



MEMORANDUM

Date: October 25, 2023 Our File: 01.2560.07.2023
 To: Mayor and Council
 From: David Hawkins, Senior Manager, Community Planning & Sustainability
 Re: **Ambleside Local Area Plan (LAP): Apartment Area Proposed OCP Bylaw Amendment – Further Discussion**

At its October 23, 2023 meeting, Council was provided a report and presentation titled “Ambleside Local Area Plan (LAP): Apartment Area Proposed Zoning and Official Community Plan Bylaw Amendments”. Council gave first reading to the proposed Zoning Bylaw amendment and set the associated public hearing for November 20, 2023. However, a range of questions and concerns were raised regarding the proposed Official Community Plan Bylaw (OCP) amendment, and Council resolved that this portion of the report be tabled until October 30 for “further discussion”. The purpose of this memorandum is to summarize the issues generally raised, provide clarifications and context, support Council in its consideration and discussion of these issues, and seek direction on how Council would like to move forward with this portion of the LAP.

1. Concerns regarding potential building heights expressed as storeys

Identifying heights in storeys is intended to allow owners, Council and the community to have a shared understanding of the types of building contemplated by the plan, while providing a range of potential heights to enable proposals to better fit in their specific context. The proposed bylaws do provide a specific maximum density (floor area ratio, or FAR). Ranges in building storeys could allow Council to determine at the time of any rezoning an optimal design, considering (for example) trade-offs between more storeys with less site coverage and more open space, articulation within a building, and variations in storeys both within any given site and across different sites. These trade-offs would always be site-specific and vary (for example) by the size, slope, and surroundings of any future application. This approach aligns with the current the OCP and notably with the existing Ambleside Apartment Area Design Guidelines (which do not include height references in length measurements). For clarity, no changes to these Design Guidelines have been proposed in the bylaw currently under consideration.

2. Concerns regarding the scale and tenure of apartment infill

The three large sites proposed for consideration of future rental infill were identified as distinct from all other rental sites. Each is over 1.5 acres and the existing high-

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risers have a floorplate covering roughly 10% to 15% of the site area. The next largest RM1- or RM2-zoned rental site is less than 0.9 acres. For context: in 2017, Council rezoned another large rental site, Hollyburn Gardens, to enable infill rental that is occupied today; and the owner of one of the sites under consideration, Wall Financial, proposed rezoning in 2019 and 2021 for infill rental. Should Council determine the LAP consider future infill on these sites, the appropriate form and siting of any new building would be determined through a rezoning application with a specific response to each site (see item 1 above). The sites are proposed for rental – not strata – infill because there are limited opportunities for net new rental units and there is both existing District policy and new provincial legislation to increase rental housing (under the Housing Supply Act). Strata residential has a higher value so strata infill would likely be economically viable to the owners at a lower FAR, but this would not increase rental housing supply in the community.

3. Concerns regarding existing “viable” sites, housing diversity, and flexibility

The LAP would be a long-range plan that could shape Ambleside’s evolution over decades, and community engagement to date has discussed how incremental change can contribute over time. A plan, in and of itself, would not foretell the future of any individual property or require its replacement; rather, owner(s) would determine if and when they would seek to redevelop based on existing conditions and as guided by policy. Typically, a building would not be replaced unless it is nearing the end of its useful life. The proposed policies outline how redevelopment could contribute to the full spectrum of housing needs (strata apartment, strata missing middle, seniors, rental, non-market rental). Flexibility is also provided in proposed policy BF-B 4.4.6, which acknowledges that site-specific changes to tenure or FAR could be considered by Council based on contextual fit and (for example) the inclusion of new replacement rental combined with new strata.

4. Concerns regarding OCP policy meaning sites are simultaneously rezoned

The *Local Government Act* (LGA) defines an OCP as a “statement of objectives and policies to guide decisions on planning and land use management”. This overarching guiding policy is very different than the “as of right” land use, density, siting, size and dimensions of land and buildings specified under the Zoning Bylaw. The proposed OCP amendment could guide how an owner could bring a development application forward for Council’s consideration without pre-determining Council’s approval. Any future rezoning application under the LAP would be subject to community input and staff review, and Council could choose to approve or reject the proposal at that time.

5. Concerns regarding community awareness and understanding

Council endorsed the LAP Framework in July 2023 and directed staff to prepare the OCP apartment area bylaw amendment. The proposed policies were identified by legal lots in maps 3 to 8 of that Framework. No significant changes (including no increases to heights) have been made in the subsequent months. The OCP bylaw amendment to fulfill Council’s direction was brought forward in early September and

has remained unaltered and published since that time. This includes a document which identifies the proposed changes – with all additions and deletions shown in red font – with the intention to support community understanding. As referenced, no changes to the Design Guidelines have been proposed.

6. Concerns regarding the area under consideration

Council directed staff to proceed with a “three-streamed” approach in July 2023, recognizing that different approaches are appropriate for the single-detached neighbourhoods, commercial areas, and apartment areas within the LAP. The proposed OCP amendment would apply only to the apartment areas as identified in the July and September reports. This “three-streamed” approach was also intended to support understanding (see 5 above) and enable community focus and Council decision-making to be structured, sequential, and geographically-specific.

7. Concerns regarding procedural implications

Since the public hearing is the opportunity for the community to be heard and/or present written submissions, the LGA is explicit in how it is conducted. It must be held after first and before third reading of the bylaw; and the notice must, in general terms, state the purpose of the bylaw to be considered. Following the public hearing, Council could adopt, defeat, or alter a bylaw provided that it does not alter use, increase density, decrease density without the owner’s consent, or alter residential rental tenure. As such, should Council wish to alter a bylaw to change use, density, or tenure, in many instances the adoption process would have to restart at first reading and a new public hearing would be required. This informs staff’s recommendations below so that Council can direct any bylaw amendments it wishes prior to their consideration.

RECOMMENDATIONS

- 1. THAT Council receive the memorandum titled “Ambleside Local Area Plan (LAP): Apartment Area Proposed OCP Bylaw Amendment – Further Discussion” for information;**
- 2. THAT Council provide direction regarding any additions, deletions, or modifications to the proposed OCP Bylaw Amendment, re-attached as Appendix A to the memorandum titled “Ambleside Local Area Plan (LAP): Apartment Area Proposed OCP Bylaw Amendment – Further Discussion”; and**
- 3. THAT staff report back with the existing, or the revised proposed Apartment Area OCP Bylaw Amendment that reflects Council direction, to seek first reading and set the date for a public hearing.**

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POLICIES & GUIDELINES BF-B 4

AMBLESIDE APARTMENT AREAS



Map 1: Ambleside Apartment Area Development Permit Area Designation Map BF-B 4

POLICIES & GUIDELINES

AMBLESIDE APARTMENT AREA POLICIES BF-B4

Policy BF-B 4.1

Ensure that new development in the Ambleside Apartment Area has a high quality of design and is in keeping with surrounding development.

Development Permit Area Designation BF-B 4.2

The Ambleside Apartment Area, as defined and illustrated by The Ambleside Apartment Area Development Permit Area Designation Map BF-B 4, is designated a Development Permit Area.

Ambleside Apartment Area BF-B4	Category	Local Government Act s. 488 (1)(e) and (f)
	Conditions	The development permit area designation is warranted due to the area's high residential density.
	Objectives	<ul style="list-style-type: none"> • to promote a high standard of construction, • to integrate new development with existing views, circulation and the character of existing buildings, and • to promote an interesting, pedestrian friendly streetscape design and pedestrian linkages
	Guidelines Schedule	Guidelines BF-B 4 shall apply, except for mixed-use or commercial-only buildings within the 1800 block of Marine Drive (see Map 2), where Guidelines BF-C 3 shall apply
	Exemption Development may be exempt from the requirement for a Development Permit if the proposal:	<ul style="list-style-type: none"> i. does not involve the construction of any new buildings or structures, or ii. is for a renovation or small addition that is considered to have no material change to the external appearance of the premises, meets all requirements of the Zoning Bylaw and conforms to the Guidelines BF-B 4, or iii. is for a renovation or small addition that is considered to be minor in nature with no substantial change to the external appearance of the premises, meets all requirements of the Zoning Bylaw, has been reviewed and recommended for support by the Design Advisory Committee, and conforms to the Guidelines BF-B 4.

Policy BF-B 4.3

There will be no expansion of the boundaries of the Ambleside Apartment Area to extend the high-density, high-rise development area.

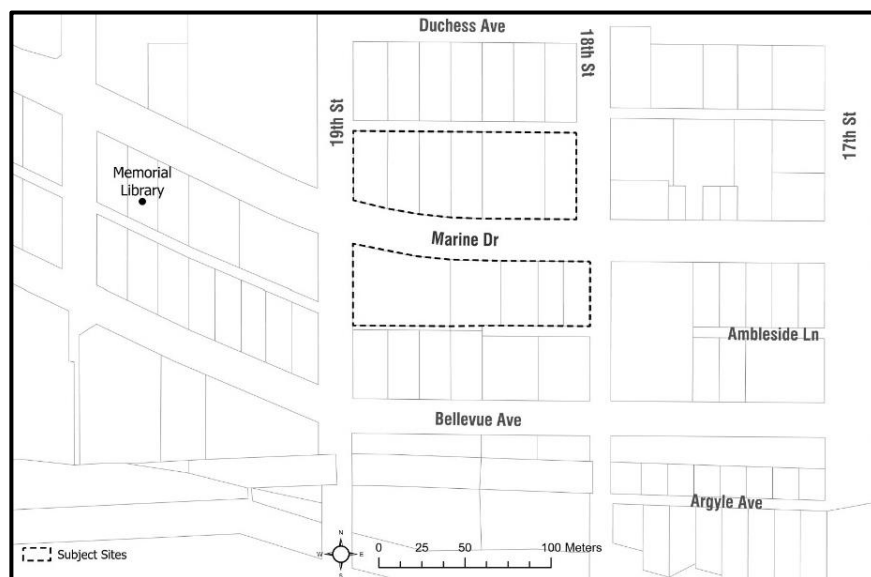
Policy BF-B 4.4

A site within the Ambleside Apartment Area that does not qualify for a high-rise building may be considered for rezoning to a low- or mid-rise multiple dwelling category, as identified in the policies below:

Policy BF-B 4.4.1

Sites within the 1800 block of Marine Drive (shown on Map 2) may be considered for residential-only use:

- a. Strata townhouses, stacked townhouses, or apartments, up to 4 storeys and 1.75 FAR; or
- b. Rent-to-own apartments up to 5 storeys and 2.0 FAR; or
- c. Rental apartments, seniors apartments, or strata apartments with below-market rental apartments where at least 20% of the residential floor area is used for below-market rental, up to 6-8 storeys and 2.5 FAR.



Map 2: 1800 Block of Marine Drive

Policy BF-B 4.4.2

District-owned lands on the south face of the 1500-block of Fulton Avenue (shown on Map 3) may be considered for more diverse and affordable housing (including, but not limited to, strata, rental, below-market rental, and seniors) up to 6-8 storeys at 2.5 FAR.

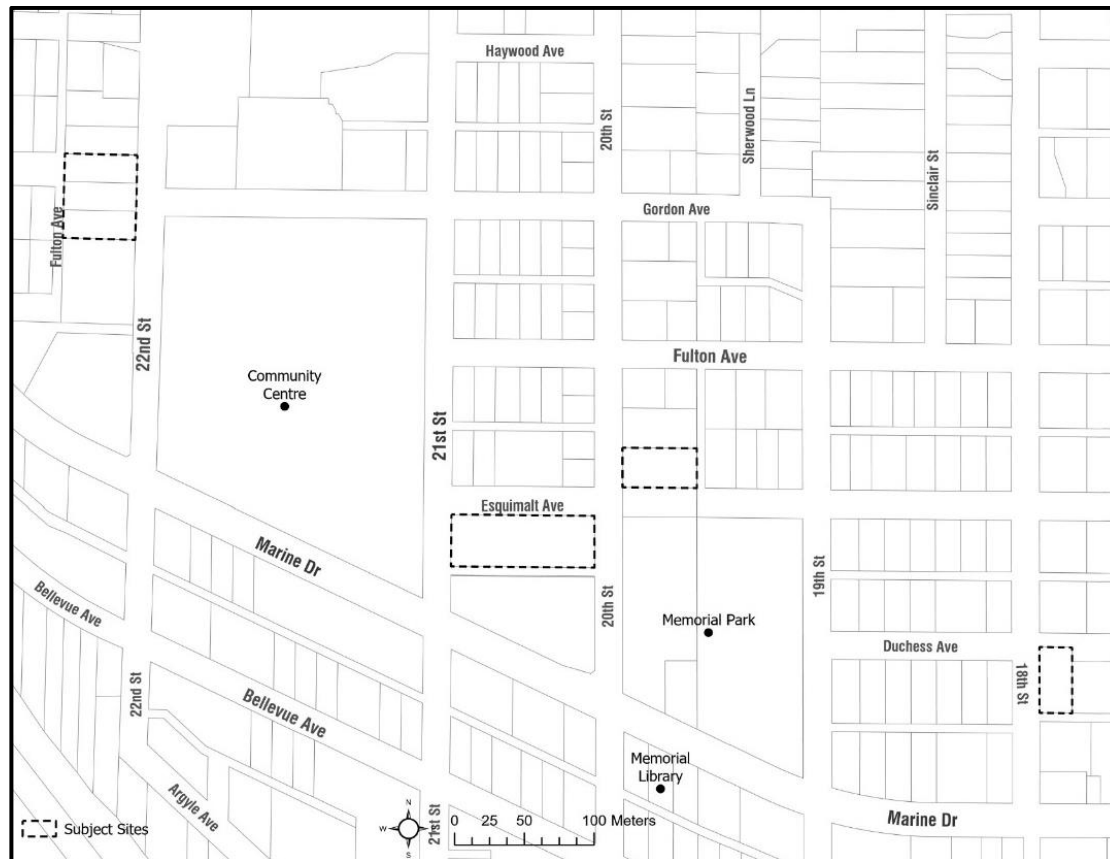


Map 3: District-Owned Lands, South Face, 1500 Block of Fulton Avenue

Policy BF-B 4.4.3

Public Assembly and Community Use zoned sites (shown on Map 4) may be considered for:

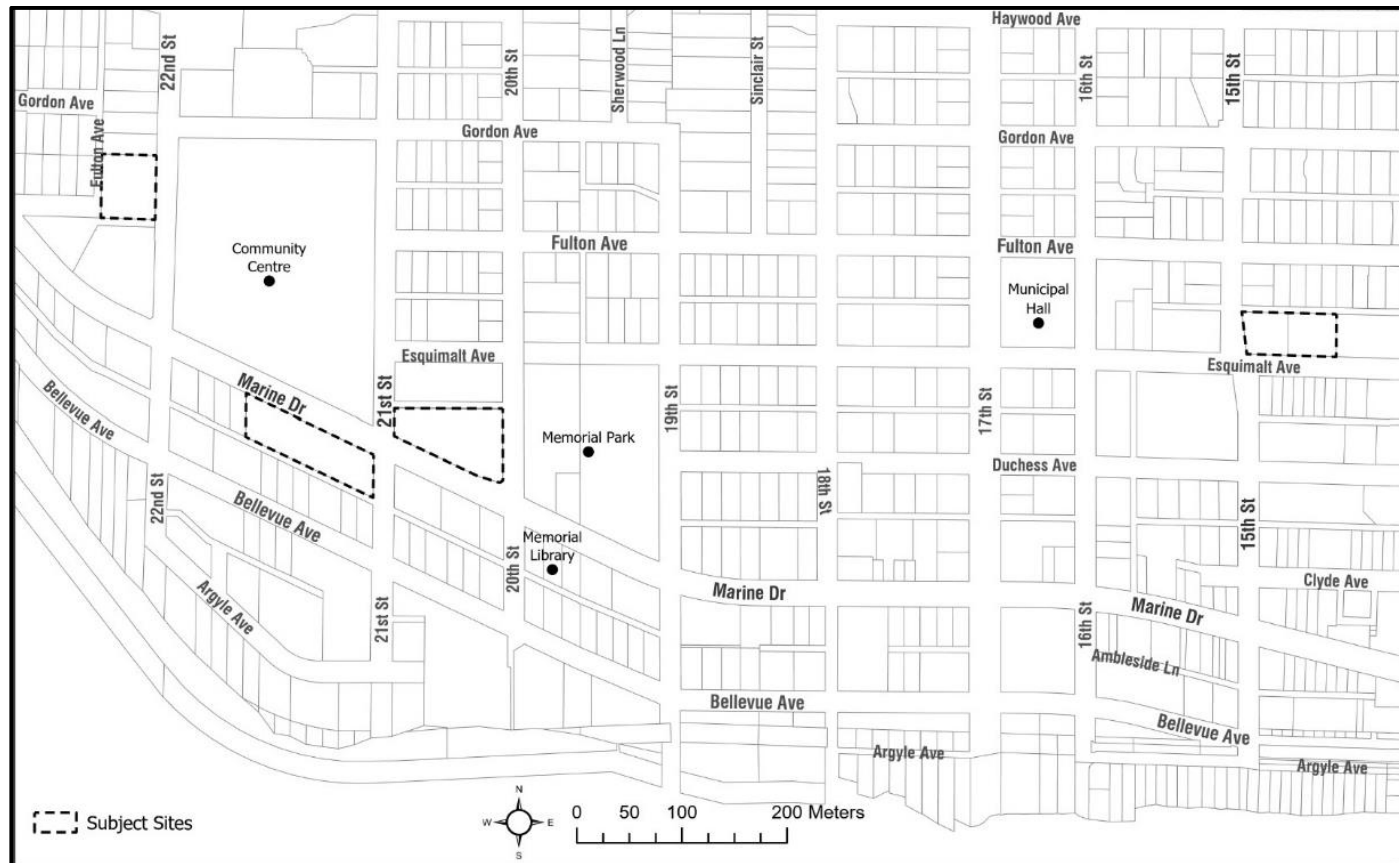
- a. Up to 4 storeys and 1.6 FAR where strata residential-only; or
- b. Up to 4 storeys and 2.0 FAR where strata residential with community use and/or public assembly use; or
- c. Up to 6 storeys and 2.5 FAR where rental residential-only; or
- d. Up to 6 storeys and 2.75 FAR where:
 - i. Rental housing with community use and/or public assembly use; or
 - ii. Strata apartments with below-market rental apartments, where at least 20% of the residential floor area is used for below-market rental.



Map 4: Public Assembly and Community Use Sites

Policy BF-B 4.4.4

Private, non-profit, and senior government owned age-restricted sites (shown on Map 5) may be considered for up to 6-8 storeys and 2.5 FAR for seniors housing.

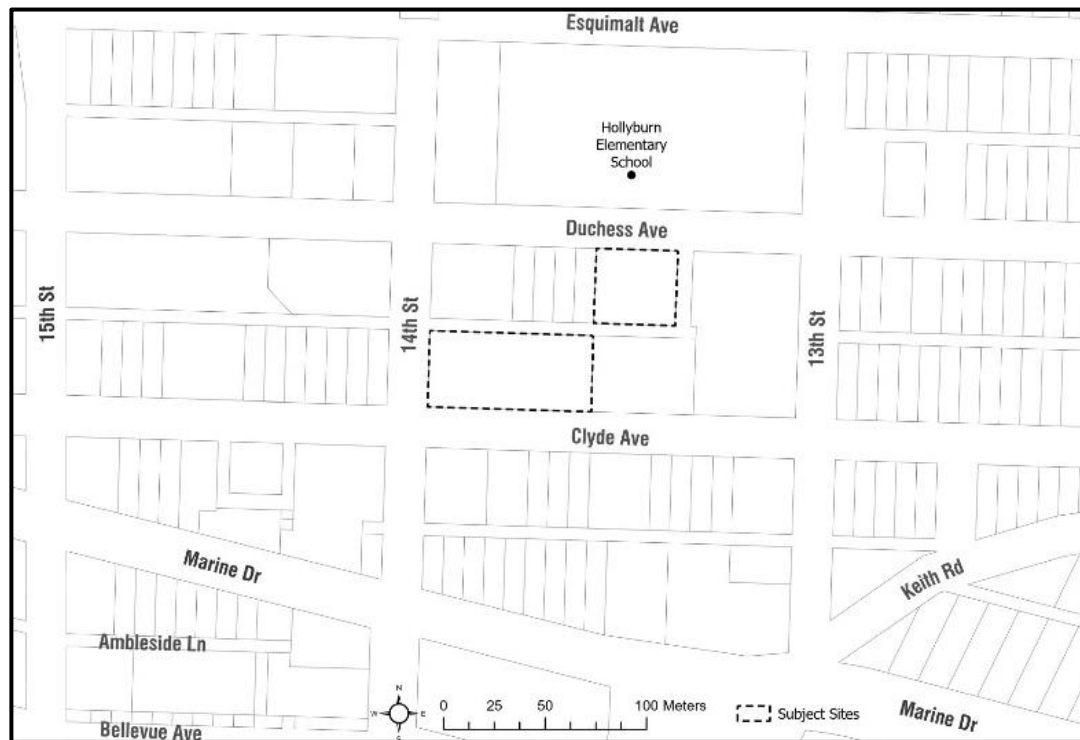


Map 5: Private, Non-Profit and Senior Government-Owned Age-Restricted Sites

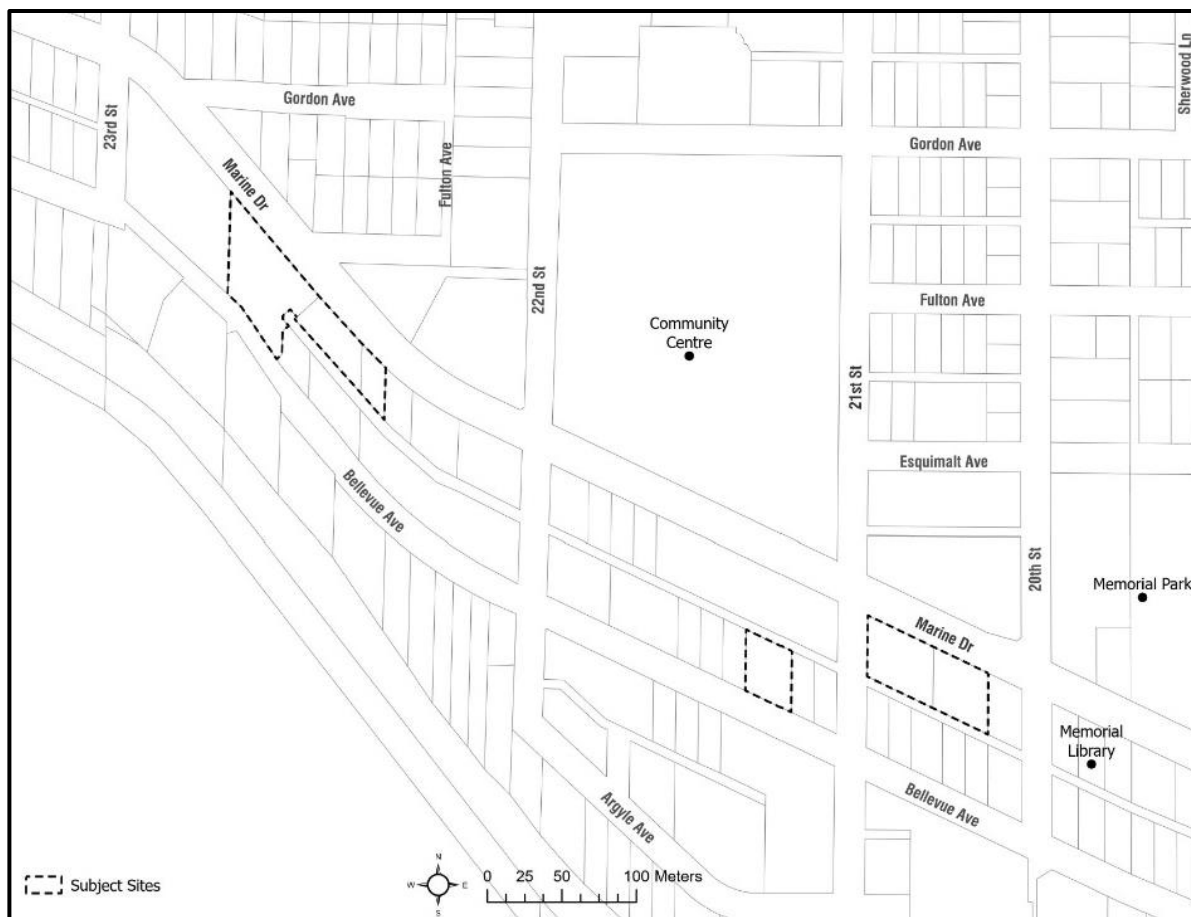
Policy BF-B 4.4.5

Select sites within the Apartment Area (shown on maps 6 A-D) may be considered for rezoning as specified below:

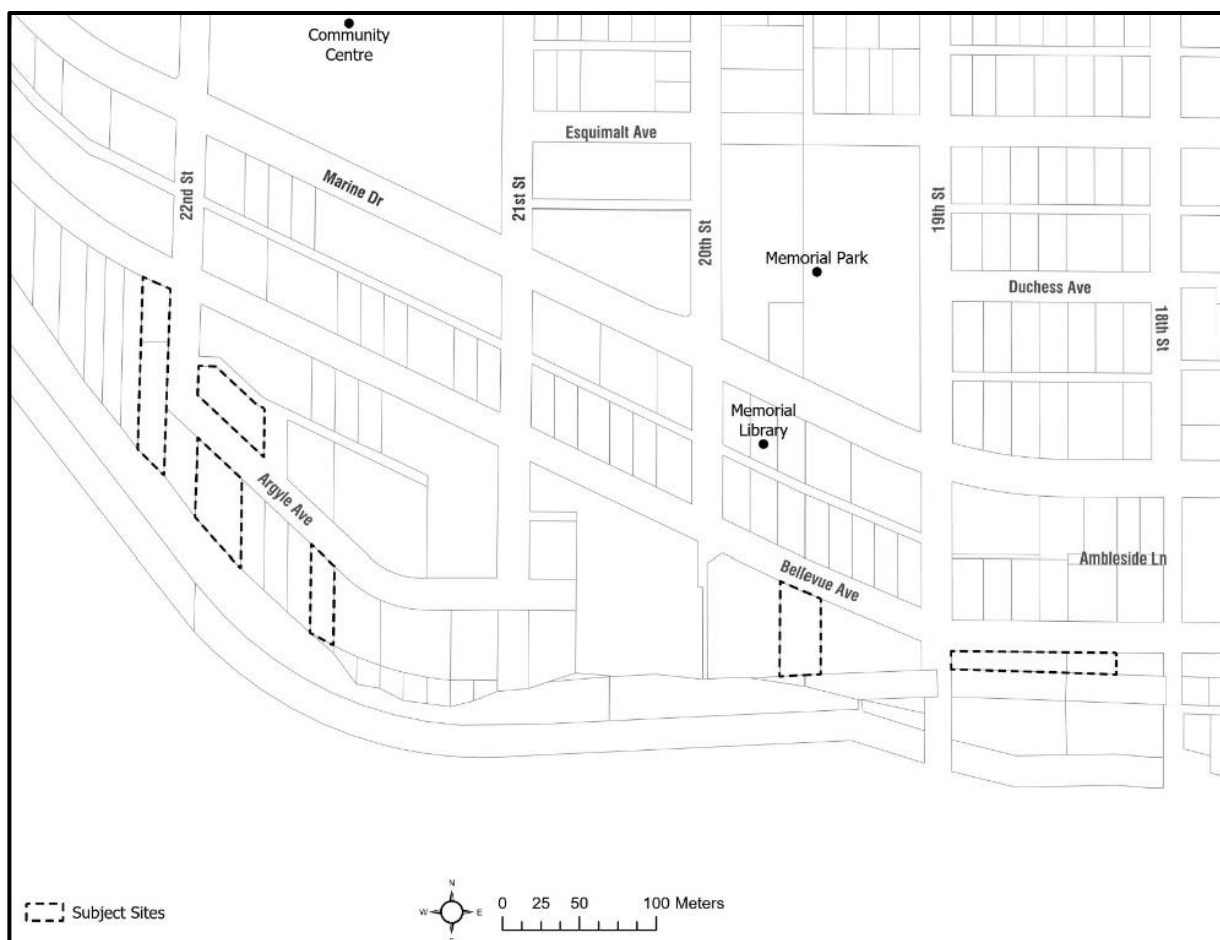
- a. Renewing former Land Use Contract sites on the 1300 block of Duchess Avenue and Clyde Avenue up to 2.0 FAR, with appropriate heights to be determined through contextual review of the proposal;
- b. Supporting Hollyburn Corner and reflecting the western apartment sub-area up to 2.0 FAR, with appropriate heights to be determined through contextual review of the proposal;
- c. Enabling up to 1.4 FAR on waterfront sites, with heights limited to 3 storeys from the higher of the street or lane; and
- d. Replacing existing surface and above-grade parking on Ambleside's largest rental sites with rental infill up to 3.0 FAR in total on the site, with appropriate heights to be determined through contextual review of the proposal.



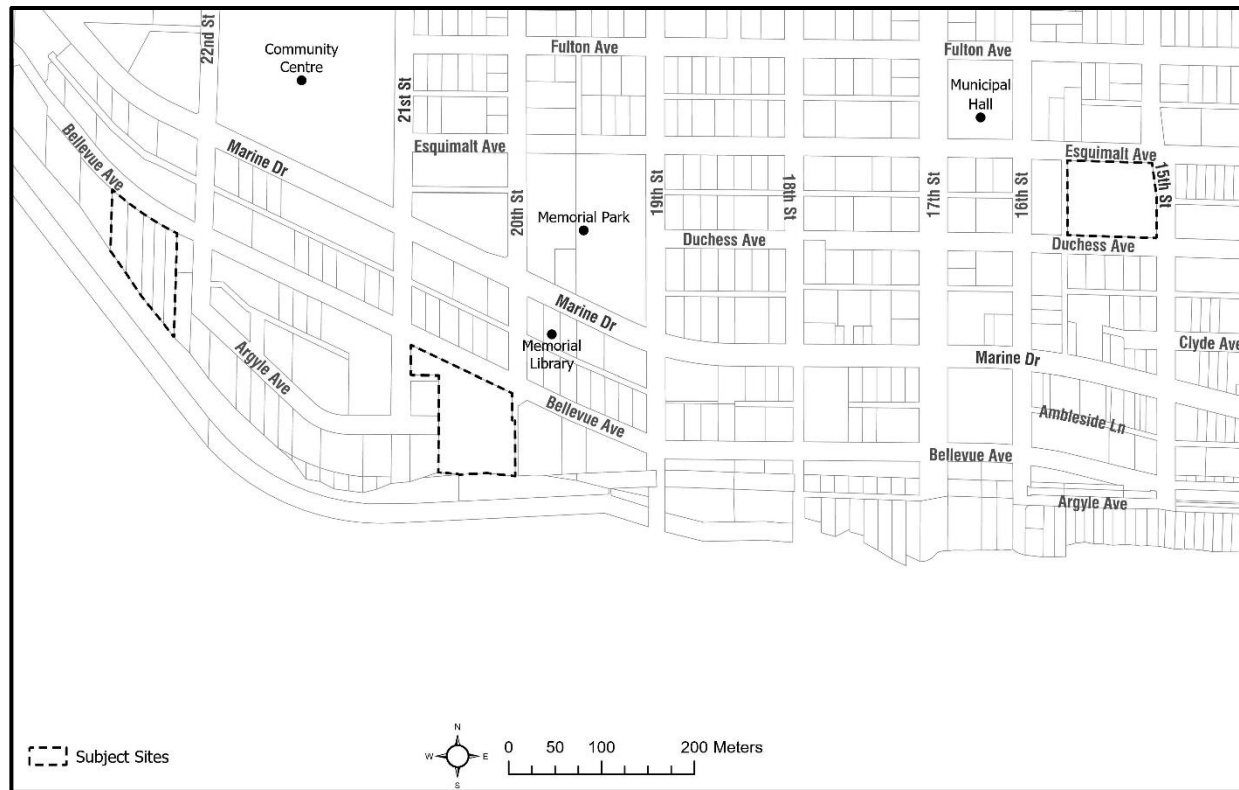
Map 6 A: Former Land Use Contract Sites, 1300 block of Duchess Avenue and Clyde Avenue



Map 6 B: Sites Around Hollyburn Corner



Map 6 C: Waterfront Sites



Map 6 D: Rental Infill Sites

Policy BF-B 4.4.6

Rezoning applications may be considered for RM1- and RM2-zoned sites in the Ambleside Apartment Area to increase the FAR or to change tenure, subject to an evaluation of the proposal's contextual fit, its contribution to the District's Affordable Housing Reserve Fund, and/or its inclusion of rental units.

Policy BF-B 4.5

To encourage the renovation and/or conservation of apartment buildings with heritage merit, Heritage Revitalization Agreement (HRA) applications with infill buildings or transfer of development rights may be considered.

AMBLESIDE APARTMENT AREA GUIDELINES BF-B 4

I. CONTEXT AND SITE DESIGN

- a. Encourage renovation and conservation of buildings and features of heritage character;
- b. Situate buildings to maximize views while minimizing impacts to surrounding buildings' views.
- c. Minimize obstruction of views from public pedestrian areas, common living areas of other developments, and from existing residential units.
- d. Enhance the quality of streetscapes through the overall design of development.
- e. Encourage pedestrian amenities, such as courtyards, within and adjacent to apartment developments.
- f. Link ground level open spaces to adjacent streets, sidewalks and pathways.
- g. Encourage the use of integrated public art compatible with adjacent development and street patterns to enhance the pedestrian experience.
- h. Bury utility wires underground where economically feasible.

II. BUILDING DESIGN

- a. a. Vary building mass to minimize its scale.
- b. Address the compatibility of scale between new buildings and existing adjacent buildings.
- c. Encourage the use of high quality materials.
- d. Detailing should be designed in keeping with the character of the building and landscape.
- e. Use building mass to emphasize the entrance to buildings.
- f. Entries should be visible, clearly articulated, and accessible.
- g. Encourage terraced buildings adjacent to the shoreline.
- h. Avoid blank or undifferentiated facades at the ground level.
- i. Screen roof top mechanical equipment from neighbouring properties.
- j. Encourage private outdoor living space for each unit.
- k. Design buildings and landscape elements to minimize shading, and intrusion on privacy of adjacent buildings.
- l. Provide detailing and articulation, especially at eye level.
- m. Site and screen garage entrances, mechanical equipment and garbage bins, to minimize visual and acoustical impacts on adjacent properties and the streetscape

III. LANDSCAPE DESIGN

- a. Integrate landscape features and elements with the adjacent streetscape, use established vegetation where feasible, and provide a mature and varied appearance upon construction completion.
- b. Avoid landscaping elements that inhibit pedestrian or barrier free access along sidewalks or towards buildings.
- c. Maximize the use of roof spaces for roof gardens and common areas.
- d. Minimize the scale of apartment buildings at ground level with the use of trelliswork and other landscape features.
- e. Minimize glare and light spill to surrounding properties through design and siting of exterior lighting.

IV. CIRCULATION / PARKING

- a. Locate parking underground to maximize ground level open spaces for landscape elements and treatments.
- b. Encourage underground garage entries to provide an appealing entrance from the streetscape with the use of planters and/or trellis structures.
- c. Discourage large expanses of ground level paved parking, particularly when visible from or directly adjacent to a street. Where ground level parking is needed, provide landscape elements such as fencing or planting to visually break up and screen parking from public streets and neighbouring properties, improve natural drainage, and highlight pedestrian routes.
- d. Design underground residential parking to be readily accessible and easily used by residents.
- e. Ensure that site circulation is accessible to persons with disabilities.
- f. Share access/curb cuts between buildings where possible.
- g. Minimize the width of curb cuts where possible.
- h. Design and situate garage doors so that they are not a dominant feature of the streetscape.
- i. Encourage the use of bicycles and the provision of bicycle storage areas.