

PLANNING REPORT



PAC – September 18, 2024
File No.: Z-17-24, V-17-24, P.R. No. 48/24

To: Planning Advisory Committee
From: Fredrick Van Rooyen, Senior Planner
Proposal: Secondary Municipal Plan Amendment, Rezoning, and Variances to permit a three-unit dwelling
Property: **778 Windsor Street (PID 01464478)**

OWNER: Off Campus Real Estate
300 Tripp Settlement Road,
Keswick Ridge, NB
E6L 1W3

APPLICANT: As above

SITE INFORMATION:

Location: East side of Windsor Street across from Valleyview Street
Context: Low-rise residential area in the College Hill area, UNB Campus to the east
Ward No: 11
Municipal Plan: Established Neighbourhood
Zoning: Residential Zone One (R-1)
Existing Land Use: Single detached dwelling
Previous Applications: None

EXECUTIVE SUMMARY:

The Applicant is proposing to convert the existing single detached dwelling at 778 Windsor Street to a three-unit dwelling by constructing an additional second storey onto the existing structure. To create a three-unit dwelling, the proposal requires an amendment to Policy Area "A" of the College Hill Secondary Municipal Plan, which limits the use of the property to a single detached dwelling, a rezoning from R-1 to R-4, and variances related to the lot frontage, driveway width, and parking within the rear yard setback.

Staff are of the opinion that the current policy framework for the College Hill area is no longer appropriate given the housing crisis and new policy direction provided for in the Affordable Housing Strategy and commitments under the Housing Accelerator Fund. The proposal meets the intent of the Municipal Plan, and the proposed density can be appropriately accommodated on the lot. Overall, the proposal represents a form of gentle intensification and provides for greater housing options in proximity to the university/college. Staff support the application subject to terms and conditions.

APPLICATION:

Off Campus Real Estate has made application on property located at 778 Windsor Street for the following:

- Amend Policy Area “A” of the College Hill Secondary Municipal Plan to permit a three-unit dwelling;
- Rezone the property from Residential Zone One (R-1) to Residential Zone Four (R-4) to permit a three-unit dwelling;
- 2.32 metre lot frontage variance;
- 0.61 metre driveway width variance; and,
- A variance to permit parking in the required rear yard setback of a low-density residential zone.

PLANNING COMMENTS:

Proposal:

- The Applicant purchased the subject property in February 2022 and has outlined that the intention of the development is to construct an additional second storey onto the existing structure and to subdivide the interior space into three separate dwelling units (see Maps V & VI). The development would involve the demolition of the garage at the front of the house to allow for access to 6 parking spaces in the rear yard as well as an addition at the rear of the building for shared access. Each unit would contain 4 bedrooms and the Applicant is looking to use the existing building footprint to provide more housing options in close proximity to the university/college.
- The proposal involves three main components. The first is to amend Policy Area “A” of the College Hill Plan Area, which limits the use of the property to a single detached dwelling. The second is the Rezoning from R-1 to R-4 to allow for a three-unit dwelling, and the third is variances related to extending the existing driveway width and parking within the required rear yard setback.

Municipal Plan:

- The subject property is designated Established Neighbourhood within the Municipal Plan, which permits a full range of residential dwelling types. Residential intensification initiatives within the Established Neighbourhoods designation are intended to be limited. That does not mean that these communities will not evolve and intensification will be primarily through complementary and compatible development on vacant lots, minor infill development, and accessory units. This proposal looks to use the existing building footprint with the addition of a second storey, which represents a minor infill development.
- The policies of the designation speak to supporting the stability of the Established Neighbourhoods by:
 - i. Encouraging the maintenance of the existing housing stock;*
 - ii. Discouraging the encroachment of incompatible uses;*
 - iii. Routing higher volume traffic along arterial and collector roads;*
 - iv. Maintaining community services and facilities at a scale appropriate for the neighbourhood;*

- v. *Encouraging the relocation of existing incompatible uses;*
 - vi. *Enforcing by-law to ensure acceptable maintenance and occupancy standards; and,*
 - vii. *Requiring that new or infill development be compatible with adjacent properties.*
- The policies further outline that to maintain the stability of residential neighbourhoods, while allowing for incremental change through sensitive new development and redevelopment, new development will respect and reinforce the existing pattern, scale, and character of the Established Neighbourhoods by ensuring that:
 - i. Any new lots are consistent with the lot pattern in the neighbourhood;
 - ii. Building design is compatible with the surrounding area and contributes positively to the neighbourhood;
 - iii. Adequate servicing, road infrastructure, and other municipal services be readily and efficiently provided; and,
 - iv. Healthy, mature trees are protected whenever feasible.
 - In staff's view the proposal meets the intent of the Established Neighbourhood designation and represents an appropriate form of gentle intensification. Staff would acknowledge that while the majority of the surrounding properties are one-storey in height, there are other two storey buildings within College Hill (further south on Windsor Street for example) that are still harmonious with the surrounding physical environment. A major contributor to such compatibility is the existing vegetative buffer that exists between properties. For 778 Windsor Street, there is an existing hedgerow and trees along both side property lines. Staff are recommending that this hedgerow and the existing trees be maintained to support the overall compatibility of the development.
 - It is also important to acknowledge that beyond the Established Neighbourhood designation, housing policies of the Municipal Plan (subsection 3.1.1(1)) promote housing diversity by requiring a mix of housing types, sizes, and densities that will accommodate changes in community needs over time. The housing policies outline that the City shall promote opportunities for increased housing densities and intensification for residential development. With the current housing crisis and demand for housing, particularly in close proximity to the university/college, providing for more intensification and housing options within College Hill will be important to meet the needs of the community.

College Hill Secondary Municipal Plan:

- The College Hill Secondary Municipal Plan was adopted in 1994 as a response to ongoing neighbourhood concerns over the proliferation of non-owner-occupied homes. The objective was to *"stabilize and enhance the residential character of the College Hill planning area"* by restricting the ability of properties to increase unit densities.
- The subject property is within Policy Area "A", which states the following: *"this area consists of a relatively homogeneous concentration of large single detached dwellings, on large lots. In order to maintain neighbourhood continuity, other forms of housing, including basement and accessory apartments, duplex, semi-detached and higher density housing should not be permitted in Policy Area A"*. Consequently, to proceed with the proposal, the College Hill Secondary Municipal Plan needs to be amended as it relates to this property.

- It has been 30 years since the College Hill Secondary Municipal Plan was adopted and significant changes have occurred with respect to recent trends and current conditions across the housing ecosystems. The restrictions in place with respect to not allowing two units or any form of gentle intensification are no longer appropriate given the new policy direction provided for in the Affordable Housing Strategy and the commitments made under the Housing Accelerator Fund.

Affordable Housing Strategy/Housing Accelerator Fund:

- In June 2022, Council adopted an affordable housing strategy to address the significant housing challenges being experienced in the city. Recommendation #3 of the Strategy involves reviewing and amending Zoning By-law regulations to enable more and faster housing. The recommendation specifically looks to improve housing availability and development rates and lower cost barriers to new housing by removing limitations on basement apartments and allowing 2 dwelling units as the lowest maximum density across Fredericton. Recently, at the August 26, 2024 City Council meeting, amendments to the Zoning By-law were adopted that implemented this recommendation of the strategy and secondary dwelling units are permitted across the city. This policy shift signals the need for further reform to the College Hill Secondary Municipal Plan.
- Additionally, the City signed an agreement with the Canada Mortgage and Housing Corporation (CMHC) for funding through the Housing Accelerator Fund. There are two main conditions of the contribution agreement that are applicable to this application. Firstly, to address issues related to the availability of appropriate affordable housing near post-secondary institutions, and to better connect the nature of enrollment with available on campus housing options, the City will repeal the existing Secondary Municipal Plan for the College Hill area and implement Zoning By-law amendments that allow for significant residential intensification in this neighbourhood. Secondly, City staff will introduce a City-wide by-law amendment for Council approval to permit up to four units as of right in all residential zones. This initiative will substantially increase opportunities for “housing in the middle” by enabling increased density in all residential zones, without the need for full planning permission. Staff are of the view that the proposed three-unit dwelling is appropriate given this new policy direction.

Zoning:

The proposal complies with the standards of the R-4 as follows:

Standard	Required	Provided
Lot Area (min)	840m ²	901m ²
Lot Frontage (min)	25m	22.68m*
Lot Depth (min)	30m	39.62m
Lot Coverage (max)	40% (360.4m ²)	15.38% (138.6m ²)
Landscaped Area (min)	45m ² /unit (135m ²)	~385m ²
Building Setbacks (min)		
Front (Windsor St)	6m	8.12m
Side (north)	1.8m	2.06m
Side (south)	3.6m	4.10m
Rear (east)	7.5m	15.26m
Building Height	9m	8.57m
Vehicle Parking (min)	3+ BR unit: 1.75 spaces 1.75 spaces x 3 units = 5.25 spaces => 6 spaces	6 spaces

Variances:

- The proposed three-unit dwelling complies with all applicable zoning standards except the lot frontage, driveway width, and parking location. With respect to the lot frontage, the existing lot frontage is 22.68 metres, whereas 25 metres is required for a three-unit dwelling. Staff have no concerns with the lot frontage variance as it is an existing condition, the lot complies with the other lot size requirements (area and depth), and the three-unit dwelling can be appropriately accommodated on the lot.
- With respect to the 0.61 metre driveway width variance, this is primarily a result of the extending the existing driveway and maintaining the existing retaining wall and hedgerow. With the garage at the front being removed, the driveway would be extended to the rear of the property to gain access to the required parking spaces. The driveway would narrow down to 3.39 metres for a small portion between the existing building and retaining wall/hedgerow. Staff are comfortable with the driveway width variance as it allows the existing retaining wall/hedgerow to be maintained and adequate maneuvering for vehicles is being provided in the rear parking area.
- Lastly, the parking requirements of the Zoning By-law outline that in all low-density residential zones, required parking shall not be permitted within the required rear yard setback. In order to accommodate the required parking for the proposed three-unit dwelling, the Applicant is proposing parking within the rear yard setback. Specifically, the rear yard setback is 7.5 metres, whereas the proposed parking encroaches 4.01 metres into the rear yard setback and is 3.49 metres from the rear property line. As the subject property backs onto the UNB campus, staff have no concerns with the proposed parking encroaching into the rear yard setback. Given the abutting residential to the sides, the priority would be to ensure that adequate screening and separation be provided for the side yards. Staff are recommending that as part of the final landscape and parking plan, the Applicant maintain the existing hedgerows and vegetation and provide additional fencing between the parking area and abutting residential.

Building Height & Design:

- Given the College Hill and Established Neighbourhood context, providing a compatible building design is crucial for the redevelopment. With respect to building height, it is important to recognize that the maximum building height permitted in the R-1 zone and the proposed R-4 zone are the same, being 9 metres. As such, the proposed height at 8.57 metres complies with the Zoning By-law and would be permitted whether the property was a single detached dwelling or the proposed three-unit dwelling. As noted, while the majority of the surrounding properties are one-storey in height, there are other two storey buildings within College Hill (further south on Windsor Street for example) that are still harmonious with the surrounding physical environment. To support overall compatibility, the amount of windows on the sides of the building have been minimized and the existing hedgerow/trees would be maintained. The current building design is modest in nature and the proposed second storey addition looks to be integrated with the existing brick on the ground level and transitioning to wood. The design includes a porch on the ground level to break up the massing and provide an outdoor amenity space. Some of the design elements, like the tall vertical feature above the porch roof or the alignment of the banding separating the first and second floors, could be softened and altered to reduce the vertically on the building. Staff will work with the Applicant at the building permit stage to reduce the vertically and improve the overall building design and compatibility.

Engineering & Operations:

- Engineering & Operations have no concerns with this application. The Applicant will be responsible for assessing the capacity of the existing service lateral for the intended use as a 3-unit dwelling.

RECOMMENDATION:

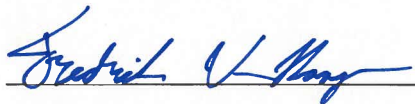
It is recommended that the application submitted by Off Campus Real Estate on property located at 778 Windsor Street for the following:

- Amend Policy Area "A" of the College Hill Secondary Municipal Plan to permit a three-unit dwelling;
- Rezone the property from Residential Zone One (R-1) to Residential Zone Four (R-4) to permit a three-unit dwelling;
- 2.32 metre lot frontage variance;
- 0.61 metre driveway width variance; and,
- A variance to permit parking in the required rear yard setback of a low-density residential zone,

be approved subject to the following terms and conditions:

- a) The site be developed generally in accordance with Map II attached to P.R. 48/24 to the satisfaction of the Development Officer;
- b) Final building design be generally in accordance with Maps III and IV attached to P.R. 48/24 to the satisfaction of the Development Officer;
- c) A final landscape and parking plan be provided to the satisfaction of the Development Officer prior to the issuance of a building permit, including maintaining the existing hedgerows and trees, particularly within the side yards;
- d) The Applicant shall be responsible for assessing the capacity of the existing service lateral;
- e) The development shall include a back flow preventor; and,
- f) The property is located in Wellfield Zone C; all plans shall conform to the NB Wellfield Protected Area Designation Order. All inquiries shall be referred to the Senior Water & Sewer Engineer.

Prepared by:

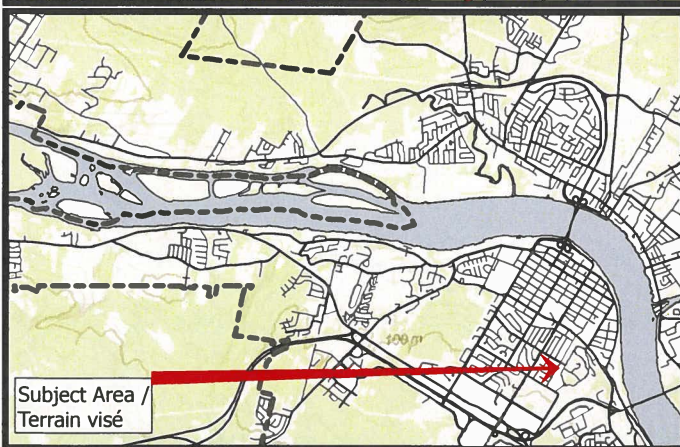
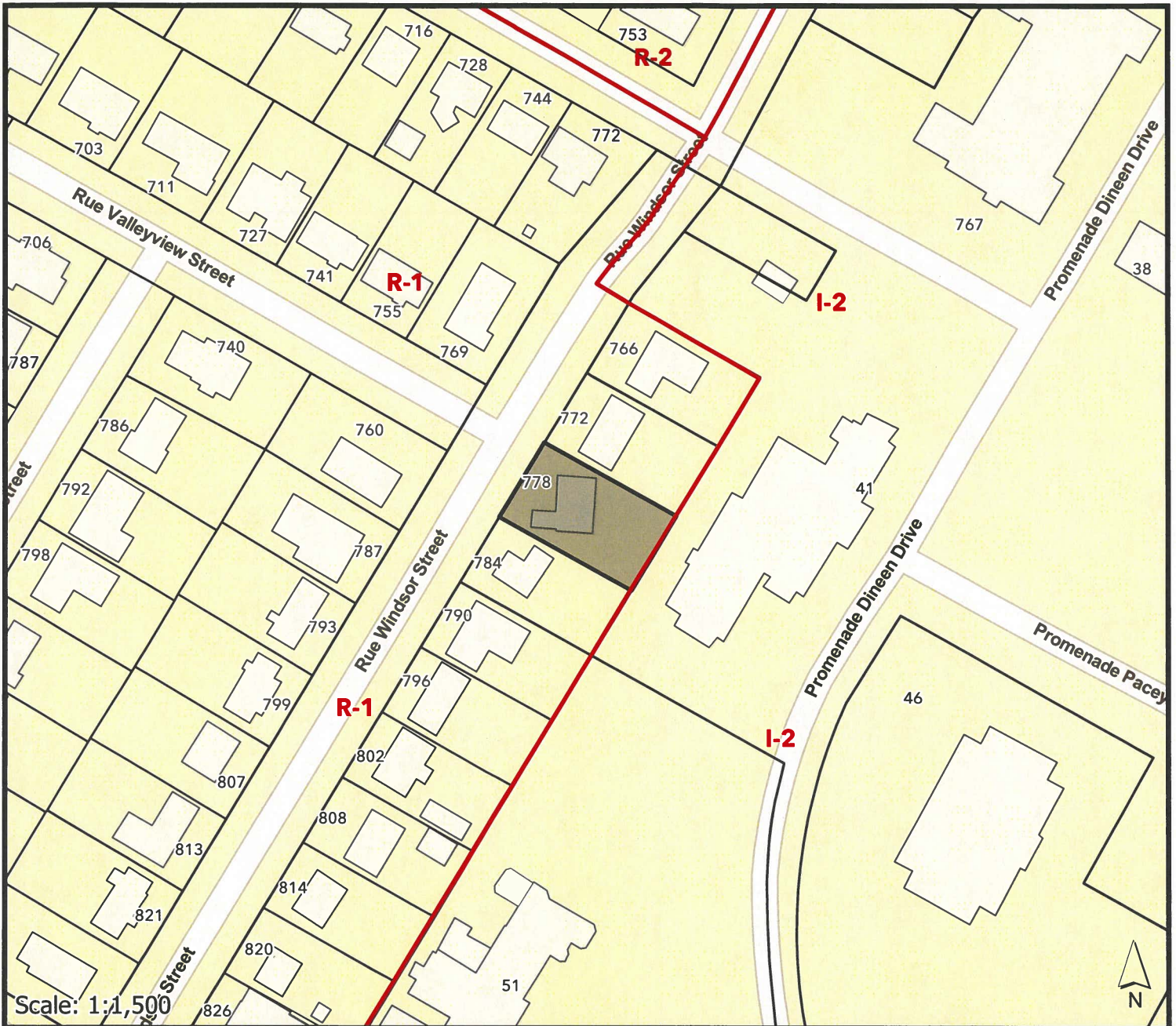


Fredrick Van Rooyen, RPP, MCIP
Senior Planner, Community Planning

Approved by:



Marcello Battilana, RPP, MCIP
Assistant Director, Planning & Development



Subject Property / Propriete Visé

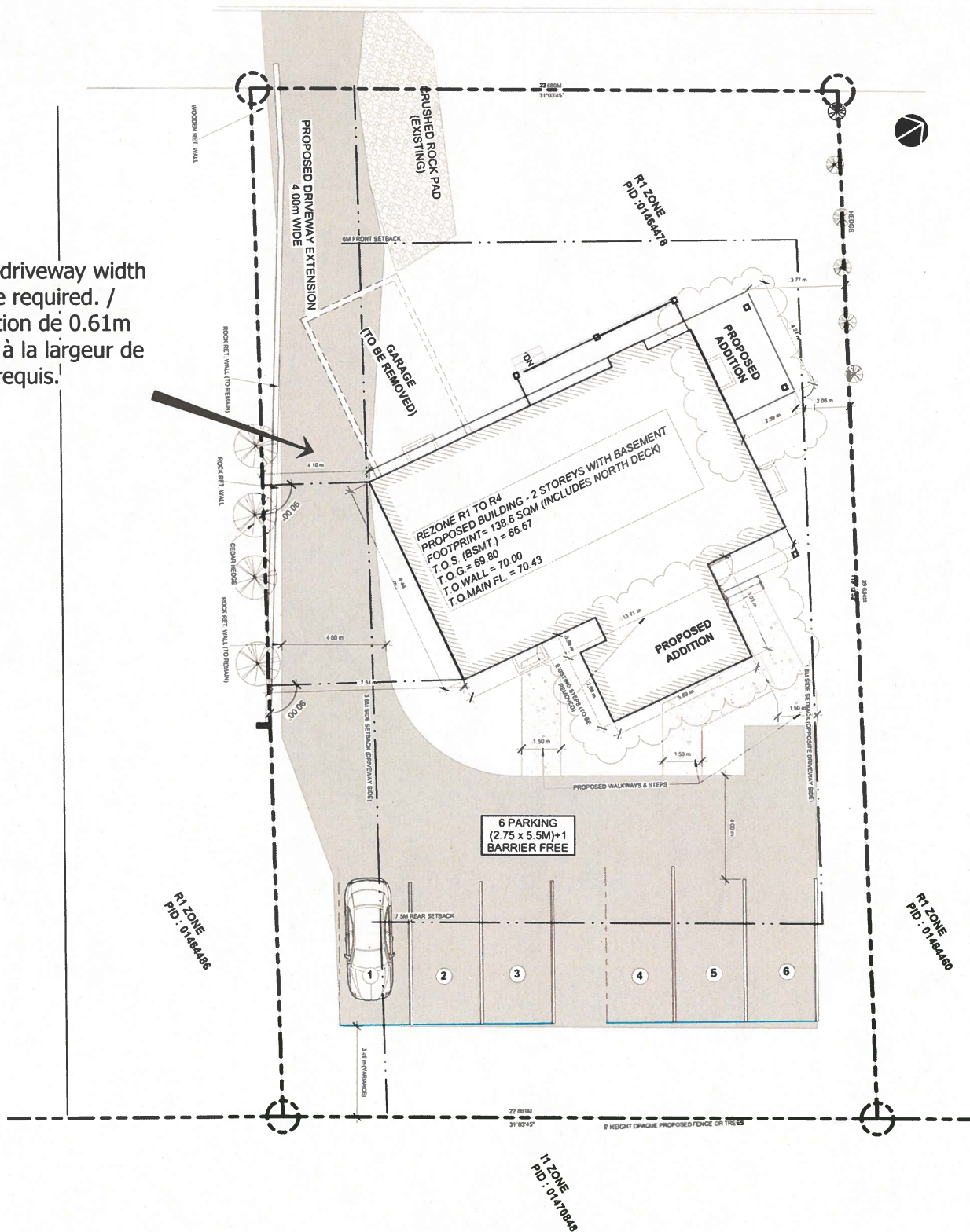
Amend Policy Area "A" of the College Hill Secondary Municipal Plan to permit a three-unit dwelling; Rezoning from R-1 to R-4, 2.32m lot frontage variance, 0.61m driveway width variance, and a variance to permit parking in the required rear yard setback of a low density residential zone.

La modification du plan municipal au secteur de politique A du plan secondaire College Hill pour permettre la construction d'un immeuble de trois logements. Le rezonage de zone R-1 à zone R-4. Dérégation de façade de 2.32 m nécessaire. Une dérogation de 0,61 m à la largeur de l'allée. Une dérogation pour permettre le stationnement dans la marge de recul requise de la cour arrière d'une zone résidentielle à faible densité

	<p>Map \ carte # I File \ fiche: PR-48-2024 Date \ date: septembre \ September 18, 2024 Subject \ sujet: rue 778 Windsor Street Off-Campus Real Estate c/o Brandon Fictorie</p>
<p>Community Planning Planification urbaine</p>	

WINDSOR STREET

0.61m driveway width variance required. /
 Dérogation de 0.61m relative à la largeur de la voie requis!



Site Plan / Plan du site

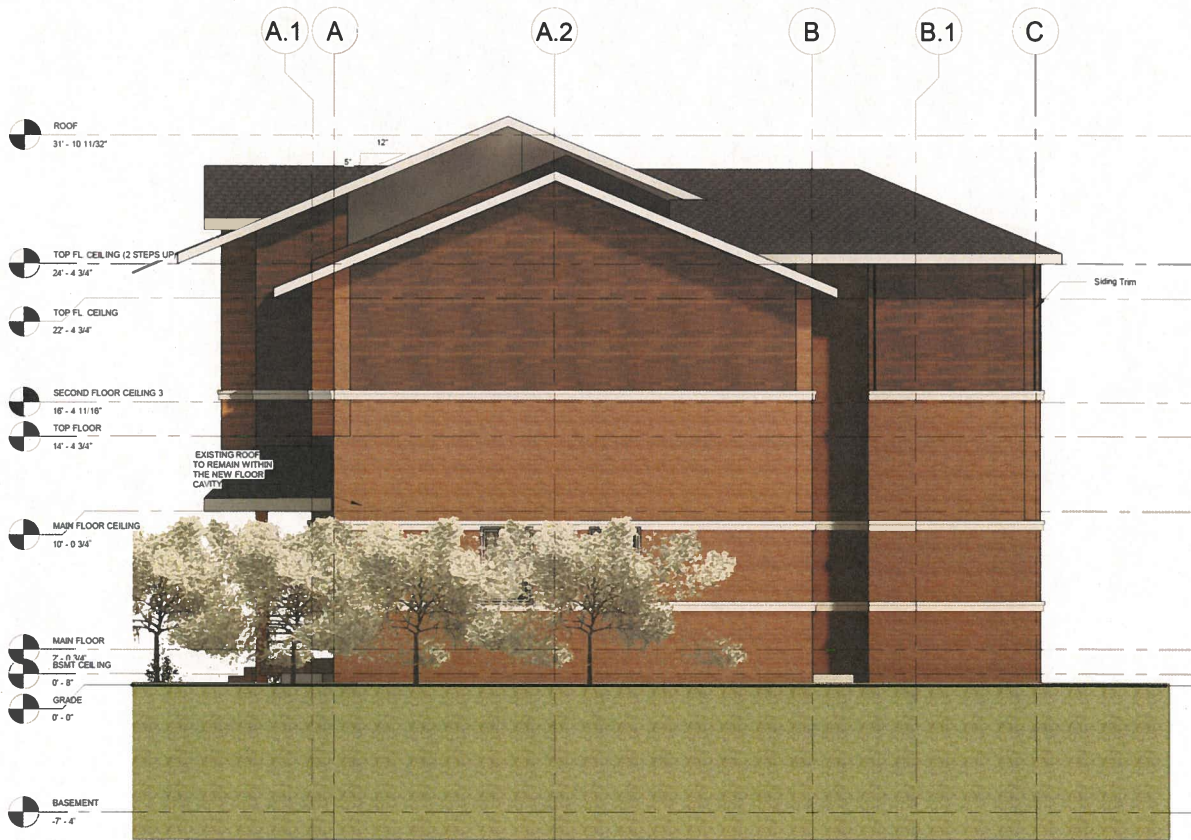


Community Planning
 Planification urbaine

Map \ carte # II
 File \ fiche: PR-48-2024
 Date \ date: septembre \ September 18, 2024
 Subject \ sujet: rue 778 Windsor Street
 Off-Campus Real Estate
 c/o Brandon Fictorie



West - Windsor St / Ouest - rue Windsor



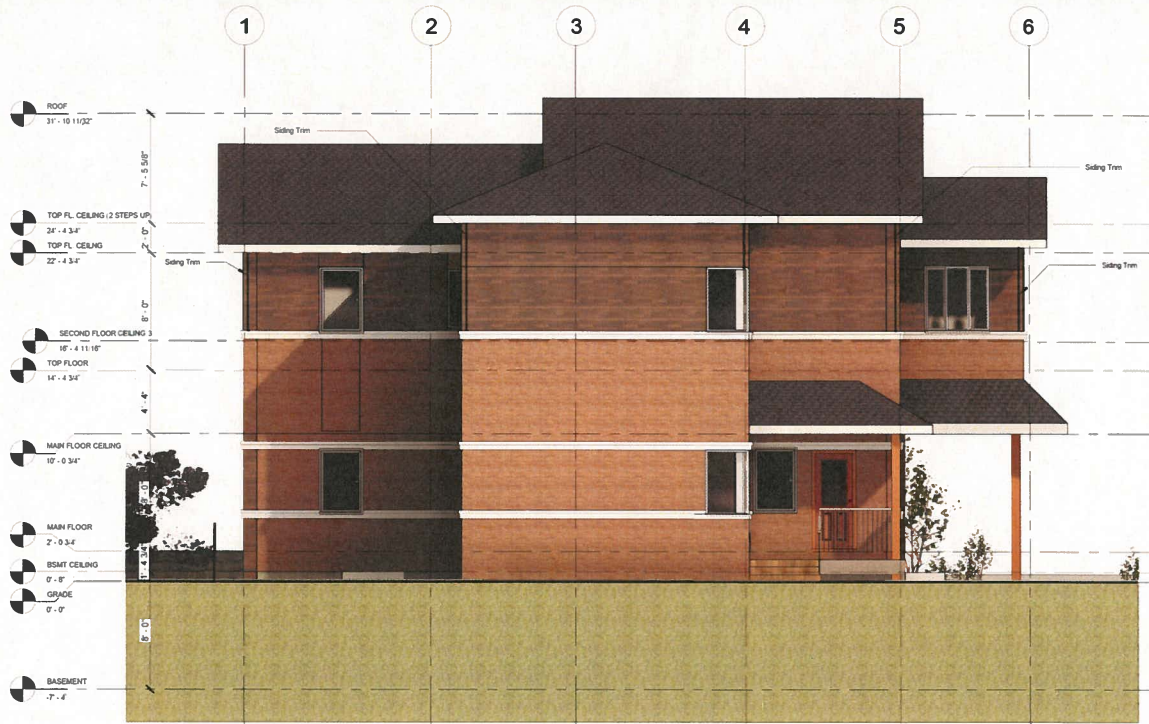
South - / Sud

Elevations / Élévations

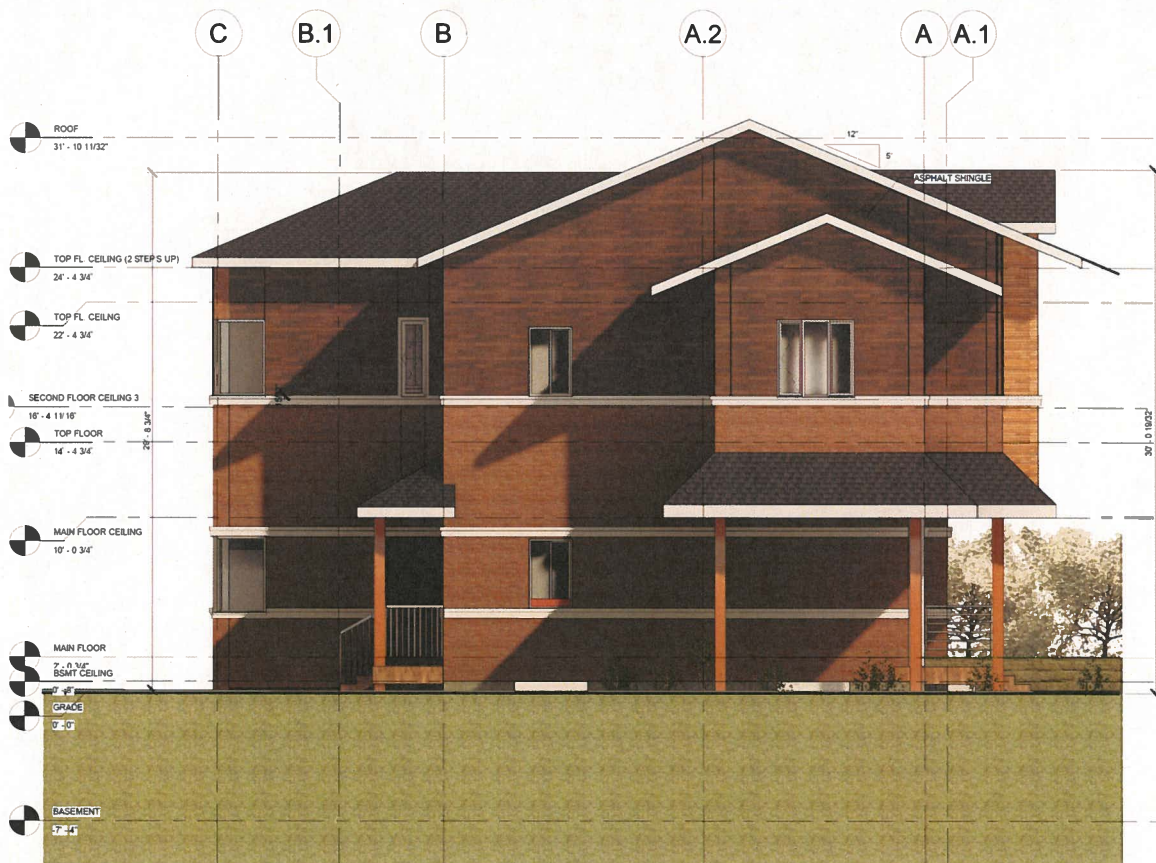


Community Planning
Planification urbaine

Map \ carte # III
 File \ fiche: PR-48-2024
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 Off-Campus Real Estate
 c/o Brandon Fictorie

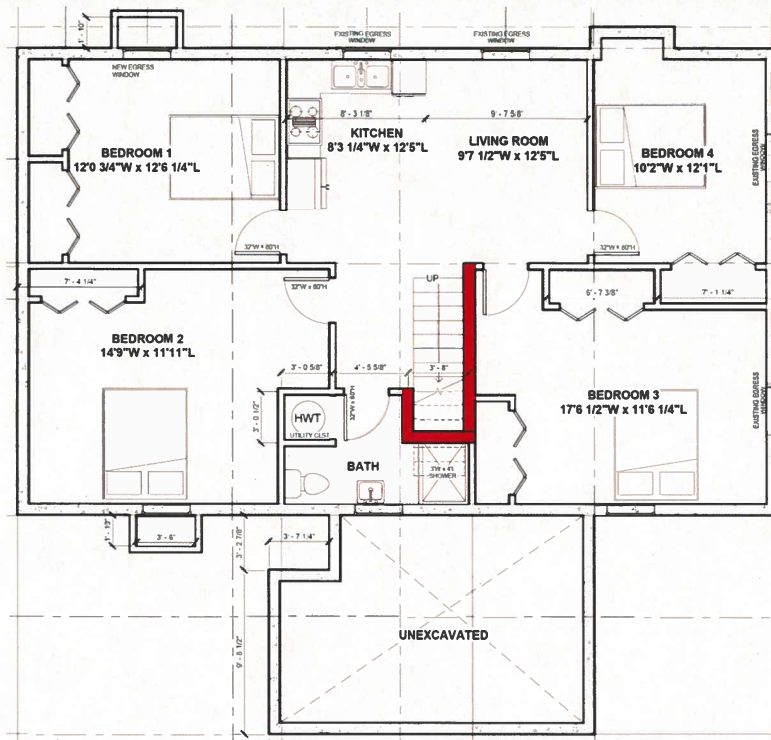


East / Est

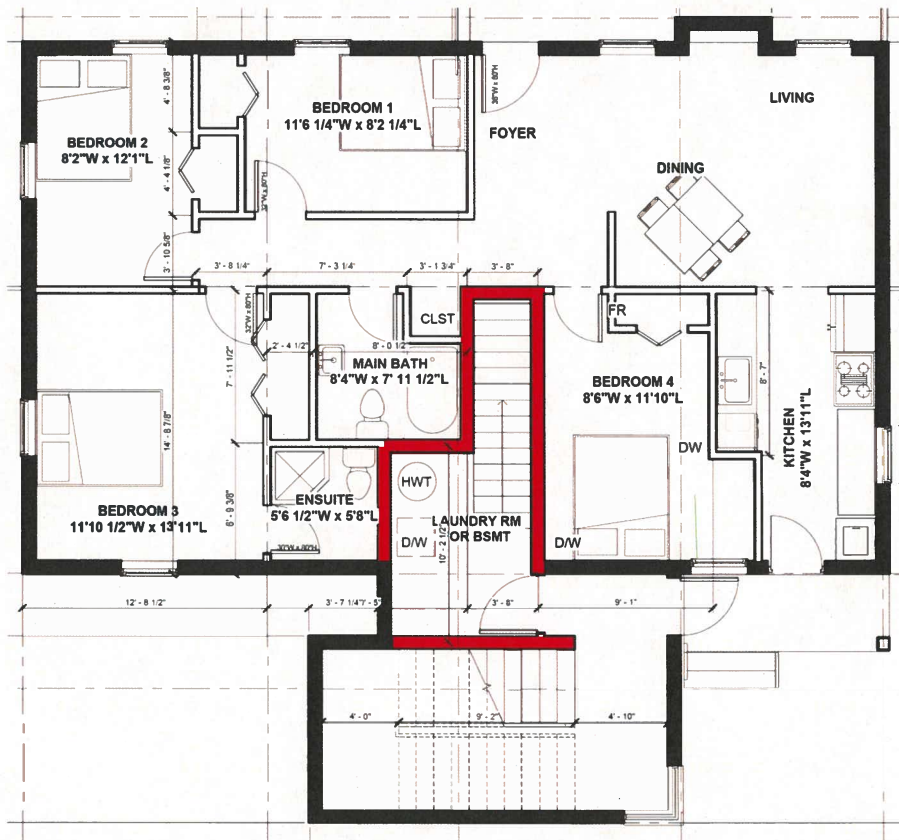


North / Nord

Elevations / Élévations



Basement / Sous-sol



Main Floor / Étage principal

Floor Plans / Plan d'étages



Community Planning
Planification urbaine

Map \ carte # V

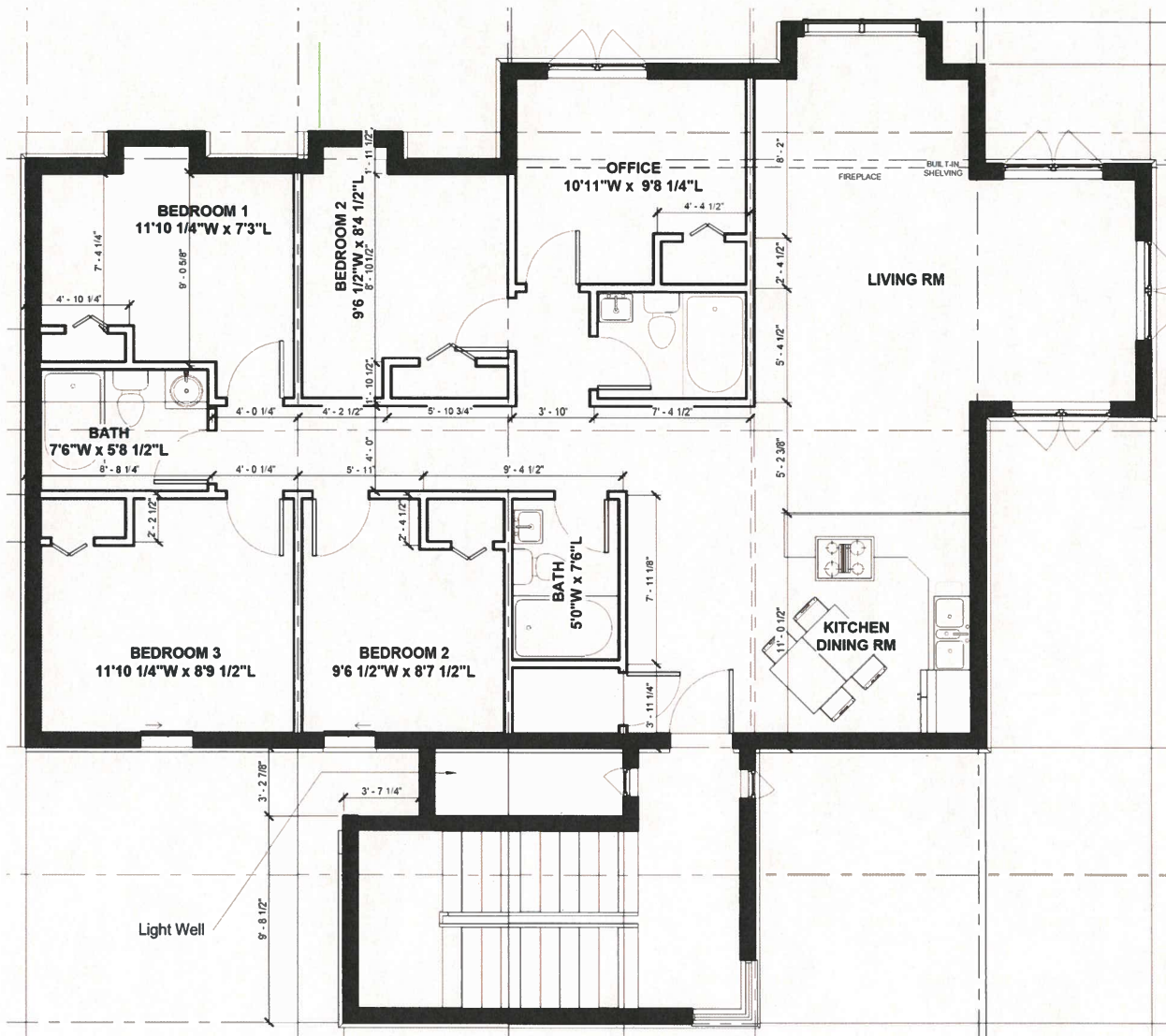
File \ fiche: PR-48-2024

Date \ date: septembre \ September 18, 2024

Subject \sujet: rue 778 Windsor Street

Off-Campus Real Estate

c/o Brandon Fictorie



Second Floor / Deuxième étage

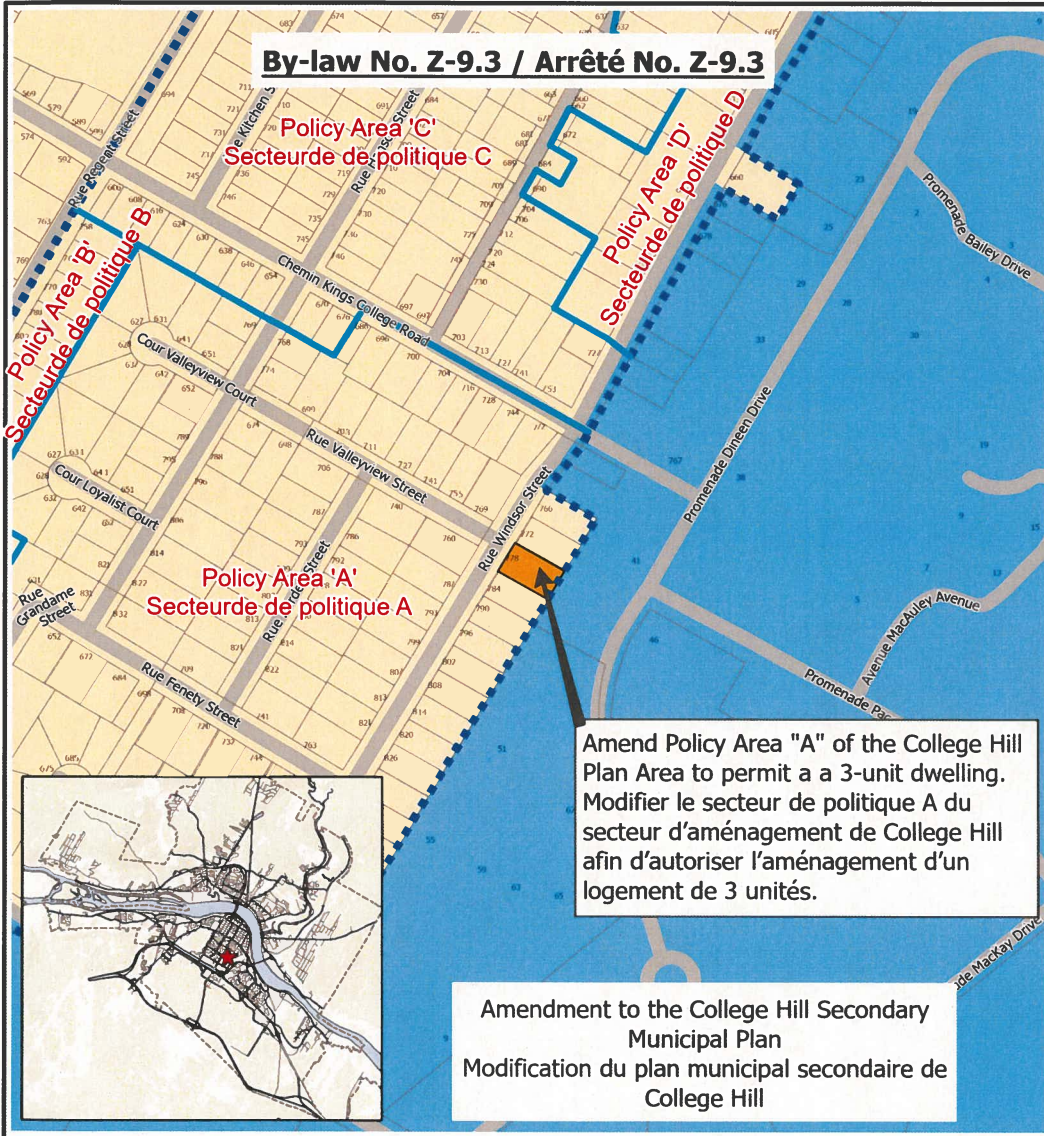
Floor Plans / Plan d'étages



Community Planning
Planification urbaine

Map \ carte # VI
File \ fiche: PR-48-2024
Date \ date: septembre \ September 18, 2024
Subject \sujet: rue 778 Windsor Street
Off-Campus Real Estate
c/o Brandon Fictorie

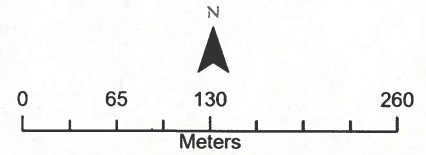
By-law No. Z-9.3 / Arrêté No. Z-9.3







Fredericton

Schedule B / Annexe B

rue 778 Windsor Street



Legend / Légende

-  Subject Property / Terrain Visé
-  Planning Area Boundary / Limite du secteur d'aménagement
-  Policy Areas / Secteurs de politique
-  Property / Propriété

Compiled by Community Planning - August, 2024
Dressée par les Planification urbaine en août, 2024

Municipal Plan Amendment / Modification du plan municipal

Fredericton

Community Planning
Planification urbaine

Map \ carte # VII

File \ fiche: PR-48-2024

Date \ date: septembre \ September 18, 2024

Subject \sujet: rue 778 Windsor Street

Off-Campus Real Estate
c/o Brandon Fictorie