

## THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY:

Michelle Austin

Current Planner

COUNCIL MEETING: REG  $\boxtimes$  COW  $\square$  I/C  $\square$ 

**COUNCIL MEETING DATE:** August 15, 2022

**REPORT DATE**: August 2, 2022

FILE: 3090-20 (DVP00516) (Ref: ZON00333)

SUBJECT:

DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 3202 16<sup>TH</sup> AVENUE

#### **PURPOSE:**

To review a development variance permit application to vary minimum unit width for the construction of three-plex housing and a housing agreement to provide rental units.

#### **RECOMMENDATION:**

THAT Council approve Development Variance Permit 00516 (DVP00516) to vary Zoning Bylaw 5000 for Lot 1, DL 73, ODYD, Plan EPP41416 (3202 16<sup>th</sup> Avenue) as outlined in the report titled "Development Variance Permit Application for 3202 16<sup>th</sup> Avenue" dated August 2, 2022 and respectfully submitted by the Current Planner, by decreasing;

a) Section 9.11.6 minimum unit width from 6.5m to 5.5m for proposed Units 1 and 2;

AND FURTHER, that Council's approval of DVP00516 is subject to the following;

- a) That the proposed development generally complies with the site plans (Attachment 1) to be attached to and form part of DVP00516;
- b) That the proposed development generally complies with the building elevations (Attachment 2) to be attached to and form part of DVP00516;
- c) That the proposed development generally complies with the landscape plan (Attachment 8) to be attached to and form part of DVP00516; and
- d) That required landscape areas and installations meet Zoning Bylaw 5000 and Landscape Standards Bylaw 5015;

AND FURTHER, that Council support entering into a housing agreement pursuant to Section 4.9 of Zoning Bylaw 5000 with the owner of Lot 1, DL 73, ODYD, Plan EPP41416 (3202 16<sup>th</sup> Avenue) prohibiting subdivision under the *Land Title Act* and the *Strata Property Act* for a period of 20 years.

#### **ALTERNATIVES & IMPLICATIONS:**

- 1. THAT Council approve Development Variance Permit 00516 (DVP00516) to vary Zoning Bylaw 5000 for Lot 1, DL 73, ODYD, Plan EPP41416 (3202 16<sup>th</sup> Avenue) as outlined in the report titled "Development Variance Permit Application for 3202 16<sup>th</sup> Avenue" dated August 2, 2022 and respectfully submitted by the Current Planner, by decreasing;
  - a) Section 9.11.6 minimum unit width from 6.5m to 5.5m for proposed Units 1 and 2;

AND FURTHER, that Council's approval of DVP00516 is subject to the following;

- a) That the proposed development generally complies with the site plans (Attachment 1) to be attached to and form part of DVP00516;
- b) That the proposed development generally complies with the building elevations (Attachment 2) to be attached to and form part of DVP00516;
- c) That the proposed development generally complies with the landscape plan (Attachment 8) to be attached to and form part of DVP00516;
- d) That required landscape areas and installations meet Zoning Bylaw 5000 and Landscape Standards Bylaw 5015; and
- e) That, despite the above-noted site plan and building elevations being attached to and forming part of DVP00516, approval of DVP00516 does not extend to the construction of three-plex housing. In accordance with the maximum base density of the RM2 Multiple Housing Residential zone, a maximum of two units are permitted on the subject property.

Note: Alternative 1 would allow the owner to construct a semi-detached building. The third unit would be lost. The semi-detached building could be strata titled into two separate titles that could be owned separately. The likelihood of these units being rented would be diminished due to separate ownership.

- 2. THAT Council deny Development Variance Permit 00516 (DVP00516) to vary Zoning Bylaw 5000 for Lot 1, DL 73, ODYD, Plan EPP41416 (3202 16<sup>th</sup> Avenue) as outlined in the report titled "Development Variance Permit Application for 3202 16<sup>th</sup> Avenue" dated August 2, 2022 and respectfully submitted by the Current Planner, by decreasing;
  - a) Section 9.11.6 minimum unit width from 6.5m to 5.5m for proposed Units 1 and 2.

Note: Alternative 2 would allow the owner to construct an up-down duplex building. The third unit would be lost. The duplex building could be strata titled into two separate titles that could be owned separately. The likelihood of these units being rented would be diminished due to separate ownership.

#### **ANALYSIS:**

#### A. Committee Recommendations:

At its meeting of June 28, 2022, the Advisory Planning Committee passed the following resolution:

"THAT Council approve Development Variance Permit 00516 (DVP00516) to vary Zoning Bylaw 5000 for Lot 1, DL 73, ODYD, Plan EPP41416 (3202 16<sup>th</sup> Avenue) as outlined in the report titled "Development Variance Permit Application for 3202 16<sup>th</sup> Avenue" dated June 22, 2022 and respectfully submitted by the Current Planner, by decreasing;

a) Section 9.11.6 minimum unit width from 6.5m to 5.5m for proposed Units 1 and 2;

AND FURTHER, that Council's approval of DVP00516 is subject to the following;

i. That the proposed development generally complies with the site plans (Attachment 1), by Russell Shortt Land Surveyors, dated February 7, 2022, and by 925R Design, dated February 2, 2022, to be attached to and form part of DVP00516;

- ii. That the proposed development generally complies with building elevations (Attachment 2), by 925R Design, dated February 2, 2022, to be attached to and form part of DVP00516;
- iii. That the proposed development generally complies with the landscape plan (Attachment 8), by Swan Lake Nurseryland, dated July 27, 2016, to be attached to and form part of DVP00516; and
- iv. That required landscape areas and installations meet Zoning Bylaw 5000 and Landscape Standards Bylaw 5015;

AND FURTHER, that Council enter into a housing agreement (Attachment 7) with the owner, prohibiting subdivision under the Land Title Act and the Strata Property Act for a period of 20 years."

#### B. Rationale:

- The subject property is a vacant corner lot, located at 3202 16<sup>th</sup> Avenue, with frontage on Hwy 97 (32<sup>nd</sup> Street), 16<sup>th</sup> Avenue and the lane west of 32<sup>nd</sup> Street and south of 16<sup>th</sup> Avenue (Figures 1 – 4).
- 2. The owner intends to construct a two storey three-plex with access and parking off the lane (Attachments 1 and 2). Proposed Units 1 and 2 are 680 ft<sup>2</sup> and located on the main floor with one bedroom each (Attachment 3). Proposed Unit 3 is 1,475 ft<sup>2</sup> and located on the upper floor with two bedrooms and a den.
- The subject property is designated as Residential Medium Density (RMD) within the Official Community Plan (OCP) and zoned Multiple Housing Residential (RM2) within Zoning Bylaw 5000 (Attachment 4). It was recently rezoned from Large Lot Residential (R2) to RM2.
- 4. Section 9.11.6 of the RM2 zone requires a minimum unit width of 6.5m. Proposed Units 1 and 2 are each 5.5m wide. For this reason, a variance is required. The proposed 5.5m, unit width is within the range of 5m to 6.5m permitted in Zoning Bylaw 5000:

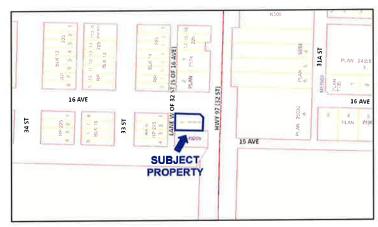


Figure 1: Location Map



Figure 2: Aerial

- R5, RTR, RM1, RM2 6.5m minimum unit width
- HR1, HR2 6m minimum unit width
- RST1, RST2 5m minimum unit width.

- 5. At 384.9 m², the subject property is an undersized lot as a result of arterial highway dedication through a lot consolidation subdivision in 2020 (Attachment 5). Prior to highway dedication being provided, the lot area was 463.8 m². As per Section 1.8 of Zoning Bylaw 5000, permitted density is calculated based on the original lot area of 463.8 m². The base density (60 units/ha) for the RM2 zone permits 2 units (exactly 2.8 units) on the property. In order to construct a three-plex on the property a minimum lot area of 500m² would be required to be within the base density ceiling of 60 units/ha.
- 6. Section 483 of the Local Government Act gives authority within a zoning bylaw to establish different density rules for zones and conditions under which an owner would be allowed a higher density. The RM2 zone allows a higher density of 72 units/ha if Council enters into a housing agreement with the owner to provide affordable or special needs housing in accordance with Section 4.9 of Zoning Bylaw 5000 (Attachment 6). In this circumstance, the property could support 3 units (precisely 3.3 units). For this additional unit, the owner is willing to register a housing agreement (Attachment 7) on title requiring the units to be rental, prohibiting all types of subdivision for a period of 20 years.
- 7. Given that the project does not exceed three units, a multi-family form and character development permit is not required. Regardless, the proposed development must meet the all the requirements of Zoning Bylaw 5000. With the exception of unit width, the project conforms to the overall building width, site coverage, impermeable surfaces, height,



Figure 3: Photo of Property - taken from across Hwy 97



Figure 4: Photo of Property – taken from across 16th Ave

setbacks, private open space, parking and landscaping (Attachment 8) requirements of Zoning Bylaw 5000. To help ensure landscaping requirements are met, Administration requires, at the Building Permit stage, a cost estimate and security for all landscaping materials and labour.

- 8. Administration supports the variance request and housing agreement for the following reasons:
  - a) The proposed unit width is within the range of what is allowed in residential zones within Zoning Bylaw 5000.
  - b) Decreasing unit width is preferable to decreasing side yard setbacks, as it maintains appropriate distances for fire safety, privacy and spaciousness.
  - c) Entering in a housing agreement provides the ability to create one additional unit and to secure much needed rental housing in the community.

#### C. Attachments:

Attachment 1: Site Plans

Attachment 2: Building Elevations

Attachment 3: Floor Plans Attachment 4: RM2 Zoning

Attachment 5: Lot Consolidation/Highway Dedication Plan

Attachment 6: Section 4.9 Housing Agreements
Attachment 7: Proposed Housing Agreement Bylaw

Attachment 8: Landscape Plan

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

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

> To increase rental vacancy rates.

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

1. At its Regular Meeting of September 14, 2020, Council endorsed the following resolution:

"THAT Council support the rezoning application (ZON00357) to rezone Blk 10, PI 225, DL 73, ODYD (1800 32<sup>nd</sup> Street) from R2: Large Lot Residential to RM2: Multiple Housing Residential to develop four residential rental units at 1800 32<sup>nd</sup> Street;

AND FURTHER, that Council support the development variance permit (DVP00493) to reduce the minimum unit width from 6.5m to 4.72m;

AND FURTHER, that Council direct Administration to bring forward a zoning text amendment bylaw to address unit width restrictions in Zoning Bylaw 5000."

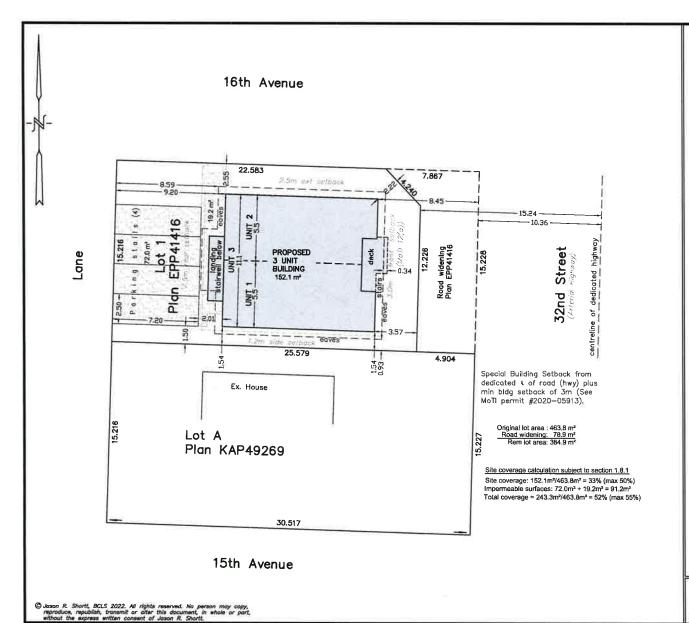
- 2. Zoning Bylaw 5000, Section 4.9 Housing Agreements (Attachment 6).
- 3. Zoning Bylaw 5000, RM2 Zone, Section 9.11.6: with a housing agreement pursuant to Section 4.9, the maximum density shall be 60 units per gross hectare (Attachment 4).
- 4. Zoning Bylaw 5000, RM2 Zone, Section 9.11.6: maximum six dwelling units located in a building, with each unit having a minimum width of 6.5m.
- 5. Zoning Bylaw 5000, RM2 Zone, Section 9.11.6: maximum density is 60 units per gross hectare.

#### **BUDGET/RESOURCE IMPLICATIONS:**

N/A

Prepared by:	Approved for s	submission to Council:	
X Muhelle Austra Signer 1 Michelle Austin Planner, Current Planning	Will Pearce, CAO  Date: M. A.K.IISF 2822		
Signer 2			
Kim Flick			
Director, Community Infrastructure a	nd Development		
<u> </u>			
REVIEWED WITH			
<ul> <li>☑ Corporate Services</li> <li>☐ Bylaw Compliance</li> <li>☐ Real Estate</li> <li>☐ RCMP</li> <li>☐ Fire &amp; Rescue Services</li> </ul>	<ul> <li>□ Operations</li> <li>□ Public Works/Airport</li> <li>□ Facilities</li> <li>□ Utilities</li> <li>□ Recreation Services</li> </ul>	<ul> <li>□ Current Planning</li> <li>□ Long Range Planning &amp; Sustainability</li> <li>□ Building &amp; Licensing</li> <li>□ Engineering Development Services</li> <li>□ Infrastructure Management</li> </ul>	
☐ Human Resources ☐ Financial Services	☐ Parks	☐ Transportation	
☐ COMMITTEE: APC (Jun.28/2022) ☐ OTHER:		☐ Economic Development & Tourism	

G:\3000-3699 LAND ADMINISTRATION\3090 DEVELOPMENT VARIANCE PERMITS\20 Applications\DVP00516\2 PROC\Rpt\Council Rpt\220802\_ma\_Council\_Rpt\_DVP00516.docx



Plan to Accompany Variance Application for Lot 1, DL 73, ODYD, Plan EPP41416. (to change required minimum unit width from 6.5m to 5.5m (Sec 9.11.6))

Client: Rubijane Inv.

Civic address: 3202 16th Avenue

SCALE 1:200

The intended plot size of this plan is 432mm in width by 280mm in height (ANSI B) when plotted at a scale of 1:200

Distances are shown in metres and decimals thereof.

This plan shows horizontal ground level distances except where otherwise noted.

TITLE IS SUBJECT TO THE FOLLOWING NON-FINANCIAL CHARGES: Restrictive Covenants - H537, KF43651

RM2 zoning (Sec 9.11) and subject to Sec 1.8.1 and MoTI permit #2020-05913.

This plan was prepared for design purposes and is for the exclusive use of Rubijane Inv..

No visible encroachments exist on the property from any improvements situated on an adjoining property unless noted otherwise.

Parcel dimensions are derived from Plan EPP41416 & field survey.

This plan has been prepared based on Land Title and Survey Authority records and a field survey completed on Dec 19, 2019. Unregistered interests have not been included or considered.

The Certificate of Title PID 031-286-411 was searched on January 4, 2022.

Jason R. Shortt accepts 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 and direct or indirect use or reliance upon the Plan beyond its intended use.

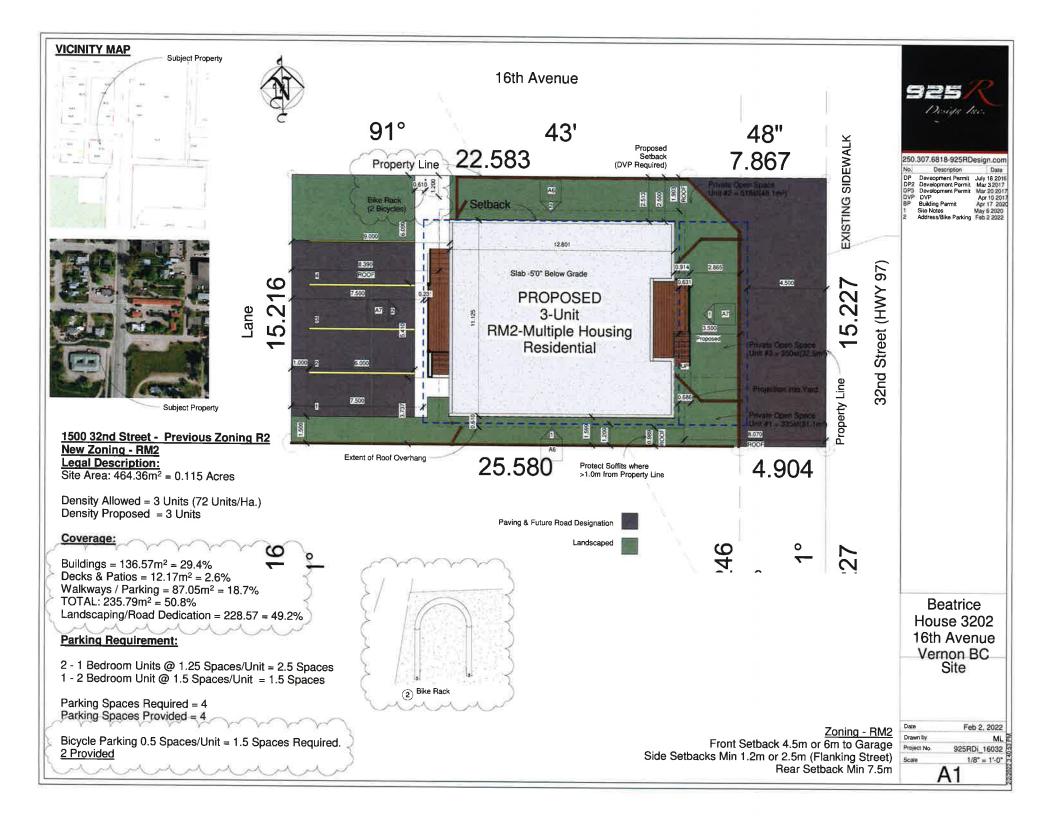
February 7, 2022 January 5, 2022

russell shortt

land SURVEYORS

2801-32nd Street, Vernon, B.C. V1T 5L8 Phone: (250)545-0511 Email: jasons@jrshortt.ca FILE: 27033

F.B. 1307 p70



N



(2) Back

#### **COLOUR BOARD**



(301)Main Colour: James Hardie Iron Gray - Board & Batten



(302)Accent Colour: James Hardie Light Mist - Horizontal Lap



Roof Colour: Grey Asphalt Shingles

GENERAL NOTES:

1.These documents outline the general character and quality of the work and some of its details. Parts not detailed shall be constructed in accordance with best practices of work of this class, and shall provide the required strength and quality to complete all requirements of the work.
2.The construction shall be in accordance with the British Columbia Building Code,

2018 Edition. Every effort will be made to ensure that any changes to the code are complied with and all amendments are incorporated in the work. Materials and workmanship shall be per BCBC. Part 10 "Energy and Water Efficiency" 3.All work shall conform to local building codes and by-laws whichever may take

precedence
4. Prior to proceeding with construction, the Contractor must verify all information. Start of construction signifies the Contractor's acceptance of the contract documents.

5. Any variances from the drawings and specifications, and adverse conditions encountered at the job site, shall be resolved by the Owner Representative in

consultation with the Designer, 6.All workmanship is to be of a standard equal in all respects to good building practice. The Consultants do not assume liability for any errors or omissions in the contract documents, unless advised in writing of such errors or omissions prior to commencement of construction. The Contractor shall advise the Consultants if any

commencement of commencement of commencement and any of the commencement of co

10.Provide interconnected Smoke Alarms as per Building Code.

CONSTRUCTION NOTES: 1. Exterior walls to liveable area: 2x6 studs at 16" o.c.

Range hood and dryer to be exhausted to outside;

3.All ceilings 5/8" gypsum board; 4.5/8" fire guard gypsum board at all garage walls/ceilings common to liveable area; 5.All handrals as per BCBC; 6.Provide 6 mil. poly vapour barrier at warm side of insulation (heating mode) under

wall finish and under all concrete slabs on grade; 7.Exterior wall insulation: RSI 4.2 glass fibre batt at 6" walls; attic insulation to be RSI

8,25% of required attic vents to be at top 1/3 of roof as per BCBC; 9.Verify all rough opening requirements for doors, windows, equipment, and fixtures

before ordering: 10.Verily/coordinate these plans with truss system final design; 11.All bedroom windows to have a minimum vent size of 24" x 36" for egress;

General Foundation Notes:

1. All work to be in accordance with Structural Drawings and Specifications. 2 Foolings and foundation walls indicated on the drawings are generic. The Contractor is responsible for testing the soil and assure adequacy of the structure. 3.All concrete to

-be minimum 3,000 psi (28 day) -conform to C.S.A. A23.1

-have 1" max, aggregate size -foundation walls, loolings, and interior slabs - h minimum 3% - 4% air entrainment +/-

-exterior slabs - h mini 5% - 7% air entrainment +/- 1% -have maximum 4\* slump;

4. Consolidate concrete in forms with high frequency internal vibrators - do not over vibrate so as to cause separation of the mix or use vibrators to move concrete. 5 All concrete reinforcing to

-be of new deformed stock -be of minimum grade 400mpa steel

-be placed in accordance with the latest edition of the A.C.I. detailing manual no. 315:

-op paces in accordance with the latest educed of the A.L.i. detailing manual no. 315; 6/verily all sits conditions in conjunction with the drawings notify the architect and owner of any discrepancies in writing; 7.Footings to bear on undisturbed native material or engineered fill at a depth below the frost line. Where an engineer's soils report is available verily requirements & comply with recommendations contained therein.

8. Notify the architect and owner in writing where soil conditions are found to be infirm or potentially unstable:

9. Welded wire fabric to conform to C.S.A. G30.6 and to be lapped min. 6" or one full grid whichever greater;

gno winchever greater;
10.Un-detailed lap splices to be 40 bar diameters staggered;
11.Provide damp proofing below grade & approved perimeter footing drainage system;
12.Where required, step footings and foundation walls at min, 24" vertical & horizontal Increments:

13.Maintain minimum 6' clear from top of foundation walls to finished Grade; 14 Exterior concrete slabs/stairs abutting concrete foundation to be doweled using 10m 15.All bearing columns of girder trusses and support beams are to be posted to

16 All Slab thickening to c/w 2 rows longitudinal 15m rebar.

\*Black Aluminum Handrails

Soffits, Gutters &

\*\*White Windows

Downspouts

General Framing Notes: 1.Framing lumber to be S.P.F. # 2 or better; 2.All beams/headers to be minimum 3 1/2" "imberstrand" "LSL".

Roof/floor truss system design by registered structural engineer;
 Verify/coordinate design with these plans prior to ordering of material;

5.Truss system supplier to provide all required blocking/bracing for roof system; 6.All trusses to be secured to wall plate with 'hurricame anchors' or equal; 7.All truss ends to be braced with continuous 2x4 stringer

8 All "TJI"/equivalent engineered wood joists rim/edge of wall to suit manufacturer's

9 All lintels in exterior and bearing walls to be 3 - 2x10's unless otherwise specified: 10. Al exterior walls provide sealed membrane llashings around all openings. Provide box-outs / sleeves for service penetrations. Seal around service penetrations with caulking on rigid foam filler, or fill with water resistant expanding foam insulation. 11 All interior doors to be Iramed at 61 Irom corner of wall at hinge side U.N.O.

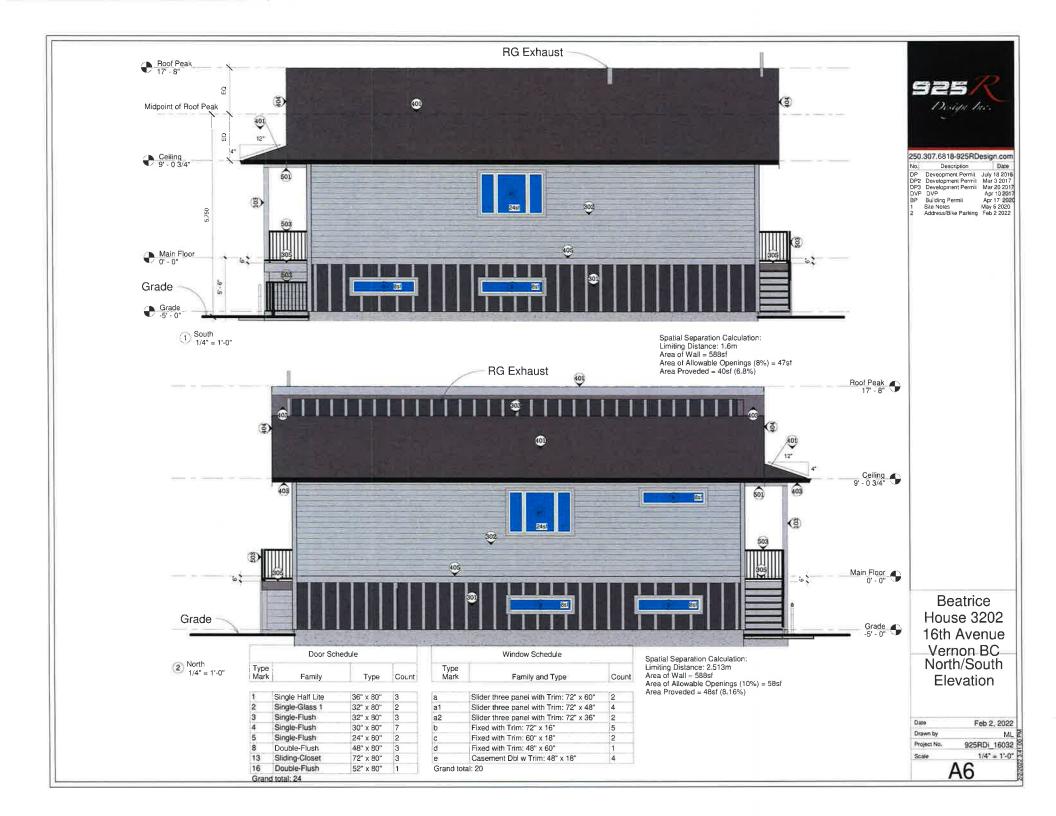
LEGAL DESCRIPTION: Lot 788, BLK 15, DL 73, ODYD, PLAN 225 CIVIC ADDRESS: 3202 16th Avenue, Vernon BC.

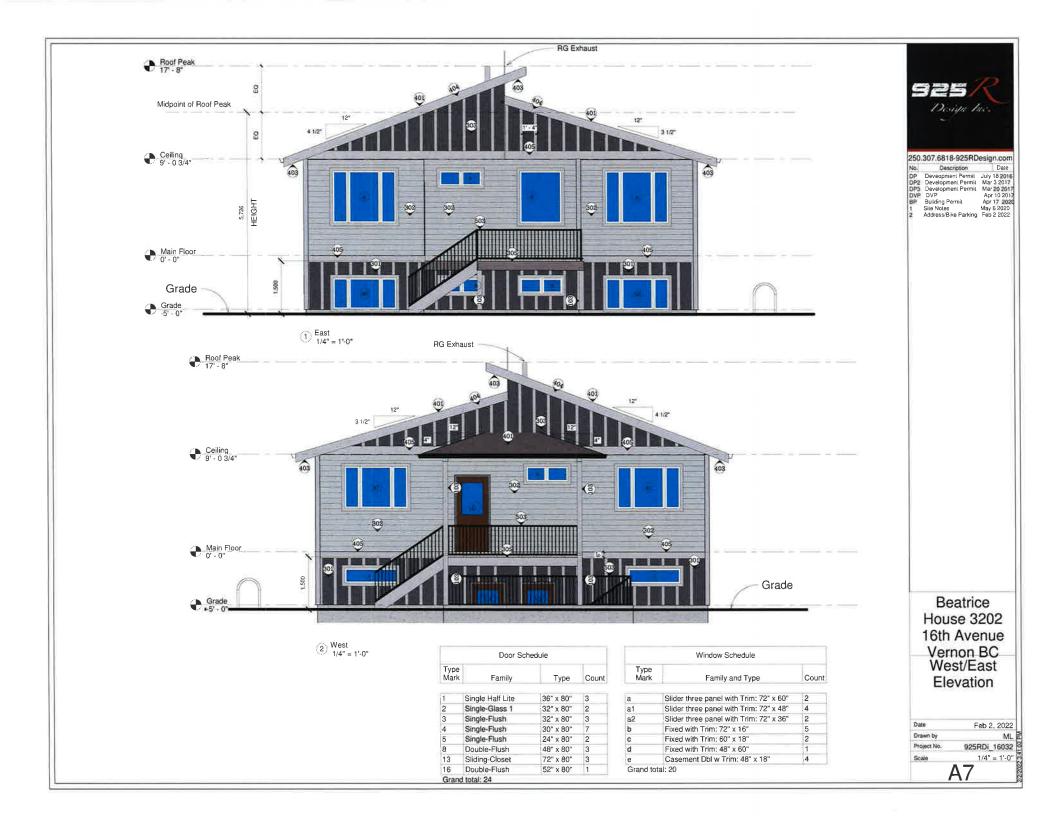


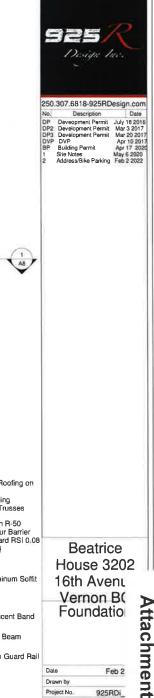
Description	Date		
Deveopment Permit	July 18 2016		
Development Permit	Mar 3 2017		
Development Permit	Mar 20 2017		
DVP	Apr 10 2017		
Building Permit			
Site Notes			
Address/Bike Parking	Feb 2 2022		
	Deveopment Permit Development Permit Development Permit DVP Building Permit Site Notes	Development Permit   July 18 2016	

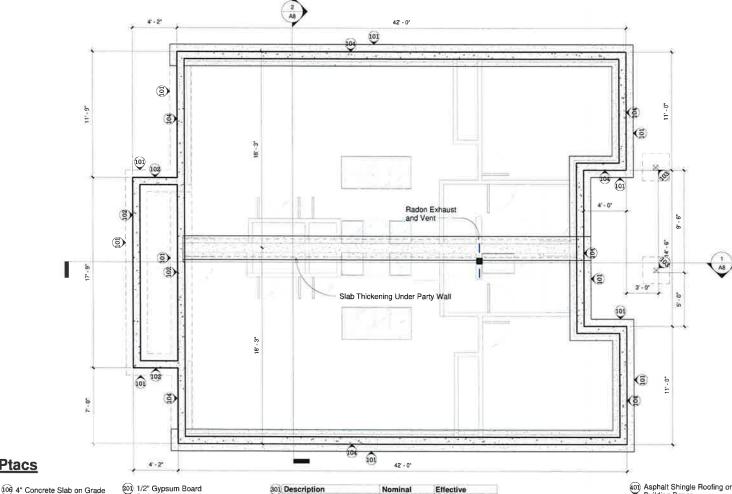
Beatrice House 3202 16th Avenu Vernon B( Cover Shed

Drawn by	Feb 2,
Project No	925RDi_
Scale	1/4" •









#### **Assemblies - Ptacs**

Concrete Foundation 8x20 Min. 3'-0" Below Grade c/w 4" Perimeter Drain

4'-0" Wide Perimeter (102) 8" Reinforced Concrete Wall

Congrete Feeting on Concrete Footing on Compacted Fill

104 Description Nominal Effective 8" Foundation Wall 0.25 0.25 Damproofing Below Grade 3" Airspace 0.16 2x4 @ 2" o/c RSI 3.52(R-20) RSI 2.8(R-15.9) Batt Insulation 1/2" Gypsum Board 0.08 0.08 Interior Air Film **RSI 0.12** RSI 0.12 TOTAL (eff.) R-Value RSI: 3.41 (R-19.7) Min. 2.96 (R-16.9)

12" Min. Gravel on

Where Slab is at Grade

Compacted Fill

105 Floor Finish on 4" Concrete Slab on Grade 6MIL Poly Vapour Barrier 4" Min. Screened Gravel on(For RG Exhaust) Compacted Fill

201 1/2" Gypsum Board Both Sides of 2x4 @ 16" o/c

202 1/2" Gypsum Board Both Sides of 3" SM Rigid Insulation RSI 2.64 2x6 Supporting Wall on 8x20 Footing

> 1-HR FR Partywall (BCBC W13a) STC 57 5/8" Type "X" Gypsum Board 2x4 @16" o/c Fill With Safe & Sound Batt Insulation 1" Airspace to be Maintained 2x4@16" n/c Fill With Safe & Sound Batt Insulation 5/8" Type "X" Gypsum Board

Floor Finish on (F9c - 1hr) STC 52 5/8" Plywood Sub-floor 11 7/8" TJI Joists @ 16" o/c Fill Voids With Sound Batt Insulation Resilient Metal Channel 2-Layers 5/8" Type "X" Gypsum Board

301 Description Nominal Effective Fibre Cement Board & Batten - JH Iron Gray **Building Paper** 1/2" Plywood (Ext) Sheathing 0.11 2x6 @ 24" o/c Batt Insulation RSI 4.23(R-24) RSI 2.8(R-15.9) 6 MIL Poly Vapour Barrier 1/2" Gypsum Board Interior Air Film 0.12 0.12 TOTAL (eff.) R-Value RSI: 3.14 (R-17.8) Min. 3.08 (R-17.5)

302 Description Nominal Effective Fibre Cement Horizontal Siding - JH Light Mist **Building Paper** 1/2" Plywood (Ext)Sheathing 0.11 2x6 @ 24" o/c Batt Insulation RSI 4.23(R-24) RSI 2.8(R-15.9) 6 MIL Poly Vapour Barrier 1/2" Gypsum Board Interior Air Film 0.12 TOTAL (eff.) R-Value Min. 3.08 (R-17.5)

303 Board and Batton Board to Match 301 - JH Iron Gray Batten to Match 302 - JH Light Mist **Building Paper** 1/2" Plywood (Ext) Sheathing 2x6 @ 24" o/c on Pre-Engineered Trusses

Asphalt Shingle Roofing on Building Paper 1/2" Roof Sheathing Pre-Engineered Trusses

RSI 8.8 Insulation R-50 6 Mils Poly Vapour Barrier 1/2" Gypsum Board RSI 0.08 TOTAL RSI: 8.88

Water Proof Vinyl Deck Finish on 103 Perforated Aluminum Soffit 3/4" Exterior Plywood on

2x10 @16" o/c

Slope to Drain

Exterior Soffit

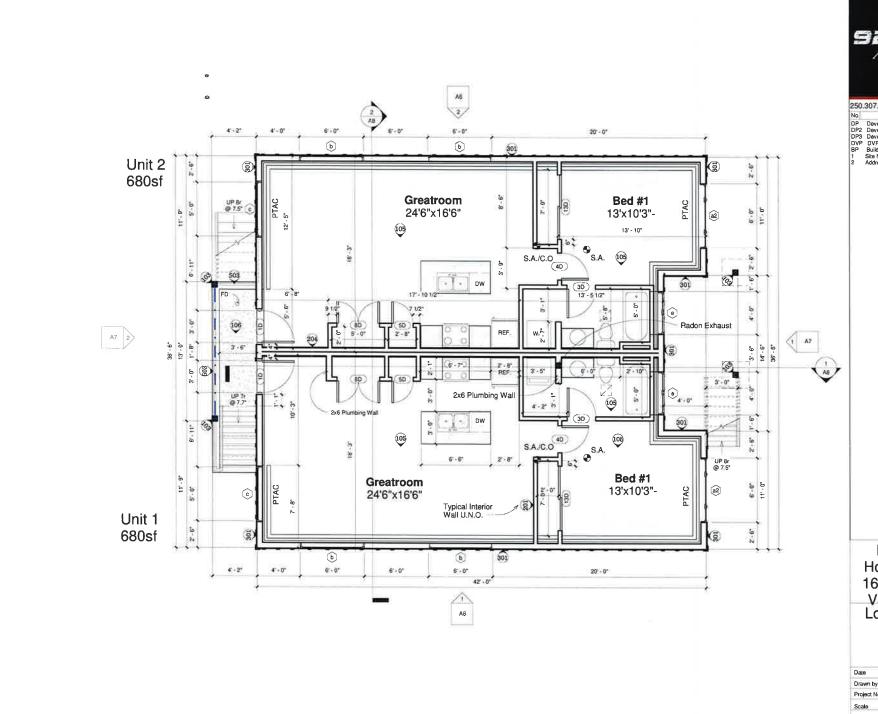
404 1x10 Fascia

(405) 8" Horizontal Accent Band

(501) Pre-Engineered Beam

Black Aluminum Guard Rail 42" A.F.F.

Feb 2 Drawn by Project No. 925RDi 1/4"





250.307.6818-925RDesign.com

| 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 200.00 | 2

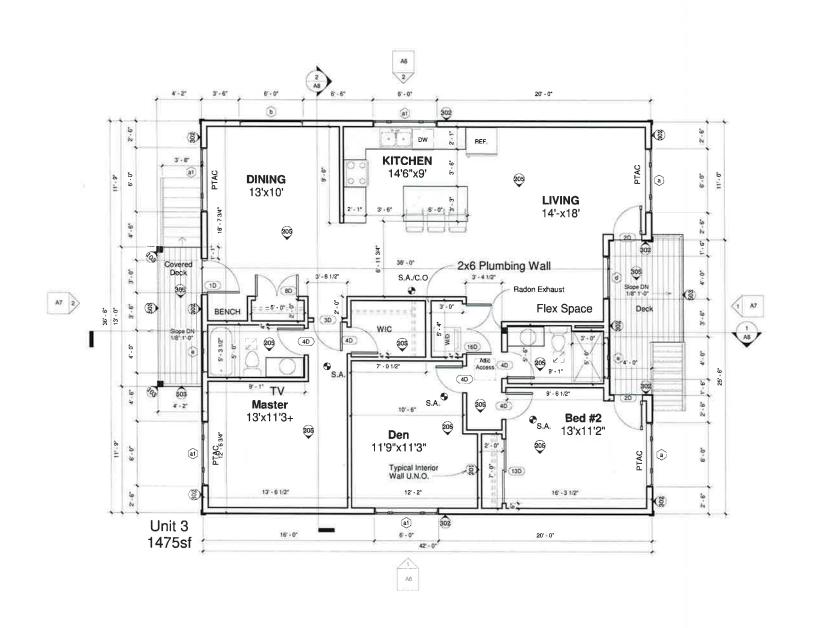
Beatrice House 3202 16th Avenue Vernon BC Lower Floor

 Date
 Feb 2, 2022

 Drawn by
 ML 2

 Project No.
 925RDi\_16032

 Scale
 1/4" = 1"-0"



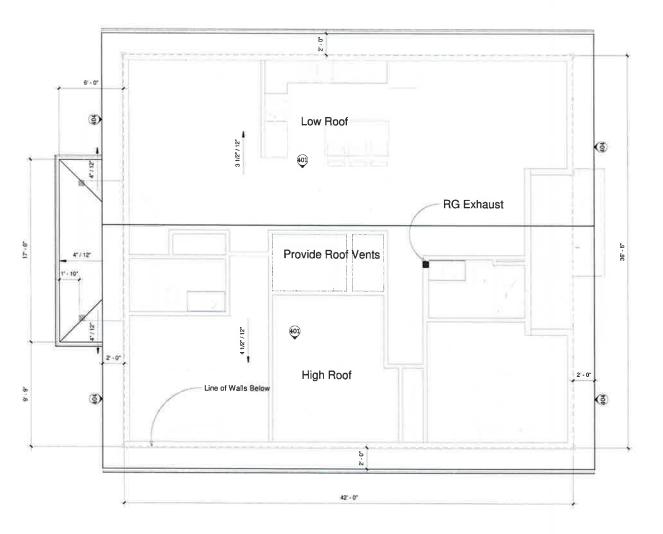


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-	No.	Description	Date
1	DP	Deveopment Permit	July 18 2011
	DP2	Davelopment Permit	Mar 3 2017
	DP3	Development Permit	Mar 20 201
	DVP	DVP	Apr 10 201
	BP	Building Permit	Apr 17 202
	1	Site Notes	May 6 2020
	2	Address/Bike Parking	Feb 2 2022

Beatrice House 3202 16th Avenue Vernon BC Main Floor

Date	Feb 2, 2022
Drawn by	ML
Project No	925ADi_16032
Scale	1/4" = 1'-0"
	44



	Door Sch	nedule	
Type Mark	Family	Туре	Count
1	Single Half Lite	36" x 80"	3
2	Single-Glass 1	32" x 80"	2
3	Single-Flush	32" x 80"	3
4	Single-Flush	30" x 80"	7
5	Single-Flush	24" x 80"	2
8	Double-Flush	48" x 80"	3
13	Sliding-Closet	72" x 80"	3
16	Double-Flush	52" x 80"	1

Type Mark Family and Type		Count
а	Slider three panel with Trim: 72" x 60"	2
a1	Slider three panel with Trim: 72" x 48"	4
a2	Slider three panel with Trim: 72" x 36"	2
b	Fixed with Trim: 72" x 16"	5
C	Fixed with Trim: 60" x 18"	2
d	Fixed with Trim: 48" x 60"	1
e	Casement Dbl w Trim: 48" x 18"	4



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No.	Description	Date
DP	Deveopment Permit	July 18 2016
DP2	Development Permit	Mar 3 2017
DP3 DVP	Development Permit DVP	Mar 20 2017
BP	Building Permit	Apr 10 2011 Apr 17 2020
1	Site Notes	May 6 2020
2	Address/Rike Parking	Fah 2 2020

Beatrice House 3202 16th Avenue Vernon BC Roof

Date	Feb 2, 2022
Drawn by	ML
Project No.	925RDi_16032
Scale	1/4" = 1'-0"
/	45

# RM2

### 9.11 RM2: Multiple Housing Residential

#### 9.11.1 **Purpose**

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

#### 9.11.2 Primary Uses

- apartment housing
- care centre, major
- duplex (Bylaw 5440)
- four-plex housing
- group home, major
- row housing
- semi-detached housing
- seniors assisted housing
- seniors housing
- seniors supportive housing
- single detached housing
- three-plex housing

#### 9.11.3 Secondary Uses

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

#### 9.11.4 Subdivision Regulations

- Minimum lot width is 18.0m, except it is 20.0m for a corner lot. For fee simple three-plex, four-plex, row housing and semi-detached dwellings, the minimum lot width is 7.5m for interior lots and 12.0m for corner lots.
- Minimum lot area is 900m<sup>2</sup>, or 10,000m<sup>2</sup> if not serviced by a community sewer system.

#### 9.11.5 Party Wall Subdivision Regulations

Lot Type	Minimum Lot Area		Minimum Lot Width	
	interior	corner	interior	corner
Semi-Detached	225m <sup>2</sup>	275m²	7.8m	9.0m
Housing				
Three-Plex Housing	150m²	200m²	6.5m	7.8m
Four-Plex Housing	150m²	200m <sup>2</sup>	6.5m	7.8m
Row Housing	150m²	200m²	6.5m	7.8m

#### 9.11.6 Development Regulations

3.3 units as per "sec. 1.8 undersized lots"

- With a housing agreement pursuant to Section 4.9, the maximum density shall be 72.0 units per gross hectare (29.0 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 75.0 units per gross hectare (30.5 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 15.0 units per gross hectare (6 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%. 54.9%

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 4.5m except it is 6.0m from a garage or carport to the back ~8.1 m

of curb or sidewalk for vehicular entry. 1.6 m 2.5 m

Minimum side yard is 1.2m, except it is 2.5m 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 minimum side yard is 0.0m for fee simple three-plex, four-plex, row housing and semi-detached dwellings. Will this be fee

Minimum rear yard is 7.5m, except it is 1.0m for secondary buildings. simple or strata?

Maximum six dwelling onits located in a building, with each unit having a minimum width of  $6.5m. \leftarrow$ 

Maximum density is 60.0 units per gross hectare (24.5 units/gross acre). 7.73m

Proposed variance for units 1 & 2 for a nin width of 5.5m

~32%

6.9 m

#### 9.11.7 Other Regulations

2.8 units allowed based on the pre road dedication lot size (463.8 m2)

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)

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 height and setbacks of the building.
  - 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, 10.0m2 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.
- 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.
- 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)

#### Unit 1 requires 10m2 (31.1m2 provided)

Unit 2 requires 10m2 (48.1 m2 provided)

Unit 3 requires 15 m2 (32,5m2 provided)

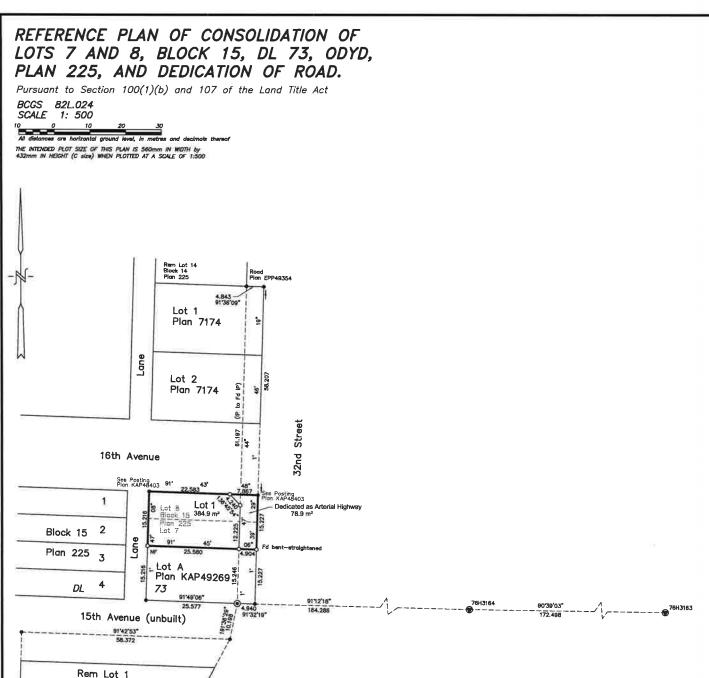
#### OTHER REQUIREMENTS

Hwy 97 setback 4.5m (8.1m provided)

Min building width 7m (11.1 m provided)

Min landscaping requirements front yard and along provincial hwy level 4 (3 m veg), rear yard level 2 (1.5 m veg and fence), side yard level 1 (1.5 m veg) - rear yard parking doesn't allow for required landscaping. Driveway-parking does not accommodate required rear yard landscaping.

Parking - 4 parking spaces are required. 4 are provided.



Plan 37419

PLAN EPP41416

#### **LEGEND**

INTEGRATED SURVEY AREA NUMBER 19, CITY OF VERNON, NAD83 (CSRS) 4.0.0.BC.1

GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN GEODETIC CONTROL MONUMENTS 75H3163 AND 75H3164.

THE UTM CO-ORDINATES AND ESTIMATED ABSOLUTE ACCURACY ARE DERIVED FROM THE MASCOT PUBLISHED COORDINATES AND STANDARD DEVAILORS FOR GEODETIC CONTROL MONUMENTS 75H3163 AND 73H3164.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL MEASURED DISTANCES UNLESS OTHERWISE SPECIFIED. TO COMPUTE GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES SIT WE AVERAGE COMBINED FACTOR OF 0.9998591 WHICH HAS BEEN DERIVED FROM GEODETIC CONTROL MONIMENTS TSALIS AMD TSALIS A.

- DENOTES CONTROL MONUMENT FOUND
- DENOTES STANDARD IRON POST FOUND
   DENOTES STANDARD CONCRETE POST FOUND
- O DENOTES STANDARD IRON POST PLACED

THIS PLAN LIES WITHIN THE JURISDICTION OF THE APPROVING OFFICER FOR THE CITY OF VERNON.

THIS PLAN IMAGE DEDICATES ARTERIAL HIGHWAY AS AUTHORIZED BY THE MINISTRY OF TRANSPORTATION & INFRASTRUCTURE.

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF NORTH OKANAGAN.

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE 31st DAY OF ANNUARY, 2020.
ASON RUSSELL SHORTT, BCLS # 770

#### russell shortt

| Iand SURVEYORS | 2801-32nd Street, Vernon, B.C. VIT 5LB | Phone: (250)545-0511 | Email: jacons@jrshortt.ca | F.B. 1307 p70 | File: 27033 cons 242066,091520

#### 4.9 Housing Agreements

- 4.9.1 City Council may enter into a housing agreement pursuant and/or covenant to the *Local Government Act*, as a condition of approval for affordable and/or special needs housing, which contains contractual arrangements as to any, or all, of the following:
  - the use of the lot in relation to any existing or proposed building or structure including the preservation of buildings, structures and environmental setbacks;
  - the occupancy, form of tenure, availability, administration, management and rent provisions, of the housing units;
  - the timing of the development; and,
  - such other conditions as may be considered reasonable under the circumstances.
- 4.9.2 Increases in the maximum **density** or reductions in parking or loading requirements are permitted to the **density** specified in the RM1, RM2, RH1, RH2, and RH3 **zone**s provided:
  - the owner enters into a housing agreement and/or covenant satisfactory to the City of Vernon; and
  - such public benefit, determined by the City of Vernon, may include affordable or special needs housing for sale or rental at below market rates to qualifying purchasers or tenants or, amenities or amenity improvements to public spaces or community facilities.
- 4.9.3 All agreements and/or covenants entered into pursuant to Section 4.9 shall run with the land as a priority charge against the title of the subject lands at the Land Title Office.
- 4.10 Setback from Provincial Highways and City Roads (Bylaw No. 4883)
- 4.10.1 All buildings, structures and landscaping excluding perimeter fencing (garden walls and fences) on lots abutting Provincial Highways shall not be closer to the highway than the required Provincial Highway setbacks. (Bylaw 5339)
- 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"

#### THE CORPORATION OF THE CITY OF VERNON

#### **BYLAW 5919**

## A Bylaw to authorize a Housing Agreement for 3202 16<sup>th</sup> Avenue

**WHEREAS** Section 483 of the *Local Government Act* provides that Council may enter into a housing agreement with an owner which may include terms and conditions regarding the occupancy of the housing units identified in the Agreement; and

**WHEREAS** Council wishes to enter into such an agreement regarding the development and provision of rental housing units on lands located within the City of Vernon;

**NOW THEREFORE** the Council of the City of Vernon in open meeting assembled enacts as follows:

- 1. This Bylaw may be cited for all purposes as "3202 16th Avenue Housing Agreement Bylaw 5919, 2022".
- 2. The Council of the City of Vernon hereby authorizes the Mayor and Corporate Officer to enter into an agreement with the owner of Lot 1, DL 73, ODYD, Plan EPP41416, on behalf of the City of Vernon, as set out in **Schedule "A"**, attached hereto and forming part of this Bylaw (the "Agreement").
- 3. The lands identified in the Agreement are located at 3202 16<sup>th</sup> Avenue and are legally described as: Lot 1, DL 73, ODYD, Plan EPP41416.
- 4. The Mayor and Corporate Officer are authorized to execute any documents required to give effect to the Agreement.

#### PAGE 2

### **BYLAW 5919**

Mayor	Corpor	rate Officer
	<b>,</b> 3.	,
ADOPTED THIS	day of	, 2022:
READ A THIRD TIME this	day of	, 2022.
READ A SECOND TIME this	day of	, 2022.
READ A FIRST TIME this	day of	, 2022

THIS AGREEMENT dated for reference August 15, 2022.

#### **BETWEEN:**

#### **RUBI-JANE INVESTMENTS LTD.**

c/o 2801 - 32<sup>nd</sup> Street Vernon British Columbia, V1T 5L8

(the "Owner")

#### AND:

#### THE CORPORATION OF THE CITY OF VERNON

3400 - 30th Street Vernon, British Columbia, V1T 5E6 (the "City")

#### **Background**

A. The Owner is the registered owner of those lands and premises at 3202 – 16<sup>th</sup> Avenue, Vernon British Columbia (the "**Lands**") and which are legally described as:

Parcel Identifier: 031-286-411

Lot 1, District Lot 73, ODYD, Plan EPP41416

- B. The Owner intends to construct on the Lands a building containing three dwelling units, together with parking and landscaping (the "**Development**").
- C. Section 219 of the Land Title Act, R.S.B.C. 1996, c. 250 (the "Act") provides, inter alia, that there may be registered as a charge against title to land a covenant, whether of a negative or positive nature, in respect of the use of land or the use of building erected or to be erected on land, in favour of a municipality or the Crown.
- D. The Owner has requested that the Owner, as owner of the Lands enter into this Covenant with the City with respect to the Development of the Lands and the Owner has agreed to do so.

#### A. Terms of Agreement

In consideration of \$1.00 and other good and valuable consideration now paid by the City to the Owner (the receipt and sufficiency of which is hereby acknowledged), the parties agree as follows:

- From the date of this Agreement and continuing thereafter until July 1, 2042, the Owner covenants and agrees with the City that there will be no further subdivision of the Lands, whether under the provision of the Act or the Strata Property Act.
- Neither the Owner nor any future owner of the Lands shall be liable under any of the covenants and agreements contained in this Agreement where such liability arises by reason of an act or omission occurring after the Owner or any future owner ceases to have any further interest in the Lands.
- 3. The covenants contained in this Agreement are and shall be deemed to be covenants running with the Lands pursuant to Section 219 of the Act and shall be binding upon the Owner and its successors in title to the Lands and shall enure to the benefit of the City and its successors, in perpetuity, and may only be modified or discharged pursuant to the provisions of Section 219 of the Act or pursuant to the provisions of an order of a Court of competent jurisdiction.
- 4. Wherever the context so requires, any term used in this Agreement importing the singular number only shall include the plural and vice versa and words importing any gender shall include all other genders.
- 5. The Owner acknowledges and agrees that damages are not an adequate remedy for breach of the covenants herein contained and further that the City, in the event of any such breach will and shall be entitled to apply to a Court of competent jurisdiction for an Order restraining and prohibiting the continuance of any such breach.
- 6. Nothing contained or implied in this Agreement shall prejudice or affect the City's rights and powers in the exercise of its functions pursuant to the *Community Charter* or the *Local Government Act* of British Columbia or its rights and powers under all of its public and private statutes, bylaws, orders and regulations to the extent that the same are applicable to the Lands, all of which may be fully and effectively exercised in relation to the Lands as if these covenants had not been executed and delivered by the Owner.
- 7. The Owner shall do all such further acts and execute and deliver such deeds, assignments, documents and instruments and evidences of transfer and shall give such further assurance as shall be necessary or appropriate in connection with the performance of its obligations under this Agreement to carry out the intent and purpose of this Agreement.
- 8. If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and severable from the rest, and the remaining parts will

- not be affected thereby and will be enforceable to the fullest extent permitted by law.
- 9. This Agreement and all rights, entitlements, duties and obligations arising from it shall enure to the benefit of and be binding upon the parties and each of their respective heirs, executors, successors and assigns.

**AS EVIDENCE OF THEIR AGREEMENT** the parties have executed this agreement on one or more pages of the General Instrument.

DRAWING NOTES

LANDSCAPE ROCK.
The contractor shall supply and place landscape rock to those areas shown on the drawings. Product shall be 25mm diameter.

GROWING MEDIUM: All planting medium shall be new or amended topsoil capable of premating healthy plant growth for those plants specified on the plant fiel.

LANCSCAPE EDGING:
The contractor shall supply and place landscape edging to separate landscape rock areas from edge of property.

IRRIGATION: The contractor shall supply and place impation system. All work and products shall meet or exceed the impation Association of BC\_standards and specifications.

All tree, shrup bods and groundcover areas are to be impated with an automatically sined drp vingation system.

COMMON NAME Swedish Columnar Aspen Dwarf Mugo Pine Rose Glow Barberry Gold Splash Euonymus Karl Foerster Reed Grass BOTANICAL NAME
Populus tremula 'Erecta'
Pinus mugo 'Pumillo'
Berberle thunbergii 'Rosy Glow'
Euonymus fortunei 'Roemertwo'
Calamagrotis acutifore 'Kerl Foer SIZE 6cm CAL #02 CONT #02 CONT #02 CONT #01 CONT

SWAN LAKE NURSERYLAND TEL (250) 542 7614 FAX (250) 542 7652 admin@myswsniaks.com \*\*\*\*\*\*\*\*\* -NYMEN BEATRICE HOUSE 1500 32ND STREET VERNON BC 99487 1006 LANDSCAPE PLAN

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