

July 29, 2013

To: His Worship the Mayor  
and Members of City Council

Re: Applications for Zoning Bylaw Amendment (13-Z-5) and Discretionary Use (13-DU-09)  
– Proposed Low-Rise Apartment 722 17th Avenue

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**RECOMMENDATION OF THE REGINA PLANNING COMMISSION – JULY 17, 2013**

1. That the application to rezone Lots 25 and 26, Block 14, Plan No. U2439 located at 722 17<sup>th</sup> Avenue from R3 – Residential Older Neighbourhood to R4A – Residential Infill Housing, be DENIED.
2. That the discretionary use application for a proposed Low-Rise Apartment located at 722 17<sup>th</sup> Avenue, being Lots 25 and 26, Block 14, Plan No. U2439, Assiniboia Place, be DENIED.

*REGINA PLANNING COMMISSION – JULY 17, 2013*

The following addressed the Commission:

- Mark Andrews, City Planner, made a PowerPoint presentation, a copy of which is on file in the City Clerk's Office;
- Sherri McKinnon, representing Assiniboia & Arnheim Place Apartment Block residents;
- Jerry Ricci; and
- Brett Ackerman and Patrick Allingham, representing Allman Homes & Realty.

The Commission adopted a resolution to concur in the recommendation contained in the report.

Councillors: Jerry Flegel, Shawn Fraser and Mike O'Donnell; Commissioners: David Edwards, Phil Evans, Dallard LeGault, Daryl Posehn, Phil Selenski and Sherry Wolf were present during consideration of this report by the Regina Planning Commission.

The Regina Planning Commission, at its meeting held on July 17, 2013, considered the following report from the Administration:

**RECOMMENDATION**

1. That the application to rezone Lots 25 and 26, Block 14, Plan No. U2439 located at 722 17<sup>th</sup> Avenue from R3 – Residential Older Neighbourhood to R4A – Residential Infill Housing, be DENIED.
2. That the discretionary use application for a proposed Low-Rise Apartment located at 722 17<sup>th</sup> Avenue, being Lots 25 and 26, Block 14, Plan No. U2439, Assiniboia Place, be DENIED.

## CONCLUSION

The following information is provided with respect to the subject proposal:

- The subject property is located within the Assiniboia Place Subdivision and the Al Ritchie Community Association boundary;
- The subject property is currently zoned R3 – Residential Older Neighbourhood and is proposed to be rezoned to R4A – Residential Infill Housing to accommodate development of a four storey, low-rise apartment building consisting of nine, two-bedroom suites;
- Nine internal, main-floor parking stalls are proposed to be provided on site which meet the minimum parking requirements; and
- Access provided from 17<sup>th</sup> Avenue and from lane (between Atkinson and Broder Streets).

Residents of the surrounding community are almost unanimously opposed to the proposed development. The Administration received a petition, signed by 112 local residents opposing this project. The following highlights some of the most frequently expressed concerns that were received in response to the public consultation process for the proposed development:

- The scale and massing of the building will cast shadows into the rear yards of abutting property;
- The development will generate additional traffic and 9 parking stalls may be insufficient with no provision for guest parking resulting in overflow parking onto the street;
- A proposed rental building in a residential area may negatively affect surrounding property values; and
- Approving this development could set a precedence to have similar development proposals in the neighbourhood.

While the addition of nine rental suites constructed in an efficient urban form that integrates parking would provide measurable benefits to prospective tenants with access to transit and other existing community amenities and services, the Administration does not support the proposal as it does not demonstrate a sufficient level of sensitivity and compatibility with the surrounding area. The scale and massing of the building is greater than what should reasonably be accommodated at this location. The proposed four storey development would have a particularly significant impact on the adjacent single family lot to the north.

Finally, while the *Official Community Plan* encourages a variety of housing types in all neighbourhoods and infill development to revitalize the City, the Administration does not recommend approval of this proposal as a means to address this issue. Responses to housing challenges should be led through a planning process that attempts to strike a good balance between accommodating a variety of housing options in existing and developing communities and achieving development that is a good design “fit”.

## BACKGROUND

Applications for Zoning Bylaw amendment and Discretionary Use have been submitted concerning the property at 722 17<sup>th</sup> Avenue.

This application is being considered pursuant to *Regina Zoning Bylaw No. 9250, Regina Development Plan Bylaw No. 7877 (Official Community Plan -OCP), and The Planning and Development Act, 2007.*

Pursuant to subsection 56(3) of the Act, Council may establish conditions for discretionary uses based on; nature of the proposed (e.g. site, size, shape and arrangement of buildings) and aspects of site design (e.g. landscaping, site access, parking and loading), but not including the colour, texture or type of materials and architectural details.

## DISCUSSION

### Zoning and Land Use Details

The applicant proposes to construct a 4 storey apartment building containing nine, 2-bedroom suites and a main floor parkade.

Presently, the site contains a 4-unit, 2 storey multi-family residence on the eastern half of the lot. The structure would be demolished if this proposal were to proceed.

<b>Land Use Details</b>		
	<b><u>Existing</u></b>	<b><u>Proposed</u></b>
Zoning	R3 – Residential Older Neighbourhood	R4A – Residential Infill Housing
Land Use	Fourplex	Residential low rise apartment building
Number of Dwelling Units	4	9
Building Area	N/A	318.9 sq. m.

<b>Zoning Analysis</b>			
	<b><u>Required (R3)</u></b>	<b><u>Required (R4A)</u></b>	<b><u>Proposed</u></b>
Number of Parking Stalls Required	1/ Dwelling Unit	1/ Dwelling Unit	1/ Dwelling Unit (9)
Minimum Lot Area (m <sup>2</sup> )	250 m <sup>2</sup>	500 m <sup>2</sup>	638.4 m <sup>2</sup>
Minimum Lot Frontage (m)	7.5m	7.5 m	16.76 m
Maximum Height (m)	11m	13 m (apartment)	11.6 m (four storeys)
Gross Floor Area	n/a	n/a	820.7m <sup>2</sup> *
Floor Area Ratio	0.85 (542.6)	Max. 3.0 (1915.2m <sup>2</sup> )	1.28*
Site Coverage (%)	50%	Max 50%	50%

\*excludes parking areas, stairwells, shafts, and balconies.

### Site Context

The subject property is located on the northeast corner of 17<sup>th</sup> Avenue and Atkinson Street in the Assiniboia Place subdivision. The surrounding area is predominantly built with single detached bungalows. Within the wider context, Miller High School and Balfour High School are located

three blocks to the west on College Avenue and Wascana Centre and the Saskatchewan Science Centre are located approximately three blocks to the south.

Presently, the site contains a 4-unit, 2 storey multi-family residence (fourplex) on the eastern half of the lot that would be demolished.

#### Land Use and Development Compatibility

Given the massing and scale of the proposed development the property located immediately to the north would be significantly impacted by shadowing. The Administration has prepared a number of figures attached to this report that demonstrate the shadowing and massing impacts. A summary of the details and information shown in these figures is discussed below:

- Appendix A-3.5: This figure illustrates the sun shadow impact of a development scenario with two structures built to maximum FAR in the existing R3 zone at 3PM on May 21. A little less than one quarter of the yard's sunlight has been blocked by the structures under this development scenario.
- Appendix A-3.5.1: This figure illustrates the sun shadow impact effect of the proposed development at 3PM on May 21. In this case, approximately half of the rear yard is shaded, impacting the quality of life and amenity space for the property owner to the north.
- Appendices A-3.5.2 to A-3.5.4: These figures compare the scale and massing of the proposed building (outlined in red lines) and two buildings built to the maximum permitted FAR for the R3 Zone. It is clear that the massing of the proposed building is much larger than would otherwise be permitted in the zone. It will interrupt the rhythm of the street, and would bring the building footprint much closer to the alley and impact the comfort and ability to use the rear yard of the property to the north.

The intent of the R3 - Residential Older Neighbourhood zone is to provide for the conservation of older inner city neighbourhoods and to provide for flexibility in building and site design in locations where residential development or redevelopment is desired at moderate intensity. To this end, the Administration supports a mixture of housing types and flexibility in design in locations that are suitable and complement the neighbourhood.

However, the overall scale and design of this proposal in this context is not compatible with adjacent land uses. It is important in infill development situations to give special attention to sensitive design fit and compatibility with surrounding land uses. The Administration believes that the current design is not sensitive to the scale and form of development in the immediate area.

The Administration discussed these concerns with the applicant and attempted to find alternate design solutions that would have resulted in a more compatible development including a reduction in the number of units and architectural aspects of the development. The applicant advised that they would like to proceed as submitted as alterations would impact the economic viability of the project.

## RECOMMENDATION IMPLICATIONS

### Financial Implications

The subject area currently receives a full range of municipal services, including water, sewer and storm drainage. The applicant will be responsible for the cost of any additional or changes to existing infrastructure that may be required to directly or indirectly support the development, in accordance with City standards and applicable legal requirements.

Any infrastructure that is deemed eligible for Servicing Agreement Fee funding will be funded by the City of Regina in accordance with the *Administration of Servicing Agreements Fees and Development Levies* policy. Utility charges are applied to the costs of water, sewer and storm drainage services.

### Environmental Implications

This proposal is not supported by the Administration and therefore, no applicable environmental implications or benefits apply with respect to this report.

### Policy/Strategic Implications

#### Official Community Plan

In accordance with *The Planning and Development Act, 2007*, (Section 40), “no development shall be carried out that is contrary to the Official Community Plan.” This section lists the policies that support and conflict with the proposal and concludes with a summary and recommendation rationale.

## 1. OCP Policies and Objectives that Support the Proposal

### Part A- Policy Plan

#### 5.4 Energy Conservation Policies

- a) That a compact urban form should be achieved by:
  - iv) Promoting infill residential redevelopment and rehabilitation.

#### 7.1 Housing Objectives

- a) To accommodate the demand for a variety of housing types throughout the city.
- b) To encourage the provision of affordable housing particularly for low and moderate income households and special needs groups.

#### 7.20 Encourage Infill Development of the Inner City

- a) That the City should encourage construction of housing units in the inner city neighbourhood area for households of all social and economic characteristics.
- d) That the City shall encourage infill development to minimize the need for annexing additional land on the periphery of the city.

## 2. OCP Policies that Conflict with the Proposal

### 7.1 Housing Objectives

- g) To encourage higher density housing and mixed use development along or adjacent to major arterial streets.
- h) To ensure that residential development and redevelopment is compatible with adjacent residential and non-residential development

### 5.4 Energy Conservation Policies

- c) That vacant inner city sites should be redeveloped in a manner which enhances the amenity of the neighbourhood.
- q) That relatively uniform setback of houses be encouraged to reduce overshadowing.

### 6.1 Transportation and Infrastructure Objectives

- d) To encourage vehicles to travel on arterial and collector streets to minimize through traffic on local streets.

## 3. Summary of Policy Analysis

The proposed low-rise apartment in this neighbourhood conforms to some OCP objectives and policies relating to encouraging of infill development to maintain a compact urban forms; provision of housing, and energy conservation.

Furthermore, the City encourages a variety of housing types in all neighbourhoods, specifically to support a growing senior's population, and to allow for people to choose to live in a neighbourhood regardless of housing needs. The neighbourhood is largely built with single storey, pre-war homes, with little variation in housing type or size.

However, the proposal is not supported by policies related to sensitive design of infill and neighbourhood compatibility. The massing and scale of the building is inappropriate within the context of the location. The proposed building massing is simply too large for this location and the property owner to the north would be particularly negatively impacted.

The OCP encourages infill development to be located on or adjacent to major arterial streets and in this case. Both 17<sup>th</sup> Avenue and Atkinson Street are local streets. While this development itself will have a marginal impact on traffic, as a general policy higher density development should be accommodated along higher order streets, along transit routes, or in other areas identified in policy for intensification.

Overall, the Administration feels that while the policies contained in the OCP encourage infill development to ensure a compact urban form, the approval of a development that is both out of scale and character with the surrounding neighbourhood and would negatively impact abutting properties. This, in turn could set precedent in regards to what the City accepts as sensitive infill development in a mature neighbourhood context. In the long run, this development could impede the overall objectives of intensification of existing older residential communities. The Administration would be supportive of redevelopment of this site in accordance with existing zoning, and would consider rezoning at a moderate increase of intensity with a design that is more sympathetic and sensitive to the surrounding community.

### Other Implications

None with respect to this report.

### Accessibility Implications

The proposed development provides 1 parking stalls for persons with disabilities which meets the minimum requirements.

### COMMUNICATIONS

Communications strategy has been developed to address the community issues.

Public notification signage posted on:	March 20, 2013
Will be published in the Leader Post on:	N/A
Letter sent to immediate property owners	March 25, 2013
Public Open House Held	April 9, 2013
Number of Public Comments Sheets Received	<b>68</b>

A more detailed accounting of the respondents' concerns and the Administration's response to them is provided in Appendix B. Also included are the applicant's and Administration's response to those issues, as well as the actual community comments received during the review process. The applicant and other interested parties will receive written notification of City Council's decision.

### DELEGATED AUTHORITY

City Council's approval is required, pursuant to Part V of *The Planning and Development Act, 2007*.

Respectfully submitted,

REGINA PLANNING COMMISSION



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Elaine Gohlke, Secretary