

# MEMO

**TO:** Planning Advisory Committee

**FROM:** Andrew Fisher, Director of Planning & Strategic Initiatives

**DATE:** May 1, 2023

**RE:** Development Agreement – Apartment Building – 155 East Victoria Street

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## **PROPOSAL:**

A revised application by Leslie Carrie for a development agreement to allow construction of a 48-unit apartment building at 155 East Victoria Street (Lot 2005-1A, PID 25034091).

## **BACKGROUND INFORMATION:**

The attached application briefing provides the revised site details and building proposal. Also attached is a lot coverage, shade analysis and model of the proposal in relation to the streetscape and buildings in the area. The original proposal was for a 6-7-level, 59-unit apartment building. After a January 18<sup>th</sup> Public Participation Opportunity, on February 6<sup>th</sup> the PAC recommended that Council not enter into the development agreement. Subsequently, the applicant requested an opportunity to revise the height and number of units, and increase the setback from the adjacent property at 153 East Victoria Street. On January 27<sup>th</sup>, Council referred the application back to the PAC for review and recommendation.

Although changes have been made to the proposal since the Public Participation Opportunity (PPO) took place, it is substantially the same in terms of the type of use and major site features. Addressing the issues raised at the February PPO is the key focus of the revised proposal. As such, it would be redundant to hold an additional PPO. Following PAC's second recommendation, should Council decide to pass first reading, a public hearing will be held to gain the public's input on the revised proposal.

As indicated above and shown on the attached briefing the proposed building has been reduced from 6 levels (7 at East Victoria) to 4 levels (5 at East Victoria). The footprint of the building, now rectangular, no longer articulates at the centre. The revised building has also been moved towards South Adelaide, increasing the setback from approximately 10 feet to 24 feet, providing approximately 30 feet of separation between the proposed building and the dwelling at 153 East Victoria.

There are other architectural changes including three exterior finishes to break up the vertical lines of the building. The roof line has been significantly changed to include peak and hip roof features to reduce the 'box-like' character of the initial proposal. These features reference the architecture of its surroundings. A lighter color for the 4<sup>th</sup> floor juxtaposed with the darker coloured brick and stone on the lower floors has a similar visual effect of emphasizing the lower levels. A covered entrance is added. Decks on the southwest units that were recessed, now protrude from the building wall. The 4/5<sup>th</sup> floor deck on the north corner of the building is set back into the building footprint.

Staff also developed a model that accounts for land elevation relative to sea level, which provides a more accurate comparison of the proposed building height and the surrounding buildings. As shown in the Briefing, the proposed building will be approximately 45.5 m above sea level, just over 3.1 m (10.2 feet) higher than the 8-unit apartment at 157 East Victoria, and approximately 10.2 m (33 feet) higher than 153 East Victoria.

## **PUBLIC PARTICIPATION OPPORTUNITY**

A public participation opportunity advertised in accordance with the Policy for Public Participation and Notification, was held on January 18, 2023. A video of the meeting has been made available, and a summary is provided as part of the information package. Written submissions are also part of the information package. Some of the concerns raised at the meeting could be summarized as follows:

- The building is out of scale with adjacent detached dwellings in terms of the number of units and bulk, height and position
- Not sensitive to the established neighbourhood character
- Approval of this will set a precedent for all residential neighbourhoods
- Loss of privacy
- Traffic increase in frequency and speed
- Property values will decrease in the area
- Construction noise and disruption
- Schools are already over capacity
- School children safety
- The proposal does not meet the LUB requirements
- Impact assessment needed on services, environment, fire services, traffic, school system.
- Fencing is needed.

Many of the above noted concerns are addressed in the discussion below. In addition, the applicant provided the attached response to the concerns raised by the public.

## **RELEVANT POLICY**

Section 7.2.2 of the Land Use Bylaw requires that residential developments with over four dwelling units are subject to a development agreement in accordance with Policy RP-9 of the Municipal Planning Strategy (MPS). The following provides the MPS Policies relevant to this issue with staff comments.

### **Policy RP-9 Medium and High Density by Development Agreement**

*It shall be the intention of Council to ensure medium and high-density residential development occur in a manner compatible with a low-density residential neighbourhood. Specifically, Council shall require that all residential developments greater than 4 dwelling units per property, be subject to a Development Agreement. In negotiating such an agreement Council shall ensure that:*

- a) the structure is located on the lot in such a manner as to limit potential impacts on surrounding low density residential developments;*
- b) the development provides sufficient on-site parking, and appropriate access to, and egress from the street;*

- c) the location of the parking facilities does not dominate the surrounding area, including the utilization of vegetation and fences to mitigate the aesthetic impacts of parking lots;*
- d) any on site outdoor lighting does not negatively impact the surrounding properties;*
- e) any signage on the property is sympathetic to the surrounding residential properties;*
- f) vegetation is used to improve the aesthetic quality of the development;*
- g) the architecture of the building is sympathetic to any existing development in the surrounding area.***

As noted above, efforts have been made to limit the impact of the proposed development on the surrounding neighbourhood by reducing the building height to 4/5 levels and significantly increasing separation to 153 East Victoria. Privacy fencing would also be erected around the property perimeter. These measures are intended to reduce the impact on the adjacent dwelling at 153 East Victoria to some degree. In addition to the required privacy fence and the significant tree cover that exists in the rear yard of 153 East Victoria, the development agreement requires juvenile trees between the proposed building and 153 East Victoria to provide a visual barrier between the properties as much as possible.

A total of 64 parking spaces are proposed, with 25 located underground with access onto East Victoria and 39 surface parking spaces with access from South Adelaide. A turn-in is provided along the North Adelaide frontage with direct access to the main entrance and three accessible parking spaces. At a ratio of 1.3 spaces/unit, the number of spaces exceeds the LUB standard of 1.25 spaces/ unit. The main surface parking area is located to the rear and interior of the lot as much as possible, and vegetation is proposed where possible to soften the impact of the parking areas.

Regarding sections 'd & e' above, outdoor lighting and signage is addressed in the draft development agreement.

With regard to subsection (g), as noted in the attached application briefing, built form in the area is characterized as a mixture of 2-3 storey single-family dwellings and converted dwellings with up to eight dwelling units. Other uses include a 2-storey seniors apartment building to the immediate south. The height and bulk of the building is significantly larger than the built form of this neighbourhood that, while near the downtown commercial zone, is definitively residential.

The subject property is located on the first residential block northeast of the downtown core. Within approximately 70m (230 ft) exists Cumberland Manor, a 4-storey seniors apartment building on the same amount of land with ground-floor offices and 30-units on the upper floors. While Cumberland Manor and the proposed buildings are now the same height, there remains two important differences between the buildings. Firstly, the bulk and height of Cumberland Manor is significantly less dominating due to the front yard setback being approximately 25m (82 ft). Secondly, Cumberland Manor is located in the Downtown Commercial Zone, which has a significantly different built form typical of a traditional downtown commercial area. The property at 155 East Victoria Street is not in this zone.

It should be noted that although subsection (g) requires the proposal to be sympathetic to its surrounds, it does not require that it be the same. Included in the attached design brief is a shade analysis and neighbourhood model that illustrate the size of the building in relation to its surroundings. While significantly larger, it could be argued that the proposed building roofline is sympathetic to the slanted

and peaked roof architecture in the neighbourhood; however, the proposal attempts to mitigate potential conflicts.

### **GP-7 Compatibility**

*It shall be the intention of Council to allow a mix of compatible land uses to minimize their impacts by:*

- (a) requiring adequate buffering and setbacks;*
- (b) screening development by the use of visual barriers; and,*
- (c) regulating the location of parking, storage buildings and other accessory uses or facilities.*

The matters noted in GP-7 are for the most part addressed in the discussion above regarding RP-9. The revised proposal does meet or exceed yard setback standards in the LUB. The building is setback as much as possible from the South Adelaide – East Victoria intersection, and the main surface parking area is located at the back corner of the lot. Fencing and a vegetative buffer is proposed to mitigate the privacy lost by the proposal.

### **GP-8 Density**

*It shall be the intention of Council to allow development at a density appropriate to the overall desired character of the town.*

The ambiguity of this policy makes it difficult to apply it in an analysis of the proposed development. Higher density can be appropriate for this area and this property, but the architectural character of the building becomes more important the higher the density and resulting size of the building becomes. It could be argued that a 48-unit, 4/5 story building is not sensitive the surrounding neighbourhood characterized by 2-3 level dwellings with peaked roofs. It could also be argued that there are areas of town, such as the downtown core area district or perhaps the Highway Commercial area of town, where high density is more appropriate than a relatively low-density residential neighbourhood such as the one where 155 East Victoria is located.

Conversely, compatibility can be evaluated based on the degree to which the proposed building can exist in this neighbourhood without conflict. Revisions to the proposal have attempted to reduce potential conflict by reducing the height from 6/7 to 4/5 levels, doubling the setback to 153 East Victoria, and changing the architectural character of the building as described above. In terms of traffic, the proposal includes direct access to an arterial street and is a short walking distance to the downtown core area. In addition, the shade analysis indicates the shadow cast will not have a significant impact on surrounding property, particularly 153 East Victoria Street. Given these considerations, it could be argued that the potential conflicts are reduced to the point where the proposal is considered compatible.

### **RP-8 Housing Mix**

*It shall be the intention of Council to encourage a mix of housing densities in all residential areas of town to encourage a mix of housing types and income groups in all residential areas.*

The proposal would significantly increase the overall housing density and make a significant contribution to the housing mix in the area. A building of a larger scale than its surroundings would be in keeping with this policy.

#### **RP-10 Neighbourhood Stabilization**

*It shall be the intention of Council to provide for the stabilization of existing residential neighbourhoods by: (b) discouraging the encroachment of non-compatible land uses.*

The application is for a multi-unit residential development surrounded by other residential uses. When compared to an industrial use, it could be argued that the existing and proposed use is compatible. Where this policy may be more relevant is the extent to which the proposed development is so intense as to be non-compatible with its surroundings. These factors have all been addressed to some degree by the applicant, but as outlined above, the bulk, height and density of the building is significantly greater than the surrounding neighbourhood.

#### **RP-11 Affordable Housing**

*It shall be the intention of Council to encourage and promote the provision of affordable housing units within all residential areas of the Town by: (a) encouraging a mix of housing types and densities;*

The proposal would significantly contribute to the ‘mix of housing types’ and increase the overall density in the area. Currently, the shortage of housing across the spectrum of housing types has had a significant negative impact on housing affordability. The addition of these multi-unit dwellings addresses this shortage and can potentially increase affordability.

#### **RP-12 Residential Area Design**

*It shall be the intention of Council to ensure that new residential areas:*

- a) provide for the efficient use of land;*
- b) provide for the efficient and economic extension of existing water, storm sewer and sanitary sewer systems and other utilities;*
- c) incorporates a hierarchy of streets that efficiently and safely accommodates traffic flows and proper access to other areas of Town;*
- d) provides for the efficient and safe movement of pedestrians and cyclists;*
- e) minimizes adverse effects on the environment;*
- f) provides for parks and other community uses in safe and central locations.*

The proposal is an infill development, which speaks to the efficient use of land that does not require extension of existing town infrastructure. Vehicle and active transportation connectivity is relatively high. The development is within close walking distance to downtown, which reduces vehicle dependency.

#### **MS-4 Service Standards**

*It shall be the intention of Council to maintain a ‘Development Standards Bylaw’ in order to establish the required servicing standards for development within the town...*

Town engineering have indicated that existing service connections can accommodate the proposal. A standard development agreement would require the submission of a storm water drainage plan as part of the development. Principal requirements of the drainage plan will be to not increase runoff onto adjacent properties.

### **MS-11 In-fill Development**

*It shall be the intention of Council to encourage and facilitate the development of vacant land located on existing municipal services in order to make more efficient use of such services.*

As previously stated, the proposal satisfies the above policy.

### **R-21 High Density Open Space**

*It shall be the intention of Council to require multiple unit residential properties to provide usable open space for use of residents on the site.*

Beyond the provision of individual balconies for each unit, the proposal provides limited usable open space at ground level.

### **A-5: Amendment Criteria**

*It shall be the intention of Council, when considering [...] entering into a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:*

- (a) That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.*
- (b) That the proposal is not premature or inappropriate by reason of:*
  - (i) the financial capability of the Town to absorb any costs relating to the development;*
  - (ii) the adequacy of municipal water, sanitary sewer and storm sewer services;*
  - (iii) the adequacy of road networks, in, adjacent to, or leading to the development;*
- (c) That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:*
  - (i) type of use;*
  - (ii) height, bulk and lot coverage of any proposed building;*
  - (iii) parking, traffic generation, access to and egress from the site;*
  - (iv) any other matter of planning concern outlined in this strategy.*

With regard to subsection (a), this report attempts to address all relevant policies of the MPS and other town Bylaws and regulations. Readers are reminded that although the Land Use Bylaw contains specific requirements with respect to development, the terms and conditions within a development agreement supersedes those LUB requirements. Regarding other town bylaws and regulations, the proposal would be in compliance where relevant.

In terms of subsection (b), there would be no significant burden on the town's finances, street network and services can accommodate the development. It may be prudent in the future to install sidewalk along South Adelaide that provides a pedestrian connection between East Victoria and Prince Arthur Streets.

With regard to subsection (c), parking and traffic generation is split between the underground and surface parking access points that spreads the traffic over separate street frontages. While there is expected to be an increase in traffic along South Adelaide, a significant share of trip generation will access East Victoria, which is an arterial street. Staff feel that street network can accommodate the increase in traffic.

In consideration of the extent to which the proposal might conflict with any adjacent or nearby land uses by reason of its type of use, height, bulk and lot coverage, staff feel that the residential use of the building will not conflict with the surrounding neighbourhood. Staff have also created a streetscape model that visualizes the proposed building in relation to the location, bulk and height of its surroundings. The proposed building is about one storey higher than the tallest building in the area in the area. While this is not a significant deviation, the bulk of the building will have a significant visual impact on the East Victoria streetscape.

**DISCUSSION and CONCLUSION:** There are many aspects of the proposal that could have a positive impact on the town. Amherst very much needs more residential development within close walking distance of the downtown core area to support downtown amenities and increase its vibrancy. More people living in and near downtowns results in increase activity during, but also outside, regular business hours. More activity in a downtown area often attracts even more people to spend their leisure time in the area, which further supports the case for other commercial and residential investment in this area.

Other positive elements include barrier-free units, rooftop solar electricity generation, heat provided by heat pumps, electric vehicle charging stations, and building energy efficiencies that exceed Building Code standards. The proposed 'tilt-up' construction is alleged to be significantly faster than conventional construction methods. The applicant states that construction would take approximately 6 months versus a year or more for conventional construction. This reduces the length of disturbance in the surrounding area due to construction. This would be an upscale, efficient building with amenities that do not currently exist in the Amherst housing market. It would cater to those looking for a living option with a relatively low carbon footprint lower dependance on a personal vehicle. It is the type of progressive building that the town needs.

It was suggested to the applicant that if the proposed building were reduced to three levels (4 at East Victoria) it would be similar in height to the 3-level, 8-unit building at 157 East Victoria and other 3-level buildings in the broader neighbourhood. In addition, stepping the upper floor back 10-15 feet would reduce the shear face of the building wall that fronts on East Victoria and potentially reduce its impact on the streetscape and neighbourhood character. Staff suggested that these two reductions in the height and bulk of the building might allow an argument to be made that the building is in keeping with the general intent of the key MPS policies. The applicant responded that these changes would make the project financially unfeasible.

In conclusion, staff and the public raised concerns about the compatibility of the proposal with respect to its location on the lot, bulk height and lack of compatibility and sensitivity with the surrounding neighbourhood. These concerns also reflect issues identified by MPS policies that must be considered in evaluating this proposal. In response, the proposal has been significantly revised to address these concerns to mitigate the potential conflicts and impacts. The three planners on staff have discussed this proposal at length and feel that a legitimate argument can be made for both a positive and a negative recommendation; however, there is consensus that once complete, the proposed building will have a positive impact on the town over all. It will have a limited impact on South Adelaide and a significant visual impact on East Victoria.

**OPTIONS:**

- Option One: Recommend that Council enter into the Development Agreement for 155 East Victoria Street, subject to any changes that may arise. Street.
- Option Two: Recommend that Council not enter into the Development Agreement for 155 East Victoria

**STAFF RECOMMENDATION:** On balance, planners on staff feel that the proposal satisfies the general intent of the Municipal Planning Strategy, and recommend **Option One.**