

From: [REDACTED]
To: [Wells, Bob](#); [CouncilAlias](#); [O'Kane, Jessica](#); [Bourgeois, Lisa](#)
Cc: [REDACTED]
Subject: Re: Variance permit No. 2403
Date: Wednesday, December 11, 2024 12:56:11 PM

Please accept this update to my previous email, which had some typos.

To Mayor and Council:

Further to the community letter of concern regarding variance permit No. 2403 from my neighbour, [REDACTED], I would like to bring your attention concerns about Development Permit Area 1. While most DP applications are delegated, the Development Procedures Bylaw notes that this is not the case with respect to Development Permit Applications that involve variances:

2.1 Council delegates to the Delegate the authority to:

...

(k) ue or amend all development permits within Development Permit Areas created under section 488 (1) where no variances are requested;

While the report to council for this project indicates that DP-1 (which applies to this project) has been met, there is no detail of how the project meets the requirements. As DP-1 speaks directly to the step-back of massing where adjacent to residential areas and a number of other issues that speak directly the neighbours' concerns, my request is that the design be reconsidered in this light, and that Council be provided a copy of the detailed rationale, with cc to the neighbours. I have provided more detail below.

Sincerely,

[REDACTED], 467 3rd Street

Development Permit Area 1 - Regulations of character, massing and form

This development is subject to DPA-1 (Development Permit Area 1) which has many provisions around form and character that the building does not meet. The planning report had a few general sentences saying the project meets the requirements for DPA-1 but no details in that regard. Below, I have listed all the policies for DPA-1 that are relevant for our concerns about the massing, scale, relationship to adjoining neighbourhoods, etc.

The Local Government Act stipulates what a DP Area may regulate:

- Section 488 (1)(f) permits this type of DP Area (establishment of objectives for the form and character of commercial, industrial or multi-family residential development).
- Section 491(7)(c) stipulates that a DP Area may establish requirements in relation to "character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures".
- Section 491(8) restricts this specific type of DP Area such that it may only regulate general character of the development and not to particulars of the landscaping or of the exterior design and finish of buildings and other structures.

It is possible that Section 491(8) is a result of the recent SSMUH changes. In any case, it appears

that some requirements in DPA-1 are applicable and some are not. With this in mind, I have prepared a list, below, of the various requirements in the DPA-1 guidelines that would seem to apply to the project in question (even with the limitations), but for which there is no evidence that the design complies.

Relevant excerpts from DPA-1 Guidelines:

DPA-1 Objectives:

1. To ensure urban infill and redevelopment is well integrated and context-sensitive.
5. To ensure attractive streetscapes, landscapes, building design, and vibrant public spaces.
6. To foster neighbourhood connections and a shared sense of community across the city.

Within the Downtown Core (Map 1):

9. To protect and enhance the historic, small-scale retail character of the 4th, 5th, 6th Streets streetscape.

Siting, Scale & Massing

8. The scale, form, height, setback, roofline, materials, and character of new development should complement neighbouring developments.
12. Stepped or varied building massing, articulated building walls and rooflines shall be incorporated to develop building form and character.
13. Buildings located on corner lots, lots adjacent to a residential property, and lots next to public open spaces should be stepped down toward the flanking street, adjacent building, or public open space.
15. Building frontages should be articulated and visually separated into smaller, distinctive units.
16. All street and public open space facing façades shall be activated with a diversity of visual elements and shall relate to the pedestrian scale. This may include the use of detailing of the façade, ground floor glazing, window size, awnings roof canopies, landscape treatment, distinct materiality, and building articulation.

Architectural Detail & Materials

19. The design of buildings should reflect the surrounding character.
26. Large expanses of blank walls or of any one material are not acceptable without architectural detailing, artwork, or sufficient landscaping to create visual interest.

Universal Design, Safety & Accessibility

34. Streets should include frequent seating, with opportunities to sit every 50 metres.

Site Circulation, Parking, and Servicing

59. Continuous weather protection shall be provided along exterior building walls directly adjacent to pedestrian networks and areas.
66. Sheltered, secure bicycle parking facilities shall be provided at grade near primary building entrances and pedestrian walkways.

ADDITIONAL GUIDELINES FOR MULTI-RESIDENTIAL USES

70. For multi-unit residential buildings, individual units shall be articulated through integration of recessed entries, balconies, materials, or projection/recess in the façade.

ADDITIONAL GUIDELINES FOR CORNER LOTS

99. Buildings on corner lots should orient frontages towards both streets and/or towards the corner and may include a corner-cut. Corner buildings should serve as anchors for the rest of the block, and consider including landmark architectural features.