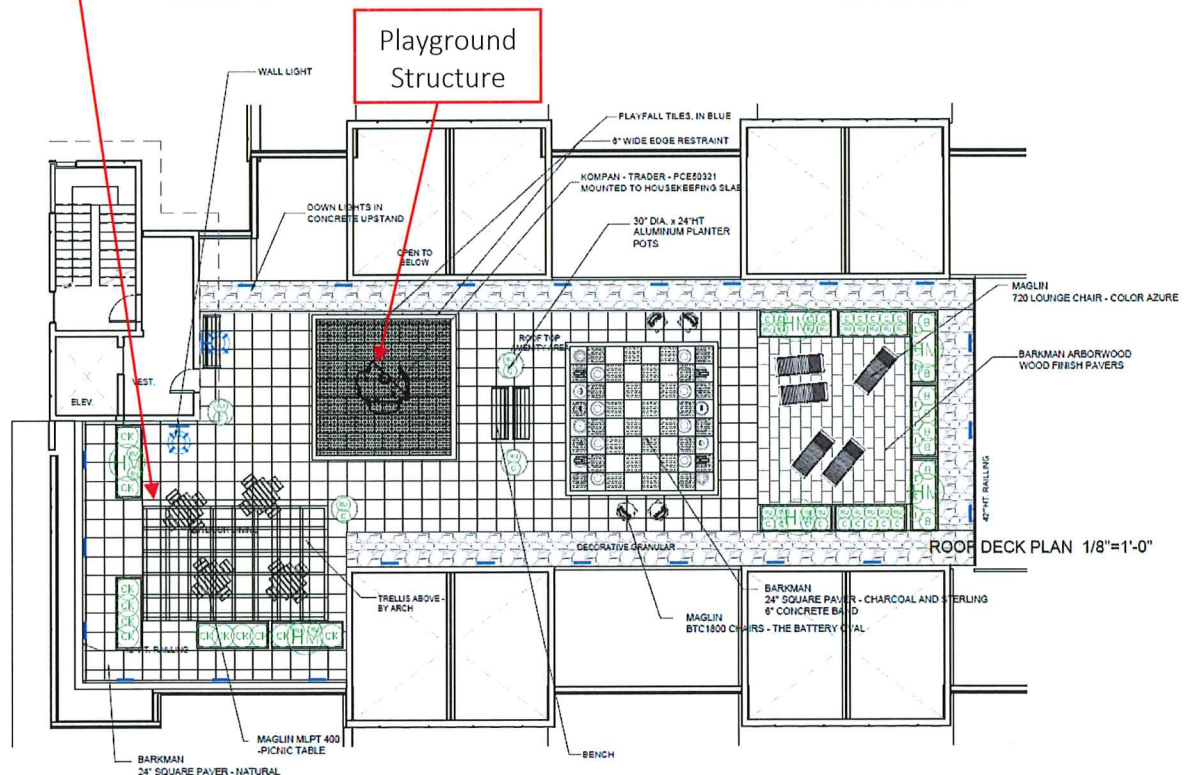


**Condition 2**

A conceptual lighting plan was submitted in response to the second condition; however, a final lighting plan will be required at time of Building Permit application, indicating lighting provided at the following areas: visitor parking, mailboxes, pedestrian routes from visitor parking, main entrance doors of each unit, exterior side of garage doors, any internal walkways and main pedestrian routes. As such, this condition has been included within the draft DP.

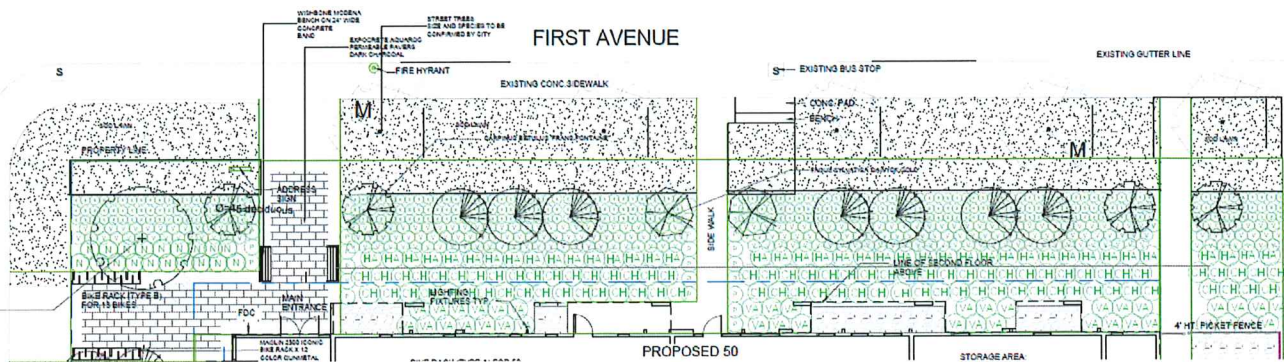
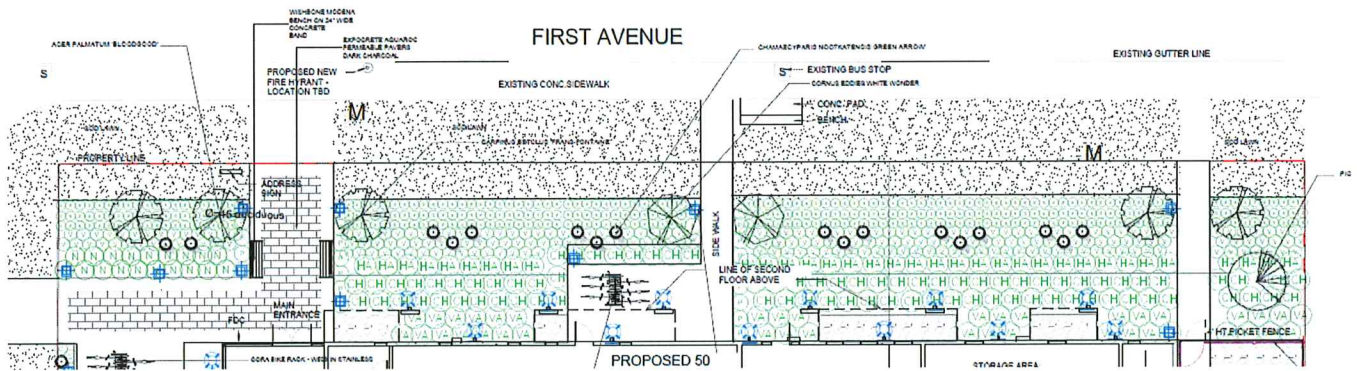
**Conditions 5 & 6**

In response to DRAC's recommended condition for children's programming, a play structure was added to the rooftop common amenity area on a play fall tile surface. The previously provided trellis was also relocated to the southwest corner of the amenity area with additional plantings framing the area to address DRAC's fifth condition. Both conditions have been included within the draft DP to ensure inclusion at time of Building Permit application.

OriginalRevised

**Condition 7**

In response to the seventh condition, the tree species were revised. The proposed 4 *Carpinus betulus* 'Frans Fontaine' and 2 *Fagus sylvatica* 'Dawyck Gold' were replaced with 19 *Chamaecyparis nootkatensis* 'Green Arrow' and 2 *Cornus Eddie's* 'White Wonder'; however, the latter two species have not been confirmed to be appropriate in proximity with overhead power lines. As such, a condition has been included within the draft permit to ensure that all tree species in proximity to the overhead power lines are in accordance with Schedule "E" of the Tree Management Bylaw, or as approved by the City Arborist.

**Original****Revised**



**Condition 9**

The east and west building elevations were revised to provide additional and varied colours and building materials by removing all black accent stucco to brighten the two building faces and adding red metal panel accents throughout to add visual interest.

Original

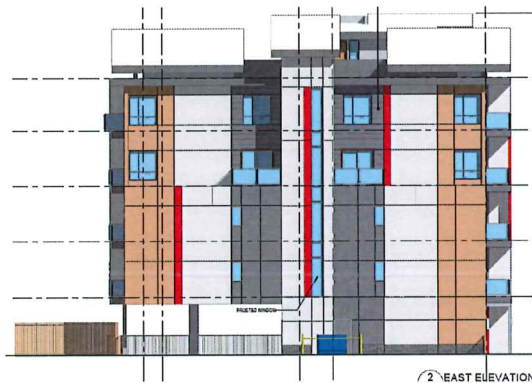
East  
Elevation



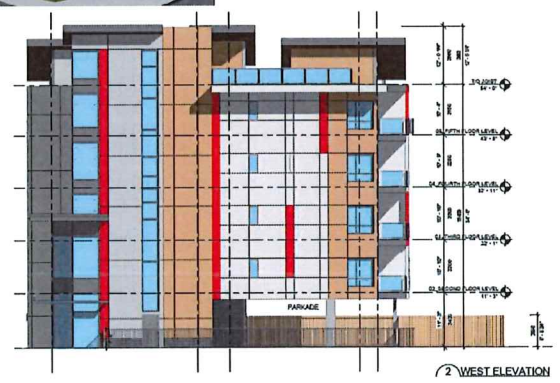
West  
Elevation

Revised

East  
Elevation



West  
Elevation

**Conditions 3, 4 and 10**

The applicant agreed to the inclusion of the remaining conditions (#3, 4, and 10) within the draft Development Permit to be completed at time of Building Permit application.

**7. FACTORS:****7.1 2040 Official Community Plan (OCP) / Land Use / Community Engagement**

Official Community Plan:

“Residential 3” as designated in the Downtown Land Use & Development Plan within the Official Community Plan

Land Use:	The properties are occupied by single family homes and associated ancillary buildings. All structures will be demolished at time of redevelopment.
Community Engagement:	The applicant advised that on June 13, 2023, letters were mailed out to properties within 30m of the subject property detailing the application. At time of report writing, no responses have been received. A summary of the community engagement has been included as “Attachment A”.

## **7.2 Neighbourhood Character**

The subject properties are located in a transitioning area of downtown which has experienced significant redevelopment and densification within the recent past. The properties are surrounded by the following land uses:

North, East, and West:	Mature single detached dwellings within the R2 (Urban Residential Transition) Zone.
South:	Mature single detached dwellings within the R1-A (Urban Residential) Zone and a duplex within the R1-B (Urban Duplex Residential) Zone.

While the development immediately surrounding the subject properties is all low-density residential built forms, the subject properties is in close proximity to higher density apartments on both the east and west sides along First Avenue.

## **7.3 Technical Issues:**

Floodplain:	The properties are located within the protected area of the floodplain, and as such, are subject to the Floodplain Regulation Bylaw.
Watercourses:	There are no known watercourses within, or in the immediate vicinity of, the subject properties.
Geotechnical:	The properties are not subject to any known geotechnical hazards or earthquake-related risks.

## **7.4 Conditions of Issuance:**

Staff support the requested variances as proposed by the applicant and recommend approval of the draft DVP and DP, subject to DRAC’s recommended conditions.

**8. RECOMMENDATION & SUBSTANTIATION:****Recommendation:**

Recommendation that “Zoning Bylaw Amendment Bylaw 2023, No. 5321”, which proposes to rezone properties located at 46120 & 46130 First Avenue and 9164 Nowell Street from an R2 (Urban Residential Transition) Zone to an R5 (Low Rise Apartment) Zone, be given first and second reading; and further, that a Public Hearing be called for July 4, 2023. (RZ001608)

**Substantiation:**

The proposed rezoning is considered to be in keeping with the overall vision of the Official Community Plan to provide context-sensitive densification and diverse housing options within close proximity to various services. In addition, the proposed development continues the gradual transition of the form and character from the downtown core to a mix of low- and medium- density residential development along First Avenue.

The proposed variances to setbacks and building height serve to provide access to rooftop amenity space and articulate the building to create visual appeal. Through providing frosted windows for the stairwell and maintaining building setbacks for all walls of the remainder of the building face, the impact of the variance to setbacks will be mitigated. The use of varied colours and heights softens the impact of the taller building height, with the resulting design meeting the intent of the Design Guidelines for DPA 6. The proposed variance for the common amenity area, direct access to off-street parking from the rear lane, and landscaping between the lane and parking spaces are considered minor in nature with little impact to both the surrounding area and future tenants of the development.

The development is also consistent with the Design Guidelines for Development Permit Area No. 6 (Infill) by creating a visually appealing frontage through the use of varied building materials and a complementary colour scheme. The overall massing is also consistent with the apartment development in the surrounding area thereby integrating seamlessly into the neighbourhood.

**9. DEVELOPMENT PERMIT AREA NO. 6 DESIGN GUIDELINE CHECKLIST:**

Design Guidelines		Yes/No	Comments
<b>1.1</b>	<b>Landscaping &amp; building materials</b>		
	Preserve existing trees where possible	No	No existing trees are proposed to be preserved.
	Utilize tree species & vegetation common to area	Yes	All tree species proposed are consistent with the Tree Management Bylaw. A total of 27 trees are proposed, exceeding the Tree Management Bylaw requirement of 11 trees.
	Use varied building materials (i.e. combinations of wood, brick, rock, etc.)	Yes	The proposed exterior finishes include: horizontal Hardie siding, stucco, metal fascia, metal panels, and cultured stone.
<b>2.1</b>	<b>Building shape &amp; form</b>		
	Provide visual variety in building form, shape & character	Yes	The design provides visual interest along the building façades by using varied rooflines, building articulation and textures to create visual interest.

	Avoid large expanses of blank façade	Yes	The design avoids large expanses of blank façade by using a variety of materials, colours and building articulation. The east elevation, while lacking windows on the lower levels to preserve the privacy of the neighbouring property, retains visual interest through the use of a variety of colours and material.
	Use a variety of complementary colors	Yes	The proposed exterior finishes include a variety of complementary colours including shades of brown, grey and white with red accents. A copy of the material legend is attached within the elevations.
<b>3.1</b>	<b>Physically integrate development with adjacent development</b>		
	Shared access, consolidate open space, etc.	No	As the site is on a corner adjacent to single detached house, shared access or open space is not possible.
<b>3.2</b>	<b>Scale, mass &amp; form is sensitive to adjacent properties</b>		
	Height not to exceed more than 8m above adjacent historically significant home	N/A	There are no significant historical buildings adjacent to the site.
	Use articulation, vary materials and colors to provide visual relief	Yes	A complementary colour scheme with diverse building materials, and horizontal and vertical building articulation serves to create a visual relief.
	Series of modules fit together	Yes	Varying architectural treatments create a design where the buildings appear as a series of individual units that fit together.
	Differentiate between pedestrian-level commercial and upper level residential development	N/A	No commercial development is proposed.
	Consideration of views from adjacent developments	Yes	While the scale and massing of the proposed development is larger than that of the surrounding area, the stepping back of the building on the east side reduces the potential impact on the adjacent property. The open parkade design also softens the massing of the street level from the rear lane.
<b>4.1</b>	<b>Maximize a positive impact on the street</b>		
	Preserve & integrate existing natural features where possible	N/A	No existing natural features to preserve or integrate.
	Orient development towards street	Yes	The main entrance of the apartment is oriented to First Avenue and includes pedestrian pathway connections to the front entrance from both streets, in addition to visitor bicycle parking.
	Locate development close to & parallel to street	Yes	There is a 2.5m supplementary setback for future road widening required along from First Avenue. The proposed development is located as close to the street as permitted in the proposed R5 Zone while accommodating the supplementary setback, with orientation towards First Avenue.
	Consider impact of sun, wind & shadows on site	Yes	The proposed site design/layout minimizes any impacts by providing articulation, recesses and landscaping to soften the exterior.
<b>4.2</b>	<b>Locate mechanical equipment and service areas out of public view</b>		
	Locate or screen mechanical and operational equipment from the view of tenants and from	Yes	Utility equipment will be screened from public view through a combination of landscaping, vinyl wrapping, and fencing,



	the street		while mail boxes are located within the apartment lobby.
<b>5.1</b>	<b>Entrances into the development must be highly visible, easy to find and logical in location.</b>		
	Emphasize vehicle entrance through additional landscaping, tree planting, appropriate signage & lighting	Yes	The vehicle entrance is clearly defined through landscaping and a security gate at the rear of the property. The pedestrian entrance at the front of the building is clearly marked with address signage.
	Define pedestrian & vehicle corridors	Yes	No direct vehicle access to the front of the development is proposed, and the pedestrian access corridor provided from the rear lane is clearly defined via painting. All other pedestrian corridors are distinctly separated from vehicular spaces.
<b>5.2</b>	<b>Parking areas must be adequate in size, efficient in layout and safe in location and design</b>		
	Parking areas are visually secured all day	Partial	There is a clear view of the covered parking area from the rear lane and a partial view from Nowell Street. Parking is partially secured via picket fences and an access gate; however, there may be an opportunity to increase the security of the fencing provided as some covered portions of the parking area are only visually secured from the rear.
	Provide parking areas that are easily accessible but do not dominate the user's first impression of the site	Yes	Parking is accessible from the rear of the site and does not dominate the first impression.
	Avoid the provision of parking in the front yard	Yes	No parking is provided at the front of the property.
	Adequate conceal underground parking	N/A	No underground parking proposed.
	Avoid large expanses of contiguous parking	Partial	All resident parking is located within the internal covered area whilst the visitor parking from the rear lane is only separated by the pedestrian pathway, apart from the one space at the east end of the property.
	Use landscaping to soften the impact of parking area	Partial	While it is not feasible to provide landscaping within the covered parking area, lingonberry plants separate the visitor and resident parking at the rear.
<b>6.1</b>	<b>Building entrances must be highly visible, attractive and inviting to the pedestrian</b>		
	Clearly identify and orient the primary pedestrian entrance to the street	Yes	The primary pedestrian entrance is oriented towards First Avenue, clearly identified via large windows, a distinct roofline, and address signage. Pedestrian pathways over 3m wide provide direct connection between the main building entrance and the City sidewalks from both streets.
	Provide separate ground-level entrances for commercial and residential developments	N/A	No commercial development proposed.
	Provide a suitable transition from public (street) to semi-private to private (entrance) through scale, detail, and sense of enclosure	Yes	The proposed landscaping at the front provides a suitable transition between public, semi-private and private space coupled with the use of recessed doors and windows at ground level along First Avenue. Landscaping along the pedestrian pathways paired with an address sign, bicycle parking and benches, provide a sense of enclosure and guide visitors to the entrance, which is further emphasized by signage above the main building entrance.

<b>6.2</b>	<b>Enhance the pedestrian experience by providing interest at the street level</b>		
	Set back building facades to create amenity areas that interact with the street	Yes	Recessed doors and windows at the ground level imparts the appearance of opportunities for interaction with the street, while balconies from the second storey and upward provide ample potential for interactions.
	Use various materials and design techniques to create through-visibility or transparency, (e.g. windows, see-through landscaping and fencing, etc.) at ground level	Yes	A combination of landscaping and faux windows generates a sense of transparency along both the First Avenue and Nowell Street frontages. Some visibility to the storage and mechanical rooms is provided from the rear through windows.
	Have a pedestrian oriented building base of 1 to 3 storeys that is distinct from upper storey developments	Partial	While true pedestrian connection and orientation is limited as the first storey is predominantly occupied by a parking structure, the mechanical room, and storage, the design distinguishes this level from the residential units on the storeys above through the use of grey metal pillars creating a recessed area at ground level for a more visually interesting pedestrian experience.
	Provide architectural detail to capture pedestrian attention	Yes	The building articulation, ground-level entrance, large windows, variety of building materials/colours, and the incorporation of landscaping all serve to intrigue pedestrians.
<b>6.3</b>	<b>Design outdoor spaces to provide a sanctuary for its occupants</b>		
	Create useable, accessible and highly visible onsite people places and amenity areas (e.g. paths, courtyards, upper level decks, playground areas, etc.)	Yes	The rooftop common amenity area is easily accessed from stairs or the elevator and the use of landscape beds, patio trellises, and variety of seating configurations enables a wide range of uses.
	Accommodate the year-round use of outdoor spaces by considering environmental conditions (e.g. sun angles and prevailing winds)	Yes	All units are equipped with at least one balcony meeting the minimum private amenity space requirements. Landscaping and trellises in the outdoor common amenity spaces shield the area from prevailing winds and harsh afternoon sunlight.

## 10. SOURCES OF INFORMATION:

- Rezoning Application (RZ001680) – March 1, 2022
- Development Permit Application (DP001583) – May 30, 2022
- Development Variance Permit Application (DVP01310) – April 18, 2023
- Development Application Review Team (DART) Minutes – August 18, 2022 & March 9, 2023
- Crime Prevention Through Environmental Design (CPTED) assessment prepared by *AMR Systems Ltd.* – October 17, 2022

Location Map



Orthophoto



**City of Chilliwack**

**Bylaw No. 5321**

**A bylaw to amend the “Zoning Bylaw 2020, No. 5000”**

---

The Council of the City of Chilliwack in open meeting assembled enacts as follows:

1. This bylaw may be cited as **“Zoning Bylaw Amendment Bylaw 2023, No. 5321”**.
2. “Zoning Bylaw 2020, No. 5000” is hereby amended by rezoning properties described as:
  1. PID: 003-883-604, North Half (Reference Plan 6420) Lots 10 and 11 Block 25 Division “E” New Westminster District Plan 1737 (46120 First Avenue);
  2. PID: 001-850-890, Lot 9 Block 25 Division “E” New Westminster District Plan 1737 (46130 First Avenue); and,
  3. PID: 000-689-769 / 000-689-777, South Half of Lots 10 and 11 Block 25 Division “E” New Westminster District Plan 1737 (9164 Nowell Street);from an R2 (Urban Residential Transition) Zone to an R5 (Low Rise Apartment) Zone.

Received first and second reading on the  
Public hearing held on the  
Received third reading on the  
Received adoption on the

---

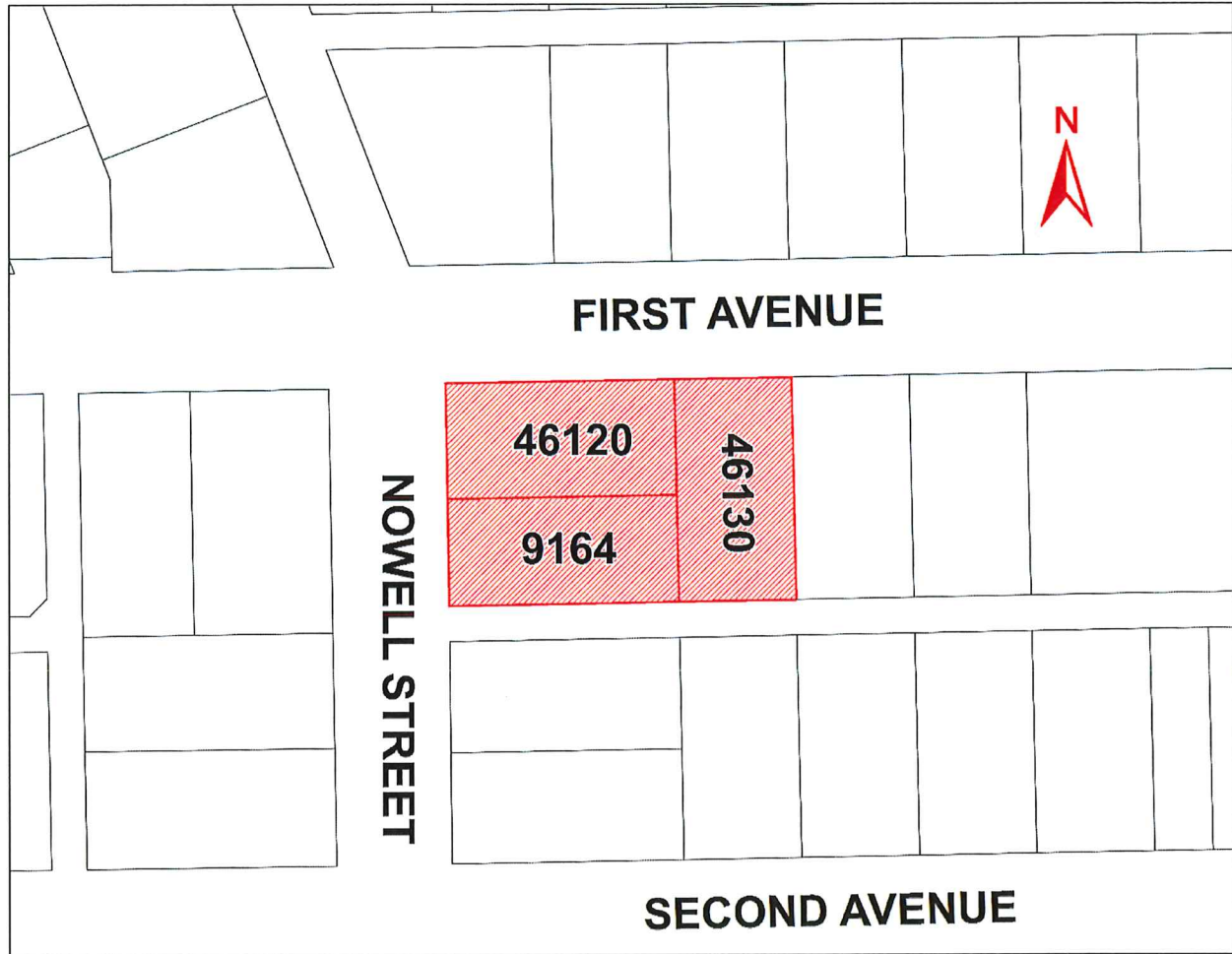
Mayor

---

Corporate Officer



**“Zoning Bylaw Amendment Bylaw 2023, No. 5321”**





## SCHEDULE "A"

### CITY OF CHILLIWACK

#### DEVELOPMENT VARIANCE PERMIT NO. DVP01353

To:	Arch Developments Limited	Kumar Architecture Ltd.	Vikram Jeet Dutta
	107 - 470 Kingsway	206 – 545 Clyde Avenue	228 - 63rd Avenue East
	Vancouver, BC V5T 3J9	West Vancouver, BC V7T 1E3	Vancouver, BC V5X 2J7

1. This Development Variance Permit is issued subject to compliance with all of the Bylaws of the City of Chilliwack applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies only to those lands within the City of Chilliwack described below, to facilitate a new apartment development, and, does not apply to any additions or subsequent replacement of any and all buildings and structures and other development thereon:

Parcel Identifier No. 003-883-604  
Legal Description: NORTH HALF (REFERENCE PLAN 6420) LOTS 10 AND 11 BLOCK  
25 DIVISION "E" NEW WESTMINSTER DISTRICT PLAN 1737  
Address: 46120 First Avenue

Parcel Identifier No. 001-850-890  
Legal Description: LOT 9 BLOCK 25 DIVISION "E" NEW WESTMINSTER DISTRICT  
PLAN 1737  
Address: 46130 First Avenue

Parcel Identifier No. 000-689-777  
Legal Description: SOUTH HALF OF LOT 11 BLOCK 25 DIVISION "E" NEW  
WESTMINSTER DISTRICT PLAN 1737  
Address: 9164 Nowell Street

Parcel Identifier No. 000-689-769  
Legal Description: SOUTH HALF OF LOT 10 BLOCK 25 DIVISION "E" NEW  
WESTMINSTER DISTRICT PLAN 1737  
Address: 9164 Nowell Street

3. In accordance with the provisions of Section 498 of the *Local Government Act* the following section(s) of "Zoning Bylaw 2020, No. 5000" are varied as stated:

**Section 4.08(6)(c)(i)(B) Amenity Area Standards is varied by waiving the requirement that a common amenity area has a minimum contiguous area no less than 200m<sup>2</sup>;**

**Section 4.09(2)(ii) Landscaping Requirements is varied by waiving the requirement for the provision of a landscaping strip between the vehicular use area and the public highway (rear lane) where an outdoor vehicular use area adjoins a public highway (rear lane);**

**Section 5.03(1)(g) Off-Street Parking Requirement is varied by waiving the requirement for off-street parking spaces to be accessed by a driveway or maneuvering aisle to allow direct access for parking spaces along the rear lane;**

**Section 8.11(7)(g) within the R5 (Low Rise Apartment) Zone is varied by reducing the ISLL setback from 6.75m to 6.15m for the 4th storey, and from 7.5m to 6.15m on the 5th storey on the east property line to accommodate the internal staircase and 4th storey balconies only; and,**

**Section 8.11(9)(a) within the R5 (Low Rise Apartment) Zone is varied by increasing the building height from 17.5m to 20.3m.**

4. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and the plans and information contained within the application. The following conditions apply:
- a) that the development be in accordance with the plans found in Schedule "A".**
5. Pursuant to Section 504 of the *Local Government Act*, if the permittee does not substantially start any construction permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.
6. This Permit is not a Building Permit.

APPROVED BY COUNCIL ON THE \_\_\_\_ DAY OF \_\_\_\_, 2023.

ISSUED THIS \_\_\_\_ DAY OF \_\_\_\_, 2023.

---

CORPORATE OFFICER



**CITY OF CHILLIWACK**

**DEVELOPMENT PERMIT NO. DP001583, 2023**

(Portion of Development Permit Area No. 6 of the Official Community Plan)

<b>To:</b>	<b>Arch Developments Limited</b>	<b>Kumar Architecture Ltd.</b>	<b>Vikram Jeet Dutta</b>
	<b>107 - 470 Kingsway</b>	<b>206 – 545 Clyde Avenue</b>	<b>228 - 63rd Avenue East</b>
	<b>Vancouver, BC V5T 3J9</b>	<b>West Vancouver, BC V7T 1E3</b>	<b>Vancouver, BC V5X 2J7</b>

1. This Development Permit applies to the following properties:

<b>Parcel Identifier No.</b>	<b><u>003-883-604</u></b>
<b>Legal Description:</b>	<b><u>NORTH HALF (REFERENCE PLAN 6420) LOTS 10 AND 11 BLOCK 25 DIVISION "E" NEW WESTMINSTER DISTRICT PLAN 1737</u></b>
<b>Address:</b>	<b><u>46120 First Avenue</u></b>
<b>Parcel Identifier No.</b>	<b><u>001-850-890</u></b>
<b>Legal Description:</b>	<b><u>LOT 9 BLOCK 25 DIVISION "E" NEW WESTMINSTER DISTRICT PLAN 1737</u></b>
<b>Address:</b>	<b><u>46130 First Avenue</u></b>
<b>Parcel Identifier No.</b>	<b><u>000-689-777</u></b>
<b>Legal Description:</b>	<b><u>SOUTH HALF OF LOT 11 BLOCK 25 DIVISION "E" NEW WESTMINSTER DISTRICT PLAN 1737</u></b>
<b>Address:</b>	<b><u>9164 Nowell Street</u></b>
<b>Parcel Identifier No.</b>	<b><u>000-689-769</u></b>
<b>Legal Description:</b>	<b><u>SOUTH HALF OF LOT 10 BLOCK 25 DIVISION "E" NEW WESTMINSTER DISTRICT PLAN 1737</u></b>
<b>Address:</b>	<b><u>9164 Nowell Street</u></b>

2. Development of the subject property shall be substantially in conformance to the following:

- ☐ Development shall be in accordance with the approved site plan and elevations attached with Schedule "A";
- ☐ That all utility equipment, including mailboxes and mechanical equipment, be wrapped or screened from public view through a combination of landscaping, vinyl adhesives, and/or fencing;
- ☐ That a detailed lighting plan be submitted prior to the issuance of a Building Permit with additional lighting provided at the following areas: visitor parking, mailboxes, pedestrian

***DRAFT***



routes from visitor parking, main entrance doors of each unit, exterior side of garage doors, any internal walkways and main pedestrian routes;

- ☐ That a well-lit complex sign is provided at the main entrance to the building;
- ☐ That decorative bicycle racks be provided for all publicly accessible spaces;
- ☐ That programming to accommodate younger age groups be incorporated into the outdoor common amenity area;
- ☐ That additional plantings or a structure be provided in the rooftop common amenity area to provide shade on the south and west sides of the space;
- ☐ That all tree species utilized along the street frontages are selected to accommodate the overhead power lines, in accordance with Schedule "E" of the Tree Management (Land Development) Bylaw or as approved by the City Arbourist;
- ☐ That an irrigation system be incorporated throughout all landscape areas within the property; and,
- ☐ Specifications of Development Permit Area No. 6 (Infill) of the City of Chilliwack Official Community Plan.

**N.B. The above technical information is retained on file in the Planning Department.**

3. This Development Permit is not a Building Permit and does not constitute approval of any proposed subdivision.
4. Pursuant to Section 504 of the *Local Government Act*, if the permittee does not substantially start any construction permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

APPROVED BY COUNCIL ON THE \_\_\_\_ DAY OF \_\_\_\_, 2023.

ISSUED THIS \_\_\_\_ DAY OF \_\_\_\_, 2023.

---

CORPORATE OFFICER

**DRAFT**

## Schedule "A"

## Site Plan

**DRAFT**



## Landscape Plan – Ground Level



NOWELL STREET

EXISTING GUTTER LINE

EXISTING CONC SIDEWALK

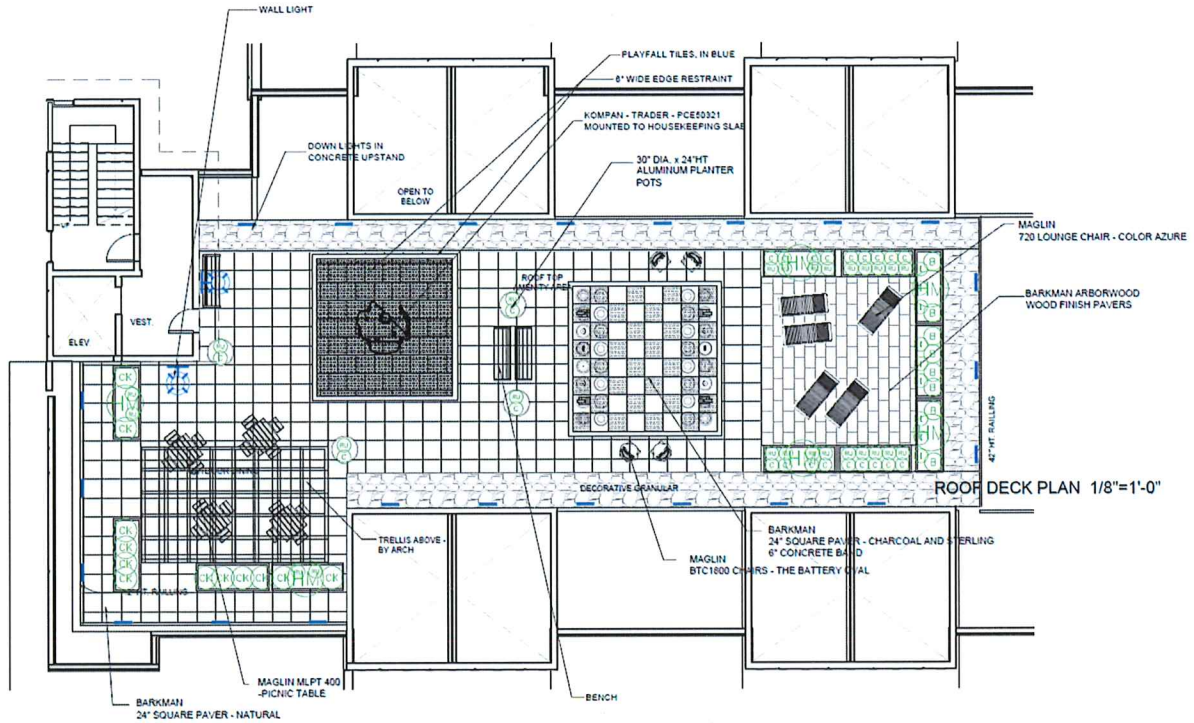
FIRST AVENUE

CHAMAELECTRAPHUS NOOTWATTENSIS GREEN ARROW

EXISTING GUTTER LINE

**DRAFT**

## Landscape Plan – Rooftop Amenity Space



## PLANT SCHEDULE

KEY	QTY	BOTANICAL NAME	COMMON NAME
SHRUB			
(B)	8	BUXUS MICROPHYLLA 'WINTER GEM'	LITTLE-LEAF BOX
(HM)	6	HYDRANGEA PANICULATA 'LIMELIGHT'	LIMELIGHT HYDRANGEA; LIMEGREEN-PINK
GRASS			
(CK)	12	CALAMAGROSTIS ACUTIFLORA 'KARL FOERSTER'	FEATHER REED GRASS
(C)	22	CAREX MORROWII 'AUREO VARIEGATA'	GOLDEN VARIGATED JAPANESE SEDGE
(I)	9	IMPERATA CYLINDRICA 'RED BARON'	BLOOD GRASS
PERENNIAL			
(RU)	26	RUDBECKIA FULGIDA VAR SULLIVANTII 'GOLDSTURM'	RUDBECKIA; YELLOW

## PLANT SCHEDULE

## GROUND FLOOR

PMG PROJECT NUMBER: 22-073

KEY	QTY	BOTANICAL NAME	COMMON NAME	PLANTED SIZE / REMARKS
TREE				
(A)	5	ACER PALMATUM 'BLOODGOOD'	RED JAPANESE MAPLE	6CM CAL; B&B; UPRIGHT FORM
(C)	19	CHAMAECYPARIS NOOTKATENSIS 'GREEN ARROW'	GREEN ARROW NOOTKA CYPRESS	1.5M HT; B&B
(L)	2	CORNUS EDDIE'S 'WHITE WONDER'	EDDIE'S WHITE WONDER DOGWOOD	5CM CAL; STD FORM; B&B
(S)	1	PICEA OMORIKI 'BRUNS'	BRUNS SERBIAN SPRUCE	2.5M HT; B&B
SHRUB				
(LI)	8	LONICERA PILEATA	BOX LEAVED HONEYSUCKLE	#3 POT
(N)	40	NANDINA DOMESTICA 'MOONBAY'	DWARF HEAVENLY BAMBOO	#3 POT; 50CM
(CH)	84	SKIMMIA JAPONICA (10% MALE)	JAPANESE SKIMMIA	#3 POT; 50CM
(VA)	43	VACCINIUM OVATUM	EVERGREEN HUCKLEBERRY	#3 POT; 60CM
GRASS				
(C)	19	CAREX MORROWII 'AUREO VARIEGATA'	GOLDEN VARIGATED JAPANESE SEDGE	#1 POT
PERENNIAL				
(HA)	34	HOSTA 'EARTH ANGEL'	HOSTA; LARGE; BLUE-GREEN AND YELLOW VAR	#2 POT; 1-2 EYE
GC				
(X)	330	PACHYSANDRA TERMINALIS 'GREEN SHEEN'	JAPANESE SPURGE	#1 POT; 15CM
(P)	24	POLYSTICHUM MUNITUM	WESTERN SWORD FERN	#1 POT; 25CM
(V)	342	VACCINIUM VITIS IDAEA	LIGONBERRY	#1 POT; 25CM

NOTES: \* PLANT SIZES IN THIS LIST ARE SPECIFIED ACCORDING TO THE BC LANDSCAPE STANDARD AND CANADIAN LANDSCAPE STANDARD, LATEST EDITION. CONTAINER SIZES SPECIFIED AS PER CNLA STANDARD. BOTH PLANT SIZE AND CONTAINER SIZE ARE THE MINIMUM ACCEPTABLE SIZES. \* REFER TO SPECIFICATIONS FOR DEFINED CONTAINER MEASUREMENTS AND OTHER PLANT MATERIAL REQUIREMENTS. \* SEARCH AND REVIEW: MAKE PLANT MATERIAL AVAILABLE FOR OPTIONAL REVIEW BY LANDSCAPE ARCHITECT AT SOURCE OF SUPPLY. AREA OF SEARCH TO INCLUDE LOWER MAINLAND AND FRASER VALLEY. \* SUBSTITUTIONS: OBTAIN WRITTEN APPROVAL FROM THE LANDSCAPE ARCHITECT PRIOR TO MAKING ANY SUBSTITUTIONS TO THE SPECIFIED MATERIAL. UNAPPROVED SUBSTITUTIONS WILL BE REJECTED. ALLOW A MINIMUM OF FIVE DAYS PRIOR TO DELIVERY FOR REQUEST TO SUBSTITUTE. SUBSTITUTIONS ARE SUBJECT TO BC LANDSCAPE STANDARD AND CANADIAN LANDSCAPE STANDARD - DEFINITION OF CONDITIONS OF AVAILABILITY. \* ALL LANDSCAPE MATERIAL AND WORKMANSHIP MUST MEET OR EXCEED BC LANDSCAPE STANDARD AND CANADIAN LANDSCAPE STANDARD LATEST EDITION. \* ALL PLANT MATERIAL MUST BE PROVIDED FROM CERTIFIED DISEASE FREE NURSERY. \* BIO-SOLIDS NOT PERMITTED IN GROWING MEDIUM UNLESS AUTHORIZED BY LANDSCAPE ARCHITECT.

DRAFT



Landscape Plan (con't)



ALUMINUM PLANTERS  
POWDERCOAT BLACK



MAGLIN  
BTC 1800 CHAIRS - THE BATTERY OVAL



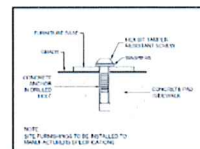
MAGLIN  
720 LOUNGE CHAIRS - COLOR AZURE



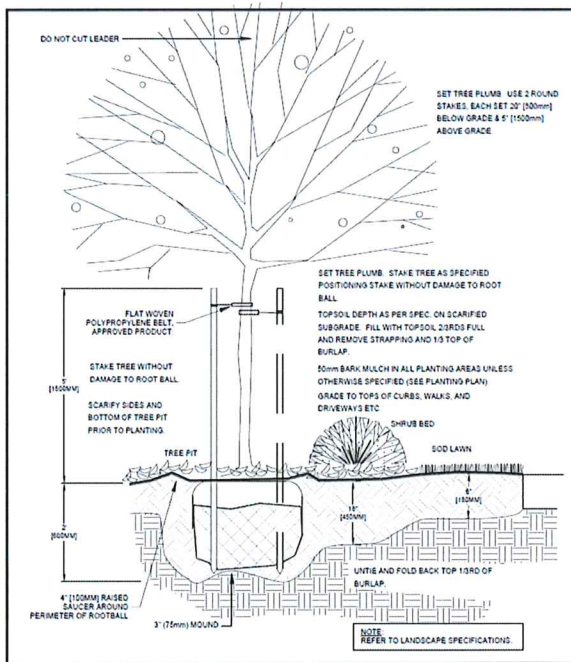
KOMPAN - TRADER PCES0321  
MOUNTED TO HOUSE KEEPING SLAB



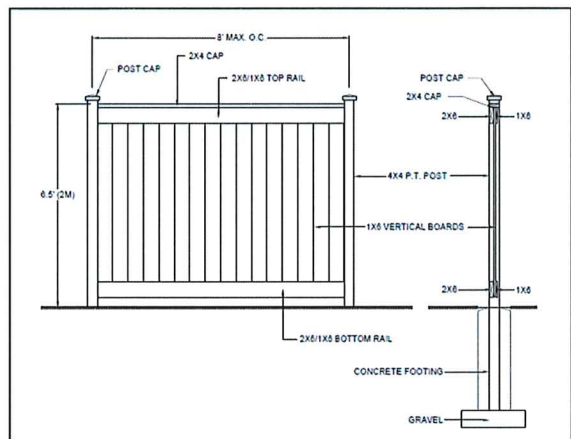
BENCH - WISHBONE  
MODENA PARK BENCH M-5  
STAINLESS STEEL FRAME  
WALNUT PLASTIC LUMBER COLOUR



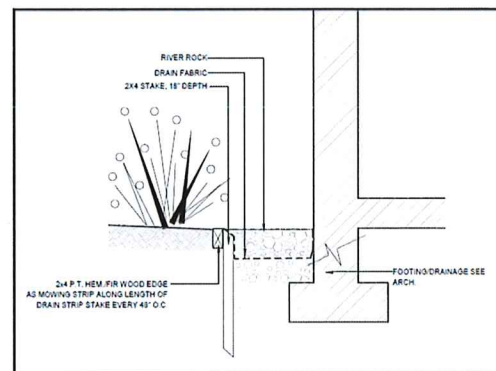
7 SITE FURNITURE MOUNTING  
NTS



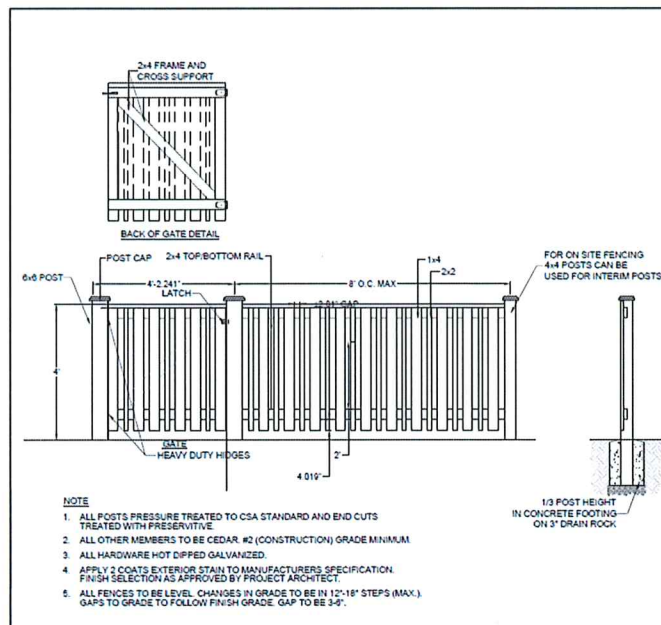
3 PLANTING DETAILS



1 6.5' (2M) HT. WOOD FENCE  
SCALE 1/2"=1'-0"



4 GRAVEL DRAIN STRIP  
1" = 1'-0"



2 4' HT. WOOD PICKET FENCE  
SCALE 1/2"=1'-0"

DRAFT

## Elevations

**DRAFT**



Renderings



**DRAFT**