



CORPORATION OF THE CITY OF VERNON

ADVISORY PLANNING COMMITTEE

TUESDAY, OCTOBER 1, 2019

4:00 pm – OKANAGAN LAKE ROOM

A G E N D A

1. **ADOPTION OF AGENDA**

2. **ADOPTION OF MINUTES**

September 4, 2019 (attached)

3. **NEW BUSINESS**

a) **DVP00459** – Development Variance Permit application for #2 50 Kestrel Place

b) **ZON00335/DVP00455** – Zoning and Development Variance Permit applications for 3610 25 Avenue

c) **DVP00457**– Development Variance Permit application for 3603 Pleasant Valley Road

4. **INFORMATION ITEMS**

a) The Staff Liaison reviewed APC related items discussed at the September 16, 2019 Council meeting.

5. **NEXT MEETING**

The next meeting is tentatively scheduled for Wednesday, October 16, 2019.

6. **ADJOURNMENT**



THE CORPORATION OF THE CITY OF VERNON

MINUTES OF ADVISORY PLANNING COMMITTEE MEETING

HELD

WEDNESDAY, SEPTEMBER 4, 2019

PRESENT: VOTING

Doug Neden, Vice-Chair
Phyllis Kereliuk
Bill Tarr
Harpreet Nahal
Mark Longworth, Chair
Mayor Cumming

NON VOTING

Councillor Mund

ABSENT: Jamie Paterson

Monique Hubbs-Michiel
Don Schuster
Don Schuster
Larry Lundgren
Lisa Briggs

STAFF: Keltie Chamberlain, Planner, Economic Development and Acting Staff Liaison
Ellen Croy, Transportation Planner
Hayley Campbell, Planning Assistant
Janice Nicol, Legislative Committee Clerk

ORDER

The Chair called the meeting to order at 4:00 p.m.

**ADOPTION OF
AGENDA**

Moved by Bill Tarr, seconded by Phyllis Kereliuk;

THAT the agenda of the Advisory Planning Committee meeting for September 4, 2019 be adopted.

CARRIED.

**ADOPTION OF
MINUTES**

Moved by Doug Neden, seconded by Phyllis Kereliuk;

THAT the minutes for the Advisory Planning Committee meeting of August 20, 2019 be adopted.

CARRIED.

NEW BUSINESS:

**OFFICIAL
COMMUNITY PLAN
AMENDMENT AND
REZONING
APPLICATIONS FOR
1700 POLSON DRIVE**

The Planner, Economic Development reviewed official community plan amendment and rezoning applications OCP00079 and ZON00324 for 1700 Polson Drive. The Committee noted the following:

- Concern that the addition of a hotel use to the CD5 zone may affect other properties also zoned CD5.

Moved by Mark Longworth, seconded by Harpreet Nahal;

THAT the Advisory Planning Committee recommends that Council support the application (OCP00079) to amend the Future Land Use designation for Lot 1 Sec. 34 Twp. 9 ODYD Plan KAP84037 (1700 Polson Drive) from Public and Institutional to Neighbourhood Centre to allow a mixture of light industrial and service commercial;

AND FURTHER, that the Advisory Planning Committee recommends that Council support the application (ZON00324) to rezone Lot 1 Sec. 34 Twp. 9 ODYD Plan KAP84037 (1700 Polson Drive) from Light Industrial to Comprehensive Development 5 to allow a mixture of light industrial and service commercial subject to the following condition:

1. Completion of the mutual conditions contained in the sale agreement between the City of Vernon and the Regional District of North Okanagan;

AND FURTHER, that the Advisory Planning Committee recommends that Council support the text amendment to Zoning Bylaw #5000 Section 13.5.2, prior to third reading, to add Hotel to the list of Primary Uses permitted within the Comprehensive Development Area 5 Zone as shown in Attachment 4 to the report titled "Official Community Plan Amendment And Rezoning Application For 1700 Polson Drive" from the Manager, Current Planning dated August 26, 2019 **conditional** that Staff ensure that the addition of Hotel to the list of Primary Uses permitted within the Comprehensive Development Area 5 Zone does not negatively affect other properties already zoned CD5.

CARRIED.

**REZONING
APPLICATION FOR
967 MT. BEAVEN
PLACE**

The Planning Assistant reviewed rezoning application ZON00337 for 967 Mt. Beaven Place. The Committee noted the following:

- Should be noted that it may not always be university students employed at this location
- Concern that a stand-alone sign will impact the neighbourhood, a sign posted on the home may be more appropriate
- Concern that parking regulations cited as part of the approval process may not be adhered to
- Neighbours may be in opposition to this application as another similar application in area has not adhered to regulations stipulated by Council
- Concern that the registration of a covenant may be onerous in this case
- Providing two parking spot on site makes more sense.

Moved by Harpreet Nahal, seconded by Doug Neden;

THAT the Advisory Planning Committee recommends that Council support the application to rezone Lot 33, Plan KAP53255, Sec 26, Twp 9, ODYD (967 Mt Beaven Place) from R2 – Large Lot Residential to the R2h – Large Lot Residential sub-zoning district to allow for a “Home Based Business, Major” use within the existing single family dwelling, subject to a restrictive covenant being registered on title for the following conditions:

- a) That an operation of a secondary suite is not permitted concurrently with a Home Based Business;
- b) That the Major Home Based Business shall not generate more than one client to the site at any given time;
- c) That employee parking related to the Home Based Business, Major is limited to one space; and
- d) That stipulates details of any signage for the home based business to one sign, non-illuminated, 0.5m², no higher than 1.2m, attached to the dwelling or ground mounted near the vehicle entrance.

CARRIED.

INFORMATION ITEMS:

The Planning Assistant reviewed the following APC related applications discussed at the September 3, 2019 Council meeting:

- DVP00460 – 4803 Pleasant Valley Road – issued once all conditions are satisfied
- Extension granted to rezoning application for 6973 Okanagan Landing Road
- Deferral of PH for 3911 31 Street until Monday, October 28, 2019
- First and second reading given for OCP00073 – 6141 Hwy 97 and 6162 Pleasant Valley Road, PH scheduled for October 15, 2019
- First and second reading given for ZON00334 - 3904 Alexis Park, PH scheduled for October 15, 2019
- First and second reading given for ZON00329 – 5661 Okanagan Landing Road, PH scheduled for October 15, 2019.

- Committee concern regarding the amount of paving and the impact on downstream storm systems.

DRAINAGE

The Committee had concerns regarding the amount of paving and the impact on downstream storm systems for the development on the west side of 20th Street near Hunter’s Store and similar developments with a high degree of site coverage paving.

NEXT MEETING

The next meeting of the Advisory Planning Committee is tentatively scheduled for Wednesday, September 17, 2019.

ADJOURNMENT

The meeting of the Advisory Planning Committee adjourned at 4:41 p.m.

CERTIFIED CORRECT:

_____ Chair



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Rushi Gadoya, Environmental
Planning Assistant

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: October 15, 2019
REPORT DATE: September 11, 2019
FILE: DVP00459

SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR #2 – 50 KESTREL PLACE

PURPOSE:

To review the Development Variance Permit (DVP) application to vary Zoning Bylaw #5000 in order to develop within the lake setback area at #2 – 50 Kestrel Place.

RECOMMENDATION:

THAT Council support development variance permit application DVP00459 to vary Section 4.13.2 of Zoning Bylaw #5000 by allowing construction works within 15m from the High Water Mark of Okanagan Lake to accommodate enclosing an existing second story balcony and construction of concrete base at LT 11 PL KAS2694 DL 297 ODYD (#2 – 50 Kestrel Place),

AND FURTHER, that Council's support of DVP00459 is subject to the following:

- a) that the Riparian Areas Regulation (RAR) assessment by Canyon Wren Consulting Inc. dated June 21, 2019, identifying compensation works to be completed by the applicant, be attached to and form part of DVP00459 as Schedule 'A', and
- b) that the Site Plan by Monashee Surveying and Geomatics dated July 6, 2019 be attached to and form part of DVP00459 as Schedule 'B'.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council support development variance permit application DVP00459 to vary Section 4.13.2 of Zoning Bylaw #5000 by allowing works within 15.0m of the High Water Mark of Okanagan Lake to accommodate enclosing an existing second story balcony and construction of concrete base at LT 11 PL KAS2694 DL 297 ODYD (#2 – 50 Kestrel Place),

AND FURTHER, that Council's support of DVP00459 is subject to the following:

- a) that the Riparian Areas Regulation (RAR) assessment by Canyon Wren Consulting Inc. dated June 21, 2019, identifying compensation works to be completed by the applicant, be attached to and form part of DVP00459 as Schedule 'A',
- b) that the Site Plan by Monashee Surveying and Geomatics dated July 6, 2019 be attached to and form part of DVP00459 as Schedule 'B', and
- c) that the applicant provide additional riparian compensation of native planting at the ratio of 3:1.

Note: This alternative supports the development variance application subject to the RAR assessment forming part of permit DVP00459 and additional compensation for encroaching within the setback area.

2. THAT Council not support development variance permit application DVP00459 to vary Section 4.13.2 of Zoning Bylaw #5000 to allow construction works within 15.0m from the High Water Mark of Okanagan Lake to accommodate enclosing existing second story balcony and construction of concrete base hot tub at LT 11 PL KAS2694 DL 297 ODYD (#2 – 50 Kestrel Place),

Note: Denial of the development variance permit application would restrict the siting and massing of any proposed structure to meet the existing provisions of Zoning Bylaw #5000. The applicant would have to revise the proposal and any future development on the subject property would have to meet the zoning provisions of the day.

ANALYSIS:

A. Committee Recommendations:

At its meeting of September 17, 2019, the Advisory Planning Committee passed the following resolution:

"(to be cited by the Advisory Planning Committee)."

B. Rationale:

1. The subject property is a lakeshore strata property located within the Bella Vista West neighbourhood. The property is bound by Okanagan Lake to the north and a private strata road to the south. The site is currently developed and consists of a single family dwelling. (Figures 1 and 2).
2. The subject property is zoned Small Lot Residential (R4) and is subject to the development regulations contained within Section 4.13.2 of Zoning Bylaw #5000 (Attachment 1). The existing single family dwelling home is an existing legally non-conforming structure within 15m of Okanagan Lake High Water Mark (HWM).
3. A Development Permit application for the subject property was originally submitted in May 2018 to add 10.1m² to the basement floor, reposition the hot tub onto the existing covered patio area and repair an existing retaining wall that was damaged during 2018 high water (retaining wall repair has been completed but impacted nearly all the existing riparian vegetation. This application was withdrawn in May 2019).
4. Works have been conducted within the Riparian Area (15m from Okanagan Lake HWM) without proper approval. The second story balcony has been enclosed, the hot tub has been removed from its previous location and the area below the existing covered patio has been excavated and made ready for the hot tub to be placed in position. A Stop Work Order was issued by the Building and Licensing Department for construction without proper approvals (Building Permit (BP), Development Permit (DP) and a Development Variance Permit (DVP).

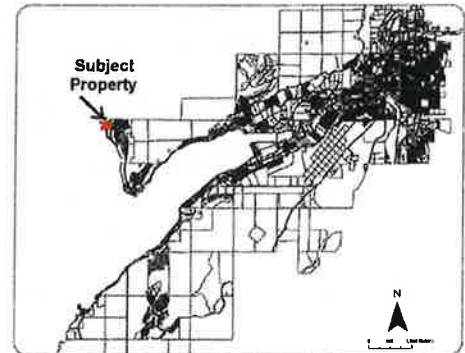


Figure 2. Aerial Location Map

5. The Stop Work Order was partially lifted by the Building and Licensing Department to allow completion of side yard works and interior renovations that were outside of the Streamside Protection and Enhancement Area (SPEA).
6. The applicant resubmitted the DP and submitted a DVP application in June 2019 and is now proposing to redevelop the existing single family dwelling by enclosing the second story balcony and constructing a concrete base hot tub within existing roof line (still within 15m of Okanagan Lake HWM) and planting the SPEA area with 38 native trees/shrubs as a compensation.
7. The applicant is requesting to vary Section 4.13.2 of Zoning Bylaw #5000 to allow enclosing of second story balcony and construction of concrete base hot tub within 15m of Okanagan Lake HWM. (Attachment 2).
8. The redevelopment of the subject property is entirely within the Riparian Area (within 30m of HWM). A Riparian Areas Regulation (RAR) assessment report by Canyon Wren Consulting Inc. dated June 21, 2019 (attachment 3) has been submitted for the proposed development (Attachment 3). In the report, the Qualified Environmental Professional (QEP) indicates:
 - a) that all works have already occurred within Streamside Protection and Enhancement Area (SPEA) and within 15m of the HWM and that this application would remedy the impacts already made;
 - b) the changes to the deck increase the 3 dimensional box in the SPEA, but not the footprint of the building;
 - c) the proponent is moving the hot tub further back into the existing deck reducing the impermeable surface in the SPEA;
 - d) there would be 38 native/trees or shrubs to compensate for vegetation removed from the SPEA;
 - e) as development is within the existing foundation and reduces overall impermeable surface, the QEP cannot conclude that there will be a harmful alteration, disruption or destruction of fish habitat (HADD); and
 - f) the QEP has proposed an environmental monitoring schedule and post-development report to ensure reporting would meet legislative requirements.
9. Administration supports the requested variance for the following reasons:
 - a) the proposed works meet the intent of the RAR and would not negatively impact fish habitat.
 - b) the resulting construction is occurring on existing foundation and moving the hot tub reduces the impermeable surface in the SPEA; and
 - c) the proposed planting identified in the QEP report (Attachment 3 page 10 of 22) would result in an immediate ecological net gain in fish habitat.

C. Attachments:

Attachment 1 – Zoning Bylaw #5000: Section 4.13 Riparian Setback

Attachment 2 – Site Plan by Monashee Surveying and Geomatics, dated July 6, 2019

Attachment 3 – RAR Assessment by Canyon Wren Consulting Inc., dated June 21, 2019

D. Council's Strategic Plan 2015 – 2018 Goals/Deliverables:

The subject application involves the following goal in Council's Strategic Plan 2019 - 2022:

- Work towards a sustainable Vernon – environmentally, economically and socially.

E. Relevant Policy/Bylaws/Resolutions:

- 1. The Official Community Plan (OCP) designates the property as Residential – Low Density and identifies guidelines within the Environmental Management Area Strategy for which development within the Riparian Assessment Area are subject to.
- 2. The Environmental Management Area Strategy requires compensation for developments which affects the SPEA by planting with native species at a ratio of 3:1, when encroachment into the SPEA is proposed and supported by a QEP in accordance with the RAR.
- 3. The property is zoned R4 – Small Lot Residential, which confirms with the OCP land use designation. The proposed development variance permit application is to vary the following section of Zoning Bylaw #5000:

4.13.2 No development shall take place within 15m of the High Water Mark of Okanagan Lake.

- 4. The *Local Government Act* provides Council with the authority to vary local bylaws based on specific considerations. The granting of such variances does not set precedence within the community for future variances to be based upon, as each variance application must be evaluated on its own merit and potential implications to the whole community and the specific neighbourhood.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Approved for submission to Council:

X

Signer 1

Rushi Gadoya
Environmental Planning Assistant

Will Pearce, CAO

Date: _____

X

Signer 2

Division Director

REVIEWED WITH

- | | | |
|---|---|--|
| <input type="checkbox"/> Corporate Services | <input type="checkbox"/> Operations | <input checked="" type="checkbox"/> Current Planning |
| <input type="checkbox"/> Bylaw Compliance | <input type="checkbox"/> Public Works/Airport | <input checked="" type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate | <input type="checkbox"/> Facilities | <input checked="" type="checkbox"/> Building & Licensing |
| <input type="checkbox"/> RCMP | <input type="checkbox"/> Utilities | <input checked="" type="checkbox"/> Engineering Development Services |
| <input checked="" type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input checked="" type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input checked="" type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input checked="" type="checkbox"/> Economic Development & Tourism |
| <input checked="" type="checkbox"/> COMMITTEE: APC (Oct. 10/17) | | |
| <input type="checkbox"/> OTHER: | | |

4.11 Rooftop Screening

4.11.1 Rooftop mechanical and electrical equipment in **zones** other than **agricultural zones** shall be screened from view from a public **street** or **adjacent lots** at grade.

4.12 Utility Cabinets

4.12.1 Utility cabinets for the provision of telephone, power, cable television or other **utility services**, when located outside a statutory right-of-way, shall comply with the following:

- a cabinet less than 1.8m in **height** with no horizontal dimension exceeding 1.0m need not comply with any **yard** requirements in any **zone**;
- a cabinet less than 1.8m in **height** with a horizontal dimension between 1.0m and 2.0m must be set back at least 1.0m from a **lot line**; and,
- a cabinet greater than 1.8m in **height** or with a horizontal dimension exceeding 2.0m shall comply with the setbacks for **secondary structures** in that **zone**.

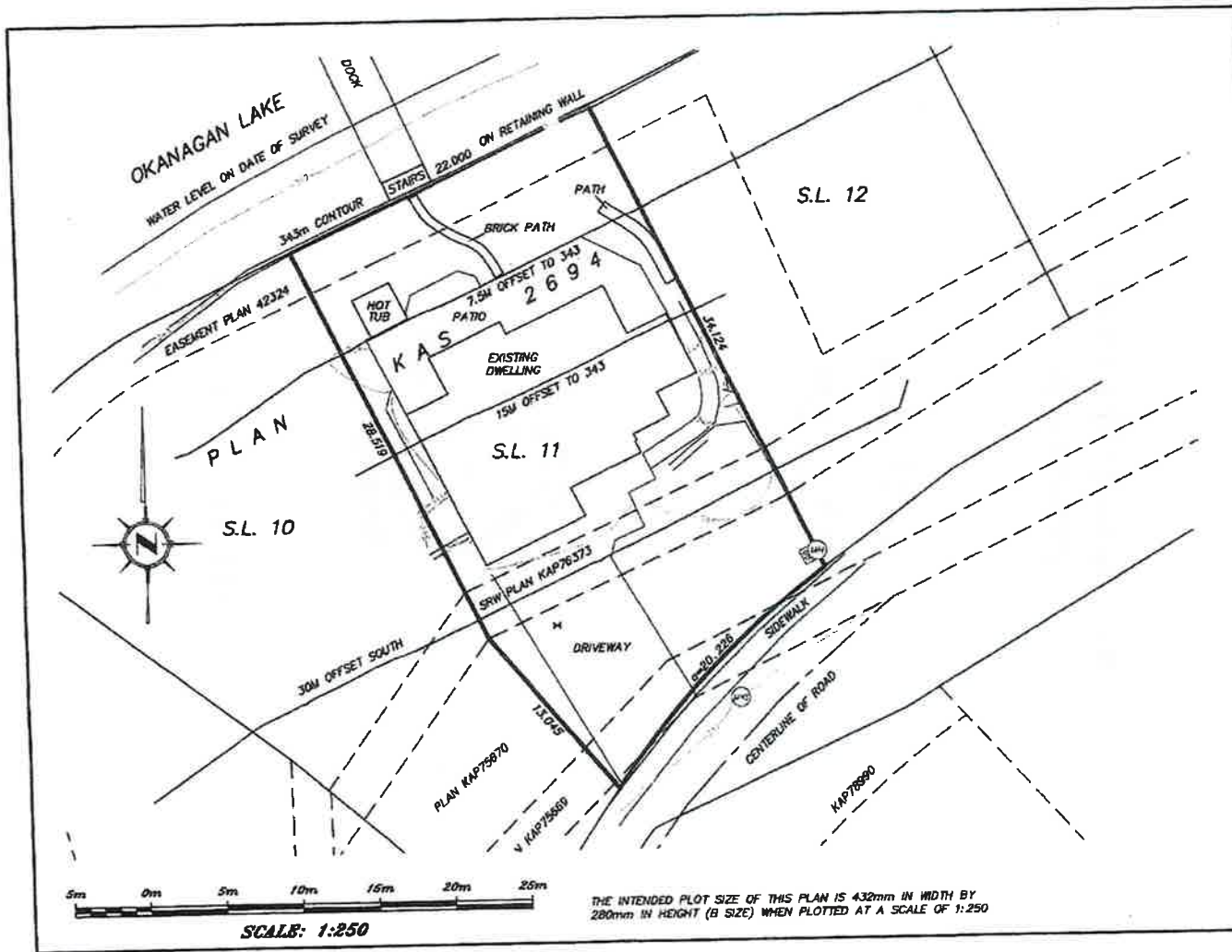
4.13 Riparian Assessment Areas

4.13.1 Vernon's Official Community Plan (OCP) establishes Development Permit Areas (DPAs) for all areas within the City of Vernon. Vernon's Environmental Management Areas (EMA) Strategy regulates the riparian portion of Development Permitting for all areas, as provided by the OCP. Riparian permitting in the EMA Strategy addresses the siting of buildings and structures in relation to streams and ravines by development permit in accordance with site specific riparian assessments. *(Bylaw 5369)*

4.13.2 No **development** shall take place within 15m of the **High Water Mark** of Okanagan Lake. *(Bylaw 5369) (Bylaw 5440)*

4.14 Minimum Building Width

4.14.1 The minimum horizontal width of any detached primary **building** shall be 7.0m in all residential zones, except in the R7 Mobile Home Residential zone and RST1 Residential Single and Two Family Zone which may have a minimum building unit width of 5.0m on single family lots up to 9.4m wide and two family lots up to 16.4 m wide. *(Bylaw 5397)*



TOPOGRAPHIC PLAN

CIVIC ADDRESS:
#2 - 50 KESTRAL PLACE, VERNON, B.C.

LEGAL DESCRIPTION:
STRATA LOT 11 DISTRICT LOT 297
OSOYODS DIVISION YALE DISTRICT
PLAN KAS2894

THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE OF CAMPBELL.
THIS DOCUMENT SHALL NOT BE USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS.
MONASHEE SURVEYING AND GEOMATICS, 2017. ALL RIGHTS RESERVED.
MONASHEE SURVEYING AND GEOMATICS ACCEPT NO RESPONSIBILITY FOR AND HEREBY DISCLAIM ALL OBLIGATIONS AND LIABILITIES FOR DAMAGES INCLUDING, BUT NOT LIMITED TO, DIRECT, INDIRECT, SPECIAL, AND CONSEQUENTIAL DAMAGES ARISING OUT OF OR IN CONNECTION WITH ANY DIRECT OR INDIRECT USE OR RELIANCE UPON THE PLAN BEYOND ITS INTENDED USE.

SURVEYED BY: DT/PH 12/01/2017
DRAFTED BY: MB 12/06/2017

REV	DATE	BY
R1	07/06/2019	

DRAWING: 6787 RAR_TOPO_R1.DWG



9710A 28th Street Vernon, B.C. V1T 0x2
Tel. (250) 646 8880 Fax (250) 646 8812

SHEET 1 OF 1 SHEETS

Riparian Area Regulation Assessment

#2 – 50 KESTREL PLACE VERNON, BC

**Prepared for:
Robin Campbell**

**12036 – 114 Street,
Fairview, AB**

Prepared by:



**CANYON WREN
CONSULTING INC.**

Riparian Areas Regulation: Assessment Report

Please refer to submission instructions and assessment report guidelines when completing this report.

Date Original: May 22, 2018
Amended: June 21, 2019**I. Primary QEP Information**

First Name	Mark	Middle Name	D
Last Name	Piorecky		
Designation	R.P.Bio	Company:	Canyon Wren Consulting Inc
Registration #	1810	Email:	mark@canyonwren.ca
Address	5859 Hartnell Road		
City	Vernon	Postal/Zip	V1B 3J5
Prov/state	B.C.	Country	Canada
		Phone #	250.307.2038

II. Secondary QEP Information (use Form 2 for other QEPs)

First Name		Middle Name	
Last Name			
Designation		Company:	
Registration #		Email	
Address			
City		Postal/Zip	
Prov/state		Country	Canada
		Phone #	

III. Developer Information

First Name	Robin	Middle Name	
Last Name	Campbell		
Company			
Phone #	780.835.1977	Email:	robin@campbellchrysler.ca
Address	12036 – 114 Street		
City	Fairview	Postal/Zip	V0H 1L0
Prov/state	AB	Country	Canada

IV. Development Information

Development Type	Family Residential		
Area of Development (ha)	0.001 addition 0.037 total	Riparian Length (m)	22
Lot Area (ha)	0.081	Nature of Development	Redevelopment
Proposed Start Date	June 2019	Proposed End Date	Oct 2019

V. Location of Proposed Development

Street Address (or nearest town)	#2 – 50 Kestrel Place		
Local Government	City of Vernon	City	Vernon
Stream Name	Okanagan Lake		
Legal Description (PID)	027-815-862	Region	Okanagan
Stream/River Type	Lake	DFO Area	B.C. Interior
Watershed Code	310		
Latitude	50° 15' 07"	Longitude	119° 25' 15"

Table of Contents for Assessment Report

	Page Number
1. Description of Fisheries Resources Values	4
2. Results of Riparian Assessment (SPEA width)	7
3. Site Plan	9
4. Measures to Protect and Maintain the SPEA (detailed methodology only).	
1. Danger Trees.....	12
2. Windthrow.....	12
3. Slope Stability.....	12
4. Protection of Trees.....	12
5. Encroachment	12
6. Sediment and Erosion Control.....	13
7. Floodplain.....	13
8. Stormwater Management.....	13
5. Environmental Monitoring	14
6. Photos	15
7. Assessment Report Professional Opinion	21
8. References.....	22

Section 1. Description of Fisheries Resources Values and a Description of the Development Proposal

Fish and Fish Habitat

Okanagan Lake provides habitat for over 23 species of native and introduced fish. These include a variety of salmonids and coarse/non-game species. The table below provides a list of fish species present in Okanagan Lake.

Table 1. Fish species present in Okanagan Lake

Common Name	Scientific Name	Native (N) or Introduced (I)
brook trout	<i>Salvelinus fontinalis</i>	I
burbot	<i>Lota lota</i>	N
carp	<i>Cyprinus carpio</i>	I
chiselmouth	<i>Acrocheilus alutaceus</i>	N
cutthroat	<i>Oncorhynchus clarki lewisi</i>	N
kokanee	<i>Oncorhynchus nerka</i>	N
lake trout	<i>Salvelinus namaycush</i>	I
lake whitefish	<i>Coregonus clupeaformis</i>	I
largescale sucker	<i>Catostomus macrocheilus</i>	N
leopard dace	<i>Rhinichthys falcatus</i>	N
longnose dace	<i>Rhinichthys cataractae</i>	N
longnose sucker	<i>Catostomus catostomus</i>	N
mountain whitefish	<i>Prosopium williamsoni</i>	N
northern pikeminnow	<i>Ptychocheilus oregonesis</i>	N
peamouth chub	<i>Mylocheilus caurinus</i>	N
prickly sculpin	<i>Cottus asper</i>	N
pumpkinseed	<i>Lepomis gibbosus</i>	I
pygmy whitefish	<i>Prosopium coulteri</i>	N
rainbow trout	<i>Oncorhynchus mykiss</i>	N
reidside shiner	<i>Richardsonius balteatus</i>	N
slimy sculpin	<i>Cottus cognatus</i>	N
smallmouth bass	<i>Micropterus dolomieu</i>	I
steelhead	<i>Oncorhynchus mykiss</i>	N
yellow perch	<i>Perca flavescens</i>	I

Ministry of Environment Habitat Wizard website, 2018

On May 18th, 2018 the waters edge was approximately 1.3 m below the high water mark (HWM) which is identified by the 343 m elevation contour and corresponds with an existing retaining wall (Photo 1). The lakebed/substrate in the littoral zone in front of the subject property was categorized as:

- HWM to 4 m – fine to small gravel (1-3 cm);
- 4 to 8 m – medium to large (3-10 cm) gravels with a thin layer of fines on top;
- 8 to 13 m – 50% open fines (e.g. sand/silt), 40% large gravel and remainder small cobble

(10-20 cm);

- Beyond 13 m – all fines with a narrow band of milfoil as the lake drops off.

Existing fish habitat in Okanagan Lake in front of the subject property is characterized as low-value kokanee spawning habitat. This is based on the topography and lake substrate observed in the littoral zone in front of the property, as well as maps produced as part of the Okanagan Region Large Lakes Foreshore Protocol (Jan 2018). This protocol identifies black, red, yellow and no colour zones associated with kokanee spawning importance. Shore spawning kokanee are known to occur in Okanagan Lake, and spawning habitat is generally associated with cliffs/bluffs and angular coarse substrates (which do not occur on or anywhere near the subject property). The foreshore in front of the subject property is a no colour zone. As such, fish habitat is suitable for juvenile rearing and general foraging and is comprised primarily of gravels and fines. Nearshore topography is gently sloping.

Description of Current Riparian Vegetation Condition

Topographically, the property is stepped, comprising of generally level areas followed by a 1-2 m elevation drops. Over the length of the property (34 m) the elevation drops a total of 4 m, from the road to the HWM.

The majority of the subject property and SPEA exists in an altered state (Figure 1, Photos 1-3). The portion of the property that is not developed consists almost entirely of lawn or gravel landscaping, with some ornamental vegetation in the northeast and northwest property corners. **On May 22, 2018**, vegetation in these areas included: 1 chokecherry (8 cm dbh), 4 spirea, 1 rose, 3 ground junipers, 1 Japanese barberry and a variety of perennial herbaceous plants. This vegetation, while modest, provides valuable riparian function in the form of leaf litter, insect drop, shade and potential for woody debris. The property currently provides limited value riparian function.

Nature of Development and Proposed Activities

Field assessments of the subject property were **initially** conducted on March 5th and May 18th, 2018, **then again on June 11, 2019**, by Mark Piorecky, M.Sc., R.P.Bio. The subject property consists of a single parcel measuring approximately 22 m wide (lake front) by 34 m deep (Figure 1). Based on survey plans, the property is 808 m² in size. It is bordered by developed residential lots to the northeast and southwest, Kestrel Rd. to the southeast and Okanagan Lake to the northwest.

It was the initial intent of the proponent to add 10.1 m² of kitchen to the basement floor of the residence (Photo 4), as per the first submission of this RAR Assessment. Subsequent to posting, the proponent decided to abandon the kitchen extension and instead close in an existing second story balcony (Photos 1 and 7, 9.6 m²). Somehow permitting and an update of the RAR assessment for this altered course of action, were never communicated and/or completed. Secondly, during the interim a Section 11 application was submitted and obtained, to repair an existing retaining wall that was damaged during 2018 high water. This repair was completed, but impacted nearly all the existing riparian vegetation. Finally, during repositioning of the hot tub, onto the existing covered patio area, portions of the concrete patio were removed to try to sink the hot tub below ground. Replacement of the concrete patio in this area (Photo 8) will not extend beyond the existing roof line, as shown in Photo 2. This application will attempt to remedy the above identified issues. All back yard works have occurred within the SPEA and within 15 m of the High Water Mark (see Figures 1 and 2). To minimize impacts to the riparian values of the subject property, the following actions are being pursued:

- 1) **The 9.6 m² enclosed deck has not increased the building surface area. It has however increased the 3-dimensional space taken up by the residence within the SPEA.**
- 2) **As part of redeveloping the residence, the proponent has removed the existing hot tub (7.2 m²) and 15.5 m² of existing uncovered concrete deck. Resulting in a compensation area of 22.7 m² for build area that adds to the 3-dimensional building**

space, but does not increase the existing building footprint (see Figures 1 and 2 for details, Photo 7).

- 3) DFO re-vegetation guidelines call for 1 tree or shrub per sq m (MOE 2008). As approximately 22.7 m² of area will be reclaimed, a minimum of 23 native trees or shrubs (as outlined in Section 2) will be required to enhance the SPEA. See Figure 3 for proposed landscaping plan.
- 4) Additional native vegetation, in the amount of 15 native trees or shrubs (as outlined in Section 2) will be added to compensate for vegetation removed during repair of the retaining wall.
- 5) Concrete re-poured under the covered deck, will be poured in the same dimensions as previously existed. No portion of the re-pour will extend beyond the overhanging roof.

Construction has started and is anticipated to be completed by Oct 1, 2019.

The QEP acknowledges that the City is concerned with the project's increase in 3-dimensional building space within the RAR SPEA, as the enclosed deck will now have a roof, and thus extend the existing roof-line NW, further into the SPEA. From my analysis of the Regulation, and the RAR Methods Manual, there appears to be NO discussion or assessment methods around how changes in 3-dimensional space within the SPEA, impact biological features, functions and conditions. Note, the regulation does allow for rebuilding ON THE EXISTING FOUNDATION, without even conducting an assessment. It also makes no note of a requirement to maintain the existing 3-dimensional space. In this case, because the 3-dimensional increase in space is a modest one, the proponent is removing 22.7 m² of hard surface, and reclaiming with a total of 38 native trees/shrubs, a net benefit to the riparian function of the property is anticipated.

The QEP acknowledges that development within the RAR determined SPEA is not an action that is typically supported by Provincial staff. However, Section 4(2) of RAR sets out that a local government can permit a development to proceed if the local government notifies Ministry of Fisheries and Oceans Canada ("FOC") and the Minister of the Environment ("MOE") of the development proposal and provides an assessment report from a QEP indicating that: if the development is implemented there will be no harmful alteration, disruption or destruction ("HADD") of features or conditions that support fish life, if the development implements measures identified in the report. By submitting this assessment to the Provincial RARNS Database, both FOC and MOE have been notified of this development proposal.

To further support section 4(2) of the Regulation, the BC Provincial Court of Appeal (Yanke v. Salmon Arm, 2011) identified that under RAR, QEPs are charged with the responsibility of both determining the SPEA, and determining whether or not the proposed development will result in HADD. There is nothing stating that development within the SPEA cannot be conducted without causing a HADD. **Given that development is proposed within the existing building foundation, and that existing impermeable surface area totalling 22.7m², will be removed (i.e. returned to potential vegetation status) and then planted with native vegetation, the QEP CANNOT reasonably conclude that the proposed works will cause a HADD.**

Section 2. Results of Riparian Assessment (SPEA width)

2. Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Date:

Description of Water bodies involved (number, type)

Stream	<input type="text"/>
Wetland	<input type="text"/>
Lake	<input checked="" type="checkbox"/>
Ditch	<input type="text"/>
No. of reaches	<input type="text"/>
Reach #	<input type="text"/>

Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes
			I, <u>Mark Plorecky</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Robin Campbell</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
Polygon No:	<input type="text" value="1 of 1"/>		Method employed if other than TR
SPVT Type	<input type="text" value="LC"/>	<input type="text" value="SH"/>	<input checked="" type="text" value="TR"/>

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	<input type="text" value="1 of 1"/>	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	<input type="text" value="15"/>					
Litter fall and insect drop ZOS (m)	<input type="text" value="15"/>					
Shade ZOS (m) max	<input type="text" value="27.3"/>	South bank	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					
Ditch Fish Bearing	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	If non-fish bearing insert no fish bearing status report	<input type="text"/>
SPEA maximum	<input type="text" value="27.3"/>	(For ditch use table3-7)				

I, <u>Mark Plorecky</u> , hereby certify that:	
a.	I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ;
b.	I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Robin Campbell</u> ;
c.	I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
d.	In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Comments

The shoreline of the subject property faces north-northwest, thus IS significantly influenced by the shade ZOS. As a result, the RAR determined SPEA is a maximum of 27.3 m as measured horizontally from the HWM of Okanagan Lake (343 m above sea level).

Proposed re-development on the subject property will include a 9.6 m² enclosure of an existing second story balcony, entirely within the SPEA Figure 2. In an attempt to ensure an overall net benefit to riparian values, a total of 22.7 m² of existing hardscape features will be removed. Based on this removal, a minimum of 4 native trees and 19 native shrubs will be required to enhance the SPEA. Meanwhile, an additional 15 native shrubs will be added to compensate for vegetation removed during repair of the retaining wall. See Figure 3 for proposed landscaping plan.

Vegetation additions or replacement within the SPEA will adhere to the following:

- Tree composition will consist of 2/3rds deciduous and 1/3rd coniferous trees.
- Species will be chosen from the following:
 - Coniferous trees: ponderosa pine, Douglas-fir, western larch, western white pine, western red cedar.
 - Deciduous trees: aspen, birch, cascara, choke cherry, pin cherry, cottonwood, mountain ash, hawthorn or willow.
 - Shrubs: ceanothus, black twinberry, soopalallie, high/low bush cranberry, willow, dogwood, Douglas maple, snowberry, rose, saskatoon, spirea, hazelnut, huckleberry, juniper, potentilla, mock-orange, elderberry or Oregon grape.

Apart from the identified development plan, activities and features that are prohibited within the SPEA, include but are not limited to the following: removal, alteration, disruption or destruction of vegetation; disturbance of soils; construction or erection of additional buildings and structures; creation of non-structural impervious or semi-impervious surfaces; flood protection works; construction of roads, trails, additional retaining walls, docks, wharves or bridges; provision and maintenance of sewer and water services; development of drainage systems and development of utility corridors.

Section 3. Site Plan

Figure 1: Detailed Site Plan
 #2 – 50 Kestrel Place, Vernon, BC
 Prepared by Canyon Wren Consulting Inc.
 Distances in meters

- Legend**
- Subject Property
 - High Water Mark (HWM: 343 m)
 - - - LWD & Litterfall ZOS's (15 m buffer)
 - · - · - · SPEA and Shade ZOS (27.3 m max)
 - Riparian Assessment Area (RAA: 30 m)
 - Existing Structures and Surfaces as Identified
- Scale 1:174

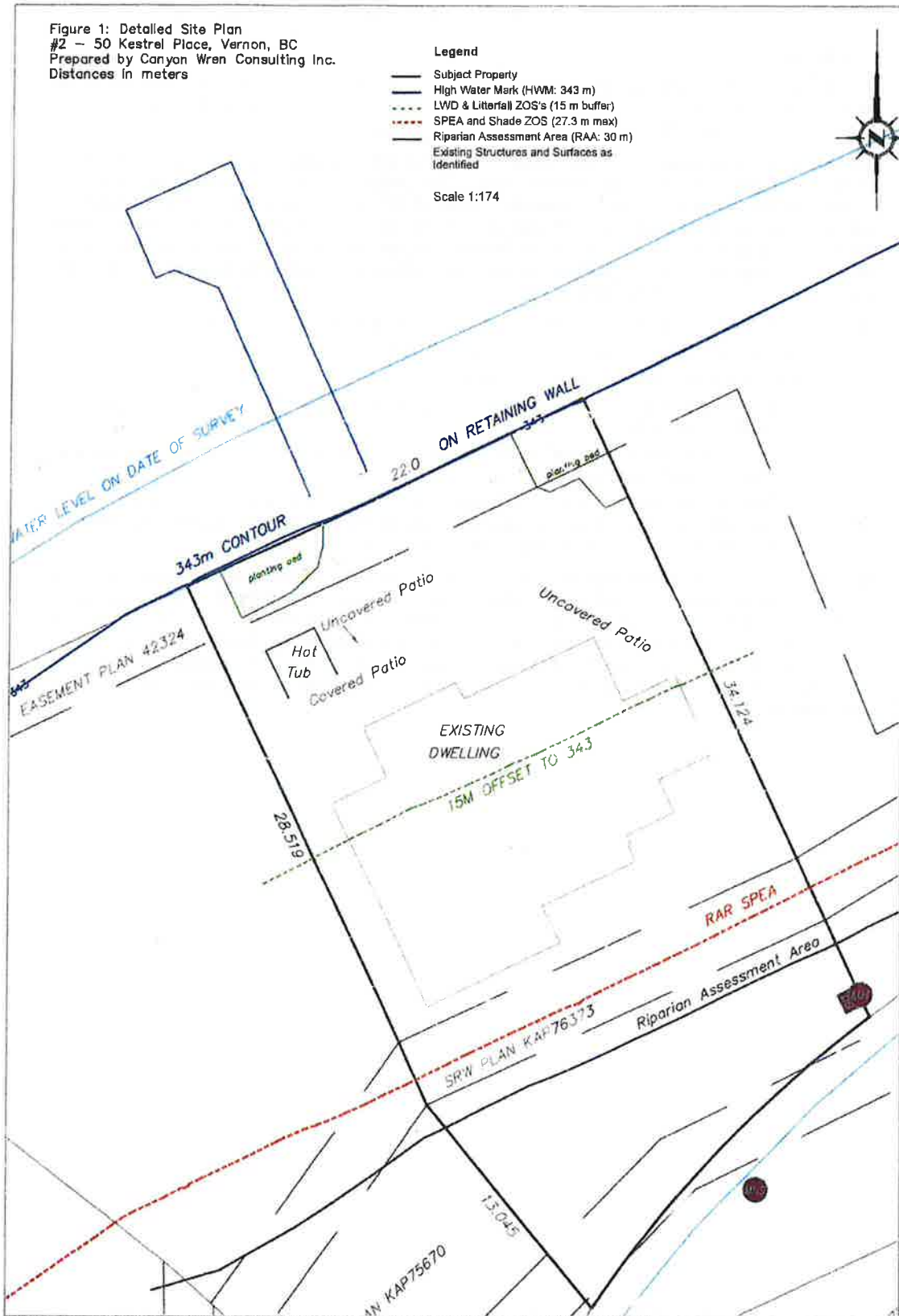


Figure 1: Site plan prior to start of works, with existing structures, vegetation, RAR determined SPEA and ZOS's.

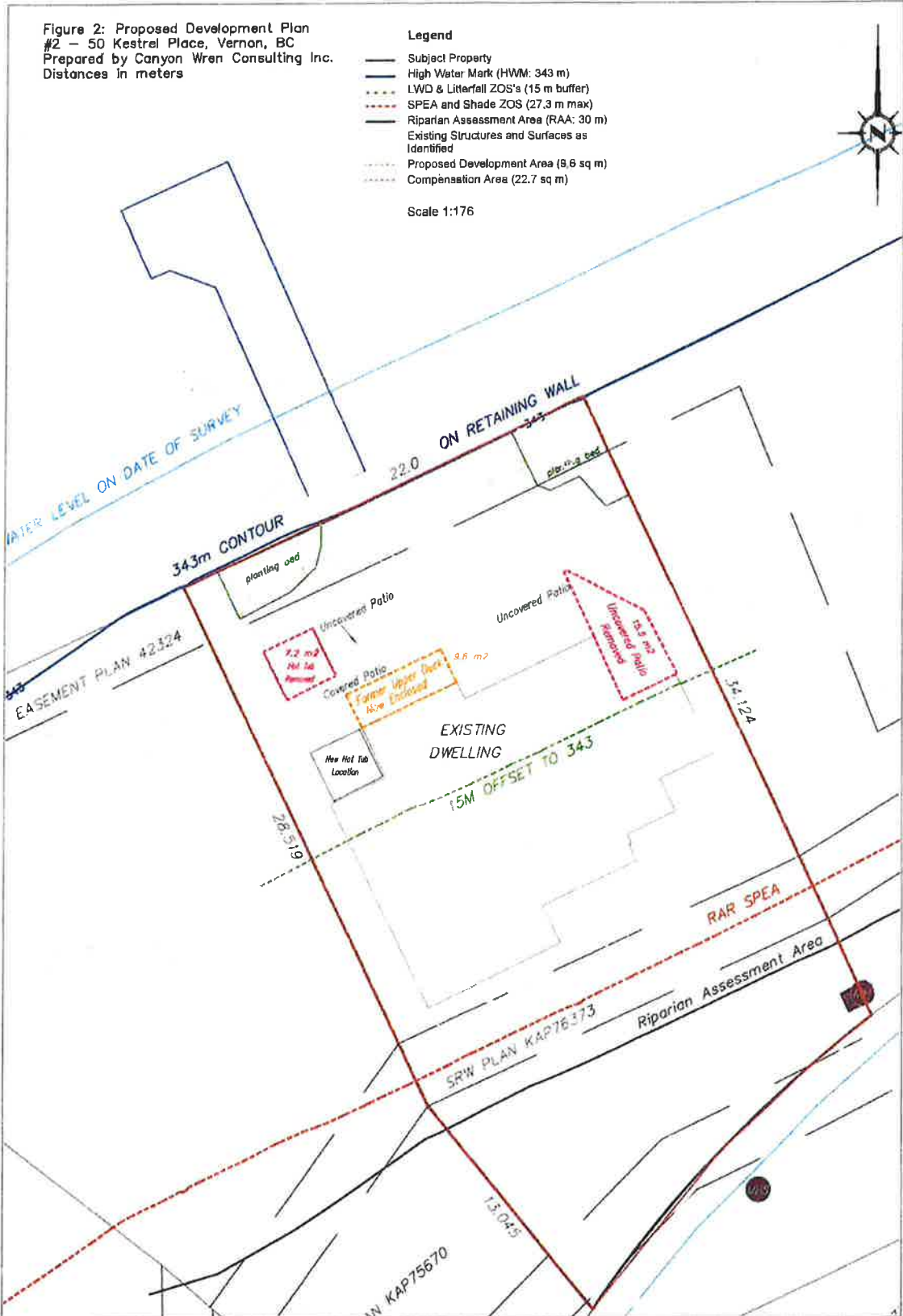


Figure 2: Site plan with proposed Development and Compensation Areas.

Figure 3: Preliminary Landscape Plan
 #2 - 50 Kestrel Place, Vernon, BC
 Prepared by Canyon Wren Consulting Inc.
 Distances in meters

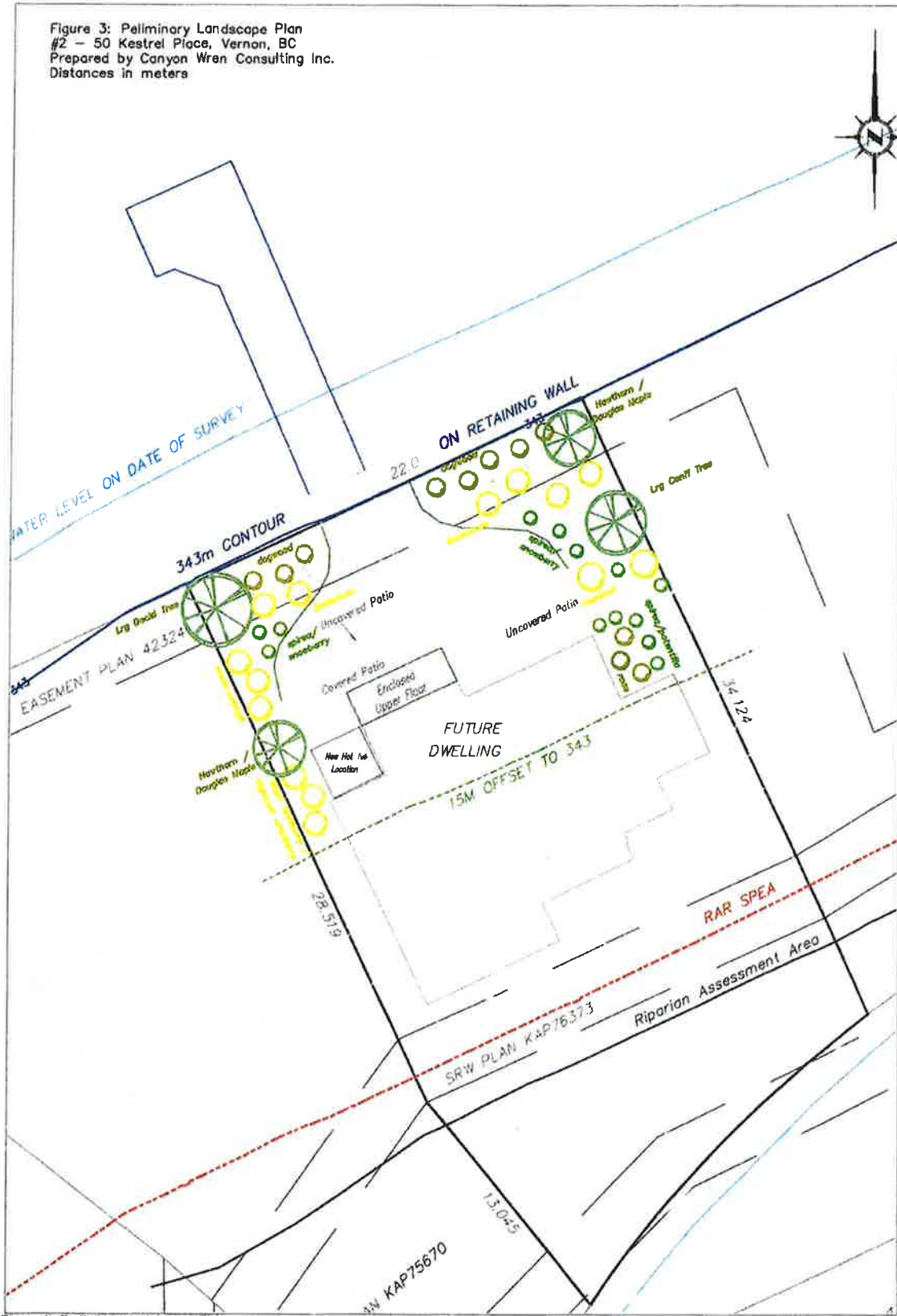


Figure 3: Preliminary Landscape Plan.

Section 4. Measures to Protect and Maintain the SPEA

1. Danger Trees	No danger trees were identified on the Subject Property. If trees within the SPEA are later identified as danger trees and need to be removed (i.e. as a result of natural aging, pine beetle, etc.), this will be done according to specifications outlined in the DFO / MoE tree replacement criteria.
<p>I, <u>Mark Piorecky</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Robin Campbell</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
2. Windthrow	Windthrow is not an issue for this development since no forested areas are being removed/altered.
<p>I, <u>Mark Piorecky</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Robin Campbell</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
3. Slope Stability	Slope stability is not an issue for this development as none of the field indicators of slope instability were observed, and no significant areas of soil or vegetation are being altered.
<p>I, <u>Mark Piorecky</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Robin Campbell</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
4. Protection of Trees	No trees exist within the SPEA. Recent re-construction of the existing failed retaining wall did impact existing shrubs. They will be replaced according to details outlined in Section 2.
<p>I, <u>Mark Piorecky</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Robin Campbell</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
5. Encroachment	<p>As the proposed development is on lake front property, the owners will expect and require access to the waterfront. However, it is also noted that the intention of the SPEA is to provide natural, functioning undisturbed riparian habitat. As such, the landowner will be made fully aware that encroachment into the SPEA is not a practice that is supported or permitted under the RAR. Encroachment activities include: conversion of natural vegetation into lawn, dumping of yard waste, planting of non-native vegetation, and the creation of numerous access points and pathways.</p> <p>Encroachment onto the SPEA will be deterred by expanding and enhancing the native abundance of vegetation within the SPEA. See Figure 3. Preliminary Landscape Plan.</p>
<p>I, <u>Mark Piorecky</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p>	

	<p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Robin Campbell</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>
<p>6. Sediment and Erosion Control</p>	<p>Sediment and erosion control will focus on minimizing disturbance and source-control to prevent sediment or sediment laden water from entering the SPEA or the lake during construction. Proposed sediment control will follow Best Management Practices (BMPs) for: works in and around a watercourse, sediment control, and urban and rural land development (MWLP 2004, LWBC 2005).</p> <p>Under the direction of the EM, erosion and sediment control activities will include but not be limited to the following:</p> <ol style="list-style-type: none"> All areas with exposed soils will be re-vegetated promptly with grass especially where surface flows have potential to reach the lake. If re-vegetation cannot occur immediately, alternative sediment control methods will be employed. These can include the use of filter cloth, tarps and/or straw mulch in combination with silt fencing, if required; Excavated materials will be stockpiled in areas where there is negligible potential for sediment to be transported to the lake; In areas where soils are to be placed near the SPEA boundary and during development of the cabin, silt fencing will form a final barrier to sediment transport. The silt fence should be installed according to manufacturer's instructions and be monitored periodically for tautness and effectiveness.
	<p>I, <u>Mark Piorecky</u>, hereby certify that:</p> <ol style="list-style-type: none"> I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Robin Campbell</u>; I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation
<p>7. Stormwater Management</p>	<p>Stormwater from the area of impervious surfaces will not be discharged directly into the lake. New roof run-off will be directed into the ground and distributed amongst several discharge points through the use of dry wells. To decrease the potential for surface runoff 22.7 sq m of impermeable surface within the SPEA will be removed and planted with native vegetation. The replacement access will be re-constructed of stepping stones, as it was previously, see Photo 6.</p>
	<p>I, <u>Mark Piorecky</u>, hereby certify that:</p> <ol style="list-style-type: none"> I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Robin Campbell</u>; I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation
<p>8. Floodplain Concerns (highly mobile channel)</p>	<p>The subject property is not located in an active floodplain, therefore flooding of the SPEA will not be an issue.</p>
	<p>I, <u>Mark Piorecky</u>, hereby certify that:</p> <ol style="list-style-type: none"> I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Robin Campbell</u>; I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Section 5. Environmental Monitoring

A Qualified Environmental Professional (QEP) will be retained as project environmental monitor by the proponent. The focus of monitoring will be the protection and reclamation of the SPEA. There will be a pre-construction meeting to communicate the importance of SPEA protection, along with tree protection and the erosion and sediment control plans with site personnel. Site inspection frequency will be timed to key construction activities in areas adjacent to and/or within the SPEA (i.e. concrete deck/hot tub removal, new slab re-pouring, reclamation) and based on weather events (e.g. after periods of intense rainfall). The QEP will ensure that sediment and erosion control measures are functioning properly and protecting the SPEA. The monitor has the authority to halt construction activities if impacts to sensitive habitats are likely to occur.

A post-development report, outlining the degree of compliance with the above measures and reviewing the success of measures implemented during construction must also be produced and submitted on the RAR database.

Section 6. Photos

Photo 1. View of the Subject Property, and foreshore from near the end of the existing dock, with the proposed enclosed second floor deck area (looking SSE) – May 18, 2018.



Photo 2. Subject Property structures and vegetation within the SPEA (looking E) – May 18, 2018.



Photo 3. Subject Property SPEA vegetation from N corner (looking SW) – May 18, 2018.



Photo 4. View of the initially proposed kitchen addition area in orange (looking SSE) – May 18, 2018.



Photo 5. View of portion of existing uncovered deck that have been removed, in magenta (looking SE) – May 18, 2018.



Photo 6. Stepping stone walkway to be recreated as per Figure 3 (looking N) – May 18, 2018.



Photo 7. Re-constructed retaining wall and roughly completed enclosing of previous second story balcony (looking SSE) – June 11, 2019.



Photo 8. Concrete beneath roof removed to create sunken hot tub location. New concrete will NOT extend beyond roof line (looking S) – June 11, 2019.



Section 7. Professional Opinion**Assessment Report Professional Opinion on the Development Proposal's riparian area.**Date 1. I/We Mark Piorecky, R.P.Bio.

hereby certify that:

- a) I am/We are qualified environmental professional(s), as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
 - b) I am/We are qualified to carry out the assessment of the proposal made by the developer Robin Campbell, which proposal is described in section 3 of this Assessment Report (the "development proposal");
 - c) I have/We have carried out an assessment of the development proposal and my/our assessment is set out in this Assessment Report; and
 - d) In carrying out my/our assessment of the development proposal, I have/We have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation; AND
2. As qualified environmental professional(s), I/we hereby provide my/our professional opinion that:
- a) if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, **OR**
 - b) if the streamside protection and enhancement areas identified in this Assessment Report are protected from the development proposed by the development proposal and the measures identified in this Assessment Report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed.

[NOTE: "qualified environmental professional" means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association,
- (b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and
- (c) the individual is acting within that individual's area of expertise.]

Section 8. References

- Land and Water BC (LWBC). 2005. A Users Guide to Working in and Around Water. Regulation under British Columbia's Water Act. Revised May 2005.
<http://www.agf.gov.bc.ca/resmgmt/publist/500series/502000-1.pdf>
- Ministry of Environment (MOE), Environmental Stewardship Division. 2008. Riparian Restoration Guidelines
http://www.env.gov.bc.ca/lower-mainland/electronic_documents/RiparianRestorationGuidelines.doc
- Ministry of Environment Habitat Wizard website. 2018. Habitat Wizard. Accessed May 18, 2018. <http://www.env.gov.bc.ca/habwiz/>
- Ministry of Environment, Lands and Parks (MOELP). 1996. Tree Replacement Criteria. B.C. Environment, Lower Mainland Region, Surrey, B.C. Pp. 1.
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development, 2018. Okanagan Region Large Lakes Foreshore Protocol. BC Ministry of Environment, Penticton, BC. 13 pp.
https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/best-management-practices/okanagan/okanagan_large_lakes_foreshore_protocol.pdf
- Ministry of Water, Land and Air Protection (MWLAP). 2004. Standards and Best Practices for In Stream Works. WLAP BMP Series. 167 pp..
<http://wlapwww.gov.bc.ca/wld/documents/bmp/iswstdsbpsmarch2004.pdf>



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Keltie Chamberlain,
Economic Development Planner

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: October 15, 2019
REPORT DATE: September 25, 2019
FILE: ZON00335 / DVP00445

**SUBJECT: REZONING AND DEVELOPMENT VARIANCE PERMIT APPLICATIONS FOR 3610
25TH AVENUE**

PURPOSE:

To review applications to rezone the subject property from Row Housing Residential to Low-Rise Apartment Residential, and to vary the Subdivision and Development Servicing Bylaw #3843 to increase the maximum combined access width of 8m for two access points in order to construct 30 stacked row house units and expand the common area in the existing 18-unit building at the CMHA Vernon & District, Albert Place, location at 3610 25th Avenue.

RECOMMENDATION:

THAT Council support the Rezoning application #ZON00335 from RM1 – Row Housing Residential to RH1 – Low-Rise Apartment Residential on Lot AMD2, Plan 9095, District Lot 71, ODYD Except Plan M8066 & 20058, See DD272719F;

AND FURTHER, that Council support of ZON00335 is subject to the following:

- a) That the owner is to provide a 1.5m dedicated road right of way for a walkway on the west side of the property to link 25th Avenue and 24th Avenue in the future;
- b) That the owner is to dedicate road frontage for a dedicated parking lane for on-street parking on 24th Avenue;
- c) That the owner enter into a Housing Agreement with the City to permit reductions in parking or loading requirements; and
- d) That the owner is to provide an additional bicycle parking stall beyond the minimum Zoning Bylaw #5000 requirement.

AND FURTHER, that Council support Development Variance Permit application #DVP00445 to vary the following sections of Subdivision and Development Servicing Bylaw #3843 on Lot AMD2, Plan 9095, District Lot 71, ODYD Except Plan M8066 & 20058 (3610 25th Avenue):

- a) To vary Sections 3.5.3 and 3.5.4 to increase the maximum combined access width of 8m for two access points, and reduce the minimum stopping sight distance (MSSD).

ALTERNATIVES & IMPLICATIONS:

1. THAT Council not support the Rezoning application #00335 from RM1 – Row Housing Residential to RH1 – Low-Rise Apartment Residential on Lot AMD2, Plan 9095, District Lot 71, ODYD Except Plan M8066 & 20058, See DD272719F;

AND FURTHER, that Council not support Development Variance Permit application #DVP00445 to vary the following sections of Subdivision and Development Servicing Bylaw #3843 on Lot AMD2, Plan 9095, District Lot 71, ODYD Except Plan M8066 & 20058 (3610 25th Avenue)

- a) To vary Sections 3.5.3 – 3.5.4 to increase the maximum combined access width of 8m for two access points, and reduce the minimum stopping sight distance (MSSD).

Note: This alternative does not support the rezoning and development variance applications. The owner would have to develop the property in accordance with the current zoning and comply with Subdivision and Development Servicing Bylaw #3843, as well as any other conditions cited by Council.

ANALYSIS:

A. Committee Recommendations:

At its meeting of October 1, 2019, the Advisory Planning Committee adopted the following resolution:

“ “

B. Rationale:

1. The subject property at 3610 25th Avenue, as shown on Figures 1 and 2, and is 0.59 hectare (1.46 acre) in area. The property is designated Residential Medium Density in the Official Community Plan (OCP), and is zoned RM1 – Row House Residential as per Zoning Bylaw #5000. The property is located within the Neighbourhood #2 Development District.
2. The subject property has an existing building which houses the Canadian Mental Health Association (CMHA) facility, Albert Place. There is an existing 18-unit apartment building with approximately 840 square feet of indoor common area space on the property (Attachment 1). The CMHA has been operating Albert Place since 1990.
3. Under the current RM1 – Row Housing Residential, a care centre, major is permitted as a primary use (Attachment 2). Uses within the proposed RH1 zoning district include medium density apartments on urban services and include: apartment housing, care centres, major, group home, major, seniors housing, senior's supportive housing, and stacked row housing (Attachment 3). The maximum density would be 44.5 units per acre. Given the subject property parcel size, the theoretical density of the property is 64 units.
4. The owner has submitted a rezoning application in order to construct 30 stacked row housing units. Under the proposed RH1 – Low-Rise Apartment Residential zone, care centres, major and stacked row housing are permitted primary uses.
5. The addition of three buildings in the form of 30 stacked row house units on the site would be comprised of 1, 2, and 3

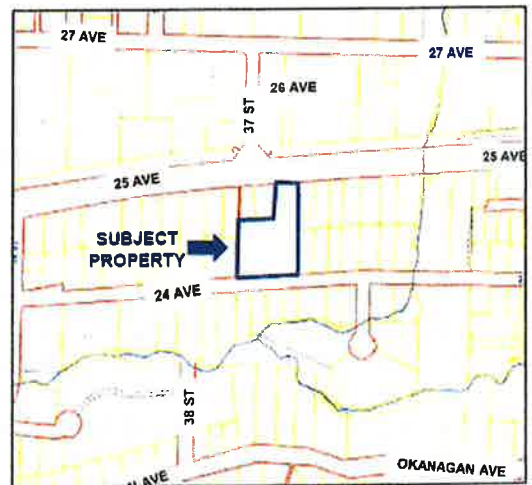


Figure 1: Property Location Map



Figure 2: Aerial Photo of Property Location

bedroom units. The intent is to increase the number of units in a compact building typology that would provide an opportunity to include amenity space on the property.

6. The proposed additional units would require additional parking spaces. Zoning Bylaw #5000 Section 4.9.2 has a provision for Council to enter into a housing agreement which contains contractual arrangements to permit reductions in parking or loading requirements.

7. There is an existing road right of way located between 3700 and 3702 25th Avenue and between the subject property and 3705 24th Avenue. An additional 1.5m road right of way on the west side of the property would be provided in order to complete this important pedestrian connection between 25th and 24th Avenue.

8. The proposed dedicated parking lane on the north property frontage would provide on-street parking in front of the subject property on 24th Avenue. The on-street parking would not be for the exclusive use of residents of the proposed development.

9. The applicant has submitted a Parking Study (Attachment 4) which provides the data and research for the proposed number of parking spaces.

10. The proposed site design is intended to meet the needs of the residents and would provide alternative access routes for vehicles and pedestrians. The reduced parking rate has been calculated based on similar development within the City and parking rates from other jurisdictions in similar types of development. The proposed parking would include 32 spaces and 8 scooter spaces as well as the required Class 1 and Class 2 bicycle parking. The Parking Study concludes that the proposed parking supply should provide adequate parking for the proposed development.



Figure 3: Existing Right of Ways

11. The right of way would provide an important pedestrian connection between 25th and 24th Avenue and deter pedestrians from using the subject property. The applicant would be responsible for providing a cross walk across 24th at the end of the pedestrian walkway.

12. The owner has submitted a development variance permit application and rationale (Attachment 5) in order to vary the maximum combined width of 8m for two access points; one on 25th Avenue and one on 24th Avenue. The proposed combined width for the two access points would be 11.9m to allow entry and exit onto the property from 25th and 24th Avenue. Access from 25th will be reduced to the subject property from 25th as a result of the proposed parking layout (Attachment 1). Increased access from 24th Avenue would be provided. The reduction to the MSSD may be accepted by Administration with the provision of the second access to medium density residential lots to address safety concerns.

13. During the development permit application review process, the proposed site plan and building elevations would be reviewed for conformity with OCP development permit guidelines and Zoning Bylaw regulations. Subdivision and development servicing requirements for any infrastructure upgrades would

be addressed during the development permit application and building permit application stages. Administration recommends that prior to final adoption of the zoning amendment bylaw, the Development Permit be ready to be issued.

C. Attachments:

- Attachment 1 – Site Plan
- Attachment 2 – RM1 zone
- Attachment 3 – RH1 zone
- Attachment 4 – Parking Study
- Attachment 5 – Development Variance Rationale

D. Council's Strategic Plan 2019 – 2022 Goals/Action Items:

The subject involves the following goals/action items in Council's Strategic Plan 2019 – 2022:

- Continued implementation of the Parks Master Plan
- Develop affordable housing partnerships, including the use of City lands
- Streamline the residential development approval process
- Streamline red tape to facilitate more development
- Promote transit oriented housing and mixed use development
- Work towards a sustainable Vernon – environmentally, economically and socially

E. Relevant Policy/Bylaws/Resolutions:

1. The subject property is designated RMD – Residential Medium Density Official Community Plan (OCP). The current zoning of the lots is RM1 – Row Housing Residential.
2. The Local Government Act provides Council with the authority to vary local bylaws based on site specific considerations. The granting of such variances does not set a precedent within the community for future variances to be based upon, as each variance application must be evaluated on its own merit and potential implications to the whole community and the specific neighbourhood.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Approved for submission to Council:

X

Signer 1

Will Pearce, CAO

Date: _____

Keltie Chamberlain
Economic Development Planner

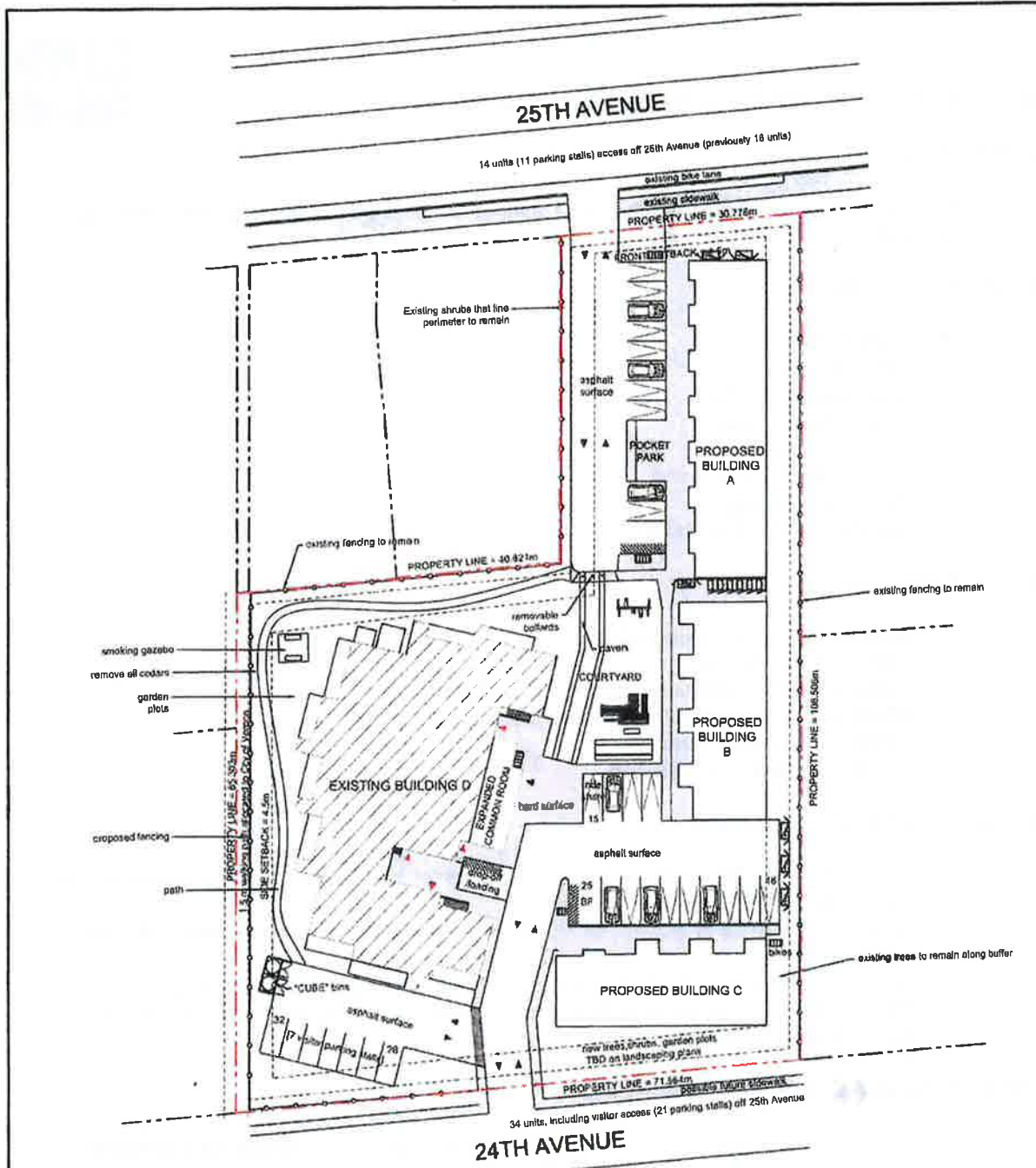
X

Signer 2

Kim Flick
Director, Community Infrastructure and Development

REVIEWED WITH

- | | | |
|--|---|--|
| <input type="checkbox"/> Corporate Services | <input type="checkbox"/> Operations | <input checked="" type="checkbox"/> Current Planning |
| <input type="checkbox"/> Bylaw Compliance | <input type="checkbox"/> Public Works/Airport | <input checked="" type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate | <input type="checkbox"/> Facilities | <input checked="" type="checkbox"/> Building & Licensing |
| <input type="checkbox"/> RCMP | <input type="checkbox"/> Utilities | <input checked="" type="checkbox"/> Engineering & Development |
| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input checked="" type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input checked="" type="checkbox"/> Economic Development & Tourism |
| <input checked="" type="checkbox"/> COMMITTEE: APC (Oct. 1/19) | | |
| <input type="checkbox"/> OTHER: | | |



PROPOSED SITE PLAN
 3610 25th Avenue, Vernon
 PROPOSED RH1 ZONE
 SCALE 1:500
 May 7, 2019

CMHA ALBERT PLACE EXPANSION

- PROPOSED BUILDING A**
- 7 – Bachelor Units (ground floor)
- 7 – 3 Bedroom Units
- PROPOSED BUILDING B**
- 4 – One Bedroom Units (ground floor)
- 4 – 4 Bedroom Units
- PROPOSED BUILDING C**
- 3 – One Bedroom Units (ground floor)
- 1 – Bachelor Unit (ground floor)
- 3 – 4 Bedroom Units
- 1 – 3 Bedroom Units
- EXISTING BUILDING D**
- 18 Units

MONSTER
 ARCHITECTURE+DESIGN



CURRENT ZONING PLAN
 3610 25th Avenue, Vernon
 SCALE: NTS

9.10 RM1 : Row Housing Residential

9.10.1 Purpose

The purpose is to provide a **zone** for ground oriented medium **density row housing** on urban services.

9.10.2 Primary Uses

- **care centre, major**
- **duplex housing**
- **four-plex housing**
- **group home, major**
- **row housing**
- **semi-detached housing**
- **seniors housing**
- **single detached housing**

9.10.3 Secondary Uses

- **boarding rooms** (*Bylaw 5440*)
- **care centres, minor**
- **home based businesses, minor**
- **secondary suites (in single detached housing only)**
- **seniors assisted housing**
- **seniors supportive housing**

9.10.4 Subdivision Regulations

- Minimum **lot width** is 26.0m, except it is 7.5m for fee simple **row housing** and **semi-detached dwellings**.
- Minimum **lot area** is 800m², or 10,000m² if not serviced by a **community sewer system**.
- Maximum **density** is 48.0 units per gross hectare (19.5 units/gross acre).
- Maximum **site coverage** is 65% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 85%.

9.10.5 Party Wall Subdivision Regulations

Lot Type	Minimum Lot Area		Minimum Lot Width	
	interior	corner	interior	corner
Semi-Detached Housing	225m ²	275m ²	7.5m	9.0m
Row Housing	150m ²	200m ²	6.5m	7.8m

9.10.6 Development Regulations

- With a housing agreement pursuant to Section 4.9, the maximum **density** shall be 60.0 units per gross hectare (24.5 units/gross acre).
- Where **parking spaces** are provided completely beneath habitable space of a primary **building** or beneath useable common amenity areas, providing that in all cases the **parking spaces** are screened from view, the maximum **density** shall be 60.0 units per gross hectare (24.5 units/gross acre). Where all the required parking is not accommodated completely beneath the habitable space of a primary **building** or useable common amenity areas, the additional density permitted shall be determined

through multiplying the additional 12.0 units per gross hectare (5 units/gross acre) by the percentage of parking proposed to be provided beneath habitable space of a primary **building** or useable common amenity areas.

- Maximum **site coverage** is 50% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 55%.
- Maximum **height** is the lesser of 10.0m or 2.5 **storeys**, except it is 4.5m for **secondary buildings** and **secondary structures**.
- Minimum **front yard** is 4.0m, except it is 6.0m from a garage or **carport** to the back of curb or sidewalk for vehicular entry.
- Minimum **side yard** is 1.2m, or 0.0m for shared interior **party walls** except it is 4.5m from a **flanking street**. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **side yard** shall be at least 3.0m. The **side yard** is 0.0m for fee simple **row housing** and **semi-detached dwellings**.
- Minimum **rear yard** is 6.0m, except it is 1.0m for **secondary buildings**.
- Maximum six **dwelling** units located in a **building**, with each row housing unit having a minimum width of 6.5m and 7.5m for semi-detached housing units.

9.10.7 Other Regulations

- For multi-unit residential housing, one **office** may be operated for the sole purpose of the management and operation of the multi-unit residential **development**. (*Bylaw 5540*)
- In order for bareland strata **development** to be consistent with the character of the surrounding neighborhood, the strata plan shall be considered as one **site** for defining the overall use, **density** and **site coverage**.
- The above noted **subdivision** and **development** regulations shall be applied to each strata lot within the strata plan.
- For strata developments, common recreation buildings, facilities and amenities may be included in the strata plan. Recreational buildings shall be treated as **secondary buildings** for the purpose of determining the size, **height** and **setbacks** of the **building** as specified in each **zone**.
- A minimum area of 25m² of private open space shall be provided per **dwelling**.
- Vehicular access to the **development** is only permitted through either a driveway shared by at least 3 units or a rear **lane**.
- For **seniors assisted housing, seniors housing and seniors supportive housing**, a safe drop-off area for patrons shall be provided on the **site**.
- No more than 6 **dwellings** may be located in a **row house building**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (**secondary development, yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7.
- As per Section 4.10.2 - All **buildings** and **structures, excluding perimeter fencing (garden walls and fences)** on lots **abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B". (*Bylaw 5440*)

9.12 RH1 : Low-Rise Apartment Residential

9.12.1 Purpose

The purpose is to provide a **zone** primarily for medium **density** apartments on urban services.

9.12.2 Primary Uses

- **apartment housing**
- **care centres, major**
- **group home, major**
- **seniors assisted housing**
- **seniors housing**
- **seniors supportive housing**
- **stacked row housing**

9.12.3 Secondary Uses

- **home based businesses, minor**
- **real estate sales centres** (in apartment housing only)

9.12.4 Subdivision Regulations

- Minimum **lot width** is 30.0m.
- Minimum **lot area** is 1400m², or 10,000m² if not serviced by a **community sewer system**.

9.12.5 Development Regulations

(a) Density:

The maximum Floor Space Ratio (FSR) is 1.50, except that:

- With a housing agreement pursuant to Section 4.9, the maximum **density** shall be increased by FSR 0.25; and
- Where **parking spaces** are provided completely beneath habitable space of a primary **building** or beneath useable common amenity areas, providing that in all cases the parking spaces are screened from view, the maximum **density** shall be increased by FSR 0.25; or
- Where all the required parking is not accommodated completely beneath the habitable space of a primary **building** or useable common amenity areas, the additional density permitted shall be determined through multiplying the FSR 0.25 by the percentage of parking proposed to be provided beneath habitable space of a primary **building** or useable common amenity areas;

Provided that the maximum Floor Area Ratio with all bonuses shall not exceed FSR 2.00.

(b) Building Regulations:

- Maximum **site coverage** is 65% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 85%.
- Maximum **height** is the lesser of 16.5m or 4.5 **storeys**, except it is 4.5m for **secondary buildings** and **secondary structures**.

- Minimum **front yard** is 4.5m.
- Minimum **side yard** is 4.5m, except it is 4.5m from a **flanking street**.
- Minimum **rear yard** is 9.0m, except it is 1.0m for **secondary buildings**. *(Bylaw 5661)*

9.12.6 Other Regulations

- A minimum area of 5.0m² of private open space shall be provided per **bachelor dwelling, congregate housing bedroom** or group home **bedroom**, 10.0m² of private open space shall be provided per 1 **bedroom dwelling**, and 15.0m² of private open space shall be provided per **dwelling** with more than 1 **bedroom**.
- No continuous **building frontage** shall exceed 40.0m for a 3 to 4.5 **storey building**, or 65.0m for a 2 **storey building**. If the frontage is interrupted by an open courtyard equivalent in depth and width to the **building height**, the maximum continuous 4.5 **storey building frontage** may be 80.0m provided that no **building** section exceeds 40.0m.
- For multi-unit residential housing, one **office** may be operated for the sole purpose of the management and operation of the multi-unit residential **development**. *(Bylaw 5440)*
- For **seniors assisted housing, seniors housing and seniors supportive housing**, a safe drop-off area for patrons shall be provided on the **site**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (**secondary development, yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7. *(Bylaw 5339)*
- As per Section 4.10.2 - All **buildings and structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B". *(Bylaw 5440)*



MEMO

TO: Lindsey Fraser, Terra Housing, Mrs. Ellen Croy, Transportation Planner, City of Vernon

COPY: Ms. Julia Payson, Executive Director Canadian Mental Health Association, Vernon and District Branch

FROM: Greg Cockburn, EIT, Christine Benedek, P.Eng.

SUBJECT: CMHA Albert Place Parking Study

DATE: April 11, 2019

INTRODUCTION

The Canadian Mental Health Association (CMHA) Vernon branch, in partnership with BC Housing and Interior Health, is responsible for over 140 mental health and low-income units in the Vernon area. Albert Place, located at 3610 – 25th Avenue, is one of CMHA’s low-income facilities and includes 17 one-bedroom units and 1 two-bedroom unit. CMHA is currently seeking to expand the number of units at Albert Place to include an additional eight bachelor units, seven 1-bedroom units, eight 3-bedroom units, and seven 4-bedroom units. As part of the expansion, CMHA is seeking a variance from the City of Vernon on the parking supply. The City requested a parking study to support the variance request and provide information on typical parking usage at similar facilities and a review of bylaws at other municipalities.

To assess typical parking rates for social housing facilities, WSP conducted a review of similar facilities and municipal bylaws. WSP conducted a series of interviews with facility managers and municipal authorities as well as facilitated the distribution of questionnaires.

DEVELOPMENT DETAILS

EXISTING FACILITY

Albert Place is currently zoned RM1 Row Home Residential and includes one structure with 17 1-bedroom units and one 2-bedroom unit. Figure 1 shows the location of the facility relative to the City Centre Neighbourhood Plan Area.

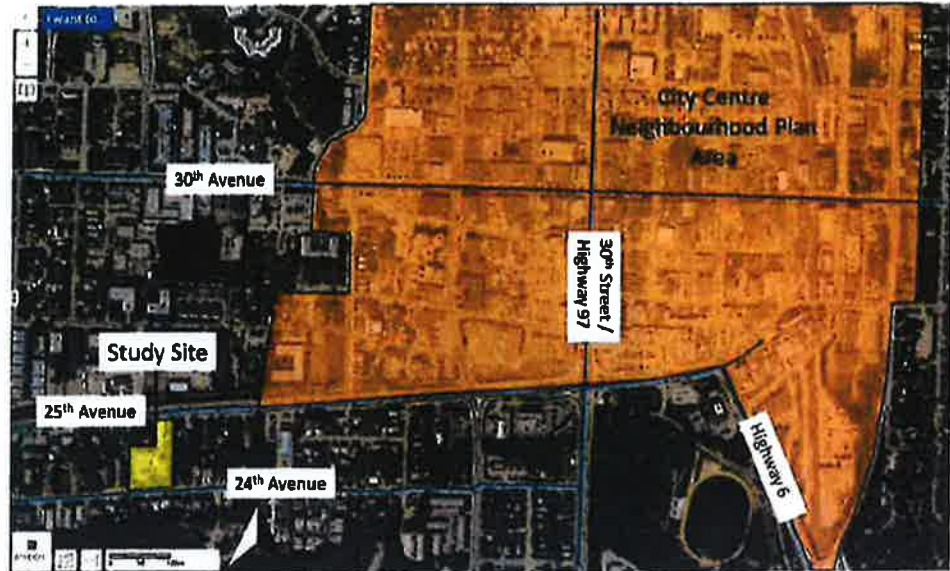


Figure 1: Study Site and City Centre Neighbourhood Plan Area¹

Current tenants of Albert Place include Households in Need and Rent Geared to Income (RGI). Table 1 provides details of the current facility.

Table 1: Summary of Existing Albert Place Facility

NET FLOOR AREA (m ²)	UNIT MIX	CLIENTELE	PARKING
1,030	1-bedroom units: 17 2-bedroom units: 1	Households in need and Rent Geared to Income (RGI)	Resident Spaces: 29 Visitor Spaces: 7

The site currently has a total of 36 parking spaces for tenant and visitor use, of which 7 have been assigned to tenants. The resident parking spaces translates to around 1 stall for every 0.6 units or 1.6 stalls per unit.

The site is located adjacent to the Okanagan Landing Multi-Use Path which is a 6 km paved off-road multi-use path that runs East-West from 32nd Street (Highway 97) to Waterfront Trail Park at Okanagan Lake. The Okanagan Landing Multi-Use Path is located on the North side of 25th Avenue. Sidewalks are located on the South side of 25th Avenue and on the South side of 24th Avenue. There is also a transit stop on 24th Avenue near 39th Street, approximately 300m West of Albert Place that is serviced by Route 5: South Vernon.

The only access to the complex is off 25th Avenue, an Arterial road with two travel lanes each direction and a two-way left turn lane. The site backs onto 24th Avenue, a two-lane local road, but does not currently have an access onto 24th Avenue.

¹ Base image courtesy of Regional District of North Okanagan Map, AeroQuest Ortho Photo 2016

On-street parking is permitting on 24th Avenue, as shown in Figure 2, but not on 25th Avenue.



Figure 2: 24th Avenue Parking

Although on-street parking is permitted on 24th Avenue, Albert Place does not use it because there is no access to the site from 24th Avenue. All tenants and visitors of Albert Place currently park within the site.

PROXIMITY TO NEARBY AMENITIES

Albert Place is near several amenities, most of which are within walking and cycling distance along routes with sidewalks, bicycle lanes, and/or multi-use paths. This includes schools, hospital, doctor offices, and other amenities.

It falls within the Mission Hill Elementary and Clarence Fulton Secondary School catchment areas. Mission Hill Elementary is a 1.2km walk south of Albert Place with sidewalks and off-road pathways. Clarence Fulton Secondary School is 2.8km West via the Okanagan Landing Multi-Use Path. There is medical service offices 650m east and Vernon Jubilee Hospital is 1.4km east. All of these amenities are accessible by walking, cycling, mobility scooter, and transit.

Figure 3 shows the study site and the nearby amenities.



Figure 3: Study Site and Nearby Amenities

It should be noted that Mission Hill Elementary and Vernon Jubilee Hospital are uphill from Albert Place.

PROPOSED EXPANSION

CMHA is proposing to rezone the site to RH1 Low-Rise Residential with a primary use of Apartment, Seniors, Stacked Row Housing and add the following units:

- Eight bachelor units;
- Seven 1-bedroom units geared to seniors;
- Eight 3-bedroom units geared to families; and,
- Seven 4-bedroom units geared to families.

The proposed expansion is fully funded through BC Housing from their Community Housing Fund program. As part of the agreement to receive the funding, the following mix of rents and incomes within the facility must be met³:

- 30% Affordable Market Housing (moderate income)
- 50% Rent Geared to Income (housing income limit)
- 20% Deep Subsidy

The new site will include a total of 24 tenant parking spaces, 7 visitor parking spaces, and 1 car share parking space for a total of 32 spaces. The car share program has not yet been finalized and if no agreement can be reached with a service provider the space will be allocated to the tenant parking spaces. The facility will also have 8 secured mobility scooter parking spaces available for the 8 bachelor units. This translates to 1 stall per 2 units or 0.5 stalls per unit and 1 visitor stall per 7 units. Table 2 provides a breakdown of the proposed expansion.

² Base image courtesy of Regional District of North Okanagan Map, AeroQuest Ortho Photo 2016

³ <https://www.bchousing.org/partner-services/funding-opportunities-for-housing-providers/building-BC-community-housing-fund>



Table 2: Summary of Proposed Development (including existing)

NET TOTAL FLOOR AREA (m ²)	UNIT MIX	CLIENTELE	PARKING (PROVIDED)	BYLAW REQUIRED PARKING
3,517	Bachelor: 8 1-bedroom: 25 3-bedroom: 8 4-bedroom: 7	Households in need and Rent Geared to Income (RGI)	Resident Spaces: 24 Visitor Spaces: 7 Class I Bicycle ¹ : 24 Class II Bicycle ² : 12 Car Share Spaces ³ : 1 Secure Mobility Scooter Spaces: 8	Resident Spaces: 70 Visitor: 7 Class I Bicycle ¹ : 24 Class II Bicycle ² : 12

¹ Class I Bicycle parking is defined as parking that is provided for residents, student, or employees of a development.

² Class II Bicycle parking is defined as parking that is provided for patrons or visitors of a development.

³ Car share program not yet finalized, space may be reallocated to tenant spaces if no agreement can be reached.

The proposed land uses do not require any secure mobility scooter spaces but by providing the spaces, the demand for parking spaces is expected to be reduced.

The proposed site layout is included in Appendix C and shows a secondary access onto 24th Avenue will be added. The visitor parking area will be accessed from 24th Avenue and there will be an emergency vehicle only connection between 24th Avenue and 25th Avenue within the site. Some units will access parking from 25th Avenue.

FACILITY REVIEW

As part of this study, WSP conducted a review of several similar facilities and interviewed their respective operations and management staff. A series of questions were asked of the companies to generate a profile for each facility and get an understanding of the parking supply and enforcement requirements. A copy of the questionnaire is provided in Appendix A.

The facilities and their respective operating companies are summarized in Table 3.



Table 3: Summary of Facilities Contacted

FACILITY	LOCATION	OPERATING COMPANY
Yin-Ho Gardens	4206 Alexis Park Drive, Vernon, BC	CMHA
Belvedere Villa	1708 32 nd Street, Vernon, BC	CMHA
Melrose	3003 28 th Avenue, Vernon, BC	CMHA
Stokstad Place	1693 Tranquille Road, Kamloops, BC	Interior Community Services
Spencer Court	1580 Summit Drive, Kamloops, BC	Interior Community Services
Glenfair Housing	1100 Glenfair Drive, Kamloops, BC	Interior Community Services

YIN-HO GARDENS

Table 4 provides a summary of Yin-Ho Gardens including units, clientele and parking spaces.

Table 4: Yin-Ho Facility Summary

LOT AREA (m ²)	UNIT MIX	CLIENTELE	PARKING
7,998	1-bedroom units: 5 2-bedroom units: 10 2-bedroom townhome: 14 3-bedroom townhomes: 14	Households in need and Rent Geared to Income (RGI)	Resident Spaces: 54 Visitor Spaces: 6

Parking is assigned ad-hoc and done on an as-requested basis, meaning that a unit does not automatically get a stall, but the tenants must formally request one. Parking stalls are assigned based on vehicle license plate and description. To date, only 40 of the 54 available stalls have been assigned to tenants, the rest remain open for visitors and miscellaneous use. Parking is enforced by housing manager but is not actively enforced, meaning it's only enforced when a complaint is received. According to the housing manager, complaints are infrequent and are often just tenants parking in incorrect stalls and is resolved with a telephone call. To date, no complaints of a parking shortage have been received from tenants or visitors.

There is no on-street parking near the facility so all visitors to the site must park on-site. No complaints have been received from adjacent or nearby land owners about parking.



Based on the information provided by the housing manager, the **parking demand** rate for Yin-Ho Gardens is 0.4 stalls per bedroom.

BELVEDERE VILLA

Table 5 provides a summary of Belvedere Villa including units, clientele and parking spaces.

Table 5: Belvedere Villa Facility Summary

LOT AREA (m ²)	UNIT MIX	CLIENTELE	PARKING
974	Bachelor units: 3 1-bedroom units: 13 2-bedroom units: 1	Homeless or at-risk of homeless	Resident Spaces: 7 Gravel Stall: 1 Visitor Spaces: 1

The gravel stall is the only assigned parking at Belvedere Villa. One of the tenants is a tow truck driver and the gravel stall was added to the site to accommodate the tow truck. The tow truck is not used for parking enforcement at the facility. Typically, only two of the 7 available stalls are in use, the rest remain open for visitors and miscellaneous use. Parking is enforced by housing manager but is not actively enforced, meaning it's only enforced when a complaint is received. According to the housing manager, no formal complaints have been received.

There is some on-street parking near the facility, but the area, known as Hospital Hill, is a high demand parking area so on-street parking is often not available. No complaints have been received from adjacent or nearby land owners about parking.

Based on the information provided by the housing manager, the **parking demand** rate for Belvedere Villa is 0.2 stalls per bedroom.

MELROSE

Table 6 provides a summary of Melrose housing facility including units, clientele and parking spaces.

Table 6: Melrose Housing Facility Summary

LOT AREA (m ²)	UNIT MIX	CLIENTELE	PARKING
464	1-bedroom units: 6	Homeless or At-risk of Homelessness	Resident Spaces: 5 Visitor Spaces: 0

Parking is assigned ad-hoc and done on an as-requested basis, meaning that a unit does not automatically get a stall, but the tenants must formally request one. Parking stalls are assigned based on vehicle license plate and description. To date, only 1 stall has been assigned to a tenant, the rest remain open for visitors and miscellaneous use. Parking is enforced by housing manager but is not actively enforced, meaning it's only enforced when a complaint is received. According to the housing manager, no complaints have been received about parking.



There is metered on-street parking near the facility with a 2-hr maximum. No complaints have been received from adjacent or nearby land owners about parking.

Based on the information provided, the **parking demand** rate for the Melrose housing facility is 0.2 stalls per bedroom.

STOKSTAD PLACE

Table 7 provides a summary of Stokstad Place housing facility including units, clientele and parking spaces.

Table 7: Stokstad Place Housing Facility Summary

UNIT MIX	CLIENTELE	PARKING
2-bedroom townhouse: 2 3-bedroom townhouse: 3 4-bedroom townhouse: 1	Household in need, RGI	Combined resident and visitor: 5

Parking is assigned ad-hoc and done on an as-requested basis, meaning that a unit does not automatically get a stall, but the tenants must formally request one. Parking stalls are assigned based on vehicle license plate and description. Currently all stalls are assigned to tenants. Parking is enforced by housing manager but is not actively enforced, meaning it's only enforced when a complaint is received. According to the housing manager, complaints are very infrequent.

There is free on-street parking near the facility, but no complaints have been received from adjacent or nearby land owners about parking.

The **parking demand** rate for Stokstad Place is 0.3 stalls per bedroom.

SPENCER COURT

Table 8 provides a summary of Spencer Court housing facility including units, clientele and parking spaces.

Table 8: Spencer Court Summary

UNIT MIX	CLIENTELE	PARKING
2-bedroom unit: 30 3-bedroom unit: 12 4-bedroom unit: 4	Households in need and Rent Geared to Income (RGI)	Resident Spaces: 46 Visitor Spaces: 0

Parking is assigned ad-hoc and done on an as-requested basis, meaning that a unit does not automatically get a stall, but the tenants must formally request one. Parking stalls are assigned based on vehicle license plate and description. To date, approximately 80% (36 stalls) have been assigned to tenants, the rest remain open for visitors and miscellaneous use. Parking is enforced by housing manager but is not actively enforced, meaning it's only enforced when a complaint is received. According to the housing manager, complaints are infrequent and are often just tenants parking in



incorrect stalls and is resolved with a telephone call. To date, no complaints of a parking shortage have been received from tenants or visitors.

The facility has some internal roads which are occasionally used for loading, but the lanes are fire-lanes, so parking is not permitted. There is no on-street parking available so all visitors to the site must park on-site. No complaints have been received from adjacent or nearby land owners about parking.

The parking demand rate for Spencer Court is 0.3 stalls per bedroom.

GLENFAIR HOUSING

Table 9 provides a summary of Glenfair housing facility including units, clientele and parking spaces.

Table 9: Glenfair Housing Summary

UNIT MIX	CLIENTELE	PARKING
Bachelor & Studio units: 70 1-bedroom units: 10	Households in need and Rent Geared to Income (RGI)	Resident Spaces: 50 Visitor Spaces: 0

Parking is assigned ad-hoc and done on an as-requested basis, meaning that a unit does not automatically get a stall, but the tenants must formally request one. Parking stalls are assigned based on vehicle license plate and description. To date, approximately 80% (40 stalls) have been assigned to tenants, the rest remain open for visitors and miscellaneous use. Parking is enforced by housing manager but is not actively enforced, meaning it's only enforced when a complaint is received. According to the housing manager, complaints are infrequent and are often just tenants parking in incorrect stalls and is resolved with a telephone call. To date, no complaints of a parking shortage have been received from tenants or visitors.

There is some laneway parking within the facility and some on-street parking across Glenfair Drive, approximately 100m from the nearest facility. No complaints have been received from adjacent or nearby land owners about parking.

The parking demand rate for the Glenfair housing facility is 0.5 stalls per bedroom.



SUMMARY OF FACILITIES

Table 10 provides a summary of the facilities reviewed including number and type of units, parking provided, and parking demand rates per bedroom.

Table 10: Summary of Similar Facilities

FACILITY	UNITS	PARKING DEMAND RATE
Yin-Ho Gardens	1-bedroom units: 5 2-bedroom units: 10 2-bedroom townhome: 14 3-bedroom townhomes: 14	0.4 stalls per bedroom
Belvedere Villa	Bachelor units: 3 1-bedroom units: 13 2-bedroom units: 1	0.2 stalls per bedroom
McFraser	1-bedroom units: 6	0.2 stalls per bedroom
Stokstad Place	2-bedroom townhouse: 2 3-bedroom townhouse: 3 4-bedroom townhouse: 1	0.3 stalls per bedroom
Spencer Court	2-bedroom unit: 30 3-bedroom unit: 12 4-bedroom unit: 4	0.3 stalls per bedroom
Glenfair Housing	Bachelor & Studio units: 70 1-bedroom units: 10	0.5 stalls per bedroom



MUNICIPAL BYLAW REVIEW

In addition to a review of parking usage at similar facilities, WSP reviewed bylaws at several authorities within British Columbia to understand what parking bylaws may be used for social housing in other locations.

Bylaws for the following authorities were reviewed:

- City of Vernon
- City of Kelowna
- City of Kamloops
- City of Victoria

Table 10 provides a summary of the parking bylaws for each of the authorities. The last column in the table shows how many parking spaces would be required if the development was going to be built at these municipalities. The number of parking stalls was determined for the proposed site as described previously in Table 2.

Table 11: Municipal Parking Requirements Comparison

MUNICIPALITY	LAND USE	PARKING BYLAW REQUIREMENTS	TOTAL PARKING REQUIRED AS PER BYLAW APPLIED TO STUDY SITE
Vernon	Seniors Housing Stacked Row Housing	1 per bachelor 1.25 per 1 bedroom 2 per 3-4 bedrooms visitor: 1 per 7 units	77 stalls
Kelowna	Apartment Housing Row Housing Stacked Row Housing	1 per bachelor 1.25 per 1 bedroom 2 per 3-4 bedrooms visitor: 1 per 7 units	77 stalls
Kamloops	Multiple Family Social Housing	0.25 per unit visitor: 15%	14 stalls
Victoria	Affordable (affordable dwelling units secured in perpetuity through a legal agreement)	0.2 per unit < 45m ² 0.5 per unit > 45m ² & < 70m ² 0.75 per unit > 70m ² visitor: 0.1 per unit	30 stalls

Both the City of Kamloops and City of Victoria had parking rates specific to social/affordable housing and showed rates significantly lower than that of Apartment Housing within the same municipality.



Staff at the City of Vernon, Kelowna, and Kamloops were each asked a series of questions in addition to the bylaw review to discuss the effects of reduced parking supply at social housing facilities.

CITY OF VERNON

The City of Vernon does not have a Type of Development or Use for Social Housing in Section 7: Parking & Loading of Zoning Bylaw no. 5000. The required parking spaces for a development are determined using the most appropriate Type of Development and associated unit breakdown. However, the North Okanagan Affordable Housing Developers' Package, released in 2012 by the Community Foundation for the North Okanagan and the Vancouver Foundation among several other stakeholders including the City of Vernon, states the following:

Specific recommendations of the Attainable Housing Strategy include:

- *Lowering the development cost charges (DCCs) and other permit fees on secondary suites*
- *Strengthening the strata conversion policy to protect existing rental housing*
- *Restructuring DCCs*
- *Waiving DCCs for non-profit organizations developing affordable housing projects*
- *Assisting the Community Land Trust to acquire land for affordable housing project development*
- *Supporting other non-profits to develop non market units*
- *Appointing a committee to monitor the progress of affordable / attainable housing development in the community*
- *Reviewing parking requirements*
- *Increasing and expanding permitted types of housing*
- *Examining mixed use developments and revitalization tax*
- *Considering inclusionary zoning*

Further, the City of Vernon's OCP includes policies that support the development of affordable housing in the community. These policies include:

- *Exploring innovative ways of supporting attainable housing, including the investigation of recommendations brought forth by the Affordable Housing Committee Attainable Housing Strategy including:*
 - o *Restricting DCCs*
 - o *Reviewing parking requirements*
 - o *Increasing/expanding permitted types of housing*
 - o *Considering inclusionary zoning*
 - o *Examining mixed-use developments and revitalization tax program*

There are some social/affordable housing facilities throughout Vernon which have received parking variances. Of the previously discussed facilities (Yin-Ho Gardens, Belvedere Villa, Melrose, and



Albert Place), Vernon has no records of complaints relating to parking in those areas or of increased demand on bylaw officers in those areas.

The City of Vernon does typically require variance applicants to provide some traffic demand management (TDM) measures to offset parking demand and to provide justification that the TDM measures will offset the demand. Some examples of TDM measures include:

- Additional transit shelter(s)
- More bike parking provided than required
- Bicycle repair stations
- End of trip facilities (e.g. showers and change rooms)
- Car share (whether a company or an internal car share vehicle)
- Transit passes
- Shared parking agreements

The City will review proposals for both asset-based TDM measures (e.g. transit shelters, bike parking, end of trip facilities, etc) and programming based TDM (e.g. transit passes).

CITY OF KAMLOOPS

Parking requirements for developments in the City of Kamloops are governed by Bylaw no. 5-1-2001. A summary of the requirements is provided in Table 11.

Table 12: City of Kamloops Parking Bylaw RESIDENTIAL & RESIDENTIAL RELATED USES

FACILITY TYPE	PARKING REQUIREMENT	BICYCLE PARKING
Single and two family residential	2 spaces per dwelling unit	n/a
Multiple family density	0.85 spaces per bachelor unit; 1.1 spaces per 1 bedroom unit; 1.6 spaces per 2 bedroom unit; 2.15 spaces per 3 or more bedroom units; plus an additional 15% for designated visitor parking	0.2 spots per unit
Multiple family social housing	0.25 spaces per dwelling unit; plus an additional 15% for designated visitor parking	0.2 spots per unit

The City of Kamloops has an Affordable Housing Developers Package, which states the following:

Definition: The federal government defines affordable housing as costing less than 30% of a household's income. CMHC does a further breakdown and classifies affordable housing by the percentile of rents, for their area, which is calculated annually based on surveys of the housing market. Housing with rents in the 85th, 65th, and 50th percentiles are eligible for



different funding. Similarly, BC Housing, the provincial housing authority, states that housing must cost less than 30% of a household's gross monthly income for it to be considered affordable. In Kamloops, affordable housing is defined as housing that costs no more than 30% of a person's income, when that person's income does not exceed the median income of the area (KAMPLAN 2004, Section III, Neighbourhood, page 35). In this definition, housing includes rent or mortgage payments and all necessary utilities.

Several facilities within the City of Kamloops fall under the Multiple Family Social Housing category and utilize the 0.25 rate. The 0.25 parking rate was adopted by Kamloops over 15 years ago and no formal complaints are on record related to parking shortages or from nearby residents about on-street parking and no additional demand on bylaw enforcement has been observed since the rate was adopted.

Kamloops also offers incentives to offset parking shortages of 5% – 10% with measures such as transit passes or heated indoor bike parking.

CITY OF KELOWNA

The City of Kelowna does not specifically have a parking rate for social housing and instead use the most appropriate breakdown of unit type. However, the Kelowna Healthy Housing Strategy, endorsed by Council on June 25, 2018, identifies off-street parking supply as one of the barriers for providing affordable housing and lists improving housing affordability as one of four key directions. Specific to parking costs, the Strategy states the following:

After decades of widespread, enthusiastic adoption and implementation across North America, off-street parking requirements are now being seen in a different light. In particular, their contribution to housing affordability is more clearly understood. Off-street parking comes at a cost, both in terms of the infrastructure and the opportunity lost for other uses of the space. By setting minimum requirements, City bylaws are requiring all residents to pay for off-street parking, whether they use it or not. Doing this drives up housing costs and acts as a disincentive for sustainable modes of transportation.

This indicates Kelowna recognizes the need to reduce parking supply requirements for affordable housing to make it truly affordable housing.

The City of Kelowna does have some facilities with reduced parking supply, primarily near the main transit exchange, and they have not received any complaints or requests for increased bylaw enforcement from nearby residents or property owners.

The City of Kelowna currently offers incentives to offset parking shortages based on location and primarily support bike share and car share programs.

CITY OF VICTORIA

The City of Victoria commissioned Boulevard Transportation / Watt Consulting Group to complete a Review of Zoning Regulation Bylaw Off-Street Parking Requirements which was completed September 2016. The aim of the study was to review the off-street parking regulations contained in Schedule C of the Zoning Regulation Bylaw with the goal of better aligning parking regulations with the policies and objectives of the Official Community Plan and revise the minimum parking supply rates required to be consistent with actual parking demand.



The study considered vehicle ownership data for three multi-residential lane use types as follows:

- **Condominium:** Subject to strata title ownership, may or may not allow for rental;
- **Apartment:** Owned by a single property owner or agency and rented to tenants at market rates; and
- **Affordable Housing:** Housing sold or rented below market rates, or where land developers contribute to an affordable housing fund.

The results showed a wide range of vehicle ownership rates for affordable housing units ranging from 0.10 to 0.91 per unit with an average of 0.50 vehicles per unit. Most of the affordable housing units surveyed contained two-bedroom, three-bedroom or townhouse units. The survey indicated vehicle ownership was approximately 30% less than non-affordable sites of similar types and that facilities targeting seniors were almost half of those targeting families.

The City of Victoria’s current Off-Street Parking Regulations are provided in Table 13.

USE	MINIMUM NUMBER OF PARKING SPACES	MINIMUM OF VISITOR PARKING SPACES
Affordable (affordable dwelling units secured in perpetuity through a legal agreement)	0.20 per dwelling unit that is less than 45 m ²	0.1 spaces per dwelling unit
	0.50 spaces per dwelling unit that is 45 m ² or more, but equal to or less than 70 m ²	
	0.75 spaces per dwelling unit that is more than 70 m ²	

VICTORIA TRANSPORT POLICY INSTITUTE

When researching the City of Victoria bylaw, we also found a research paper by the Victoria Transport Policy Institute titled *Parking Requirement Impacts on Housing Affordability*. This research article examines the impacts of residential parking requirements on housing affordability. In it, the author reviews parking bylaws, vehicle ownership rates, development costs, and parking utilization studies to describe and develop more efficient and equitable strategies that support affordable housing.

The conclusions of the study are that affordable housing facilities typically have a parking demand rate less than 50% of conventional parking standards and applying more accurate and flexible parking requirements can reduce housing costs by 10% or more if additional parking management strategies are implemented. It also found that parking requirements can be reduced for development with unbundled parking (i.e. opt-in parking that tenants must apply for rather than included in rental agreement) as many residents will reduce their parking demand if they are required to directly pay for it.



SUMMARY

Based on research and discussions with facility operators and municipalities, the planned parking supply of 24 tenant stalls, 7 visitor stalls, 1 car share stall, 8 secured/covered scooter stalls as well as the availability of on-street parking along 24th Avenue should provide adequate parking for the proposed 48-unit social housing units. Reliance on a vehicle for travel and parking demand has the potential to be alleviated because:

- The area is well served by Transit
- The site is also adjacent to the Okanagan Landing Multi-Use Path which is a 6 km paved off-road multi-use path that runs East-West from 32nd Street (Highway 97) to Waterfront Trail Park at Okanagan Lake.
- A sidewalk is available on the South side of 24th Avenue and on both sides of 25th Avenue.

Table 13 provides a summary of the parking demand rate for similar facilities in Vernon and Kamloops. The parking demand ranges from 0.2 stalls per bedroom to 0.5 stalls per bedroom with an average of 0.3 stalls per bedroom.

Table 13. Summary of Facility Parking Demand

FACILITY	UNITS	PARKING DEMAND RATE
Yin-Ho Gardens	1-bedroom units: 5 2-bedroom units: 10 2-bedroom townhome: 14 3-bedroom townhomes: 14	0.4 stalls per bedroom
Belvedere Villa	Bachelor units: 3 1-bedroom units: 13 2-bedroom units: 1	0.2 stalls per bedroom
Melrose	1-bedroom units: 6	0.2 stalls per bedroom
Stokstad Place	2-bedroom townhouse: 2 3-bedroom townhouse: 3 4-bedroom townhouse: 1	0.3 stalls per bedroom
Speneer Court	2-bedroom unit: 30 3-bedroom unit: 12 4-bedroom unit: 4	0.3 stalls per bedroom
Glenfair Housing	Bachelor & Studio units: 70 1-bedroom units: 10	0.5 stalls per bedroom



The review of bylaws from municipalities with Affordable Housing specific rates showed parking rates ranged from 0.25 to 0.75 with an average of 0.50 parking stalls per unit.

With the proposed expansion of Albert Place, the facility will have a total of 48 units and 24 tenant stalls. This will result in 0.5 parking stalls/unit or 0.3 stalls per bedroom which is in line with what other municipalities offer at similar locations. Additionally, the proximity to amenities, including transit and multi-use paths, as well as secured mobility scooter parking and on-site bicycle lock-ups is expected to help reduce parking demand.

Based on the amenities provided on-site and findings from reviewing similar facilities and municipal bylaws, the proposed parking supply is considered acceptable.

In the future, the City of Vernon could consider incorporating a similar format to the City of Victoria affordable parking rates into their bylaws where a parking rate for affordable housing is defined and is dependent on the size of the unit. Suggested parking rates for consideration:

- 0.25 to 0.3 parking stalls per one bedroom or less
- 0.5 parking stalls per 2-bedroom units
- 0.75 parking stalls per 3-4 bedroom units or higher

If you have any questions or need more information, please do not hesitate to contact me.

Thank you,

A handwritten signature in blue ink, appearing to read 'Greg Cockburn'.

Greg Cockburn, E.I.T.
Transportation Engineer
WSP Canada Group Limited.

Approved by

Christine Benedek, P.Eng.
Senior Transportation Engineer
WSP Canada Group Limited



APPENDIX A: FACILITIES / AFFORDABLE HOUSING AGENCIES QUESTIONNAIRE

Please respond to as many questions as are applicable.

Date:	
Organization Name and Contact Information:	

1. How many units in the complex (no. of bedrooms per unit) and what is the target clientele?
2. How many parking stalls available for the complex (no. of parking stalls per unit?) and what is the breakdown of the parking supply (i.e. tenant, visitor, staff, etc.)?
3. How are parking stalls assigned and is parking enforced?
4. Are they all occupied/assigned? If no, what is the percentage available?
5. Do you/have you received complaints from residents, visitors, and/or neighbours about parking around the facility?



APPENDIX B: MUNICIPALITY QUESTIONNAIRE

Questionnaire

Please respond to as many questions as are applicable.

Date:	
Organization Name and Contact Information:	
Current estimated population	

Bylaws

1. Do you currently have a parking bylaw specific to social housing? If YES, proceed to question 3 If NO, answer question 2 only
2. If not, what land use would you consider social housing under for parking?
3. If you do, what is the rate for parking for social housing developments?
4. How does this compare to high-density housing such as apartments or condominium?



5. Do you currently have any variances to your parking bylaw for social or high-density housing, and if so what are the details?
6. Have you received any complaints from residents about parking availability within the social housing complexes?
7. Have you received any complaints from adjacent properties about parking near social housing complexes?
8. Has there been an increased demand on bylaw officers for enforcement of parking in the area around social or high-density housing developments with reduced parking?

Parking Alternative

9. Do you currently offer any incentives to offset parking shortages or to allow for less than the required parking (e.g. transit passes, car sharing programs, etc.)?
--



APPENDIX C: PROPOSED SITE PLAN

LAKEMONSTERSTUDIO
ARCHITECTURE + DESIGN

Reason For Variance:

This variance request pertains to section 3.5.3 – 3.5.4 of the *Subdivision and Development Servicing Bylaw #3843*. Two conflict points have been proposed that exceed the maximum 8 metre combined allowed for two access point.

Excerpt from Subdivision and Development Servicing Bylaw #3843:

3.5.3. The maximum width of accesses, measured at the back of walk or back of curb where no sidewalk exists, or at edge of pavement for rural section roads, must be minimized and not exceed 6m for residential low and medium density lots. Commercial and industrial accesses are to be designed based on vehicle turning template design submitted to the City Engineer for acceptance. Where the proposed access width exceeds 9.0m additional works are required within the boulevard area to provide better guidance to the general public (refer to 3.3.2). New development with curb and gutters are to provide a letdown or drop curb only at the defined access location. The use of roll over curbing along more than the defined access for new development is not permitted.

3.5.4. At a minimum, there must be sufficient minimum stopping sight distance (MSSD) for a motorist on the road at an intersection with an access to perceive potential conflicts at the access, and to carry out the actions needed to negotiate the potential conflict safely. Verification of adequate sight distance is required for all new accesses proposed or reuse of existing accesses for new development. The City Engineer may accept provision of a second access to low and medium density residential lots subject to demonstrated need or to address safety concerns. Acceptance of a secondary access is subject to reduction of the primary access width such that the combined access widths do not exceed 8m. The City Engineer may accept provision of a second access to commercial and industrial lots based on accepted design of internal roads, onsite parking, loading and traffic circulation.

Justification For Variance:

This development located at 3610 25th Avenue straddles both 25th and 24th Avenue. The proposed project aims to add 30 additional stacked-row housing units to compliment the existing 18 unit apartment building already on the site. The design intention of this project is to foster community engagement through a central courtyard and allow more access off of 24th Avenue. The City of Vernon requested the building form to address both 24th and 25th Avenue and the design intends to do so. This site will connect future residents to a bike lane off of 25th and is situated in a location where

LAKEMONSTERSTUDIO
ARCHITECTURE + DESIGN

schools, shops, churches close to downtown are within walking distance. Our aim is to foster pedestrian and cycle-friendly lifestyles within this development.

A fire lane is proposed to connect through the site but will be off-limits to automobiles. An eased-edge will connect the drive aisles onto wheel pavers for emergency vehicles complete with removable bollards.

Currently, the only automobile access to the existing 18 unit residential building is off of 25th Avenue. This new design reduces the parking stalls accessing 25th Avenue from +/- 16 down to 11 parking stalls. As such, we believe this design will not be increasing traffic issues off of 25th and will be creating a more active, engaged street off of 24th Avenue where more street life would benefit this neighbourhood.



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Craig Broderick
Manager, Current Planning
Hazel Christy
Planner

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: October 28, 2019
REPORT DATE: September 16, 2019
FILE: DVP00457

SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 3603 PLEASANT VALLEY ROAD

PURPOSE:

To review the development variance permit application for 3603 Pleasant Valley Road to vary a section of Zoning Bylaw #5000 in order to permit the further subdivision of a lot which contains an existing residence which will result in a non-conforming building siting.

RECOMMENDATION:

THAT Council support Development Variance Permit Application #DVP00457 to vary the following section of Zoning Bylaw #5000 in order to allow the further subdivision of Lot 4, Sec 2, Twp 8, ODYD, Plan 336 (3603 Pleasant Valley Road) which contains an existing residence:

- a) to vary Section 9.5.5. to reduce the rear yard setback for a 2 or 2.5 storey portion of the existing building from 7.5 m to 6.6 m.

AND FURTHER, that Council support removal of Section 219 Covenant CA235256 which requires a rear yard setback of 7.5 m, currently registered on the title of Lot 4, Sec 2, Twp 8, ODYD, Plan 336.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council support Development Variance Permit Application #DVP00457 to vary the following section of Zoning Bylaw #5000 in order to allow the further subdivision of Lot 4, Sec 2, Twp 8, ODYD, Plan 336 (3603 Pleasant Valley Road) which contains an existing residence:

- a) to vary Section 9.5.5. to reduce the rear yard setback for a 2 or 2.5 storey portion of the existing building from 7.5 m to 6.6 m; and

- b) *any conditions that may be cited by Council.*

2. AND FURTHER, that Council support the removal of Section 219 Covenant CA235256 which requires a rear yard setback of 7.5 m, currently registered on the title of Lot 4, Sec 2, Twp 8, ODYD, Plan 336.

Note: This alternative supports the development variance permit application subject to additional conditions as cited by Council.

3. THAT Council not support Development Variance Permit Application #DVP00457 to vary the following section of Zoning Bylaw #5000 in order allow the further subdivision of Lot 4, Sec 2, Twp 8, ODYD, Plan 336 (3603 Pleasant Valley Road) which contains an existing residence:

- a) to vary Section 9.5.5. to reduce the rear yard setback for a 2 or 2.5 storey portion of the existing building from 7.5 m to 6.6 m.

Note: This alternative does not support the requested variance and therefore associated subdivision application SUB00732 to create 2 additional lots could not proceed as submitted.

ANALYSIS:

A. Committee Recommendations:

At its meeting of October 1, 2019 the Advisory Planning Committee passed the following resolution:

B. Rationale:

1. The subject property is located at 3603 Pleasant Valley Road, as shown on Figures 1 and 2. The lot slopes gently upward to the east. The property contains a single family residence and several large trees.

2. A subdivision application (SUB00732) to create two new lots, one on each side of the existing residence received Preliminary Layout Review from the Approving Officer on October 4, 2018. (Please see Attachment 1). The proposed three lots would front onto 37th Avenue. This subdivision changes the interpretation of the front, side and rear lot. This change in rear yard interpretation, if the subdivision proceeds, creates a situation where the existing building does not meet the minimum rear yard setback in Zoning Bylaw #5000 or the 219 Covenant.

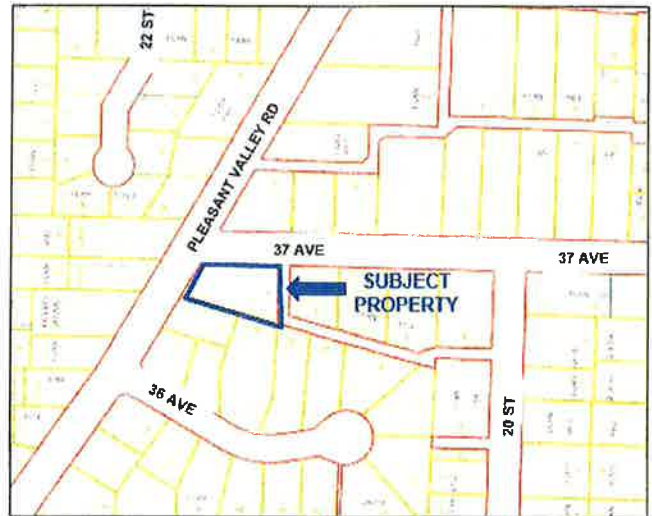


Figure 1 – Property Location Map

3. Subdivision cannot proceed unless existing buildings conform to current zoning setbacks and covenant requirements or are granted a variance and the covenant amended or removed from title. The 219 Covenant on title requires a rear yard setback of 7.5 m since this is identical to the setback in Zoning Bylaw #5000 the covenant is redundant and Administration recommends that it be removed from title.

4. The current Pleasant Valley Road address results in the 37th Avenue being designated as the side yard and the unconstructed lane being the rear yard. The property is 1,345.9 m² in size and is located at the corner of 37th Avenue and Pleasant Valley Road. The subject application proposes to vary the following section of Zoning Bylaw #5000 in order to allow the subdivision, as proposed, to be considered by the Approving Officer:

a) To vary Section 9.5.5 to reduce the rear yard setback for a 2 or 2.5 storey portion of an existing building from 7.5 m to 6.6 m.

5. The subject property was rezoned to R4 – Small Lot Residential in February 2012 (Bylaw #5314). The rezoning was in anticipation of the proposed three lot subdivision. The surrounding area to the north, east and south is zoned R2 – Large Lot Residential. The zoning on the west side of Pleasant Valley Road is a mixture of multi-family zones (RM1 and RM2).

6. Administration supports the requested variance for the following reasons:

- a) the portion of the existing house (southwest corner) is approximately 9.59 m from the nearest existing residence to the south;
- b) approval of the requested variance allows the creating of two additional infill lots, thereby allowing the more efficient use of this large residential lot; and
- c) the proposed subdivision in terms of lot area complies with the R4 – Small Lot zone that was approved in February 2012.



Figure 2 – Aerial Photo of Property

C. Attachments

Attachment 1 – Proposed Subdivision Plan

Attachment 2 – Excerpt from Zoning Bylaw #5000, Section 9.5 R4 Small Lot Residential

D. Council's Strategic Plan 2019 – 2022 Goals/Deliverables:

The subject application involves the following objectives in Council's Strategic Plan 2019 – 2022:

- Review and streamline residential approval process.

E. Relevant Policy/Bylaws/Resolutions:

Council may consider Development Variance Permits on a unique, site specific basis without setting a precedent for other applications. In this case, the further subdivision of Lot 4, Sec 2, Twp 8, ODYD, Plan 336 contributes to infilling within the existing single family neighbourhood thereby achieving more efficient use of land and maximizing the use of municipal infrastructure.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Approved for submission to Council:

X

Signer 1

Will Pearce, CAO

Date: _____

Craig Broderick
Manager, Current Planning

X

Signer 2

Kim Flick
Director, Community Infrastructure and Development

REVIEWED WITH

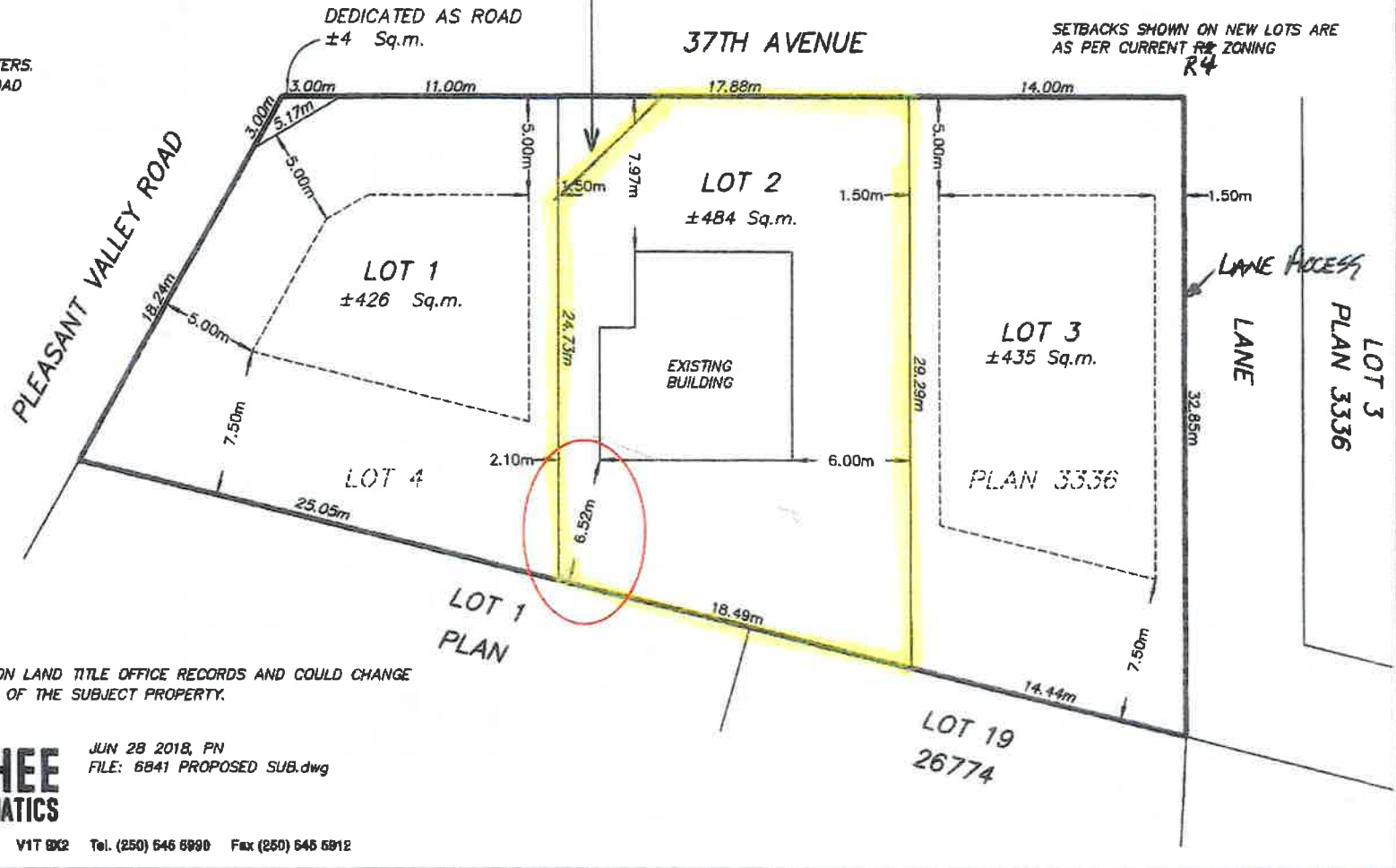
- | | | |
|--|---|--|
| <input type="checkbox"/> Corporate Services | <input type="checkbox"/> Operations | <input checked="" type="checkbox"/> Current Planning |
| <input type="checkbox"/> Bylaw Compliance | <input type="checkbox"/> Public Works/Airport | <input checked="" type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate | <input type="checkbox"/> Facilities | <input type="checkbox"/> Building & Licensing |
| <input type="checkbox"/> RCMP | <input type="checkbox"/> Utilities | <input checked="" type="checkbox"/> Engineering Development Services |
| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
| <input checked="" type="checkbox"/> COMMITTEE: APC (Oct.1, 2019) | | |
| <input type="checkbox"/> OTHER: | | |

PLAN "B"
 NEW DRIVEWAY
 LOT #1 AND #2 SHARED ACCESS

**SKETCH PLAN SHOWING PROPOSED SUBDIVISION OF LOT 4 SECTION 2 TOWNSHIP 8 OSOYOOS
 DIVISION YALE DISTRICT PLAN 3336**

SCALE 1 : 250
 ALL DISTANCES ARE IN METERS.
 3603 PLEASANT VALLEY ROAD

SETBACKS SHOWN ON NEW LOTS ARE
 AS PER CURRENT R4 ZONING
 R4



NOTES:

LOT DIMENSIONS ARE BASED ON LAND TITLE OFFICE RECORDS AND COULD CHANGE UPON A COMPLETE RESURVEY OF THE SUBJECT PROPERTY.



JUN 28 2018, PN
 FILE: 6841 PROPOSED SUB.dwg

8710A 28th Street Vernon, B.C. V1T 8X2 Tel. (250) 646 6990 Fax (250) 646 6912

9.5 R4 : Small Lot Residential

9.5.1 Purpose

The purpose is to provide a **zone** for **single detached housing**, and compatible uses, on smaller urban serviced **lots**. The R4c sub-zoning district allows for **care centre, major** as an additional use. The R4h sub-zoning district allows for **home based business, major** as an additional use. (Bylaw 5467)

9.5.2 Primary Uses

- **care centre, major** (use is only permitted with the R4c sub-zoning district)
- **single detached housing**
- **semi-detached housing** (Bylaw 5716)

9.5.3 Secondary Uses

- **boarding rooms**
- **bed and breakfast homes** (in single detached housing only) (Bylaw 5498)
- **care centres, minor**
- **home based businesses, minor**
- **home based businesses, major** (use is only permitted with the R4h sub-zoning district)
- **secondary suites (in single detached housing only)**

9.5.4 Subdivision Regulations

- Minimum **lot width** is 10.0m, except it is 14.0m for a **corner lot**.
- Minimum **lot area** is 320m², or 10,000m² if not serviced by a **community sewer system**.

9.5.5 Development Regulations

- Maximum **site coverage** is 40% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 50%.
- Maximum **height** is the lesser of 10.0m or 2.5 **storeys**, except it is 4.5m for **secondary buildings and structures**.
- Minimum **front yard** is 3.5m.
- Minimum **side yard** is 1.2m for a 1 or 1.5 **storey** portion of a **building** and 1.5m for a 2 or 2.5 **storey** portion of a **building**, except it is 3.5m from a **flanking street**. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **side yard** shall be at least 3.0m.
- For **party wall semi-detached housing** one **side yard**, not **flanking a street**, may be reduced to 0.0m. There shall be no windows or doors on the side of the **dwelling** without the **side yard**.
- Minimum **rear yard** is 6.0m for a 1 or 1.5 **storey** portion of a **building** and 7.5m for a 2 or 2.5 **storey** portion of a **building**, except it is 1.0m for **secondary buildings**. Where the **lot width** exceeds the **lot depth**, the minimum **rear yard** is 4.5m provided that one **side yard** shall have a minimum width of 4.5m.
- The maximum **height** of any vertical wall element facing a **front, flanking or rear yard** (including **walkout basements**) is the lesser of 6.5m or 2.5 **storeys**, above which the **building** must be **set back** at least 1.2m.

9.5.6 Other Regulations

- There shall be no more than one **single detached house** or one **semi-detached unit per lot**. *(Bylaw 5715)*
- Where **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.
- One garage or **carport**, or the location for one, shall be provided on the **lot**.
- For strata developments, common recreation buildings, facilities and amenities may be included in the strata plan. Recreational buildings shall be treated as **secondary buildings** for the purpose of determining the **height** and **setbacks** of the **building** as specified in each **zone**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development**, **yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7.
- As per Section 4.10.2 - All **buildings** and **structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".
(Bylaw 5440)

