



## Council Update Report

For the Meeting of April 3, 2025

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**To:** Council **Date:** March 21, 2025

**From:** Karen Hoese, Director, Planning and Development

**Subject:** **Update on Rezoning Application No. 00823 and associated Development Permit with Variances Application No. 00210 for 131, 135, and 139 Menzies Street**

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### RECOMMENDATION

#### Rezoning Application

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1358), No. 25-018.

#### Development Permit with Variances

That Council, after giving notice, consider the following motion:

1. That, subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00210 for 131, 135, and 139 Menzies Street, in accordance with plans submitted to the Planning and Development department and date stamped on **February 28<sup>th</sup>, 2025**, subject to:
  - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
    - i. increasing the maximum site coverage from 40% to 63%
    - ii. reducing the minimum open site space from 50% to 37.5%
    - iii. reducing the front (Menzies Street) setback from 4.00m to 0.00m
    - iv. reducing the minimum rear (SE) setback from 10.00m to 5.36m for the building, 4.24m for the balcony, and 3.87m for the canopy
    - v. reducing the minimum side (NE) setback from 6.00m to 3.35m for the building, 3.12m for the balcony, and 3.06m for the cornice
    - vi. reducing the minimum side (SW) setback from 6.00m to 3.30m for the building, 3.09m for the balcony, and 3.08m for the cornice
    - vii. reducing the minimum number of residential vehicle stalls from 30 to 0
    - viii. reducing the minimum number of visitor vehicle stalls from four to one
    - ix. reducing the minimum number of retail vehicle parking stalls from two to zero

- x. reducing the minimum distance from a parking stall to a lot line from 1.00m to 0.43m
  - xi. reducing the minimum bike room aisle width from 1.50m to 1.30m for four bike spaces.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.

## **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with an update on a Rezoning Application and Development Permit with Variance Application for the property located at 131, 135, and 139 Menzies Street. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District to a new site-specific zone to increase the density to 1.99:1 floor space ratio and allow for a four-storey mixed-use building with commercial on the ground floor and rental residential above. There is a concurrent Development Permit with Variances Application pertaining to the proposed form, character, exterior design, finishes and landscaping and variances related to site coverage, open site space, setbacks, and parking.

Council passed a motion on December 12, 2024, directing staff to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development subject to provision of a memo from the project arborist to determine if certain trees proposed for retention can be retained throughout construction. The applicant has provided the required memo and has also resubmitted the plans to correct minor errors which has resulted in a small change to the permitted maximum building height in the new zone. The Development Permit with Variance recommendation has been updated accordingly.

The recommendation provided for Council's consideration contains the appropriate language to advance the Rezoning Application.

## **UPDATE**

### **Arborist Memo**

Council considered this application at the December 12, 2024, Committee of the Whole Meeting (Attachment B) and on the same day passed a motion (Attachment C) directing staff to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development subject to the following condition:

*Provision of a memo from the project arborist to determine if trees #1, OS1, OS2 and OS3 proposed for retention can be retained throughout construction, based on exploratory excavation, to the satisfaction of the Director of Parks, Recreation and Facilities.*

In accordance with this resolution, the applicant has provided a memo indicating that these trees can be retained (Attachment D).

### **Plan Revisions**

The applicant submitted revised plans on February 28, 2025 (Attachment E) to correct minor errors and provide additional information in the dimensions related to the bike parking and height. This has

resulted in a small change to the permitted maximum building height in the new zone, increasing it from 13.60m to 14.10m. The building itself, however, has not changed.

## **CONCLUSIONS**

The recommendation provided for Council's consideration contains the appropriate language to advance the Rezoning Application.

Respectfully submitted,

Rob Bateman  
Senior Planner  
Development Services Division

Karen Hoese  
Director  
Planning and Development Department

**Report accepted and recommended by the City Manager.**

## **List of Attachments**

- Attachment A: Zoning Regulation Bylaw, Amendment Bylaw (No. 1358) No. 25-018
- Attachment B: December 12, 2024 Committee of the Whole Report
- Attachment C: December 12, 2024 Council Meeting Minutes
- Attachment D: Arborist Memo dated January 27, 2025
- Attachment E: Plans date stamped February 28, 2025