

AGENDA ITEM NO: 7.8

MEETING DATE: September 5, 2023

STAFF REPORT – COVER SHEET

SUBJECT: 1335457 BC Ltd.
Development Permit / 9132 & 9146
Mary Street DATE: August 22, 2023

DEPARTMENT: Planning Department
RZ001687, DVP01322 & DP001649 PREPARED BY: Adam Roberts / mb

1. SUMMARY OF ISSUE:


The applicant requests to rezone the properties from an RC (Commercial Conversion) Zone to an R6 (Mid Rise Apartment) Zone to facilitate the construction of an apartment development. 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 9132 & 9146 Mary Street.

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

As the property is 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. 5335”, which proposes to rezone properties located at 9132 and 9146 Mary Street from an RC (Commercial Conversion) Zone to an R6 (Mid Rise Apartment) Zone, be given first and second reading; and further, that a Public Hearing be called for September 26, 2023. (RZ001687)



Gillian Villeneuve
Director of Planning

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

Supports recommendation.



Chris Crosman
Chief Administrative Officer

**STAFF REPORT ON REZONING RZ001687, DEVELOPMENT VARIANCE PERMIT DVP01322 &
DEVELOPMENT PERMIT DP001649 APPLICATIONS**

PREPARED BY: Adam Roberts DATE: August 22, 2023
POSITION: Planner III DEPARTMENT: Planning Department

1. DEFINITION OF ISSUE:

The applicant requests to rezone the properties from an RC (Commercial Conversion) Zone to an R6 (Mid Rise Apartment) Zone to facilitate the construction of an apartment development. 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 9132 & 9146 Mary Street.

The applicant has submitted a concurrent Development Variance Permit application (DVP01377) that requests the following departures to Zoning Bylaw standards:

- reduce the front lot line setback from 6m to 3.3m for an off-street parking structure;
- reduce the exterior side lot line setback from 4.5m to 1m for an off-street parking structure;
- reduce the minimum interior side lot line setback from 6.75m to 6m for the 4th storey and from 7.5m to 6m for the 5th storey;
- waive the requirement for portions of the common amenity area to have a minimum dimension of 6m;
- waive the requirement for a private amenity area to have a minimum dimension of 3m for five ground-oriented units;
- waive the requirement for a common amenity area to be located more than 5m from a window serving a dwelling unit;
- reduce the minimum private amenity area space to less than 15m² for two ground-oriented units,
- increase the maximum lot coverage from 50% to 82% for an off-street parking structure; and,
- waive the requirement to provide an off-street loading space.

As the property is within Development Permit Area No. 6 (Infill), a Development Permit for “form and character” has been submitted for concurrent review.

2. PROPOSAL:

In summary the proposal includes:

- 5-storey building (1 above-ground parkade with 4 residential floors above);
- 32 units (25 small unit apartments);
- 36 off-street parking spaces including 6 visitor parking spaces (36 are required);
- 40 bicycle parking spaces (40 are required); and,
- 8 trees (8 are required).

The final lot layout must comply with City Bylaws and include urban frontage improvements on both Mary Street and Ontario Avenue including barrier curb, sidewalk full half-road construction and LED streetlighting. A buffered bike lane will also be required along Mary Street. 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 R6 (Mid Rise Apartment) Zone to facilitate construction of a 5-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 R6 Zone is considered appropriate in this location and in keeping with the existing “Residential 4 – Mid – High Rise Apartment” designation of the Downtown Land Use and Development Plan. Furthermore, the surrounding area includes existing apartment buildings along both Mary Street and Ontario Avenue and 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 design of the building and site is visually appealing and constitutes a high-quality addition to the area. A discussion in relation to the proposed variances is provided below.

Front and Exterior Side Lot Line Setbacks

The applicant requests a reduction to the minimum front (FLL) and exterior side (ESLL) lot line setbacks along the north and west property lines to accommodate the siting of the parkade. The proposed R6 (Mid Rise Apartment) Zone requires an FLL setback of 6m and ESLL setback of 4.5m for a parkade. The applicant requests to reduce the FLL setback from 6m to 3.3m and reduce the ESLL setback from 4.5m to 1m to accommodate the proposed parkade. As the property is located on a corner, the setbacks for a parkade are more restrictive than an interior lot. For reference, the rear (RLL) and interior (ISLL) setback for a parkade is 0m. The applicant has indicated that given the size of the site and location on a corner, a parkade that provides adequate parking and meets the required setbacks is not achievable in this location.

Interior Side Lot Line Setbacks

The applicant requests a reduction to the minimum interior side lot line (ISLL) setbacks along the south and east property lines for the 4th and 5th storeys of the residential building. The R6 (Mid Rise Apartment) Zone requires an ISLL setback to increase by 0.75m per storey beyond the third storey. Considering this, an ISLL setback of 6.75m is required for the 4th storey and 7.5m for the 5th storey. As shown below, the applicant requests to reduce these setbacks to maintain a consistent building design from the 1st through 5th storeys.



Reduce setback to 6m for 4th and 5th storeys on south and east property lines



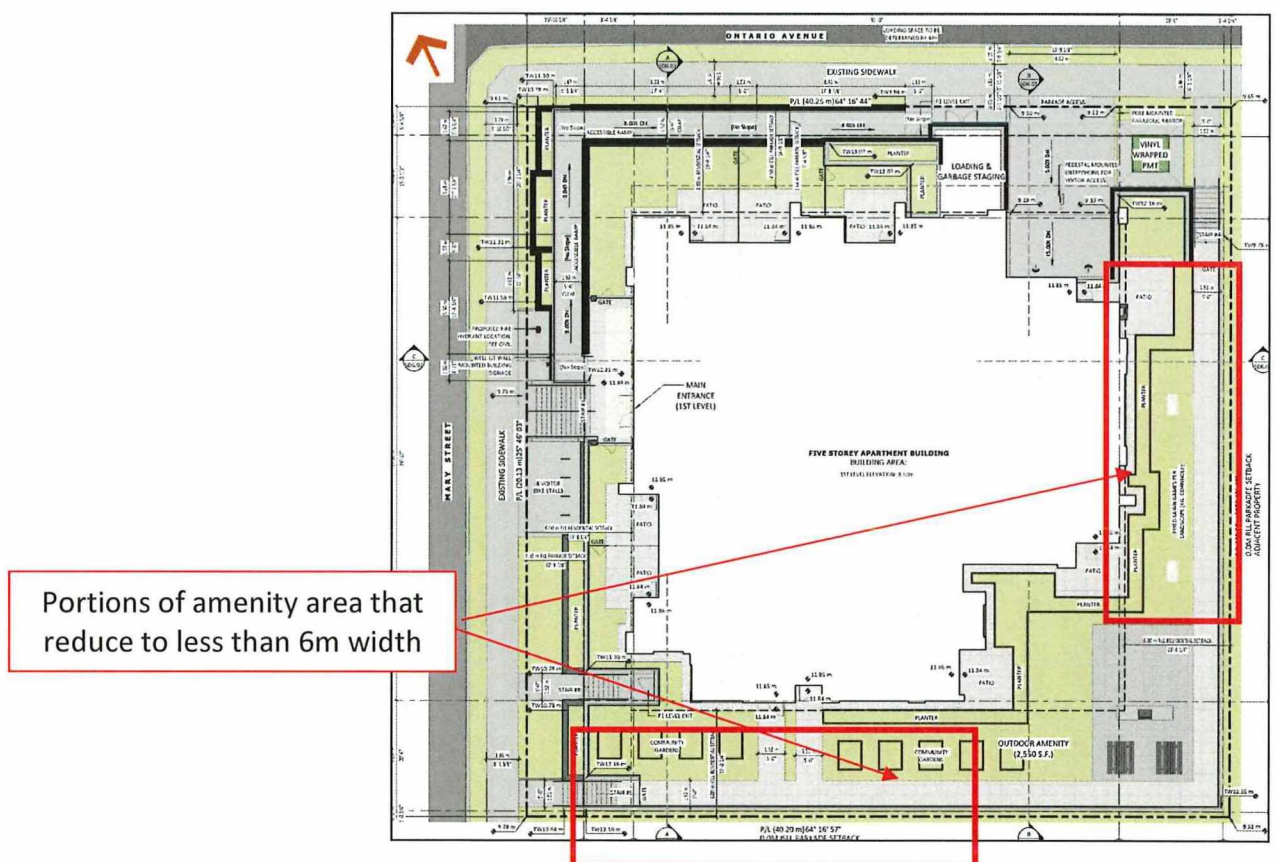
To mitigate the impact of the requested variances, the applicant has provided significant articulation in the building's façades, in combination with the use of various materials and colours. This results in a building form that appears as a series of modules thereby reducing the impact of the overall massing of the building. The private amenity areas of each unit are recessed into the building face, which limits any overlooking into neighbouring properties and further breaks up the massing of the building by providing variety in depth. In addition, the common amenity area is sited in the south-east corner of the subject property reducing the impact of shadowing which may be caused by the proposed apartment.

Lot Coverage

The applicant requests an increase to the maximum permitted lot coverage from 50% to 82% for the above ground parkade. As shown on the attached landscape plan, substantial landscaping has been provided along the north and west portion of the parkade wall fronting Mary Street and Ontario Avenue. In addition, the applicant proposes to utilize brick along the south and east parkade walls to break up and soften the wall adjacent to neighbouring properties.

Common Amenity Area

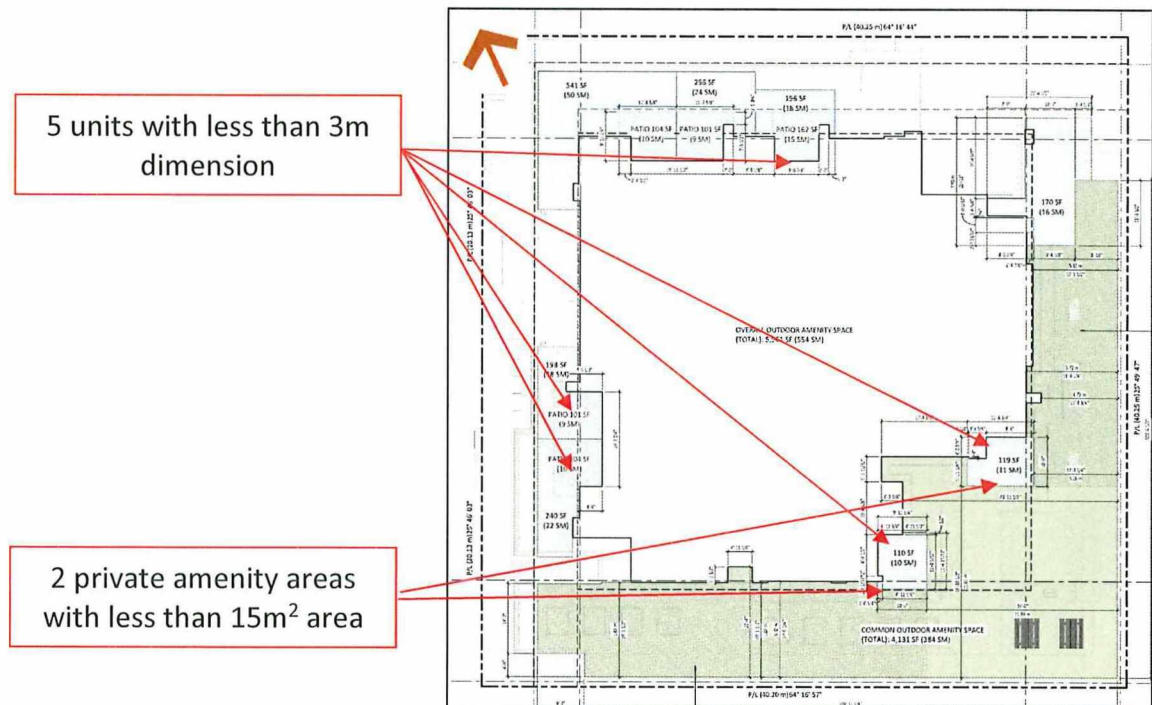
The applicant has provided an outdoor common amenity space with a total area of 554m² (310m² minimum is required), which includes landscaping, picnic tables, garden boxes and lawn areas with games. Despite this, a portion of the amenity area does not meet the required minimum dimension of 6m. As shown below, the south and east sections of the amenity area narrow to between 4.8-5.9m (the majority of which is greater than 5.3m in width). Of the total provided amenity area, 154m² meets the minimum dimension of 6m. Given that the restricted areas are activated with community garden boxes and lawn games, staff consider them as useable areas in this instance. In addition, two indoor amenity areas are provided totaling 123m².



Private Amenity Areas

The applicant is requesting variances related to the ground-oriented private amenity areas that are located adjacent to the common amenity area. The Zoning Bylaw requires an outdoor amenity area to be located a minimum of 5m from a window serving a dwelling unit. Given the siting of the units adjacent to the amenity area, and constraints related to the size of the site, the 5m setback is not met. As such, the applicant has provided planters with substantial landscaping between the dwelling unit windows and common amenity area to ensure the privacy of the impacted units is preserved.

The Zoning Bylaw also requires that ground-oriented dwelling units have a private amenity space with an area of 15m^2 and minimum dimension of no less than 3m. As shown below, two private amenity areas are less than 15m^2 (ranging from 10-11 m^2) and five do not have a minimum dimension of 3m. As these five amenity areas are located within close proximity to the common amenity area, it is anticipated the future residents of these units will be able to easily access the common area to utilize the amenities provided within that space (lawn, picnic tables and community garden).



Off-Street Loading Space

The applicant requests to waive the requirement to provide an off-street loading space in favour of an on-street loading space on Ontario Avenue. The Engineering Department has confirmed a designated loading space on Ontario Avenue is acceptable in this location.

For the reasons discussed above, the requested variances are deemed supportable in this instance.

5. DEVELOPMENT PERMIT CONSIDERATIONS:

As demonstrated by the attached checklist evaluation for DPA 6, the proposed development substantially complies with the Infill Development Design Guidelines. A copy of the proposed site plan, landscape plan and colour elevations are attached within the draft Development Permit for information.

Summary and CPTED Review

In support of the application, the applicant has submitted a CPTED (Crime Prevention Through Environmental Design) report prepared by *Liahona Security Consortium*. A summary of the CPTED assessment is shown in the table below:

CPTED Elements	Recommendations	
	✓ included in the design	* not included in the design
Natural Access Control	<ul style="list-style-type: none"> ✓ One main pedestrian entrance promotes natural access control. ✓ Balconies overlooking the parkade driveway from unit 104 will help reduce loitering and unauthorized entry into the parkade. ✓ Gates at the stairwells to the amenity area were recommended in the report and included by the applicant in the current design. 	
Natural Surveillance	<ul style="list-style-type: none"> ✓ Views from the ground-floor units into the amenity area and street will promote “eyes on the street”. 	
Territoriality	<ul style="list-style-type: none"> ✓ Gates and well-lit signage are utilized to ensure the transition from public to private space is clearly defined. 	
Maintenance	<ul style="list-style-type: none"> ✓ The vegetation on the site should be maintained to provide long sightlines from the street and ensure public and private spaces are well defined. Any damage or vandalism should be repaired within a timely manner* 	

* Future strata to maintain vegetation and ensure sightlines are not obstructed

6. DESIGN REVIEW ADVISORY COMMITTEE:

The application was reviewed by the Design Review Advisory Committee (DRAC) on August 8, 2023. Based on this, the following recommendation was made:

That the Design Review Advisory Committee supports DP001649 and recommend Council approve the application subject to the following conditions:

1. *that a detailed lighting plan be submitted, prior to the issuance of a Building Permit, to ensure adequate lighting is provided for all walkways, parking areas and elevations of the building;*

2. *that glazing, in the form of side lights or glazed doors, be provided for all entrances into and out of stairwells, exits and communal spaces;*
3. *that a well-lit complex sign be provided along Mary Street;*
4. *that all utility equipment be screened from public view through installation of landscaping, fencing, or vinyl wrapping;*
5. *that an irrigation system be included into the landscaped areas within the site;*
6. *that non-combustible cladding and soffits be provided within the balconies;*
7. *that either trees or a structure be provided within the outdoor common amenity area to provide shade within the space to promote year-round use;*
8. *that a direct access door be provided from the first storey indoor common amenity to the outdoor common amenity area to integrate the spaces;*
9. *that playground equipment be provided within the outdoor amenity area to create an engaging space for families;*
10. *that a rubberized (or equivalent) surface be provided throughout the outdoor common amenity area to ensure the space is fully accessible for future residents, and,*
11. *that the colour scheme be amended at time of Building Permit application to include lighter accent colours to enhance the visual appeal of the development.*

The applicant was present at the meeting and agreeable to the above conditions.

7. FACTORS:

7.1 2040 Official Community Plan (OCP) / Land Use

OCP: “Residential 4 – Mid – High Rise Apartment” as designated within the Downtown Land Use and Development Plan within the 2040 Official Community Plan

Land Use: Each property contains a single detached dwelling (to be demolished).

7.2 Neighbourhood Character

The subject properties are located in an established area within the downtown neighbourhood and are surrounded by commercial properties within the C2 Zone and apartments within the R5 (Low Rise Apartment) Zone and R6 Zone.

7.3 Technical Issues

Floodplain: The subject properties are located within the protected floodplain and subject to the Floodplain Regulation Bylaw.

Watercourses: There are no known watercourses within or in the immediate vicinity of the subject properties.

Geotechnical Issues: 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 the recommendations of the Design Review Advisory Committee and the conditions as stipulated within the draft Development Variance Permit and Development Permit.

8. RECOMMENDATION & SUBSTANTIATION:

Recommendation:

Recommendation that “Zoning Bylaw Amendment Bylaw 2023, No. 5335”, which proposes to rezone properties located at 9132 and 9146 Mary Street from an RC (Commercial Conversion) Zone to an R6 (Mid Rise Apartment) Zone, be given first and second reading; and further, that a Public Hearing be called for September 26, 2023. (RZ001687)

Substantiation:

The proposed rezoning is consistent with the OCP designation and it is anticipated that the proposed development will complement and enhance the existing character of the area and provide additional housing options in close proximity to transit and everyday needs. The requested variances are supportable and not anticipated to significantly impact neighbouring properties or the neighbourhood as a whole.

The proposed apartment development meets the intent of the Design Guidelines for Development Permit Area No. 6 through the use of extensive landscaping, building articulation and varied design features that are expected to create an appealing streetscape

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

Design Guidelines		Yes/No	Comments
1.1	Landscaping & building materials		
	Preserve existing trees where possible	No	<ul style="list-style-type: none"> No existing trees are retained
	Utilize tree species & vegetation common to area	Yes	<ul style="list-style-type: none"> Tree species are consistent with the Tree Management Bylaw
	Use varied building materials (i.e. combinations of wood, brick, rock, etc.)	Yes	<ul style="list-style-type: none"> The proposed exterior finishes for the buildings include materials such as horizontal hardie siding with 6-inch exposure (pearl gray, country lane red), hardie panel siding (midnight black, night gray, gray slate), steel panel lap siding (mountain cedar), corrugated metal siding (galvanized), brick (burgundy, imperial gray) and black aluminum privacy screens and railings
2.1	Building shape & form		
	Provide visual variety in building form, shape & character	Yes	<ul style="list-style-type: none"> Roof articulation, building projections, recesses, balconies, and the incorporation of a variety of materials and modern detailing, create a visually appealing design.
	Avoid large expanses of blank façade	Yes	<ul style="list-style-type: none"> The design avoids large expanses of blank façade by using a variety of materials, colours and building articulation.

	Use a variety of complementary colors	Yes	<ul style="list-style-type: none"> The proposed exterior finishes include a variety of colours that complement each other. A copy of the colour and material list is attached
3.1	Physically integrate development with adjacent development		
	Shared access, consolidate open space, etc.	N/A	<ul style="list-style-type: none"> As the properties are adjacent to existing apartments, shared access or open space is not possible
3.2	Scale, mass & form is sensitive to adjacent properties		
	Height not to exceed more than 8m above adjacent historically significant home	N/A	<ul style="list-style-type: none"> There are no significant historical buildings adjacent to the site
	Use articulation, vary materials and colors to provide visual relief	Yes	<ul style="list-style-type: none"> A complementary colour scheme with diverse building materials, and building articulation in both the façade and roofline, serves to create visually appealing development
	Series of modules fit together	Yes	<ul style="list-style-type: none"> Roof articulation and varying architectural treatments create a design where the building appears as a series of units or modules that fit together
	Differentiate between pedestrian-level commercial/upper level residential development	N/A	<ul style="list-style-type: none"> No commercial development proposed
	Complement existing size, mass, and scale of surrounding development	Yes	<ul style="list-style-type: none"> The proposed building has been designed in a comprehensive manner and respects the existing character of the area by using articulation and a variety of materials along all four elevations.
	Consideration of views from adjacent developments	Partial	<ul style="list-style-type: none"> Given the proposed building height of 16 55m, views that are currently experienced by adjacent properties will inevitably be impacted Given the properties are located on a corner and adjacent to existing apartments, impacts to views from neighbouring properties are expected to be minimal
4.1	Maximize a positive impact on the street		
	Preserve & integrate existing natural features where possible	N/A	<ul style="list-style-type: none"> No existing natural features to be preserved
	Orient development towards street	Yes	<ul style="list-style-type: none"> The proposed building activates both Mary Street and Ontario Avenue with a welcoming entrance on Mary Street and extensive landscaping on both frontages.
	Locate development close to & parallel to street	Yes	<ul style="list-style-type: none"> Same as above
	Consider impact of sun, wind & shadows on site	Yes	<ul style="list-style-type: none"> The proposed development includes a common amenity area on top of the proposed parkade along the south and east property lines The siting of the amenity area will ensure the area receives sunlight year-round as it is not obstructed by the building
4.2	Locate mechanical equipment and service areas out of public view		
	Locate or screen mechanical and operational equipment from the view of tenants and from the street	Yes	<ul style="list-style-type: none"> It is recommended that all utility equipment be screened from public view through a combination of landscaping, fencing or vinyl wrapping The proposed site plan includes vinyl wrapping on the PMT which is surrounded by landscaping
5.1	Entrances into the development must be highly visible, easy to find and logical in location.		

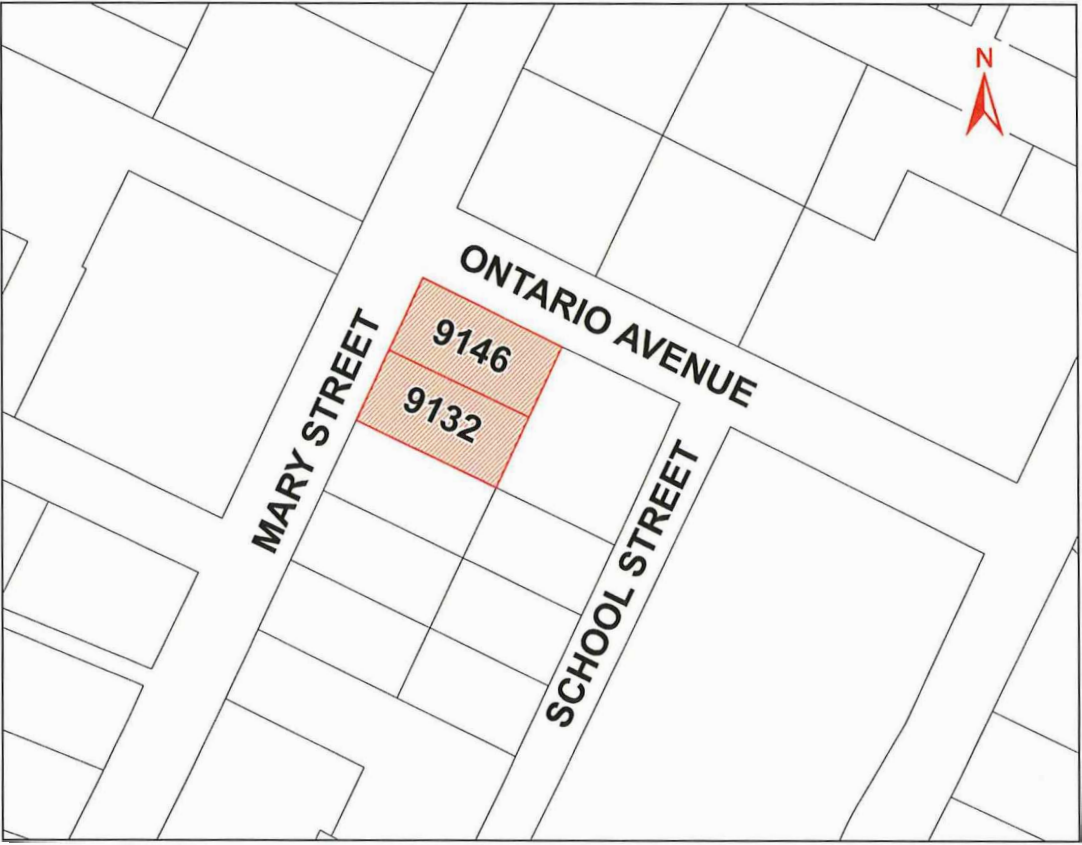
	Emphasize vehicle entrance through additional landscaping, tree planting, appropriate signage & lighting	Yes	<ul style="list-style-type: none"> The pedestrian entrance is clearly defined through a prominent staircase with signage located close to the Mary Street sidewalk It is recommended that a lighting plan be submitted prior to the issuance of a Building Permit to ensure adequate lighting is provided throughout the development.
	Define pedestrian & vehicle corridors	Yes	<ul style="list-style-type: none"> The proposal includes pedestrian and vehicle access that is clearly marked/defined
5.2	Parking areas must be adequate in size, efficient in layout and safe in location & design		
	Parking areas are visually secured all day	Yes	<ul style="list-style-type: none"> All parking is located within the secured parkade
	Provide parking areas that are easily accessible but do not dominate the user's first impression of the site	Yes	<ul style="list-style-type: none"> Easily accessible parking for both visitors and residents will be provided within the secured parkade
	Avoid the provision of parking in the front yard	Yes	<ul style="list-style-type: none"> Same as above
	Adequate concealed underground parking	Partial	<ul style="list-style-type: none"> Although the upper façade treatment is not brought down to the ground floor, the parkade wall is treated with brick veneer, matching treatments on the second storey, to mitigate the impact of the parkade wall The parkade wall is also screened by landscape planters along Mary Street and Ontario Avenue
	Avoid large expanses of contiguous parking	Yes	<ul style="list-style-type: none"> Large expanses of parking are avoided as all parking is provided within the parkade
	Use landscaping to soften the impact of parking area	Yes	<ul style="list-style-type: none"> Substantial landscaping is proposed throughout the development, specifically along the street frontages. As all parking is provided within the parkade, screening with landscaping is not required
6.1	Building entrances must be highly visible, attractive and inviting to the pedestrian		
	Clearly identify and orient the primary pedestrian entrance to the street	Yes	<ul style="list-style-type: none"> The main entrance is clearly defined through the use of a wide staircase, landscaping and signage
	Provide separate ground-level entrances for commercial and residential developments	N/A	<ul style="list-style-type: none"> Commercial uses are not proposed
	Provide a suitable transition from public (street) to semi-private to private (entrance) through scale, detail, and sense of enclosure	Yes	<ul style="list-style-type: none"> The proposed landscaping planters and outdoor front entrance area provide a suitable transition between public, semi-private and private space
6.2	Enhance the pedestrian experience by providing interest at the street level		
	Set back building facades to create amenity areas that interact with the street	Yes	<ul style="list-style-type: none"> The building face is setback 6m from the street where substantial landscaping and outdoor entrance area interact with the City sidewalk All units that face the street include large outdoor patios that overlook and interact with the public space
	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	<ul style="list-style-type: none"> Low level landscaping and glazing in the lobby and on the first residential storey is provided

	Have a pedestrian oriented building base of 1 to 3 storeys that is distinct from upper storey developments	Partial	<ul style="list-style-type: none"> The first storey parkade is clearly defined from the four residential storeys above through the use of varied building materials and colours. The four residential storeys are differentiated through the use of various materials and articulation of the building façade.
	Provide architectural detail to capture pedestrian attention	Yes	<ul style="list-style-type: none"> The building articulation, glazing, variety of building materials/colours, and the incorporation of landscaping serve to capture pedestrian attention
6.3	Design outdoor spaces to provide a sanctuary for its occupants		
	Create useable, accessible & highly visible on-site people places & amenity areas (i.e. paths, courtyards, upper level decks, playgrounds, etc.)	Yes	<ul style="list-style-type: none"> The development includes a 554m² outdoor common amenity area complete with patio tables, a community garden and fixed lawn games, which are easily accessible to residents
	Accommodate the year-round use of outdoor spaces by considering environmental conditions (e.g. sun angles and prevailing winds)	Yes	<ul style="list-style-type: none"> Private amenity areas include balconies that may be used on a year-round basis. The proposed development includes an outdoor common amenity, which will benefit from sunlight year-round given it's siting in the south-east corner of the property

10. SOURCES OF INFORMATION:

- Rezoning Application (RZ001687) – December 1, 2022
- Development Permit Application (DP001649) – December 1, 2022
- Development Variance Permit Application (DVP01322) – December 1, 2022
- Development Application Review Team (DART) Minutes – March 9, 2023
- CPTED Report, prepared by *Liahona Security Consortium* – November 22, 2022

Location Map



Ortho Photo

