



# THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Carie Liefke, Planning Assistant

**COUNCIL MEETING:** REG  COW  I/C

**COUNCIL MEETING DATE:** June 10, 2019

**REPORT DATE:** May 29, 2019

**FILE:** ZON00297

**SUBJECT: REZONING APPLICATION FOR 5000 20<sup>TH</sup> STREET**

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## **PURPOSE:**

To review the application to rezone the subject property from A3 – Rural-Small Holdings to RH1 – Low-Rise Apartment Residential to allow for a multi-family residential development.

## **RECOMMENDATION:**

THAT Council support the application (ZON00297) to rezone Lot A Section 11 Township 8 ODYD Plan 20774 (5000 20<sup>th</sup> Street) from A3 – Rural–Small Holdings to RH1 – Low-Rise Apartment Residential;

AND FURTHER, that Council's support of ZON00297 be subject to the following:

- a) That a *Land Title Act* Section 219 restrictive covenant be registered on title to ensure protection of the adjacent Blue Heron rookery during construction on the subject property;
- b) That a 5.0m wide road right of way adjacent to the north property line be dedicated to the City for a future active transportation connection between 20<sup>th</sup> Street and 24<sup>th</sup> Street; and
- c) That the applicant be required to clear and grub on the west side of 20<sup>th</sup> Street north of their property, adjacent to 5104 20<sup>th</sup> Street.

AND FURTHER, that Council's support adding the curb, gutter and sidewalk segment adjacent to 5104 20<sup>th</sup> Street to the City's annual infill sidewalk projects to be built in the short-term (within 5 years).

## **ALTERNATIVES & IMPLICATIONS:**

1. THAT Council support the application (ZON00297) to rezone Lot A Section 11 Township 8 ODYD Plan 20774 (5000 20<sup>th</sup> Street) from A3 – Rural–Small Holdings to RH1 – Low-Rise Apartment Residential;

AND FURTHER, that Council's support of ZON00297 be subject to the following:

- a) That a *Land Title Act* Section 219 restrictive covenant be registered on title to ensure protection of the adjacent Blue Heron rookery during construction of the subject property;
- b) That a 5.0m wide road right of way adjacent to the north property line be dedicated to the City for a future active transportation connection between 20<sup>th</sup> Street and 24<sup>th</sup> Street; and
- c) That the applicant be required to provide extended offsite works (asphalt pathway) adjacent to 5104 20<sup>th</sup> Street in order to provide interim pedestrian connectivity north on 20<sup>th</sup> Street.

*Note: This alternative recommendation would result in the applicant installing an interim asphalt pathway along 20<sup>th</sup> Street instead of the City installing the sidewalk. This asphalt pathway would be removed in future to provide the ultimate concrete curb, gutter and sidewalk there.*

2. THAT Council support the application (ZON00297) to rezone Lot A Section 11 Township 8 ODYD Plan 20774 (5000 20<sup>th</sup> Street) from A3 – Rural–Small Holdings to RH1 – Low-Rise Apartment Residential;

AND FURTHER, that Council's support of ZON00297 be subject to the following:

- a) That a *Land Title Act* Section 219 restrictive covenant be registered on title to ensure protection of the adjacent Blue Heron rookery during construction of the subject property;
- b) That a 5.0m wide road right of way adjacent to the north property line be dedicated to the City for a future active transportation connection between 20<sup>th</sup> Street and 24<sup>th</sup> Street; and
- c) That the applicant be required to provide extended offsite works (curb, gutter and sidewalk) adjacent to 5104 20<sup>th</sup> Street in order to complete the sidewalk connection on 20<sup>th</sup> Street.

*Note: This alternative recommendation would result in significant additional offsite works and costs to the applicant such that they would likely enter into a Latecomer Agreement to recover costs when 5104 20<sup>th</sup> Street develops.*

3. THAT Council not support the application (ZON00297) to rezone Lot A Section 11 Township 8 ODYD Plan 20774 (5000 20<sup>th</sup> Street) from A3 – Rural–Small Holdings to RH1 – Low-Rise Apartment Residential.

*Note: Denial of the rezoning application is not consistent with the Official Community Plan designation for this land and would result in significantly lower density of development on the property.*

## **ANALYSIS:**

### **A. Committee Recommendations:**

At its meeting of May 28, 2019, the Advisory Planning Committee passed the following resolution:

*THAT the Advisory Planning Committee recommends that Council support the application (ZON00297) to rezone Lot A Section 11 Township 8 ODYD Plan 20774 (5000 20<sup>th</sup> Street) from A3 – Rural–Small Holdings to RH1 – Low-Rise Apartment Residential;*

AND FURTHER, that Council's support of ZON00297 be subject to the following:

- a. *That a Land Title Act Section 219 restrictive covenant be registered on title to ensure protection of the adjacent Blue Heron rookery;*
- b. *That a 5.0m wide road right of way adjacent to the north property line be dedicated to the City for a future active transportation connection between 20<sup>th</sup> Street and 24<sup>th</sup> Street; and*
- c. *That the applicant be required to provide extended offsite works to the north of the property in order to complete the sidewalk connection on 20<sup>th</sup> Street.*

**B. Rationale:**

1. The subject property is located at 5000 20<sup>th</sup> Street (Figures 1 and 2) and is approximately 3,814m<sup>2</sup> in area. The land is currently developed with a single family dwelling.

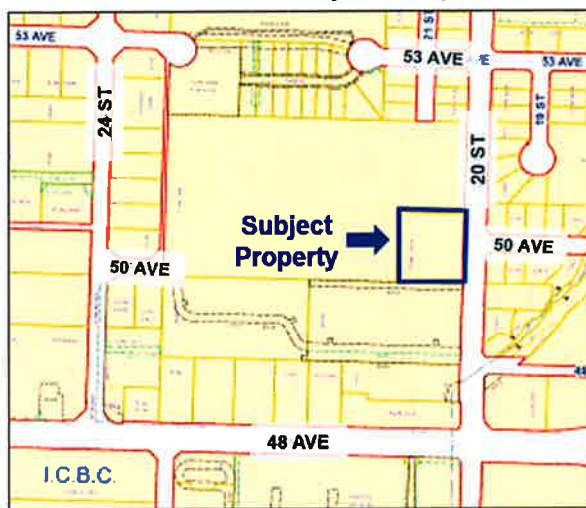


Figure 1: Property Location



Figure 2: Aerial View of Property

2. The application proposes to rezone the property from A3 – Rural–Small Holdings to RH1 – Low-Rise Apartment Residential (Attachment 1).
3. The land has been designated as Residential Medium Density (RMD) within the Official Community Plan, which could allow up to a maximum of 110 units per hectare (approximately 41 units for this site). The proposed RH1 zoning district complies with the RMD designation.
4. The RH1 zoning district would permit apartment housing, stacked row housing, a major group home or care centre, or several types of seniors housing to be developed. Density within the RH1 zoning district is regulated using a base floor space ratio of 1.5, and a maximum floor space ratio of 2.0. This site could develop with a maximum floor space between 5,721m<sup>2</sup> and 7,628m<sup>2</sup>.
5. The subject property is within close proximity to the Great Blue Heron (*Ardea herodias*) rookery to the north west on Lot 2, Plan 939 (5104 20<sup>th</sup> Street). The Great Blue Heron are listed as a species at risk (Federal) and are Blue-listed (Provincial). To support the redevelopment of the property, an environmental mitigation letter has been provided which states that while a development project may impact herons during their sensitive period (March 10-August 31) the impacts can be mitigated (i.e. scheduling high risk activities during the least risk period, providing a 100m buffer during the sensitive period, reducing dust generated from construction activities, etc.). It is therefore recommended that a *Land Title Act* Section 219 restrictive covenant be registered on the subject property to ensure the necessary mitigation measures are adhered to during development.
6. A transportation impact assessment (TIA) was completed and concluded that development on this site would not create significant impacts to the surrounding road network. Active transportation connections within the area were also reviewed within the TIA, concluding that no additional east/west active transportation connections were necessary due to existing east/west connections, including 48<sup>th</sup> Avenue to the south and 53<sup>rd</sup> Avenue to the north. However, the east-west connection between 20<sup>th</sup> Street and 24<sup>th</sup> Street at 53<sup>rd</sup> Avenue (in Blue on Figure 3) is located on private property and not adequately secured with a statutory right of way (for public use) and therefore cannot be relied upon as a permanent active transportation connection.

The Master Transportation Plan encourages multi-modal transportation options within the City and indicates that active transportation trips are reduced when the distance between intersections exceeds 600 metres. The lack of a secured active transportation connection between 20<sup>th</sup> Street and 24<sup>th</sup> Street in this area creates a distance in excess of that noted in the Master Transportation Plan guidelines. As such, it is recommended that a 5.0m wide road right of way dedication along the north property line be granted to the City to secure a future east-west active transportation connection between 20<sup>th</sup> Street and 24<sup>th</sup> Street.

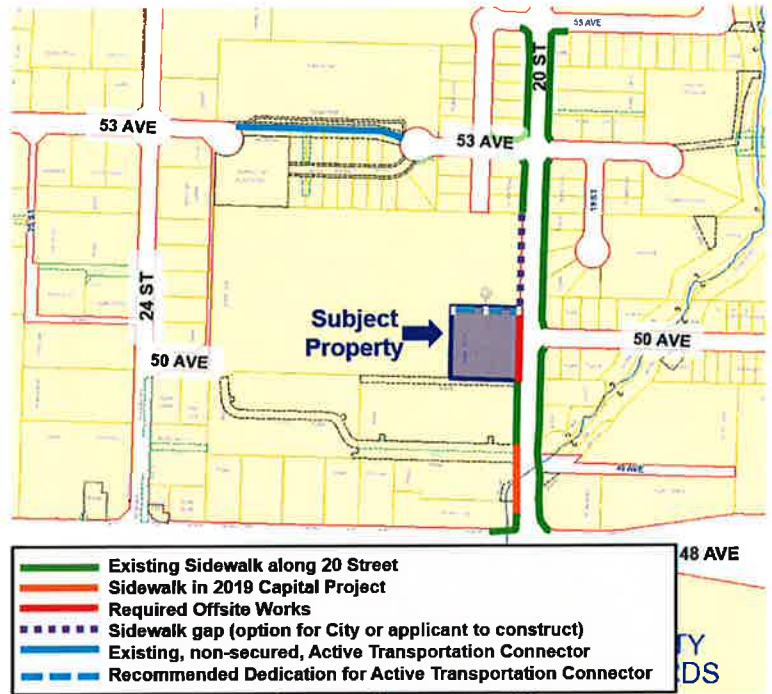


Figure 3: Pertinent Active Transportation Connections in Area

The TIA also indicated that pedestrians would use 20<sup>th</sup> Street to access nearby amenities to the north (using 53<sup>rd</sup> Avenue or 58<sup>th</sup> Avenue) and south (using 48<sup>th</sup> Avenue). However, the sidewalk system along the west side of 20<sup>th</sup> Street between 48<sup>th</sup> Avenue and 53<sup>rd</sup> Avenue is incomplete (Figure 3). The applicant's TIA indicated that a crosswalk on 20<sup>th</sup> Street at the development was not warranted, meaning that pedestrians walking to commercial amenities and parks to the north would likely walk in the bushes or the bike lane on the west side of 20<sup>th</sup> Street (or cross 20<sup>th</sup> Street at an unmarked crosswalk). As the segment of sidewalk to the north is necessary to ensure that pedestrians from this development (and south of this) can safely access amenities to the north, it is recommended that the applicant be required to clear and grub the area to provide a walkable shoulder to the north. Provision of a temporary, paved path through this area by the applicant would provide a hard surface linking sidewalks but would only be temporary and have to be removed in future when the ultimate curb, gutter and sidewalk was installed there. As a temporary measure the applicant would not have the ability to recover costs through a latecomer agreement. Construction of the ultimate curb, gutter and sidewalk here by the applicant would significantly increase their offsite costs. Though they may be able to recover those additional costs through a latecomer agreement the potential for this is limited due to the Heron site on that lot.

The City currently has an annual infill sidewalk project budget and it is planned that sidewalk infill to the south of the subject property would be completed in 2019. The sidewalk to the north is not currently identified as a project to be completed by the City, but the plan could be amended to accommodate this (note that construction may not occur for several years). It is recommended that the offsite sidewalk to the north be included as part of the future annual infill sidewalk project.

7. The applicant has had an opportunity to review and comment on the staff report presented to the Advisory Planning Committee. The applicant has indicated that they are not in favour of the proposal for extended off-site sidewalk works as there is no guarantee that the cost incurred would be recovered through the latecomer agreement (longevity of the Heron Rookery may prevent the adjacent property from being developed within a 15 year timeframe). The applicant has requested that this segment of sidewalk be completed as part of a City project.

**C. Attachments:**

Attachment 1 – Zoning Bylaw #5000 RH1 – Low-Rise Apartment Residential zoning district

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

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

- Encourage sustainable infrastructure, agriculture and landscaping
- Promote transit oriented housing and mixed use development

**E. Relevant Policy/Bylaws/Resolutions:**

1. The Official Community Plan (OCP) designates the property as Residential Medium Density (RMD) and the requested RH1 – Low-Rise Apartment Residential zoning district conforms to this OCP designation. Supporting OCP policies include:

Policy # 7.3 → Support the development of designated multiple family areas to the densities outlined in the OCP to build compact, complete neighbourhood areas within the community and to achieve the maximum use of municipal infrastructure.

Policy # 11.10 → Ensure that pedestrian, cycling and trail facilities take a high priority in transportation planning. Seek to increase community connectivity for pedestrians and cyclists through the provision of connectors between roads, cul-de-sacs, sidewalks and all classes of trails.

Policy # 13.3 → Protect and conserve sensitive ecosystems throughout the City.

Policy # 13.5 → Ensure that seasonal limits are placed on the timing of site clearing, tree removal and site disturbance activities to avoid nesting, calving, rearing and migratory seasons in areas of essential habitat.

Policy # 13.12 → Ensure development practices avoid negative impacts on natural features and environmentally significant areas in the siting, servicing and establishment of new neighbourhoods.

2. The Master Transportation Plan includes a pedestrian and bike master plan (Section 8.0) that promotes the use of multi-modal travel routes that connect neighbourhoods and provides residents with travel choices (vehicles, pedestrians, cyclists). The plan supports the following activities:

Section 8.2 → Increase fully connected sidewalks, in key locations, to avoid gaps. Future sidewalks are identified for 20th Street (see Figure 6d of the Master Transportation Plan).

Section 8.4 → Utilise connectors between sidewalks to maximise connectivity. Add connectors (i.e trails, sidewalks, multi-modal paths, etc) to provide short cuts in order to reduce the route length and make walking and cycling a realistic option.

**BUDGET/RESOURCE IMPLICATIONS:**

1. The staff recommendation would result in the installation of approximately 83 metres of curb, gutter and sidewalk along 20<sup>th</sup> Street. These works would need to be integrated into the 5 year program to ensure works here would not adversely impact construction of other infill sidewalk projects in other areas of the City.

Prepared by:

Approved for submission to Council:

Jun 4 2019 11:40 AM

X

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Carie Liefke

DocuSign

Carie Liefke, MCIP  
Planning Assistant

Will Pearce, CAO

Date: 04 June 2019

Jun 4 2019 11:41 AM

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Ed Stranks

DocuSign

For: Kim Flick  
Director, Community Infrastructure and Development

**REVIEWED WITH**

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| <input type="checkbox"/> Bylaw Compliance       | <input type="checkbox"/> Public Works/Airport | <input 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 type="checkbox"/> Engineering Development Services     |
| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services  | <input type="checkbox"/> Infrastructure Management            |
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| <input type="checkbox"/> Financial Services     |   | <input type="checkbox"/> Economic Development & Tourism       |
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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 5.0m<sup>2</sup> of private open space shall be provided per **bachelor dwelling, congregate housing bedroom** or group home **bedroom**, 10.0m<sup>2</sup> of private open space shall be provided per 1 **bedroom dwelling**, and 15.0m<sup>2</sup> 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)*