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Appeal 10-2021

**A.2**



# DEVELOPMENT APPEAL SUPPORTING EVIDENCE

## 639 MAIN STREET Development

March 18, 2021

*Appeal No: 10-2021- 639 Main Street*

## Project Summary

639 Main Street Holdings Ltd. owns the subject 639 Main Street property in Saskatoon. The Owner views this new mixed-use Residential/Commercial development as an opportunity to enhance city densification.

The mixed-use development looks to provide a desirable choice for Broadway rental living that offers convenient access to life's daily needs while contributing to the vibrancy of the Broadway district.

The proposed development contributes to the following goals and objectives of the Saskatoon Official Community Plan:

- Sustainable Growth – reflecting a balance of greenfield and infill development | main streets and community hubs are urban villages | older neighbourhoods have been renewed and revitalized (p.14)
- Health and Safety – providing an opportunity to live close to major employment areas | providing more “eyes on the street”.(p.20)
- Compact City Form – by gradually increasing the overall density of the city. (p.50)
- Supports Economic Growth and Diversity by providing a project that contributes to making the City Centre an active, attractive place for residents. (p.106)

## Scope of the Appeal

In reference to the Notice of Hearing dated February 24, 2021, on behalf of 639 Main Street Holdings Ltd. this submission is provided as evidence in support of the subject Appeal Hearing scheduled for 5:00pm, March 23, 2021 via teleconference.

### Summary of Deficiencies

In response to the submitted Building and Development Permit application the Planning and Development Division identified the following deficiencies to the City of Saskatoon's Zoning Bylaw 8770:

1. Front Yard Setback for the 12<sup>th</sup> to 14<sup>th</sup> storeys
2. Height of the Building Base

# Zoning Bylaw Summary

**PROJECT DESCRIPTION**

THE PROPOSED DEVELOPMENT IS LOCATED IN THE BROADWAY COMMERCIAL DISTRICT. THE DEVELOPMENT INCLUDES 106 RESIDENTIAL UNITS, AMENITY SPACE AND COMMERCIAL USE AREA.

**BUILDING FOOT PRINT:** 1430.5 SQ.M.

**BUILDING HEIGHT:** 15 STOREYS

NONCOMBUSTIBLE CONSTRUCTION AND SPRINKLERED THROUGHOUT;

**MAJOR BUILDING OCCUPANCY:** GROUP C (RESIDENTIAL); GROUP F3 (PARKING);

**MINOR OCCUPANCY:** GROUP A2 (AMENITY SPACES, COMMERCIAL); GROUP D (COMMERCIAL).

**BUILDING AREA SUMMARY:**

LEVEL	BUILDING AREA (SQ.M.)	USE
MAIN FLOOR	842.5	COMMERCIAL SPACE, LOBBY, PARKING(NOT INCLUDED)
2ND TO 4TH	791.0 (TOTAL=7119.0)	PARKING (NOT INCLUDED)
5TH TO 13TH	0	RESIDENTIAL
14TH	654.7	RESIDENTIAL, AMENITY SPACE AND MECHANICAL
15TH	0	MECHANICAL

**ZONING BY LAW SUMMARY:**

B5B BROADWAY COMMERCIAL DISTRICT  
 PROPOSED DEVELOPMENT: MIXED USE COMMERCIAL AND MULTI UNIT RESIDENTIAL SPACE.  
 CIVIC ADDRESS: 639 MAIN STREET, SASKATOON, SK  
 LOT SIZE: 42.67M (140FT) X 33.53M (110FT)

**REQUIRED SETBACKS**

	BUILDING BASE	BUILDING CAP
<b>FRONT YARD PERMITTED/REQUIRED</b>	< 1.0 M	3M FROM THE FRONT PROPERTY LINE FOR THE FIRST 3 STOREYS; ADDITIONAL 0.6 M FOR EACH FLOOR ABOVE THE THREE STOREYS OF THE BUILDING CAP LEVEL 5, 6 AND 7 – 3M LEVEL 8 – 3.6 M LEVEL 9 – 4.2 M LEVEL 10 – 4.8 M LEVEL 11 – 5.4 M LEVEL 12 TO 15 – 6M
<b>FRONT YARD AS PER DESIGN</b>	LEVEL 1 TO LEVEL 4 – 0 M	LEVEL 1 TO 11 – 5.450 M (MEET THE REQUIREMENT) LEVEL 12 TO 14 – 5.450 M (0.550M SHORT FROM REQUIREMENT)
<b>REAR YARD ALLOWED/REQUIRED BYLAW</b>	0 M	0 M
<b>REAR YARD AS PER DESIGN</b>	0 M	0 M
<b>SIDE YARD ALLOWED/REQUIRED BYLAW</b>	0 M	0.3 M INCREASE FOR EACH ADDITIONAL STOREY OF THE BUILDING BASE, UP TO 3 M
<b>SIDE YARD AS PER DESIGN</b>	0 M	3 M



Proposed Development

Figure 1. Building Location



**Deficiency 1: Front Yard Set Back**

**Requirement:**

Section 10.8A.4(1)(b) states that the Building Cap shall have a minimum Front Yard Setback of 3 metres from the front property line for the first three storeys above the Building Base. Each additional storey above the first three storeys of the Building Cap shall provide an additional 0.6 metre setback, however, the maximum setback of the Building Cap shall not exceed 6 metres from the front property line. Starting from the 12<sup>th</sup> storey and up requires a 6 metre front building setback.

**Proposed:** The 12<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup> storeys are proposed to have a 5.45 metre front building setback.

**Deficiency:** This equals a front building setback deficiency of 0.55 metres for the 12<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup> storeys.

**Design Considerations:**

- The Building Cap configuration considers simplicity for effective construction based on the efficient parking configuration of the parkade in providing the number and size of the parking stalls and drive aisle widths required to satisfy the Zoning Bylaw.
- The front building setback (as shown in Figure 2) exceeds the minimum required by the Zoning Bylaw for the 5<sup>th</sup> to 11<sup>th</sup> storeys (residential levels), infringing by 0.55m for only the 12<sup>th</sup> to 14<sup>th</sup> storeys.
- The project Gross Floor Space Ratio of 6.29:1 (8,993.9sm) is well below the allowable Gross Floor Space Ratio of 7:1 (10,015.1sm) which results in a proposed buildable area that is ~10% (1,021.2sm) less than permitted.
- Level above the street wall is setback to reinforce a low-rise interface with the sidewalk.

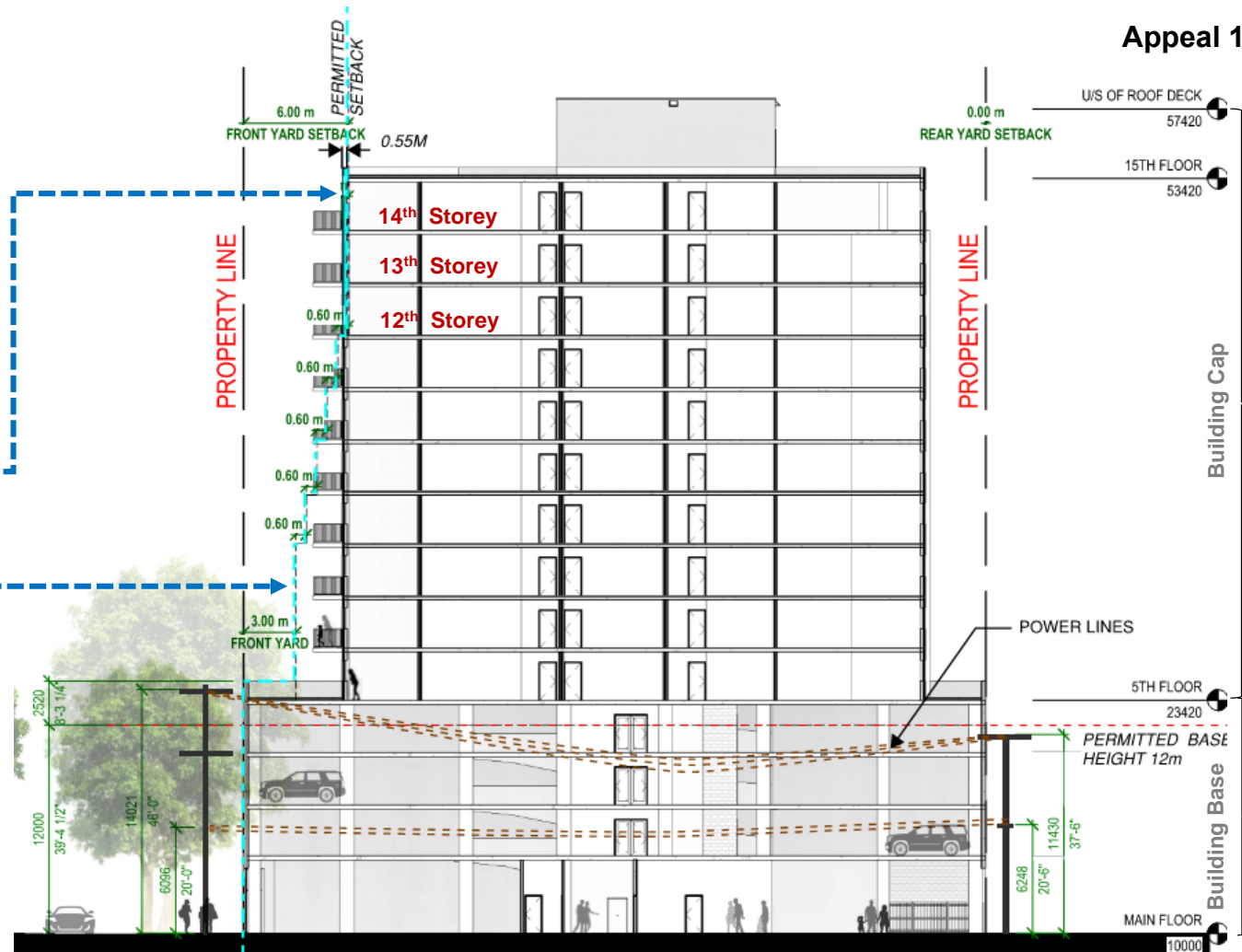


Figure 2. Proposed Built Volume, North-South Building Section



Deficiency 1: Front Yard Set Back (continuation)

- The required side and rear setbacks exceed the minimum required by the Zoning Bylaw.

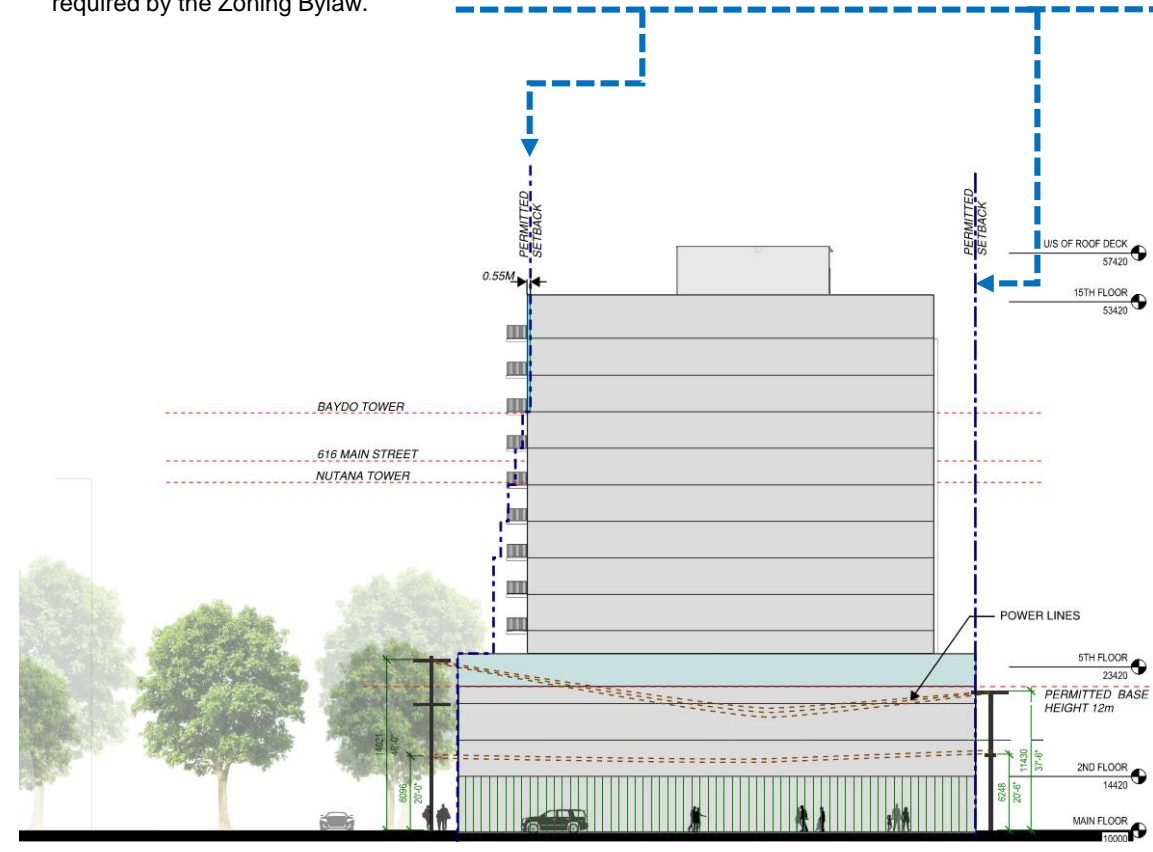


Figure 3. Proposed Built Volume, Dufferin Ave Elevation

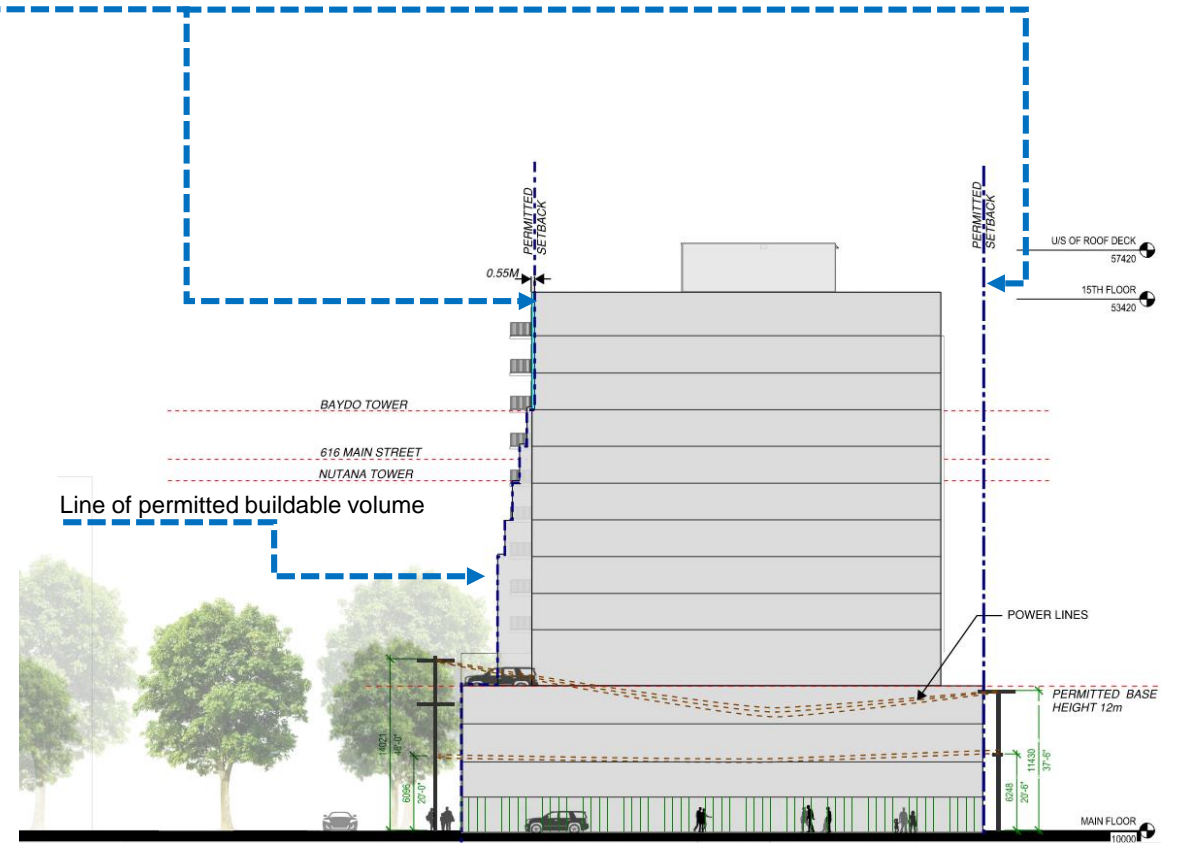


Figure 4. Permitted Buildable Volume, Dufferin Ave Elevation



Deficiency 1: Front Yard Set Back (continuation)

- The required side and rear setbacks exceed the minimum required by the Zoning Bylaw.

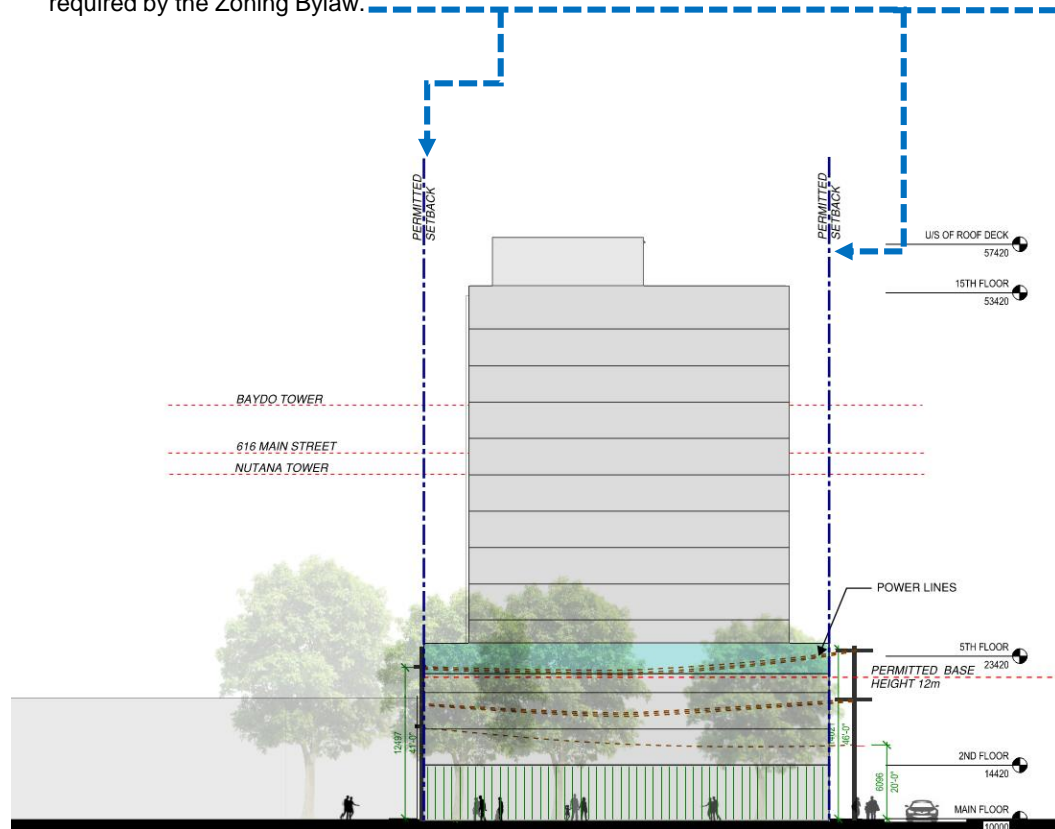


Figure 5. Proposed Built Volume, Main Street Elevation

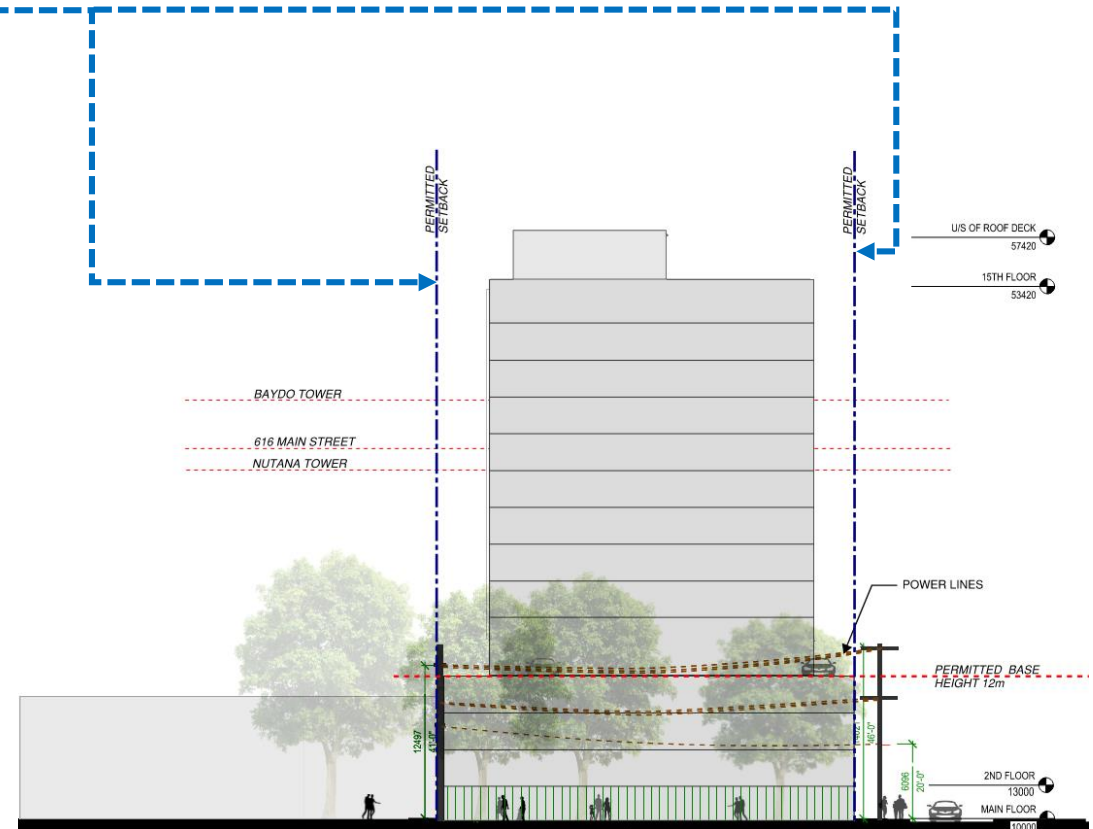


Figure 6. Permitted Buildable Volume, Main Street Elevation



**Deficiency 1: Front Yard Set Back** *(continuation)***Tests of Entitlement**

In regard to the three Tests of Entitlement we provide the following as evidence in support of the Appeal.

1. Granting of this Appeal does not provide the Applicant special privilege inconsistent with the restrictions on neighbouring properties.
  1. There is no height restriction in the zoning district, and the project Gross Floor Space Ratio of 6.29:1 (8,993.9sm) is well below the allowable Gross Floor Space Ratio of 7:1 (10,015.1sm) which results in a proposed buildable area that is ~10% (1,021.2sm) less than permitted.
  2. The minor Building Cap setback deficiency is more than offset by the increased setback on lower levels on the front yard, as well as the increased setback on both side yards and the rear yard.
  3. The Building Cap floor levels above the street wall are setback to reinforce a low-rise interface with the sidewalk.
2. The granting of this Appeal does not defeat the intent of the Zoning Bylaw.
  1. The intent of the Front Yard setback is to provide adequate access to space, light, and air; and to appropriately scale and break-up the building mass. The deficiency does not negatively impact any of the aforementioned intents in any significant way.
  2. The building footprint of the 5<sup>th</sup> to 11<sup>th</sup> floors are smaller in footprint to that permissible by the Zoning Bylaw, with the same footprint extended to the upper 12<sup>th</sup> to 14<sup>th</sup> storeys. There is very little perceptible difference or impact to the street from the deficiencies at the height of the top floors.
3. The granting of this Appeal does not injuriously affect the neighbouring property owners.
  1. The Front Yard Setback exceeds the minimum required for 5<sup>th</sup> to 11<sup>th</sup> residential storeys.
  2. The deficient Front Yard setback for the 12<sup>th</sup> to 14<sup>th</sup> storeys (as shown on Figures 2 & 3) does not have any appreciable detrimental effect on the use or enjoyment of the neighbouring property.

**Deficiency 2 Building Base**

**Requirement:** Section 10.8A.4(4) states that the Building Base shall be a minimum of 7.5 metres and a maximum of 12 metres. Exceptions may be made for corner sites where the architectural feature is included that may encourage massing and designs that accentuate the visual prominence of the site.

**Proposed:** The Building Base, from grade to the top of the parapet, is proposed at 14.52 metres.

**Deficiency:** This equals the Building Base exceeding the maximum height by 2.52 metres.

**Design Considerations:**

- Building Base includes commercial uses on the Main Floor street front, and above-grade enclosed required parking for 2<sup>nd</sup> to 4<sup>th</sup> floors. The design intentionally does not include underground parking in consideration to avoid potential undermining of the adjacent neighbouring property and the shallow foundation condition of the existing buildings. This solution minimizes the driving of deep foundation elements, associated construction vibration, the impact of shoring installation, and impact of below grade excavation on existing elm trees and adjacent hard surface infrastructure.
- Accommodates Required Parking in the most efficient enclosed parking configuration.
- Reduces impact on the neighbourhood of the construction schedule duration for below grade work – minimum 6 month saving, excluding unforeseen seasonal influences.
- Maximizes the ceiling height of the Main Floor commercial storey (as shown on Figures 3, 5 & 8)



Figure 7. Permitted Buildable Volume, Dufferin Ave Elevation

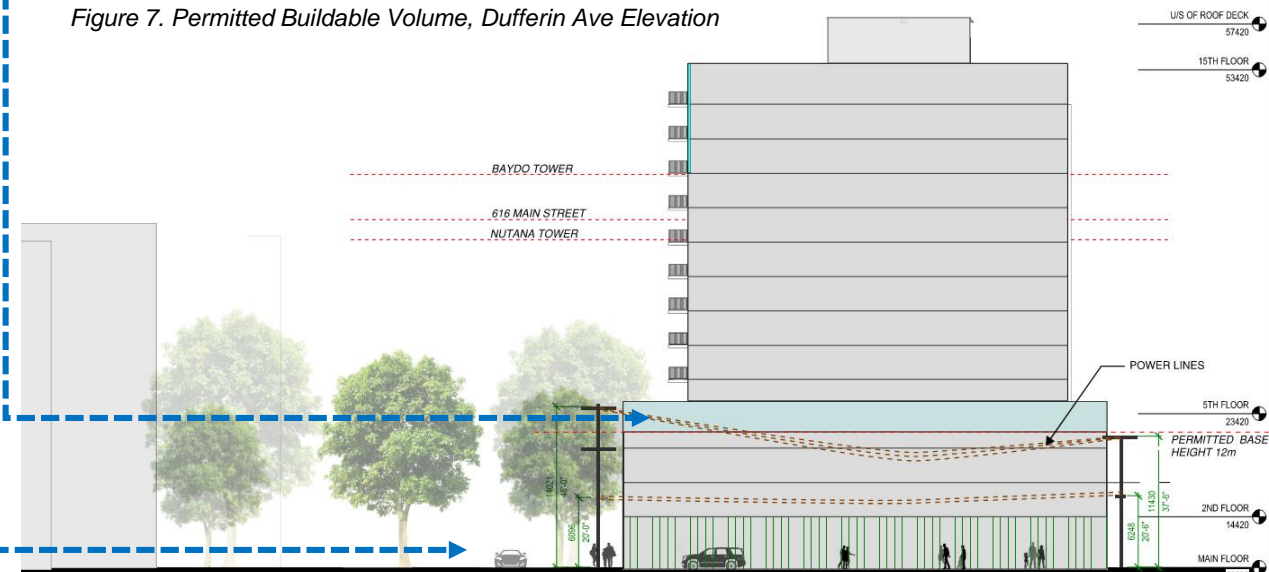


Figure 8. Proposed Built Volume, Dufferin Ave Elevation





Note: Figure 9 revised on March 19, 2021 to correct error

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Deficiency 2 Building Base (continuation)

Design Considerations:

- The significant unique hazard condition of pole mounted high voltage power lines immediately adjacent the property lines, that would be horizontally adjacent the lower residential floor level(s).

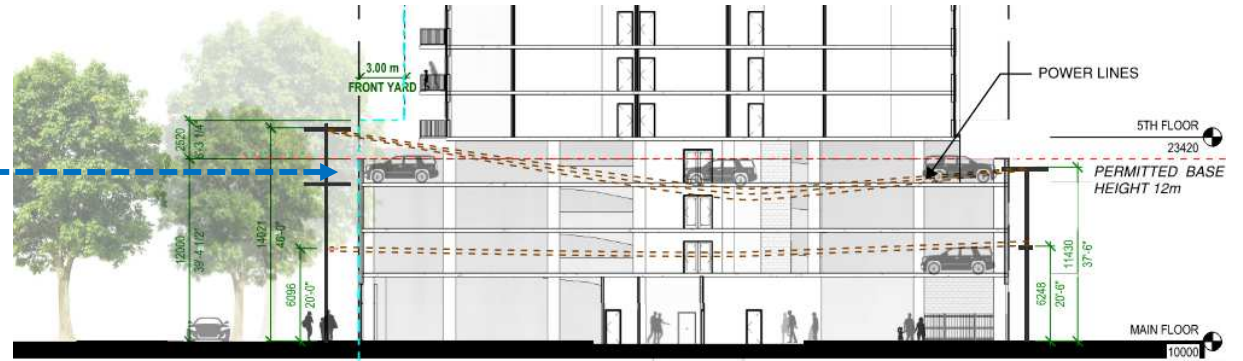


Figure 9. Permitted Buildable Volume, North-South Building Section

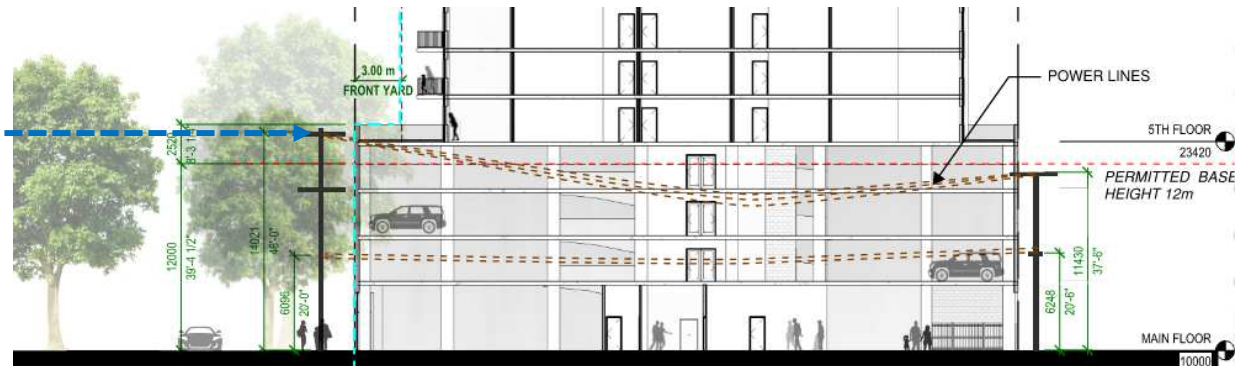


Figure 10. Proposed Built Volume, North-South Building Section

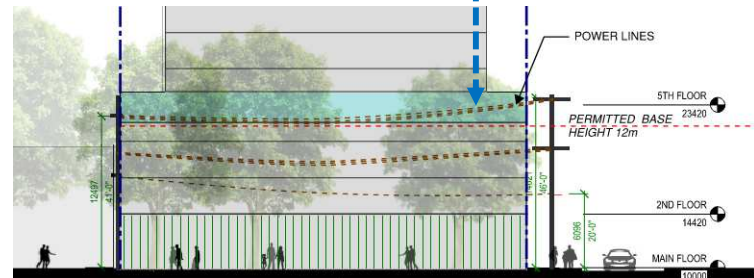


Figure 11. Proposed Built Volume, Main Street Elevation

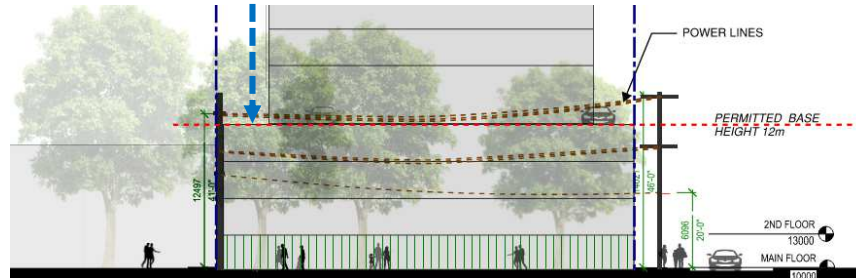


Figure 12. Permitted Buildable Volume, Main Street Elevation



**Deficiency 2 Building Base** (continuation)

- Desire for appropriately scaled storefront street interface – high Main Floor storey for commercial uses to intensify the retail presence and activity.
- A continuous active streetscape of scale and character for secondary street retail frontages.
- A building massing expression where the Building Base is clearly defined and enables positive contribution to the quality of the pedestrian environment in animation, transparency, and articulation.
- Grade-level ~4.5metre height that is visually prominent and supports a commercial uses.

- Direct access for parking from the lane versus the street to minimize crossing with pedestrians.
- Concealed/screened above-grade parking versus open air.
- Ground-level store front frontage below above-grade concealed/screened parking to activate the street.
- Storefronts with an identifiable differentiation between the street-level uses and the upper floors of the Building Base - emphasizing the storefront while adding visual interest and variety to the streetscape.

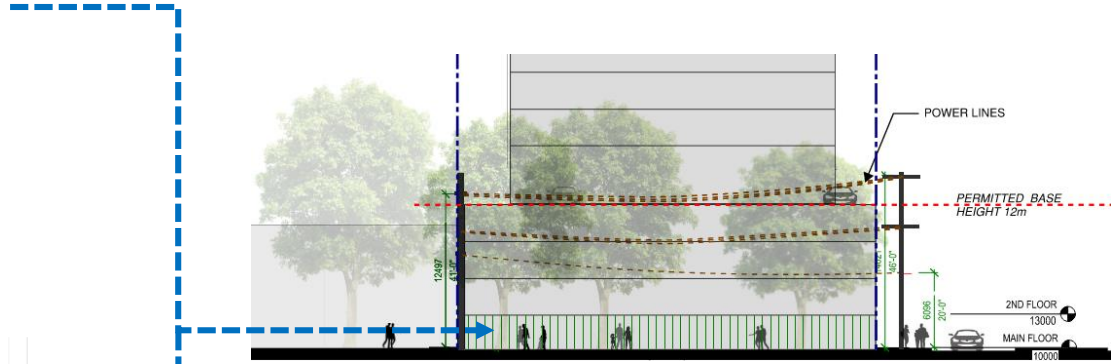
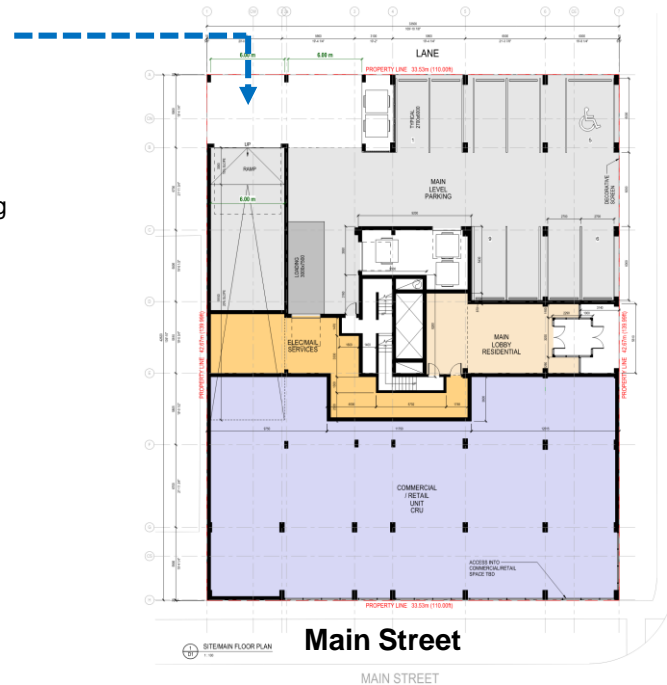


Figure 13. Permitted Buildable Volume, Main Street Elevation

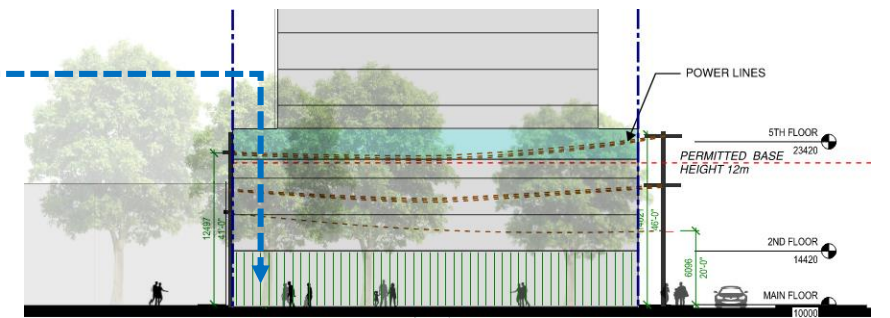


Figure 14. Proposed Built Volume, Main Street Elevation



## Deficiency 2 Building Base

### Tests of Entitlement

In regard to the three Tests of Entitlement we provide the following as evidence in support of the Appeal.

1. Granting of this Appeal does not provide the Applicant special privilege inconsistent with the restrictions on neighbouring properties.

- Providing concealed above-grade required parking intentionally minimizing the driving of deep foundation elements, associated construction vibration, the impact of shoring installation, and impact of below grade excavation on existing elm trees, adjacent hard surface infrastructure, and potential undermining of the adjacent neighbouring property and the shallow foundation condition of the existing buildings;
- The building responds to the site unique pole mounted high voltage power line hazard condition immediately adjacent the property lines, that would be horizontally positioned in line with the lower residential floor level(s). Lowering of the proposed Building Base height would inappropriately place the hazard of the existing high voltage lines directly horizontally adjacent/outside the windows/patio doors and in proximity to the roof patios of the first residential floor level.

2. The granting of this Appeal does not defeat the intent of the Zoning Bylaw

- The proposed Building Base supports the intent of the Zoning Bylaw to provide an appropriately scaled storefront street interface consistent with the pedestrian character of the commercial business area and supporting the district pedestrian experience;
- The taller height Main Floor commercial use space contributes to intensifying storefront retail presence and activity. Lowering of the proposed Building Base height would result in compressing the height of the Main Floor Commercial space which does not support the district character;
- The proposed Building Base supports greater variations in scale and the character of the street interface for secondary street retail frontages;
- The street wall Building Base Main Floor height of ~4.5m provides visually prominence for commercial uses. Lowering of the proposed Base height would result in reducing the height of the Main Floor commercial space which does not support the primary intent of the street wall and would impact the pedestrian environment which is a significant physical form consideration;
- Provides for ground-level frontage for retail, public or other active uses below above-grade parking;
- Provides concealing/screening of the 5<sup>th</sup> (top) storey of Bylaw required parking rather than the top storey or all parking storeys being open air, which would be less visually appealing to the neighbourhood, have potential public safety concerns, and possibly result in vehicle headlights shining into neighbouring properties/buildings.

3. The granting of this Appeal does not injuriously affect the neighbouring property owners.

- Reduces the construction duration impact on the neighbourhood of below grade work by ~6 months minimum, excluding unforeseen seasonal influences;
- Considers the adjacent land and shallow foundation condition of existing buildings by minimizing driving foundation design for shoring, and impact of below grade excavation on existing elm trees and adjacent hard surface infrastructure by below-grade storeys not being a consideration;
- The proposed Building Base height does not have any appreciable detrimental effect on the use or enjoyment of the neighbouring property;
- Lowering of the proposed Building Base height would significantly impact the first level of residential occupancy so as to being located at the level of the pole-mounted high voltage power line hazards, and result in reducing the height of the Main Floor commercial space which does not support the primary intent of the district street wall, and impact the pedestrian environment which is a significant physical form consideration;
- The Building Base height deficiency allows for all the Bylaw required parking to be concealed/screened rather than the top storey or all storeys being open air which would be less visually appealing to the neighbourhood, have public safety concerns, and potentially result in vehicle headlights shining into neighbouring properties/buildings;