



Committee of the Whole Report

For the Meeting of September 23, 2021

To: Committee of the Whole **Date:** September 9, 2021

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

Subject: Development Permit with Variances Application No. 00153 for 110 Menzies Street, 111 Croft Street and 450-458 Niagara Street

RECOMMENDATION

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. 00742, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00153 for 110 Menzies Street, 111 Croft Street and 450-458 Niagara Street in accordance with:

1. Plans date stamped July 9, 2021.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. reduce the street boundary setback on Niagara Street from 7.0m to 1.3m to the building face, to 0.33m to the stairs and to 0.21m to the balconies.
 - b. reduce the rear yard setback from 7.0m to 5.15m to the balcony and to 4.24m to the stairs
 - c. reduce the Menzies Street side yard setback from 7.0m to 1.37m to the building face and to 0m to the balconies
 - d. reduce the northwest side yard setback from 7.0 to 2.31m
 - e. reduce the residential vehicle parking from 146 stalls to 91 stalls
 - f. reduce the visitor vehicle parking from 14 stalls to 9 stalls.
3. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

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 *Community Plan*. 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 intensive 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 Development Permit Application for the property located at 110 Menzies Street, 111 Croft Street and 450-458 Niagara Street. The proposal is to construct a new six-storey multi-unit residential rental building.

The following points were considered in assessing this application:

- The proposal is generally consistent with the objectives of Development Permit Area 16 – General Form and Character and the *Multi-Unit Residential, Commercial and Industrial Design Guidelines* (2012).
- The proposal is generally consistent with the *James Bay Neighbourhood Plan*.
- The variances to reduce the front, rear and side yard setbacks are considered supportable as the proposal has been designed to fit the site, maintain privacy and provide appropriate transitions to neighbouring buildings.
- The variances to reduce the residential and visitor vehicle parking are considered supportable as the applicant has committed to a Transportation Demand Management program to offset the reduction in parking stalls.

BACKGROUND

Description of Proposal

The proposal is to construct a new six-storey multi-unit residential rental building. Specific details include:

- one U-shaped building with an inner courtyard
- individual street-level entrances to the ground floor units
- main entrance lobby located on Menzies Street with a secondary lobby located at the corner of Niagara Street and Menzies Street
- common inner courtyard with various plantings, curvilinear pathways, a dog run and a water feature
- rooftop patio with Japanese red pines in tree planters, raised garden beds for rooftop gardening, and seating throughout
- underground parking accessed from Niagara Street
- exterior materials that include horizontal siding, hardie panel, board and batten panel siding, concrete, and aluminum guardrails.

The proposed variances are related to:

- reducing the street boundary setback on Niagara Street from 7.0m to 1.3m to the building face, to 0.33m to the stairs, and to 0.21m to the balconies
- reducing the rear yard setback from 7.0m to 5.15m to the balcony and to 4.24m to the stairs
- reducing the Menzies Street side yard setback from 7.0m to 1.37m to the building face

and to 0m to the balconies

- reducing the northwest side yard setback from 7.0 to 2.31m
- reducing the residential vehicle parking from 146 stalls to 91 stalls
- reducing the visitor vehicle parking from 14 stalls to 9 stalls.

Sustainability

As indicated in the applicant's letter submitted July 9, 2021, the following sustainability features are associated with this proposal:

- Step 3 of the BC Building Code
- landscape and stormwater management systems, including partial green roofs, to retain and infiltrate rainwater
- use of low energy lighting systems and Energy Star appliances
- passive solar gains through large, double pane, low e-glazing.

Active Transportation

The application proposes the following features which support active transportation:

- 233 long term bicycle stalls, including six stalls for cargo bicycles which exceeds the *Zoning Regulation Bylaw* minimum of 169 stalls.
- a bicycle wash and repair room
- membership for each unit in a car share program
- purchase of two car share vehicles to be located on-site for residents and the broader community.

Accessibility

The *British Columbia Building Code* regulates accessibility as it pertains to buildings. The applicant has indicated the following features which support accessibility:

- all primary entrances are accessible with wheelchair ramps and powered doors
- many ground floor units have private entrances and/or patios flush to outdoor amenity space
- dual elevators to roof top amenities.
- all common amenities, including the rooftop patio are accessible, and a portion of the raised gardening beds will be accessible with low garden planting
- four accessible vehicle parking stalls total, two at each elevator
- flexible unit designs, which can be modified to meet adaptable or fully accessible requirements.

Data Table

The following data table compares the proposal with the R3-2 Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing R3-2 Zone.

Zoning Criteria	Proposal	Existing R3-2 Zone	Proposed Zone	OCP Policy
Site area (m ²) –	5197	N/A	N/A	

Zoning Criteria	Proposal	Existing R3-2 Zone	Proposed Zone	OCP Policy
minimum				
Density (Floor Space Ratio) – maximum	2.14*	1.2 (parking variance reduces max density from 1.6)	2.15	2.0
Total floor area (m ²) – maximum	11130	N/A		
Height (m) – maximum	19.96*	18.5	20	
Storeys – maximum	6	6 or more	6	6
Site coverage (%) – maximum	55.67*	20	56	
Open site space (%) – minimum	44.33*	60	44	
Setbacks (m) – minimum				
Street boundary (Niagara Street)	0.21 (balcony) * 0.33 (stairs) * 1.3 (building face) *	13.5	7.0	
Rear (northeast)	4.25 (stairs) * 5.15 (balcony) * 7.06 (building face) *	9.98	7.0	
Side (Menzie's Street)	0 (balcony) * 1.37 (building face) *	9.98	7.0	
Side (northwest)	2.31*	9.98	7.0	
Parking – minimum				
Residential	91*	146	146	
Visitor	9*	14	14	
Bicycle parking stalls – minimum				
Long term	233	169	169	
Short term	14	14	14	

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the James Bay CALUC at a Community Meeting held on February 10, 2021. A letter dated February 16, 2021 is attached to this report. In addition, a 30-day comment period was posted to the Development Tracker on March 3, 2021. The comments from the Online Feedback Form are attached to this report.

This 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

Development Permit Area and Design Guidelines

The *Official Community Plan (OCP)* identifies this property within Development Permit Area (DPA) 16: General Form and Character. The objectives of DPA 16 are to integrate new buildings in a manner that compliments and enhances the established place character of an area through high quality architecture, landscape and urban design. Other objectives include supporting developments that provide sensitive transition to adjacent and nearby areas and achieving more liveable environments through considerations for human scaled design, high quality open spaces, privacy impacts as well as safety and accessibility.

Design Guidelines that apply to DPA 16 are the *Multi-Unit Residential, Commercial and Industrial Design Guidelines* (2012), *Advisory Design Guidelines for Buildings, Signs and Awnings* (2006), and *Guidelines for Fences, Gates and Shutters* (2010).

Staff consider that the proposal is generally consistent with the design policies contained within the OCP. For instance, the main entrances are given prominence through a change in grade, soft landscaping and small entrance plazas that include seating. Each of the ground floor units have individual entrances and the materials vary along the horizontal plane, both of which improve the pedestrian scale and the interaction the building has with the street.

The proposal furthermore provides a good contextual fit within the area, which does not have a dominating architectural style. The four storey heights on Niagara Street and Menzies Street provide a sensitive transition to the existing three and four storey buildings across the streets. The materials have been softened to fit better within the primarily residential area. At the rear, large trees on the neighbouring property and a change in grade mitigate potential privacy and overlook concerns.

The proposal mitigates the height of the building by varying the materials and stepping back the upper most storey of each portion of the building. Amenity space for the units is provided through balconies and patios, with common amenity space including a central courtyard with a dog run and a rooftop patio on the fifth level with gardening space, seating and an adjacent indoor lounge.

James Bay Neighbourhood Plan

The *James Bay Neighbourhood Plan* (1993) has a number of goals and objectives relating to the design of new buildings. The Plan encourages a visual harmony of form and scale between new buildings and adjacent residential units. New multi-unit residential development is envisioned with maximum heights of three to four storeys. Additionally, 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. Trees and natural vegetation that line the street should also be protected.

As mentioned in the preceding section, the proposal maintains a four-storey roofline on the street frontages and uses residential materials to fit both within the goals of the *James Bay Neighbourhood Plan* as well as the existing neighbourhood context. Although the street trees on Menzies Street will need to be removed, an improved boulevard will be installed on both Menzies Street with replacement street trees and on Niagara Street with new street trees where previously there were none.

Building Setbacks

A new site-specific zone is recommended for this site, with minimum setbacks of 7.0m. While it is believed this proposal has been designed to fit the site, maintain privacy and provide appropriate transitions to neighbouring buildings, it is not recommended that the proposed setbacks be enshrined within the zone. This is to ensure that, should this proposal not be constructed, any new proposals would either meet the setbacks or request variances from Council while demonstrating that the impact on the public realm and neighbouring properties is minimal.

The proposal will therefore require the following setback variances:

- decrease the street boundary setback on Niagara Street from 7.0m to 1.3m to the building face, to 0.33m to the stairs. And to 0.21m to the balconies
- decrease the rear yard setback from 7.0m to 5.15m to the balcony and to 4.24m to the stairs
- decrease the Menzies Street side yard setback from 7.0m to 1.37m to the building face and to 0m to the balconies
- decrease the northwest side yard setback from 7.0 to 2.31m.

Parking

The proposal will require variances to both residential and visitor vehicle parking. Residential vehicle parking is requested to be reduced from 146 stalls to 91 stalls. Visitor vehicle parking is requested to be reduced from 14 stalls to 9 stalls. The applicant proposes the following Transportation Demand Management measures to offset the vehicle parking variances:

- 233 long term bicycle stalls (64 stalls more than required by *Schedule C*) six of which are dimensioned for cargo bicycles
- two car share parking stalls with EV charging capability
- two car share vehicles
- car share memberships for each of the residential units.

Staff believe this Transportation Demand Management program will help offset the parking shortfall.

Advisory Design Panel

The Advisory Design Panel (ADP) reviewed this Application on March 24, 2021. A copy of the minutes from this meeting are attached. The ADP was asked to comment on the length and massing of the building, particularly on the street frontages, and the height as it relates to transitioning to neighbouring properties. The ADP motion was as follows:

That Development Permit with Variance Application No. 00153 for 110 Menzies Street, 111 Croft Street and 450-458 Niagara Street be approved with the following changes:

- *Reconsider increased setbacks on Menzies and the property to the north adjacent the BC Housing property.*
- *Reconsider the corrugated metal cladding, the contrast in colour of the eave trim reveals and the black highlights to deemphasize the height*
- *That the Application doesn't meet relevant policies of the James Bay plan or the R3-2 Zoning*
- *Improve the landscape buffer to the house to the west.*

The applicant has responded to the design feedback by changing the corrugated metal cladding to board and batten panel siding, by lightening the colour of the upper storey highlights, and by improving the landscape buffer to add a 1.8m wooden fence, plant laurel shrubs for screening, and add a 0.61m planting strip on the neighbouring property for additional screening. Furthermore, the applicant resurveyed the properties to demonstrate that the transition to the north was not as stark as originally shown on plans and that the existing trees provide for a more significant buffer.

Topics related to the Panel's observation that the proposal does not meet the R3-2 Zone or some policies of the *James Bay Neighbourhood Plan* are addressed in the concurrent Rezoning Application report.

CONCLUSIONS

The proposed development is generally consistent with the relevant Design Guidelines and represents an appropriate fit within the neighbourhood. The applicant has made revisions to address comments from staff and the Advisory Design Panel. Finally, setback variances are mitigated within the proposed design and the parking variances are mitigated through extensive TDM measures. It is therefore recommended that Council consider supporting this application.

ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00153 for the property located at 110 Menzies Street, 111 Croft Street and 450-458 Niagara Street.

Respectfully submitted,

Mike Angrove
Senior Planner
Development Services Division

Karen Hoesle, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped July 9, 2021
- Attachment D: Letter from applicant to Mayor and Council submitted July 9, 2021
- Attachment E: Tenant Assistance Plan
- Attachment F: Community Association Land Use Committee Comments dated February 16, 2021
- Attachment G: Pre-Application Consultation Comments from Online Feedback Form
- Attachment H: Minutes from the March 24, 2021 Advisory Design Panel Meeting
- Attachment I: Arborist Report dated December 9, 2020
- Attachment J: Correspondence (Letters received from residents).