

July 17<sup>th</sup>, 2013

RPC13-44

To the Members of The Regina Planning Commission

RE: Application for Discretionary Use (13DU-09) and Zoning Bylaw Amendment (13-Z-05)  
Proposed Apartment Block 722-17<sup>th</sup> Avenue.

The proposed development of a four storey apartment block at 722-17<sup>th</sup> Avenue that will require a rezoning of the property to R4A residential infill from R3 older residential neighbourhood is not only unacceptable and inappropriate for this older residential neighbourhood it offends the senses and it offends these specific Regina Development Plan now Official Community Plan policies as described by SHS Consulting in their Background Review Report.

“The Development Plan has several policies that encourage the development of complete communities within the City and these include:

Section 7.1(h) of Part A states that one of the housing objectives of the Plan is to ensure that residential development and redevelopment is compatible with adjacent residential and non-residential development. Section 7.15 states that the City should develop criteria to determine compatibility.

7.14 Higher Density Housing Adjacent to Major Arterial Streets

a) That the City shall establish criteria to facilitate residential intensification along and adjacent to selected major arterial streets in the city.

b) That the City shall ensure that higher density residential development along major arterial streets is compatible with the overall urban street design and will not impair general traffic.

7.15 Ensure Compatible Development Associated with Housing

a) That the City should develop general criteria to ensure that all new housing development is compatible with existing development. These criteria should address mass, height, setback of development, traffic, land use and any other item that may affect compatibility. “

In order to make this unattractive apartment block fit the City of Regina will have to spot zone the property, relax the existing permitted height of 11 meters or 36' to 11.6 meters or about 37.5' and reach into the discretionary use category in the R4A zone to make it work.

I cannot imagine an uglier northern edifice other than that of a prison. Moreover this four story building will completely block the sunlight from the neighbouring property to the north, a serious issue that should prompt a sun/shadow impact assessment as described in Chapter 18 5.10 of Zoning Bylaw 9250.

Whether planned or not I view the advancement of this prohibited development in the R3 Older Residential Neighbourhood Zone that will require a spot zoning of the property and debase the built character of the neighbourhood as well as offend the Regina Development Plan policies, as unfair. No doubt some of the residents in the immediate vicinity might agree to almost any development whether it is inappropriate or not after tolerating years of living with the decrepit two storey building on the property. Apparently the neighbours have complained to the City of Regina bylaw enforcement about the miserable conditions in that building as described by former tenants for some time. Their complaints have been met with something is being done.

There are policies in the Regina Development Plan that speak to the revitalization and retention of the existing housing stock in older residential neighbourhoods. In particular Section 5.19 of Part A which focuses on the enforcement of the Regina Property Maintenance Bylaw. That said the ongoing decrepit condition of the building should have prompted a more robust response by the City's Bylaw Enforcement Officers.

Here is the relevant purpose statement from the Regina Maintenance Bylaw  
Regina Property Maintenance Bylaw

## SCHEDULE "A" TO BYLAW NO. 2008-48

### PART 1: GENERAL

1. All buildings and Structures shall be maintained to the following standards:

- (a) to prevent deterioration due to weather;
- (b) free from health, fire and accident hazards;
- (c) insect, rodent and vermin free; and
- (d) free from graffiti.

### G. VERMIN AND RODENTS

1. All buildings shall be so maintained as to eliminate **any condition liable to bring about the existence or presence of vermin, insects or rodents, to prevent the entry of vermin, insects or rodents into any building**, or to eliminate existing vermin or rodents in the building.

### R. VERMIN AND RODENTS

1. Any condition liable to cause the presence of vermin, insects or rodents shall be removed from buildings. Should a building be infested by vermin, insects or rodents, all measures shall be taken to destroy the vermin, insects or rodents immediately, and such preventative measures taken as are necessary to prevent the reappearance of such vermin, insects and rodents

The exterior physical condition of the building calls for a complete assessment of its condition by a qualified appraiser and an engineer. In addition the Regina Qu'Appelle Health Region should assess the interior of the building to check for evidence of health and safety related risks to the tenant or tenants with a view to a placard of the building.

To support my contention of an objectionable reach through the zoning bylaw into a discretionary use category and a spot zoning that will facilitate the apartment block development here are the relevant zone regulations and purpose statements for the R3 Older Residential Neighbourhood and the R6 Residential Multiple Housing Zone the only zone where low rise apartments are a permitted use.

## 6. RESIDENTIAL ZONE REGULATIONS

### PART 6A

#### PURPOSE OF CHAPTER

(1) The purpose of this Chapter is to provide detailed regulations and requirements that are relevant only to residential zones and specific residential uses. These regulations supplement those provided in Chapters 4 and 5.

(2) The provisions in this Chapter are intended to:

(a) encourage the development of a variety of housing types which meet the needs of the present and future residents of the City;

(b) **ensure that the varying residential types and densities are compatible;** and

(c) **protect the character and intent of the residential zones and neighbourhoods**

#### **6C.4 RESIDENTIAL OLDER NEIGHBOURHOOD ZONE (R3)**

##### **4.1**

##### **INTENT**

(1) This zone is intended to provide for the **conservation of older Inner City neighbourhoods that have developed over time as a mixture of duplexes and triplexes. It is also intended to provide for flexibility in building and site design in locations where residential development or redevelopment is desired at moderate intensity.**

(2) The zone will be used to implement the Development Plan objectives to:

(a) **encourage the maintenance, conservation and renewal of existing housing;** and

(b) **ensure that residential development and redevelopment is compatible with adjacent residential and non-residential developments. [1992/9250]**

#### **6C.8 RESIDENTIAL MULTIPLE HOUSING ZONE (R6)**

##### **8.1**

##### **INTENT**

(1) **This zone is intended to regulate the location and standards for apartment buildings, townhouses and fourplex dwellings.** It will also provide developers with a variety of development options, with a net density in excess of 50 dwelling units per hectare. [2005-61]

(2) This zone implements the Development Plan policies to:


(a) encourage the provision of affordable housing, particularly for low and moderate income households and special need groups; and

(b) **encourage higher density housing and mixed use development along major arterial streets. [1992/9250]**

The Regina Development Plan policies and Zoning regulations are not guidelines. These documents are bylaws and are legal binding documents by means of the relevant authorizing sections in The Planning and Development Act, 2007. Failure to comply with the provisions of these documents is therefore a serious matter. Having said that I believe approval of this spot zoning to permit the proposed four storey apartment block would constitute a breach of the Regina Development Plan policies and Zoning Bylaw 9250 regulations.

On the basis of the above I urge the members of the Regina Planning Commission to reject the application for this discretionary use and rezoning to accommodate the four storey apartment block at 722-17<sup>th</sup> Avenue.

Respectfully submitted to Regina Planning Commission this 17<sup>th</sup> day of July, 2013.

  
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Wilma Staff      Alderman 1979-85      UMA/RMA ret.

**Attachments:** Chapter 5. Use and Development Regulations Zoning Bylaw 9250

## **5. USE AND DEVELOPMENT REGULATIONS**

### **PART 5A**

#### **PURPOSE OF CHAPTER**

- (1) The purpose of this Chapter is to indicate which land uses:
  - \* (a) may locate in a land use zone as a matter of right;
  - \* (b) may locate in a land use zone at the discretion of Council; and
  - \* (c) are prohibited in each land use zone.
- (2) The Chapter will also identify the development standards under which the permitted and discretionary uses may be developed.
- (3) The intent is to bring all regulations relating to the uses that are allowed on properties and the level of intensity at which the uses may be developed, in one Chapter for quick and easy reference. [1992/9250]



## **PART 5B**

### **USE REGULATIONS**

#### **5B.1 LAND USE TABLES**

All uses of land or development of land in every land use zone must be made in accordance with the table of land uses in this Part. [1992/9250]

#### **5B.2 INTERPRETION OF LAND USE TABLES**

Tables 5.1, 5.2, 5.3 and 5.4 list land uses that are permitted by right, permitted at Council's discretion and prohibited in the:

- (a) residential;
- (b) commercial;
- (c) industrial;
- (d) special; and
- (e) overlay zones. [1992/9250]

#### **\*2.1 PERMITTED USES**

Land uses permitted by right are marked by "P" at the intersection of the column and row, and require compliance with:

- (a) the general development regulations of Chapter 4;
- (b) the applicable development standards specified in this Chapter;
- (c) the general requirements of the specific land use zone in which they are located, as specified in either Chapter 6, 7, 8 or 9; and
- (d) any additional requirements imposed by:
  - (i) applicable overlay zone as described in Chapter 10;
  - (ii) Zoning Maps; or

- (iii) additional requirements applicable to the use as specified in Chapters 11 to 18. [1992/9250]

## **\* 2.2 DISCRETIONARY USES**

- (1) Land uses that are permitted at the discretion of Council are marked "D" at the intersection of the column and row, and may be developed subject to:
  - (a) all requirements applicable to land uses permitted by right mentioned in Section 2.1; and
  - (b) any additional requirements imposed by Council as part of the discretionary use review process.
- (2) Each application for a discretionary use is considered as a unique case and shall not be regarded as a precedent for similar requests. [1992/9250]

## **\* 2.3 PROHIBITED USES**

- (1) Blank space is used in the tables to designate land uses that are prohibited in the land use zones.
- (2) Where a land use for which a blank space is shown existed in the land use zone prior to the coming into force of this Bylaw, that use may be continued as a legal non-conforming use, pursuant to Chapter 13 of this Bylaw. [1992/9250]

## **5B.3 LAND USE CLASSIFICATION**

### **3.1 PURPOSE**

The Classification of permitted and discretionary uses in land use zones in this Bylaw has been tied to the land use definitions provided in Chapter 2 of this Bylaw or the classifications of economic activities used in the *United States Standard Industrial Classification (SIC) Manual, 1987*. The classification of permitted and discretionary uses is intended to:

- (a) ensure that incompatible land uses are properly separated; and
- (b) facilitate the location of new land uses not specifically mentioned in this Bylaw. [1992/9250; 1999/10110]

TABLE 5.1: TABLE OF LAND USES - RESIDENTIAL ZONES [2011-61]												
LAND USE TYPE	SIC CODE	LAND USE ZONE <sup>1</sup>										
		R1	R1A	R2	R3	R4	R4A	R5	R6	R7	R8	TAR
KEY: P=Permitted Use; D=Discretionary Use; Blank Space=Prohibited Use												
RESIDENTIAL												
Apartment	999								D			D
Apartment, Low Rise	999						D		P			D
Apartment, High Rise [1999/10110]	999								D			D
Apartment, Seniors Assisted Living – Low Rise [2005-34; 2011-8]	999						D	D	P			D
Apartment, Seniors Assisted Living – High Rise [2005-34]	999								D			D
Dwelling Unit	999											D <sup>9</sup>
Dwelling Unit, Converted	999					D	D					P
Dwelling Unit, Detached	999	P	P	P	P	P	P	D	D		P <sup>8</sup>	P
Dwelling Unit, Duplex	999			P	P	P	P	P	D		D	P
Dwelling Unit, Fourplex	999						D	P	P			P
Dwelling Unit, Mobile Home	999									P		
Dwelling Unit, Planned Group <sup>18</sup>	999	D	D	D	D	D	D	D	D		D	D
Dwelling Unit, Semi-Detached	999			P	P	P	P	P	D		D	P
Dwelling Unit, Townhouse	999					D	D	P	P			P
		R1	R1A	R2	R3	R4	R4A	R5	R6	R7	R8	TAR