



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Matt Faucher
Current Planner, Planning

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: November 6, 2023
REPORT DATE: October 26, 2023
FILE: 3360-20 (ZON00407) / 3090-20 (DVP00617)

SUBJECT: **ZONING AND DEVELOPMENT VARIANCE PERMIT APPLICATIONS FOR 3300 31ST AVENUE**

PURPOSE:

To present for Council's consideration zoning and development variance permit applications for the property located at 3300 31st Avenue to support a proposed mixed-use development.

RECOMMENDATION:

THAT Council support Zoning Application 00407 (ZON00407) to rezone Lot A, DL 72, ODYD, Plan KAP89332 (3300 31st Avenue) from C7 – Heritage Business District to C8 – Central Business District as outlined in the report titled "Zoning and Development Variance Permit Applications for 3300 31st Avenue" dated October 26, 2023, and respectfully submitted by the Current Planner;

AND FURTHER, that Council direct Administration to hold a public hearing, pursuant to 464(1) of *the Local Government Act*, on a proposed bylaw to rezone Lot A, DL 72, ODYD, Plan KAP89332 (3300 31st Avenue) from C7 – Heritage Business District to C8 – Central Business District;

AND FURTHER, that Council support of Zoning Application 00407 (ZON00407) is subject to the following:

- a) That prior to final adoption of the zoning amendment bylaw, a Development Permit be ready for issuance;

AND FURTHER, that Council support Development Variance Permit Application 00617 (DVP00617) to vary Zoning Bylaw 5000 for Lot A, DL 72, ODYD, Plan KAP89332 (3300 31st Avenue), as follows:

- a) Section 4.1.2, to permit a building greater than 15m in height located in a commercial zone to project above lines extending toward the building at right angles from the centre line of the rear lane at an angle of 70° to the horizontal;
- b) Section 7.1.2, Table 7.1, minimum required parking stalls for the use of Apartment Housing from 124 to 76;
- c) Section 7.1.2, Table 7.1, minimum required visitor parking stalls for Residential Uses from 14 to 0; and
- d) Section 10.8.5, to relax the minimum setback for any portion of a building above 15m in height from 3.0m to 1.44m from any property line abutting a street.

AND FURTHER, that Council support of Development Variance Permit Application 00617 (DVP00617) is subject to the following:

- a) That the site plan, floor plan, building elevations and renderings illustrating the general siting, layout and dimensions of the proposed development (Attachment 1) in the report titled "Rezoning and Development Variance Permit Applications for 3300 31st Avenue" dated October 26, 2023, and respectfully submitted by the Current Planner, be attached to and form part of DVP00617 as Schedule 'A'.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council not support Zoning Application 00407 (ZON00407) to rezone Lot A, DL 72, ODYD, Plan KAP89332 (3300 31st Avenue) from C7 – Heritage Business District to C8 – Central Business District as outlined in the report titled "Zoning and Development Variance Permit Applications for 3300 31st Avenue" dated October 26, 2023, and respectfully submitted by the Current Planner;

AND FURTHER, that Council not support Development Variance Permit Application 00617 (DVP00617) to vary Zoning Bylaw 5000 for Lot A, DL 72, ODYD, Plan KAP89332 (3300 31st Avenue).

Note: This alternative does not support the rezoning and variance applications and prevents the project from moving ahead as proposed. The applicant will need to redesign their proposal to conform with Zoning Bylaw 5000.

ANALYSIS:

A. Committee Recommendations:

At its meeting of October 24, 2023, the Advisory Planning Committee passed the following resolution:

THAT the Advisory Planning Committee recommends that Council support Zoning Application 00407 (ZON00407) to rezone Lot A, DL 72, ODYD, Plan KAP89332 (3300 31st Avenue) from C7 – Heritage Business District to C8 – Central Business District as outlined in the draft report titled "Zoning and Development Variance Permit Applications for 3300 31st Avenue" dated October 17, 2023, and respectfully submitted by the Current Planner;

AND FURTHER, that the Advisory Planning Committee recommends that Council direct Administration to hold a public hearing, pursuant to 464(1) of the Local Government Act, on a proposed bylaw to rezone Lot A, DL 72, ODYD, Plan KAP89332 (3300 31st Avenue) from C7 – Heritage Business District to C8 – Central Business District;

AND FURTHER, that the Advisory Planning Committee recommends that Council support of Zoning Application 00407 (ZON00407) is subject to the following:

- a) *That prior to final adoption of the zoning amendment bylaw, a Development Permit be ready for issuance;*

AND FURTHER, that the Advisory Planning Committee recommends that Council support Development Variance Permit Application 00617 (DVP00617) to vary Zoning Bylaw 5000 for Lot A, DL 72, ODYD, Plan KAP89332 (3300 31st Avenue), as follows:

- a) *Section 4.1.2, to permit a building greater than 15m in height located in a commercial zone to project above lines extending toward the building at right angles from the centre line of the rear lane at an angle of 70° to the horizontal;*
- b) *Section 7.1.2, Table 7.1, minimum required parking stalls for the use of Apartment Housing from 124 to 76;*

- c) Section 7.1.2, Table 7.1, minimum required visitor parking stalls for Residential Uses from 14 to 0; and
- d) Section 10.8.5, to relax the minimum setback for any portion of a building above 15m in height from 3.0m to 1.44m from any property line abutting a street;

AND FURTHER, that the Advisory Planning Committee recommends that Council support of Development Variance Permit Application 00617 (DVP00617) is subject to the following:

- a) That the site plan, floor plan, building elevations and renderings illustrating the general siting, layout and dimensions of the proposed development (Attachment 1) in the report titled "Rezoning and Development Variance Permit Applications for 3300 31st Avenue" dated October 17, 2023, and respectfully submitted by the Current Planner, be attached to and form part of DVP00617 as Schedule 'A'.

B. Rationale:

1. The subject property is a vacant lot located in the City Centre neighbourhood (Figures 1 and 2) and is the former Legion Building site. It has an area of 1,875m² (~0.46ac). The property is currently zoned C7 – Heritage Business District.
2. The intent of the rezoning and variance applications is to request that Council:
 - rezone the subject property from C7 – Heritage Business District (Attachment 2) to C8 – Central Business District (Attachment 3). A map illustrating the current zoning districts is contained in Attachment 4; and

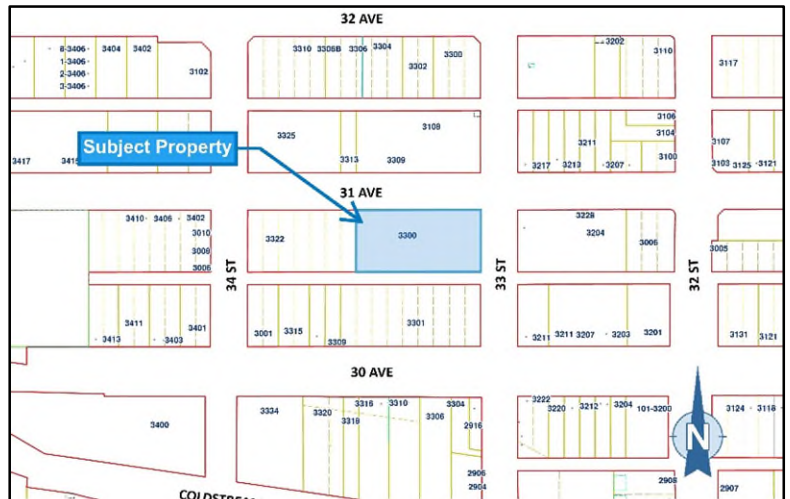


Figure 1: Property Location Map

- support the following variance requests to Zoning Bylaw 5000 (Attachment 5) to:
 - o permit a building greater than 15m in height located in a commercial zone to project above lines extending toward the building at right angles from the centre line of the rear lane at an angle of 70° to the horizontal;
 - o reduce the minimum required parking stalls for the use of Apartment Housing from 124 to 76 (reduction of 48 stalls);
 - o reduce the minimum required visitor parking stalls for Residential Uses from 14 to 0; and
 - o relax the minimum setback for any portion of a building above 15m in height from 3.0m to 1.44m from any property line abutting a street.

3. The application proposes to construct a six-storey mixed use development with ~800m² of ground floor commercial and 95 residential units (75 – one-bedroom units and 20 – two-bedroom units), including two floors of underground parking and a roof top amenity space. The subject property is in the City Centre neighbourhood directly across 33rd Street from the City's parkade. The location is in the downtown commercial area and close to amenities, transit and is fully serviced by City infrastructure. The subject property is bound on the north by 31st Avenue, on the east by 33rd Street, on the south by a laneway, and on the west by existing commercial development.



Figure 2: Aerial View of Property

4. The subject property is designated as Mixed-Use High Density Commercial and Residential (MXDHDCOMRES) in the Official Community Plan (OCP) (Attachment 6 & Attachment 7) and located within the [City Centre Neighbourhood Plan \(CCNP\)](#). The proposed C8 zone is compatible with both the MXDHDCOMRES designation and the CCNP. The goals of the CCNP are:

Character Areas:

- a) Mixed Use - High Density Commercial and Residential. This urban designation allows and encourages mixed land use development up to 12 storeys where appropriate. Street level activity should focus on retail uses, cafes, restaurants, coffee shops, bars/pubs, grocery stores, artist studios, neighbourhood serving businesses and specialty shops and services. High density residential development above commercial uses will assist in creating a vibrant urban environment.

Historic Downtown:

- a) Support the development and redevelopment of mixed-use retail, office, commercial, entertainment, residential, hotel and other high activity uses by removing barriers to development and providing incentives.
- b) The feel of 30th Avenue shall be recreated on other streets in this area through redevelopment and streetscape improvements.
- c) Support redevelopment of vacant and underutilized lands.
- d) Encourage land uses that can support each other through shared parking opportunities such as office and retail sharing with residential, restaurants and entertainment venues.
- e) Encourage the development of housing in this area in order to attract residents and employees to support a full complement of retail and restaurant uses and make the area more active.
- f) Development in this area may be strictly commercial but not purely residential. All development must include commercial uses at street level.

General Policies:

- a) Encourage the development of garden space on rooftops for residents or employees.
 - b) Encourage a mixture of housing sizes, forms and tenures in the design of new multi-family and mixed-use development to accommodate households of all sizes, ages and income levels.
5. The applicant is requesting to rezone the subject property from C7 to C8 in order to support the proposed residential density of 95 units, as well as the proposed height of the structure at 22m. The current C7 zone does not contain a specific maximum density for residential units. As such, the density maximum defaults to its OCP designation of High Density identified in Section 7.5 of the OCP as 170 units/ha (69 units/ac). Using this measure, the maximum allowable residential units on the subject property is 31. The C8 zone utilizes Floor Space Ratio (FSR) to set the maximum residential density at 4.0. When the residential units are calculated using FSR, based on the size of the subject property, the proposed units represent an FSR of 3.82. Both the C7 and C8 zones utilize FSR to calculate density for commercial units. The application is proposing a commercial FSR of 0.43 which is well under the allowable FSR in both the C7 and C8 zones. The maximum height of a structure in the C7 zone is 15m, where as the maximum height of a structure in the C8 zone is 38m allowing the proposed development to proceed without the need to request a height variance. A zone to zone comparison is provided in Table 1: Zoning Comparison.
6. Adjacent properties to the north are zoned C8 (Attachment 3). Properties to the west, east and south are zoned C7 (Attachment 2).
7. Table 1 below compares the existing C7 zone and the proposed C8 zone. These zones share similar uses and setbacks with the main differences being the maximum height and maximum density for commercial and residential uses.

	Existing C7	Proposed C8	Proposal
Max. Density	Residential: Not Provided OCP High Density Residential: 170 units/ha (69 units/ac) Commercial: 3.5 FSR	Residential: 4.0 FSR Commercial: 5.0 FSR Total: 9.0 FSR	Residential: 3.82 FSR Commercial: 0.43 FSR
Min. Lot Area	200m ²	200m ²	1,870m ²
Min. Lot Width	7.0m	7.0m	30.448m
Max. Site Coverage	100%	100%	97.9%
Max. Height	15.0m	38.0m	22.0m
Min. Front Yard	0.0m	0.0m	1.22m
Min. Side Yard	0.0m	0.0m	0.0m
Min. Rear Yard	0.0m 6.0m if abutting residential lands	0.0m 6.0m if abutting residential lands	0.35m
Setback for buildings above 15m in height	N/A	3m for any portion of a building above 15m from any property line	1.45m

Table 1: Zoning Comparison

Proposed Variances:

8. Though there are four variances requested to support the development, they can be combined into two categories: buildings with a height greater than 15m and parking.

Height greater than 15m:

The application requests to vary Section 4.1.2 (Shadow Analysis) to allow the proposed structure to project beyond the 70° lines above 15m in height (Figure 3). The applicant's letter of rationale (Attachment 8) touches on the variance from the perspective of "site lines", however the regulation is meant to address shadows cast by the building with step backs required at higher elevations to reduce shadow impacts on adjacent lands. The applicant has provided further shadow analysis (Attachment 9) illustrating shadows at key moments in the annual cycle. The variance requested is specifically related to the projection of the 70° angle from the laneway on the west and south elevations. Meeting this regulation would result in a loss of units. Given the value to the neighbourhood of providing residential units in the downtown core area, as well as the area exceeding the regulation is facing the laneway, the trade off is acceptable for Administration to support this variance request.

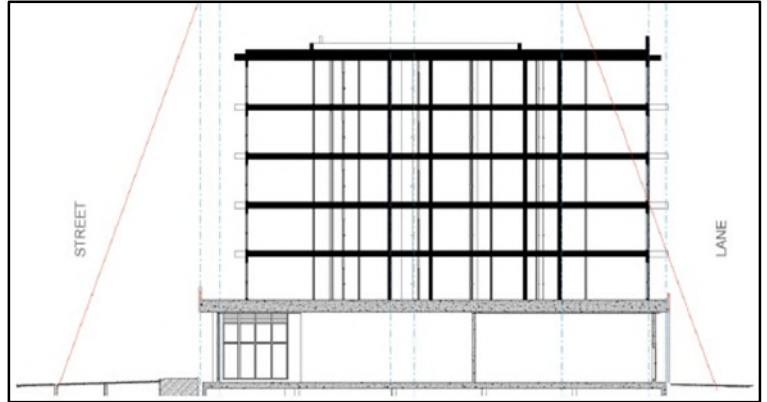


Figure 3: Shadow Analysis 70° Regulation

Meeting this regulation would result in a loss of units. Given the value to the neighbourhood of providing residential units in the downtown core area, as well as the area exceeding the regulation is facing the laneway, the trade off is acceptable for Administration to support this variance request.

The application also requests to vary Section 10.8.5 requiring a setback of 3m for any portion of a building greater than 15m in height from all property lines. While the application is in accordance with setbacks for the portion of the structure under 15m in height, the portion of the building above (approximately 7m) does not meet the increased setback requirement of 3m from all property lines on the north elevation – 31st Ave (proposed setback of 1.45m), east elevation – 33rd St (proposed setback of 2.25m) and south elevation – Laneway (proposed setback of 1.44m). As the variance applies mainly to the top two floors of the proposed development (5th and 6th floors) and allows for two-bedroom units in the low 700 sq. ft. to high 900 sq. ft. ranges to accommodate varying space requirements of future residents, Administration is supportive of this variance request.

Parking:

The application is requesting variances to two parking regulations in Section 7.1.2, Table 7.1:

1. To reduce the amount of parking stalls required for the use of Apartment Housing from 124 to 76; and
2. To reduce the amount of visitor parking stalls required for the proposed 95 residential units from 14 to 0.

The applicant has provided a parking study (Attachment 10, Section 3) to support the requested variance. The report highlights a shared parking strategy between the commercial and visitor parking uses. Additionally, there is a four-storey parkade located across 33rd Street from the proposed development site. Given the time difference between peak periods of the commercial and visitor uses, as well as the availability of metered street parking and parkade adjacent to the subject property, Administration is supportive of the proposed variance to the visitor parking requirements. Providing no visitor parking also aligns with recommendations provided in the [City Centre Neighbourhood Plan Parking Implementation Strategy](#).

The application is requesting a 48 stall (~39%) reduction in the amount of required parking for the Apartment Housing use. The location of the subject property in the City Centre is in close proximity to services and amenities, as well as transit. Based on reviewing comparable developments in the City that are in close proximity to properties within the C7 and C8 zones, the parking study concluded that a parking rate of 0.80 per unit is suitable to support the expected demand created by the proposed residential development. Additionally, the applicant has included 183 Class II bicycle parking spaces which greatly exceeds the bylaw requirement of 0.5 stalls per unit, to support and encourage alternative modes of transportation.

9. Administration supports the rezoning and variance applications for the following reasons:

- a) The application proposes to construct a significant number of residential units in the City Centre providing accommodation for residents and workers in the downtown core close to services, businesses and amenities;
- b) The proposed development includes ground floor commercial which would activate the street frontage where a currently vacant lot exists;
- c) The variances requested to setbacks above 15m apply to the top two floors of the structure and allow for additional residential units to be created in the downtown core of the City; and
- d) Given the subject property's proximity to services and amenities, as well as being located directly across from a four-storey parkade and a significant increase to the bicycle parking requirements, Administration supports the request to reduce parking requirements for the proposed development.

C. Attachments:

- Attachment 1 – Architectural Drawing Set (Site Plan, Elevations, Floor Plans, Landscaping)
- Attachment 2 – C7 – Heritage Business District Zone
- Attachment 3 – C8 – Central Business District Zone
- Attachment 4 – Current Zoning Map
- Attachment 5 – Zoning Bylaw 5000, Sections 4.1.2, 7.1.2, Table 7.1, and 10.8.5
- Attachment 6 – Mixed-Use High Density Commercial and Residential (OCP)
- Attachment 7 – OCP Map
- Attachment 8 – Applicant's Letter of Rationale
- Attachment 9 – Shadow Analysis
- Attachment 10 – Parking Study, prepared by Bunt & Associates, dated October 14, 2023

D. Council's Strategic Plan Alignment:

- | | |
|---|--|
| <input type="checkbox"/> Governance & Organizational Excellence | <input checked="" type="checkbox"/> Livability |
| <input type="checkbox"/> Recreation, Parks & Natural Areas | <input checked="" type="checkbox"/> Vibrancy |
| <input checked="" type="checkbox"/> Environmental Leadership | <input type="checkbox"/> Not Applicable |

E. Relevant Policy/Bylaws/Resolutions:

1. Official Community Plan Bylaw 5470:
 - OCP Designation – Mixed-Use High Density Commercial and Residential
 - City Centre Neighbourhood Plan (CCNP)
2. Zoning Bylaw 5000:
 - C7 – Heritage Business District
 - C8 – Central Business District
 - Sec. 4.1.2 – Shadow Analysis

- Sec. 7.1.2, Table 1 – Minimum Parking Standards – Apartment Housing and Visitor Parking
- Sec. 10.8.5 – Setback from all property lines for buildings greater than 15m in height

BUDGET/RESOURCE IMPLICATIONS:

N/A

FINANCIAL IMPLICATIONS:

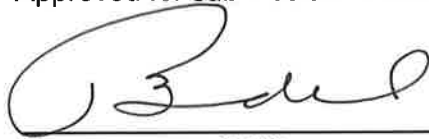
- None
 Budget Previously Approved
 New Budget Request
 (Finance Review Required)

Prepared by:

Approved for submission to Council:

X 

 Matt Faucher
 Planner, Planning



 Patricia Bridal, CAO
 Date: 10 | 31 | 2023

for X 

 Terry Barton, 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 Services |
| <input checked="" 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 type="checkbox"/> Economic Development & Tourism |
| <input checked="" type="checkbox"/> COMMITTEE: APC (October 24/23) | | |
| <input type="checkbox"/> OTHER: | | |