



Council Report

For the Meeting of October 17, 2024

To: Council **Date:** October 3, 2024

From: Karen Hoese, Director, Planning and Development

Subject: Update report for Rezoning Application No. 00844 and Development Permit with Variances Application No. 00266 for 1035 Russell Street

RECOMMENDATION

Rezoning Application

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1348), No. 24-078.

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. 00266 for 1035 Russell Street, in accordance with plans submitted to the Planning and Development department and date stamped on **August 23, 2024**, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. Reduce the side (east) setback from **5.0m** to 3.01m.
 - ii. Reduce the rear (south) setback from **5.0m** to 1.52m.
 - iii. **Reduce the setback from Russell Street from 2.0m to 0.0m.**
 - iv. Increase the maximum site coverage from 50% to 53.3%.
 - v. Decrease the minimum open site space requirement from 45% to 40.18%.
 - b. Final plans generally in accordance with the plans date stamped **August 23, 2024**, with the following revisions:
 - i. Modifications to the Russell Street frontage to accommodate additional landscaping and simplifying the design of the building, as stated in the letter from the Applicant dated April 9, 2024.

- ii. Modifications that address the following to the satisfaction of the Director of Engineering:
 - Ensure doors do not swing out across a public sidewalk or statutory right of way.
 - Correct the alignment of Raynor Street and ensure all drawings are consistent.
 - Move the sidewalk to align with the property line along Raynor Street and the inbound SRW boundary along Russell Street and ensure all drawings are consistent.
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 provide an updated motion related to the Development Permit with Variances Application for the property located at 1035 Russell Street. Council advanced Rezoning Application No. 00844 and associated Development Permit with Variances Application No. 00266 at the Council to Follow Committee of the Whole (CTFCOTW) meeting on June 13, 2024 with the following motion:

Rezoning Application

1. *That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated May 9, 2024 for 1035 Russell Street.*
2. *That, after publication of notification in accordance with section 467 of the Local Government Act, first, second and third reading of the zoning regulation bylaw amendment be considered by Council once the following conditions are met:*
 - a. *Revise the plans to provide one van accessible parking stall and adjust the proposed variances if necessary, to the satisfaction of the Director of Sustainable Planning and Community Development.*
 - b. *Revise the Tenant Assistance Plan, to the satisfaction of the Director of Sustainable Planning and Community Development, to meet expectations of the Tenant Assistance Policy, and more specifically to include:*
 - i. *Rent compensation for eligible tenants as per length of tenancy and at 2022 CMHC average rents or tenant's rent, whichever is higher.*
 - ii. *Relocation support for eligible tenants with at least three housing options that are comparable in size, location and price, and which meet tenant needs.*
 - c. *Revise the arborist report, site survey, landscape plan and civil plan to the satisfaction of the Director of Parks, Recreation and Facilities.*
3. *That following the third reading of the zoning amendment bylaw, the applicant prepare and execute the following legal agreements, with contents satisfactory to the Director of Sustainable Planning and Community Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:*

- a. a 2.47m wide Statutory Right of Way on Russell Street.
4. That adoption of the zoning bylaw amendment will not take place until all of the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.

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. 00266 for 1035 Russell Street, in accordance with plans submitted to the Planning department and date stamped by Planning on December 1, 2023, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the side (east) setback from 4.0m to 3.01m;
 - ii. reduce the rear (south) setback from 4.0m to 1.52m;
 - iii. increase the site coverage from 50% to 53.3%;
 - iv. decrease the open site space requirement from 45% to 40.18%;
 - v. decrease the number of required visitor parking stalls from 1 to 0; and
 - vi. decrease the number of required van accessible parking stalls from 1 to 0.
 - b. Final plans generally in accordance with the plans date stamped December 1, 2023, with the following revisions:
 - i. Modifications to the Russell Street frontage to accommodate additional landscaping and simplifying the design of the building, as stated in the letter from the Applicant dated April 9, 2024.
 - ii. Revised plans to the satisfaction of the Director of Engineering are required that addresses the following:
 - Ensure doors do not swing out across a public sidewalk or statutory right of way.
 - Correct the alignment of Raynor Street and ensure all drawings are consistent.
 - Move the sidewalk to align with the property line along Raynor Street and the inbound SRW boundary along Russell Street and ensure all drawings are consistent.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.”

The applicant has fulfilled the conditions set by Council; therefore, it is recommended that Council consider first, second and third reading of Zoning Regulation Bylaw, Amendment Bylaw (No. 1348), No. 24-078 and amend the motion related to the Development Permit with Variances application to account for changes to the variances associated with parking and setbacks (shown in bold text in the recommendation).

BACKGROUND

Variances

After the June 13, 2024 CTCOTW meeting and consistent with Council's direction, the applicant made some minor modifications to the building design including adding an accessible parking space.

While the location of the building on the lot has not changed, there have been changes to the regulations against which the setbacks are measured. Since the new zone is drafted based on a missing middle corner townhouse development, the resubmitted plans were assessed against the Schedule P: Missing Middle Regulations of the *Zoning Regulation Bylaw*. The previous plans submitted last year were assessed against the RT Zone, Traditional Residential Attached Dwelling District. As a result, the setback variances have changed slightly as there are minor differences in the setback requirements in the two zones. As well, the missing middle regulations do not require a visitor parking space which negates the need for that variance.

Variances included in the previous motion:

- reduce the side (east) setback from 4.0m to 3.01m;
- reduce the rear (south) setback from 4.0m to 1.52m;
- increase the site coverage from 50% to 53.3%;
- decrease the open site space requirement from 45% to 40.18%;
- decrease the number of required visitor parking stalls from 1 to 0; and,
- decrease the number of required van accessible parking stalls from 1 to 0.

With the revised motion (recommended), the two parking variances are no longer required and setback variances have been amended (shown in bold text):

- reduce the side (east) setback from **5.0m** to 3.01m;
- reduce the rear (south) setback from **5.0m** to 1.52m;
- **reduce the setback from Russell Street from 2.0m to 0.0m;**
- increase the site coverage from 50% to 53.3%; and,
- decrease the open site space requirement from 45% to 40.18%.

CONCLUSION

The updated recommendation provided for Council's consideration reflects a zoning analysis based on the missing middle regulations and the revised plans for the eight-unit townhouse development at 1035 Russell Street.

Respectfully submitted,

Gerry Hamblin
Senior Planner
Development Services Division

Karen Hoese, Director
Planning and Development

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Bylaw No. 24-078
- Attachment B: Plans date stamped August 23, 2024
- Attachment C: Committee of the Whole Report from the meeting of May 23, 2024