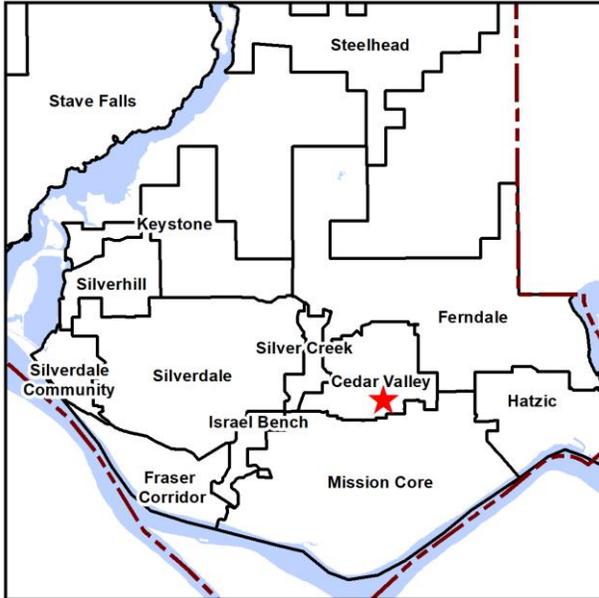
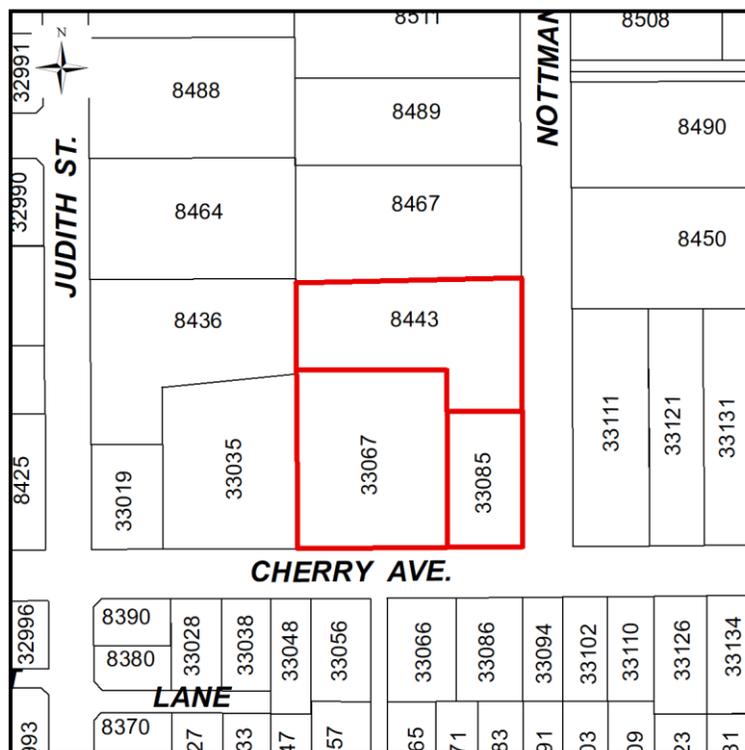


Project: P2022-052
 Application Numbers: R22-024, DP22-059 and DV23-010

Subject: Development Application (R22-024) - 33067 & 33085 Cherry Avenue, 8443 Nottman Street – Introduction Report



DATE: November 18, 2024
BYLAW / PERMIT #: 6328-2024-5949(175)
PROPERTY ADDRESS: **33067 & 33085 Cherry Avenue and 8443 Nottman Street**
LOCATION: Cedar Valley
CURRENT ZONING: Suburban 20 Zone (S20)
PROPOSED ZONING: Multi-unit Townhouse One Zone (MT1)
CURRENT OCP: Attached Multi-unit Residential
PROPOSED OCP: No change
PROPOSAL:
 To allow for a 60-unit townhouse project.



Recommendation(s)

This report is provided for information. No action is required.

Notification to the public will begin following the November 18, 2024 Council meeting and following notification this application will be forwarded to Council for consideration.

Rationale of Recommendation(s)

Official Community Plan Compliance

The application to rezone the development site to allow 60 townhouse units is consistent with the property's Attached Multi-unit Residential designation. The Attached Multi-unit Residential designation allows for a variety of multi-family housing forms, including townhouses.

The development proposal is consistent with OCP policy 8.1.3.4 which states that the attached multi-unit development should be located near neighbourhood centres, schools, and parks. The location of the proposed townhouses is in close proximity to the local school and park.

Purpose

To accommodate the proposed construction of 60 townhouse units subject to rezoning and the approval of variances. The site plan is shown in **Attachment A**.

Site Characteristics and Context

Applicant

- Darren Hall, Trio Architecture Inc.

Property Size

- The size of the site is 9,638 sq m and involves three occupied properties. After road dedication along Cherry Avenue and Nottman Street, 9,136 sq m will remain developable.
- All existing buildings will be removed.
- The grounds are marked by a high point within the Cherry / Nottman city block. The site's elevations vary 5 m across the property. The lands slope down to the northeast and southeast.

Neighbourhood Character

- This suburban area is redeveloping to urban uses with active development applications to the north, east, and west.
- The Cedar Valley Local Area Plan designates the site as Attached Multi-unit Residential. The surrounding land designations are:
 - north - Urban Residential;
 - south - Urban Residential;
 - west - Attached Multi-unit Residential; and
 - east - Attached Multi-unit Residential with a townhouse development under construction.

Environmental Protection

- The land is located within the City's Multi-Unit Residential Development Permit Area and the Cedar

Valley Neighbourhood. There are no major environmental issues identified on the land.

- The development proposes to utilize door-to-door curbside waste collection.

Parks and Trails

- There is a proposed local neighbourhood park to the northeast on Nottman Street.

Servicing

- The development of this site will require servicing as outlined in the Engineering Department "Referrals".

Development Permit DP22-059 – Multi Unit Residential

Development Permit DP22-059 is shown in **Attachment B**. The proposed development is consistent with the following design guidelines:

Development Permit Guidelines

Guidelines	Meets Guidelines	Does Not Meet Guidelines
<p>Design the site layout and building locations to:</p> <ul style="list-style-type: none"> • reduce overlooking and shadowing of outdoor use areas and adjacent buildings; • encourage the penetration of sunlight and natural light into interior spaces to reduce the energy needed for lighting and heating, using passive solar siting principles; • work with the existing topography, minimizing the need for cut and fill or tall retaining walls, and providing a complement to the natural landscape; 	X	
<p>Locate amenity spaces within the site, such as courtyards, gathering spaces, play areas, community gardens, and dog off-leash areas, in areas with high visibility and optimal access to all residents. This means the amenity space should be located:</p> <ul style="list-style-type: none"> • adjacent to the primary entrance, or in a central location, of the development site when a development consists of townhouses, rowhouses, or other ground-oriented development; • in close proximity to the primary entrance of a multi-storey residential only development; and • in close proximity to the primary entrance, or on the second storey, of a multi-storey mixed-use (commercial/residential) development. 	X	
<p>Orient building frontages and main entrances to the dominant street frontage, with well-defined entries and with walkways and bicycle access to the street, including the following:</p> <ul style="list-style-type: none"> • townhouse residential units have their "front door" (i.e., principal public entry) facing the public street where possible, or otherwise to the internal road; and • apartments face their main lobby and entrance to the public street where possible, or otherwise to the internal road. <p>Where multi-unit developments do not directly face the street, consider interesting facades facing the street, clear pedestrian access to the street, and individual unit gates and entrances on the street.</p>	X	
<p>Consider appropriate safety and natural surveillance measures (such as substantial lighting, visual access, and sight lines) per CPTED principles.</p>	X	
<p>Design residential units facing streets so that primary living areas have a clear view of the street.</p>	X	
<p>Design buildings with architectural interest, using design features such as varying rooflines, extensive glazing, well defined entrances, business specific signage, and high-quality exterior elements.</p>	X	

Development Permit Guidelines

Design with parking garages or carports facing away from the street as much as possible.	X	
Design buildings with varied facades and articulated rooflines, or design in a contemporary style that offers visual interest, to discourage large bland buildings that do not reflect the character or scale of Mission.	X	
Screen rooftop mechanical equipment from views in a manner that is consistent with the architectural design of the building.	X	
Design facades and rooflines of accessory structures and buildings in a manner that is consistent with the architectural design of the principal buildings.	X	
A clear, direct, and attractive pathway system, preferably with landscape treatment, is encouraged to connect the buildings with parking lots and sidewalks along fronting streets.	X	
Blend parking areas into the landscape, rather than having them dominate it, by distributing parking areas and separating them with landscaping, especially between parking areas of adjacent dwelling units.	X	
Townhouse developments are to provide an enclosed parking space for each dwelling unit, with access to additional shared spaces.	X	
Parking areas should be visually separated from streetscape views with landscape areas.	X	
Views into the development to maintain site safety should be integrated into the landscape plan.	X	
Roads internal to the site should be laid out in a circulation manner.	X	
Pedestrian links should be provided into the site, and throughout the site. This includes internal and external sidewalks/paths, curb let-downs, and accessibility for persons in mobility devices (wheelchairs and scooters).	X	
Driveways to individual units should be useable. This means the driveway length should be less than 1m or greater than 6 m.	X	
End units should be designed with additional architectural detail.	X	

Retaining Walls

The site's topography is irregular. Elevations vary by approximately 5 m over the relatively small site. The applicant proposes to utilize retaining walls, each up to 1.2 m in height, to create elevated terraces and limit depressions. On the west side, the proposed design utilizes up to three staggered terraces to address the elevation differences along the western property line. The fill will result in the ground floor of Building #4 being underground on the western face, but the eastern face will be exposed. This is consistent with the other buildings in the development being three storeys. (See drawing A 3.7 in **Attachment B**). On the north property line, a 1.2 m retaining wall is utilized to accommodate the difference in grade between the development and the neighbouring property. Finally, a retaining wall stabilizes a cut immediately adjacent parking stall #7 in the southwest corner.

While the development of the site has been designed to meet the several aesthetic aspects of the form and character guidelines, the applicant seeks to alter the yard setbacks, maximum building height and parking provision of the zoning bylaw. The developer has provided a rationale letter shown in **Attachment D**. The location of the variances is identified in **Attachment E**. The requested design variances are incorporated into the Development Permit and are identified on Tables 1, 2 and 3 below.

Table 1: Building Setback Variances

Section 704 MT1 Zone D 1. – Setbacks				
			Required	Proposed
1.	Exterior side yard (east lot line)	Buildings 12 and 13 (fronting Nottman St)	7.5 m (24.6 ft.)	4.0 m (13.1 ft.)
2.	Rear (north lot line)	Building 3	7.5 m (24.6 ft.)	5.2 m (17.1 ft.)
3.	Rear (north lot line)	Buildings 1 and 2	7.5 m (24.6 ft.)	6.0 m (19.7 ft.)
4.	Interior side yard (west lot line)	Buildings 3, 4, 5, and 6	7.5 m (24.6 ft.)	6.3 m (20.7 ft.)

Staff support the east side yard relaxation along Nottman Street for building #12 and 13 because the proposal is to incorporate the parking garages for these dwelling units at the rear. Therefore, Nottman Street functions like a front yard rather than a side yard. The Zoning Bylaw permits reductions in the front yard setback if the garage is located at the back of the townhouse unit. The proposed design replicates this provision.

The other yard setback variances for buildings #1 to 6 are not rooted in preferred design principles such as the favourable relaxation in the side yard along Nottman Street. Nor has it been demonstrated that a case of hardship arises from compliance with the bylaw’s yard setback standards. Reducing the other yard setbacks increases the project’s density. The project achieves a density of 0.92 out of the allowable 1.0 floor space ratio.

The proposed yard setback variances have greater impacts on the flanking northern and western properties. However, only the western property owners attended the public engagement meeting. While they expressed concerns on the retaining walls (which comply with the bylaw), they did not express concerns on side yard setback relaxations.

Table 2: Building Height Variances

Section 704 MT1 Zone G 1. – Building Height				
			Required	Proposed
1.	Building 13 (on Nottman Street)	Principle building	12 m (39.4 ft.)	12.4 m (40.7 ft.)

Staff support the building height variance for building #13 because it results from site grading and is only a 0.3 m difference affecting only one building. The building fronts Nottman Street and the visual impact will hardly be noticed.

Table 3: Parking Stall Location and Dimensions

Section 109 Off-Street Motor Vehicle Parking Regulations (Townhouse) MT1				
Category		Required	Proposed	
1.	Visitor parking permitted in a side yard.	0 stalls	2 stalls in the west side yard.	
2.	Visitor parking stall width adjacent a wall.	3.0 m	1 stall between Buildings 1 & 2 at 2.6 m 1 stall between Buildings 3 & 4 at 2.6 m 1 stall between Buildings 4 & 5 at 2.6 m	

Neither the provision of parking in the side yards nor the width of visitor parking stalls #1, 4, and 6 are bylaw compliant. The parking stalls adjacent to buildings or retaining walls need to be widened to 3.0 m to comply with the bylaw and improve functionality. Staff believe that with minor adjustments to the site plan these stalls can be widened to be bylaw compliant and do not support this variance request.

Variances on development design are part of a conditional approval process. Some contribute to achieving the form and character guidelines. Some are rationalized based on hardship imposed by bylaw compliance. Others trade-off the community's land use parameters for economic benefit. Like rezonings, measures to mitigate deviations from the bylaw's parameters may be offered by the developer or requested by Council on the part of the community. Yard variances are commonly mitigated through improved landscaping. However, a reduction in the amenity of private rear yards may also be offset by a contribution to improve the amenity space in the local neighbourhood park such as the one on Nottman Street. While relaxations to the yard setbacks reduces the private amenity space of this development, the proposal still meets the bylaw's minimum allocation for private yard space. Council has the discretion on whether the zone should be approved, denied, or approved with conditions that are set to mitigate the impact of the variances.

If the requested variances are not approved, the design will need to change, and the density is expected to be less.

Referrals

Engineering Department:	Refer to Attachment F .
Building Division:	The retaining walls are to be designed to have drains behind them that will be drained to the storm systems. The retaining walls need to be engineered properly and should not be plain faced.
Bylaw Enforcement Division:	Parking in projects of this nature are often sources for parking complaints.
Environmental Services:	Refer to Attachment G .
Mission Fire Rescue Service:	The project should conform to all municipal and BC Building Code requirements. The municipal water distribution system should provide adequate water volume and pressure to satisfactorily support sprinkler and firefighting activities
School District:	The School District advises that the development is expected to generate between 15–30 students, of which 8–20 would be elementary students. Albert McMahon Elementary is at capacity, expansion plans will need to be accelerated. The School District hopes the City will continue to upgrade the walk route along Cherry Avenue to provide a safe walking route for students to Albert McMahon.

Development Considerations

Community Amenity Contribution

The applicant has volunteered to contribute \$7,200 per unit in accordance with Policy LAN.42(C).

Tree Management

The arborist recommends removal of all 87 trees and 3 hedges on the site. The trees within the road

dedication area are also slated for removal to facilitate construction of road improvements.

Conditions/Rationale of Development Variance Permit (DV23-010)

The developer requests a variance to the bylaw provisions regarding tandem parking. This parking variance is outside of aesthetic values regarding form and character and is itemized in **Attachment C**. It seeks to alter the composition of tandem parking, and the maximum allowable number of tandem parking spaces as noted below in *Table 4*.

Table 4: Tandem Parking

Section 109 Off-street Motor Vehicle Parking Regulations (Townhouse) MT1			
Category		Required	Proposed
4.	Composition of Tandem Parking	A maximum of 25% of all Dwelling Units in a Townhouse development may have Parking (Tandem) and a maximum of 50% of all Dwelling Units in a Townhouse building may have Parking (Tandem) .	36 out of 60 dwelling units have tandem parking (60%) overall. Buildings 3 to 5, 7 to 10, and 12 & 13 have 100% tandem parking.

Staff support the variance on tandem parking because the application was in-stream prior to Council passing a bylaw altering the provisions on tandem parking.

Housing Needs Projections

If this proposed development is approved, it will add 60 strata titled dwelling units to the City's housing stock. Lesser housing units will be added if the requested yard and parking variances are denied.

Transit

The proposed development is along bus route #33: Cedar Valley which runs along Cherry Avenue between Fennell and Cade Barr streets. The bus route connects to the downtown and to Mission City Station.

Financial Implications

There are no financial implications associated with this report.

Communication

A Public Information Meeting regarding the development application was held on October 15 at the Mission Leisure Centre. Three people representing the western property attended the meeting. They enquired about the retaining walls and were advised that the proposed walls are compliant with the bylaw.

Attachments

- Attachment A: Site Plan
- Attachment B: Development Permit with Design Drawings DP22-059
- Attachment C: Development Variance Permit DV23-010

Attachment D: Developer's Rationale Letter for Variances
Attachment E: Location of Requested Variances
Attachment F: Engineering Department Comments
Attachment G: Environmental Services Comments

Sign-Offs

A handwritten signature in black ink that reads "Marcy Bond". The signature is written in a cursive, slightly slanted style.

Marcy Bond, A/Manager of Planning

GS / sh

Approved for Inclusion: Mike Younie, Chief Administrative Officer