

Proposed Official Community Plan Amendment and Zoning by Agreement – 509 12th Street East

APPLICATION SUMMARY

Modus Ventures Corp. submitted applications to amend [Bylaw No. 9700, the Official Community Plan Bylaw, 2020](#), and [Bylaw No. 8770, the Zoning Bylaw, 2009](#), with respect to 509 12th Street East in the Nutana neighbourhood. The purpose of these applications is to accommodate an eight-storey commercial/office building with main floor commercial space, structured parking and a limited number of dwelling units.

RECOMMENDATION

That a copy of this report be submitted to City Council, recommending that, at the time of the Public Hearing, City Council consider Administration's recommendation that the following proposed amendments be approved:

- 1) Amend Bylaw No. 9700, Official Community Plan Bylaw, 2020, to include 509 12th Street East within the boundary of the City Centre;
- 2) Amend the Land Use Designation of the property from High Density Residential to Special Area Commercial on the Official Community Plan Land Use Map; and
- 3) Amend Bylaw No. 8770, Zoning Bylaw, 2009, to rezone 509 12th Street East, from PUD – Planned Unit Development to B5B – Broadway Commercial District, subject to a Zoning Agreement.

BACKGROUND

The subject property has been vacant since the demolition of one-unit dwellings in 1988. For a number of years, the property has been leased by the Nutana Community Association for use as a community garden.

A Planned Unit Development (PUD) Agreement from 1988 set out a phased multi-building development encompassing much of the subject property's block (see Appendix 1). The 1988 Agreement identified development of two eight-storey residential buildings, each with 36 dwelling units above a shared parkade on 505 and 509 12th Street East. It also identified development of a four-storey building on 510 Saskatchewan Crescent East, containing 6,735 m² of office space and 307 m² of restaurant space. The only phase to be constructed was the residential building on 505 12th Street East (Bridgewater Condominium). In 1995, 510 Saskatchewan Crescent East was rezoned from PUD to M3, subject to a Zoning Agreement, for the development of a multiple-unit dwelling with 39 units (Riverwalk Condominium). Planned Unit Development Agreements were a regulatory tool provided for under a former Planning and Development Act which were replaced a number of years ago with other tools such as Direct Control Districts.

The original developer sold 509 12th Street East, which has remained undeveloped. After the sale, it was determined that a portion of the underground parkade structure and outdoor pool, which were intended for shared use between the two buildings, encroached onto 509 12th Street East by several metres.

In 1999, a subdivision to resolve the issue was undertaken, which moved the property line between 5.9 and 7.7 metres to the east, reducing the site area of 509 12th Street East by approximately 16%.

DISCUSSION

Development Proposal

Modus Ventures Corp. (Modus) is proposing an eight-storey office/commercial building (see Appendix 2), which includes:

- Commercial retail units on the main floor fronting 12th Street East with public amenity space including raised planters, seating and public art features;
- Enclosed structured parking with approximately 100 spaces located on floors 1-4, accessed from the lane;
- Commercial/office space on floors 5-8; and
- Potential for a limited number of dwelling units on floors 4-8.

Proposed Amendments

Should City Council wish to facilitate the development of this proposal, bylaw amendments are required to change the City Centre Boundary in Bylaw No. 9700, Official Community Plan Bylaw, 2020 (OCP), the Official Community Plan Land Use Map and the zoning of the site (see Appendix 3). Amendments include:

1. Amendment to the City Centre Boundary in the Official Community Plan
As per the OCP, the City Centre identifies an area within Saskatoon which provides the highest concentration of office, commercial and cultural facilities and is supported by a multi-modal transportation network. It is intended to contain the highest densities of development, a strong diversity of activity, growing resident population, high quality public spaces and a prioritized pedestrian experience. It includes the Downtown and its connected neighbourhood commercial districts of Nutana and Riversdale, the portion of City Park south of Queen Street as well as the portion of College Drive that interfaces with the University of Saskatchewan.

The City Centre boundary currently runs along the lane adjacent to 509 12th Street East and includes Broadway-fronting properties to the east but does not include the subject site. For reasons outlined in this report, a land use change from residential to commercial is not supported on this site unless the City Centre boundary is amended to include it. This change would facilitate the subsequent two amendments.

2. Amendment to the Official Community Plan Land Use Map
The applicant is proposing to redesignate the property from High Density Residential to Special Area Commercial on the Official Community Plan Land Use Map. Land designated as Special Area Commercial has the potential for commercial developments that, because of unique attributes such as location, type of use or development history, do not fit into the typical hierarchy of commercial development. Existing commercial land in the Broadway district, currently located within the City Centre, has this designation.

3. Rezoning Subject to a Zoning Agreement

A rezoning from PUD – Planned Unit Development to B5B – Broadway Commercial District, subject to a Zoning Agreement, is also proposed. A Zoning Agreement is a legal agreement which establishes site-specific regulations for how a property may be developed and used. Details of the proposed Zoning Agreement are discussed later in this report.

Policy Review

There are multiple secondary and guiding plans relevant to the consideration of this proposal:

- OCP;
- [Corridor Transformation Plan](#) (2020);
- [Broadway 360 Development Plan](#) (2009); and
- [Nutana Local Area Plan](#) (2001).

A detailed review of relevant policies, goals and objectives from these plans is provided in Appendix 4. The proposal has been found to be both in alignment and in some aspects in conflict with relevant policies.

Positive Attributes of the Proposal

Administration is supportive of elements of the proposal:

- It aligns with transit-oriented development principles and is near a future Bus Rapid Transit station on Broadway Avenue. Active modes of travel are also supported by its location in a walkable neighbourhood as well as its proximity to Meewasin Trail and bridge connections.
- The site is strategically located in an established mixed-use area, where there is an existing concentration and diversity of activities, including other office buildings within the Broadway district. While formally outside of the City Centre, it is directly adjacent to its boundary.
- Intensification is directed to a chronically vacant site within an established urban area, making use of existing land and infrastructure.
- The site is challenging for development given its configuration. Forethought by the applicant to manage these constraints and mitigate impacts on its surroundings to the best possible extent is evident in the design; and
- Alignment with certain built-form recommendations from the Broadway 360 Development Plan exists, including:
 - At eight storeys, the building is in line with the recommended nine-storey maximum for the Broadway district;
 - General conformance with the recommended limit on development density (gross floor space ratio of 4:1);
 - Elements of an active frontage, such as main floor retail space with entrances on 12th Street East, transparent openings and public amenity space; and
 - Integration and concealment of all parking, loading and mechanical areas within the building.

Concerns with the Proposal

Administration also identified some concerns with elements of the proposal:

- The site is located outside of Downtown, which the OCP identifies as the primary location for office development in Saskatoon and where appropriately-zoned sites exist. While OCP policies around Downtown office development are not explicit enough to prevent consideration of this proposal, and Administration has no ability to direct this proposal to the Downtown, concern exists with respect to facilitating additional office development outside of the Downtown.
- While located in the Corridor Growth Area, centered on Broadway Avenue, which supports intensification, development of sites not directly located on a corridor are intended for multiple-unit residential development. The Nutana Corridor Plan has not yet commenced, and past planning exercises concerning the area did not anticipate a land use change from residential for this site.
- The proposal, designed within what is acknowledged as a challenging site, introduces a new land use, building form and interface with the neighbouring properties of Bridgewater and Riverwalk Condominiums, contrary to what was identified for this site through the PUD Agreement over 30 years ago.

Amendment to City Centre Boundary

The City Centre was first identified in 2009 as a study area for a new plan for the Downtown and adjacent areas, which became the City Centre Plan (see Appendix 5). It recognizes a larger area of importance beyond the Downtown itself, which includes connecting districts with similar land use and built form characteristics, complementary and diverse activities as well as the need to plan for the whole in a coordinated way. The importance of the City Centre and its role within our urban form and structure has since been embedded in policies of the OCP.

Inclusion of this site within the City Centre is the recommended path to facilitating the land use change and rezoning, given this commercial land use proposal conflicts with policies that currently guide how this site should be developed. Specifically, policies concerning corridor growth place importance on residential land use intensification near the BRT corridors to help meet targets for infill growth, which this proposal does not contribute to in an appreciable way. As such, to rely on corridor growth policies for this application would undermine them given their residential focus. Inclusion of the site in the City Centre would align the proposal with policies that support commercial land use.

An ad hoc adjustment to the City Centre requires caution. The existing boundary in Nutana recognizes the established Broadway commercial area and is not intended to be expanded by request to accommodate development of a single site. Risk exists that other properties adjacent to the City Centre may seek the same advantage for their sites as part of a development application seeking a land use change and/or increased density. This may be especially true in Nutana where development interest is evident and where other applications outside of policy have been received which seek ad hoc consideration.

In this specific instance, inclusion of the site within the City Centre would be appropriate. It represents a discrete expansion on a block where other properties are already part of the City Centre or are developed with intensified residential land use.

The 500 block of 12th Street East has an established mixed-use character on both block faces with commercial, multiple-unit residential and institutional uses present. Relevant policy statements from the OCP concerning the City Centre are included (see Appendix 4).

Building Form and Interface with Adjacent Properties

The PUD Agreement identified an eight-storey, multiple-unit dwelling on this site, matching the form and aesthetics of the adjacent Bridgewater Condominium. The 1999 property line change and site area reduction impacted development potential of the site, limiting options for functional floor plan and structured parking layouts, provision of building setbacks and resulting constraints on glazing adjacent to property lines with spatial separation requirements.

The resulting proposal attempts to manage these constraints, but aspects of the building design and its relationship to the neighbouring Bridgewater and Riverwalk Condominiums were noted as concerns during public engagement, given they will be most directly impacted. The west elevation, interfacing with the Bridgewater Condominium, generated concerns over the areas of blank wall, especially at the parkade levels, and its lack of setback from the side property line and resulting distance separating it from the Bridgewater Condominium. Design strategies, employed by the applicant to address the west elevation, include a zig-zagging wall feature to add three-dimensional variation and break up an otherwise flat wall, as well as protected openings on portions of the office floors, which provide some glazing while meeting building code requirements related to spatial separation.

In response to concerns expressed during engagement, Administration requested design changes to further improve the west elevation. Modus made the following adjustments in response (see Appendix 6):

- The zig-zag wall was extended to include parkade levels 2-4, matching the articulation provided for the office floors above;
- The northwest corner of the parkade levels were clipped to increase views for certain Bridgewater Condominium units; and
- Climbing vine was proposed for the articulated walls.

Administration and Modus have discussed concerns with the west elevation at length. Among items discussed was the provision of a setback for upper floors. Modus noted the zig-zag wall is intended to help break up the massing of the wall, and there are portions of the building that are setback by this feature (see Appendix 7). No further setbacks have been proposed. It is acknowledged that site constraints do limit options for functional and economically viable floorplates and layouts.

Modus also made some design changes to the initial proposal after soliciting community feedback, prior to submitting a formal application. This included reducing the proposed number of floors from ten to eight in order to align with the 1988 development and to reduce shadow and massing impacts. It is noted the proposal, at eight storeys, will be taller than a residential building due to commercial ceiling heights.

Proposed Zoning Agreement

This application proposes to rezone the site to B5B – Broadway Commercial, subject to a Zoning Agreement. The proposed Zoning Agreement includes terms which address permitted land uses, setbacks, building height, on-site parking, main floor amenity space and signage (see Appendix 8).

While the B5B zone does not include minimum parking requirements for commercial uses, a parking rate for upper floor commercial uses has been included. The proposed rate is intended to balance parking concerns, which were raised by the public during engagement, with the zone's lack of a requirement elsewhere and the proximity of transit service and options for active transportation in the area. The applicant's total amount of proposed parking exceeds the required minimum in the Zoning Agreement.

The Zoning Agreement also includes terms intended to mitigate the potential for impacts on adjacent neighbours, especially the Bridgewater and Riverwalk Condominiums, including:

- No provision for nightclubs and taverns;
- Restrictions on the size and location of mechanical exhausts;
- Restrictions on digital and illuminated signage; and
- Development of the main floor setback area with public amenity space.

Technical Review of Proposal

A number of technical considerations required careful analysis to ensure this development proposal can be appropriately serviced by local infrastructure and potential impacts on the surrounding area are mitigated. These include:

- Traffic Impacts – A Traffic Impact Assessment for this proposal was provided and evaluated to ensure additional traffic generation can be safely and efficiently accommodated by the transportation system. In consideration of other development projects proposed in the immediate area, at 604 and 610 Broadway Avenue, as well as 555 Eastlake Avenue and 403 12th Street East which also has an active rezoning application, Administration took the additional step of preparing a study that aggregates findings from each site-specific Traffic Impact Assessment (see Appendix 9). This analysis confirms cumulative traffic impacts can be accommodated by the existing roadway network, should all three developments proceed.
- Geotechnical – A desktop geotechnical review was completed by a geotechnical consultant for the proposal. The results of the review indicate there are no concerns for slope instability. A full geotechnical investigation will be completed and submitted for review at the building permit stage.
- Site Servicing – The proposal can be appropriately serviced by the water, sanitary sewer and storm sewer systems. Certain technical requirements will apply at the building permit stage.

Additional Approvals for Development

The site is located within the Meewasin conservation zone. As such, the proposal is subject to Meewasin's development review process and approval by its Board of Directors before development may proceed.

An application for an encroachment of a portion of the proposed building, related to the parkade ramp over a portion of the public lane, was received and reviewed by Administration. Final approval of the encroachment is subject to approval of these applications.

COMMUNICATIONS AND ENGAGEMENT

In August 2022, notification of the proposal was provided to 440 property owners within a radius of 200 metres or greater from the site, as well as Nutana Community Association, Broadway Business Improvement District, Downtown Business Improvement District and the City Councillor for Ward 6. An Engage Page on the City's website was also launched.

A virtual public information meeting was held on September 13, 2022, via the Teams Live meeting platform, with approximately 20 people in attendance. Following the meeting, a comment period was open until September 30, where correspondence was received from 43 parties. In the weeks following, a meeting recording as well as a Question-and-Answer summary document, with written responses to received questions, were uploaded to the Engage Page.

As discussed earlier in this report, Modus made some changes in response to comments from the initial engagement phase. Details of these changes, along with additional information which included a shadow study and Administration's aggregated Traffic Impact Assessment, were made available on the Engage Page in February 2023. Notification of the updated information was provided to the recipients of the August 2022 notice. A comment period was open until March 24, 2023, where correspondence was received from nine parties.

Administration received a variety of comments both in support of and in opposition to the proposal (see Appendix 10). General comment themes include:

- Compatibility of the proposed land use;
- Alignment with existing policy;
- The location of and demand for office space;
- Characteristics of the site and larger Broadway area;
- Building form, scale, design, and interface with neighbouring properties;
- Traffic, circulation, parking and transit impacts; and.
- Slope stability and geotechnical considerations.

It is also acknowledged that Modus undertook its own engagement activities, prior to submission of this application, including meetings with the Business Improvement Districts, adjacent condominium boards and the community association. Some initial changes to the proposal were made in response to feedback received at this stage.

PUBLIC NOTICE

Public notice is required for consideration of this matter, pursuant to Section 11(a) of Council Policy C01-021, Public Notice Policy.

Once this application has been considered by the Municipal Planning Commission, it will be advertised in accordance with Council Policy C01-021, Public Notice Policy, and a date for a public hearing will be set. A notice will be placed in The StarPhoenix two weeks prior to the public hearing.

APPENDICES

1. Proposal from 1988 PUD Agreement
2. Plans and Renderings – 509 12th Street East
3. Location Maps – 509 12th Street East
4. Detailed Policy Review
5. Map of Downtown and City Centre
6. Modus Design Changes
7. Setbacks Plan – 509 12th Street East
8. Proposed Terms of Zoning Agreement
9. Eastlake Area Traffic Impact Assessment
10. City of Saskatoon Engage - Community Engagement Summary – 509 12th Street East

REPORT APPROVAL

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SP/2023/PL/MPC/Proposed Official Community Plan Amendment and Zoning by Agreement – 509 12th Street East/cm