



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Michelle Austin
Planner, Planning

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: December 11, 2023
REPORT DATE: November 29, 2023
FILE: 3360-20 (ZON00365)

SUBJECT: ZONING APPLICATION FOR 1607 43RD AVENUE

PURPOSE:

To present for Council's consideration a zoning application for the property located at 1607 43rd Avenue. The intent is to rezone the property from R5 – Four-plex Housing Residential to RH1 – Low-rise Apartment Residential and develop two apartment buildings with a total of 140 residential units.

RECOMMENDATION:

THAT Council support Zoning Application 00365 (ZON00365) to rezone Lot B, Sec 2, Twp 8, ODYD, Plan KAP59453, Except Strata Plan KAS1926 (Phase 5) (1607 43rd Avenue) from R5 – Four-plex Housing Residential to RH1 – Low-rise Apartment Residential as outlined in the report titled "Zoning Application for 1607 43rd Avenue" dated November 29, 2023 and respectfully submitted by the Planner;

AND FURTHER, that Council's support of ZON00365 is subject to the following:

- a) That, prior to final adoption of the bylaw, a restrictive covenant be registered on title of the subject property:
 - i. limiting the maximum number of dwelling units to 140;
 - ii. limiting the maximum site coverage with impermeable surfaces to 60%;
 - iii. requiring, at the development permit stage, a Traffic Safety Analysis and compliance with its recommendations to ensure safety for all road users at the driveway access at 43rd Avenue; and
- b) That, prior to final adoption of the bylaw, an easement be registered on title of the subject property allowing Phases 1 – 5, Strata Plan KAS1926 access over the subject property;
- c) That, prior to final adoption of the bylaw, a statutory right of way, paralleling the north property line and a portion of the west property line of the subject property, be registered on title of the subject property allowing public active transportation access, and surplus statutory rights of way be released, to the satisfaction of administration; and
- d) That, prior to submission of a Building Permit application, a development permit be required to ensure compliance with the mitigation measures outlined in the Environmental Impact Assessment, prepared by Phoenix Environmental Services Ltd., dated July 23, 2023.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council not support Zoning Application 00365 (ZON00365) to rezone Lot B, Sec 2, Twp 8, ODYD, Plan KAP59453, Except Strata Plan KAS1926 (Phase 5) (1607 43rd Avenue) from R5 – Four-plex Housing Residential to RH1 – Low-rise Apartment Residential as outlined in the report titled “Zoning Application for 1607 43rd Avenue” dated November 29, 2023 and respectfully submitted by the Planner.

Note: This alternative does not support the rezoning application and prevents the project from moving ahead. Under the existing R5 zoning, a maximum of 33 units would be allowed.

ANALYSIS:

A. Committee Recommendations

At its meeting of November 28, 2023, the Advisory Planning Committee passed the following resolution:

THAT the Advisory Planning Committee recommends that Council support Zoning Application 00365 (ZON00365) to rezone Lot B, Sec 2, Twp 8, ODYD, Plan KAP59453, Except Strata Plan KAS1926 (Phase 5) (1607 43rd Avenue) from R5 – Four-plex Housing Residential to RH1 – Low-rise Apartment Residential as outlined in the report titled “Zoning Application for 1607 43rd Avenue” dated November 23, 2023 and respectfully submitted by the Planner;

AND FURTHER, that the Advisory Planning Committee recommends Council’s support of ZON00365 is subject to the following:

- a) *That, prior to final adoption of the bylaw, a restrictive covenant be registered on title of the subject property:*
 - i. *limiting the maximum number of dwelling units to 150;*
 - ii. *limiting the maximum site coverage with impermeable surfaces to 60%;*
 - iii. *requiring, at the development permit stage, compliance with the Geotechnical Assessment, prepared by Ecora Engineering & Resource Group Ltd., dated November 2020 (Attachment 11);*
 - iv. *requiring, at the development permit stage, a Traffic Safety Analysis and compliance with its recommendations to ensure safety for all road users at the driveway access at 43rd Avenue;*
 - v. *requiring, at the development permit stage, an easement registered on title of the subject property allowing Phases 1 – 5, Strata Plan KAS1926 access over the subject property; and*
- b) *That, prior to submission of a Building Permit application, a development permit be required to ensure compliance with the mitigation measures outlined in the Environmental Impact Assessment, prepared by Phoenix Environmental Services Ltd., dated July 23, 2023 (Attachment 9).*

AND FURTHER, that the Advisory Planning Committee recommends that Council hold a public hearing, pursuant to 464(1) of the Local Government Act, on a proposed bylaw to rezone Lot B, Sec 2, Twp 8, ODYD, Plan KAP59453, Except Strata Plan KAS1926 (Phase 5) (1607 43rd Avenue) from R5 – Four-plex Housing Residential to RH1 – Low-rise Apartment Residential.

B. Rationale:

1. The subject property is located at 1607 43rd Avenue, across from Vernon Mobile Home Park (Figures 1 and 2). It has an area of approximately 1.12 ha (2.77 ac) and is relatively flat. It is mostly vacant except for an access road and existing surface parking for an adjacent six-plex (Attachment 1).

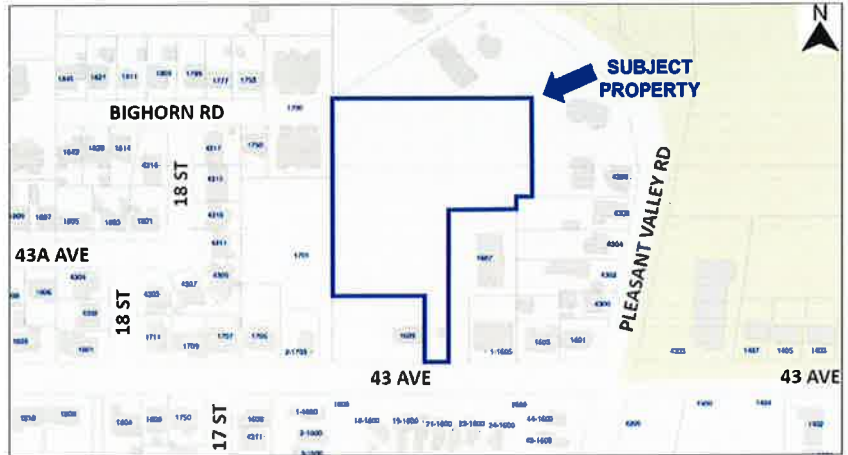


Figure 1 - Location

2. The property is a remnant portion of a larger multi-family development, named Vernon Springs, that was partially completed in the late 1990's. Vernon Springs includes a mix of multi-family buildings ranging from semi-detached to six-plexes to the east and northeast of the subject property.



Figure 2 – Aerial

3. Development plans are to construct two low-rise (4 storey) apartment buildings containing a total of 140 residential units with underground parkades and exterior surface parking (Attachment 2). Building A, on the west side of the access road, would comprise a below grade parkade with two four-storey apartment buildings above containing 84 units with a mix of one bedroom and two bedrooms. Building B, on the east side of the access road, would also comprise a four-storey apartment building above a parkade containing 56 units with a mix of one bedroom, one bedroom plus a den and two bedrooms. Access from 43rd Avenue is proposed using the existing driveway on the adjacent lot to the east; however, the subject property owner would need to obtain an access easement from the adjacent property owner. If unable to secure an access easement, an alternative driveway would be established at the frontage of the subject property at 43rd Avenue.

4. Following rezoning, considerations regarding form and character would be addressed at the development permit stage. The provided conceptual architectural drawings (Attachment 2) illustrate the potential site development, including renderings, contours, a site plan, building and site sections, floor plans, building elevations, and a landscape plan (Attachment 3).

5. The current zoning of the subject property is R5 – Four-plex Housing Residential (see Attachments 4 and 5). The application seeks to rezone the property from R5 to RH1 – Low-rise Apartment Residential (see Attachment 6). The proposal aligns with the RH1 zoning regulations for density, site coverage, impermeable surfaces (as per the recommended covenant), building height, setbacks, provision of private open space, as well as parking and loading.

6. If Council endorses the recommendation, Administration would issue a public notice of initial readings (first, second and third) and bring forward the proposed zoning amendment (rezoning) bylaw for Council's consideration. In accordance with Sec. 464 (1) of the *Local Government Act*, holding of a

public hearing is not required on the proposed rezoning bylaw because 1) an Official Community Plan (OCP) is in effect for the property and 2) it would be consistent with the OCP.

7. The maximum allowable density of the R5 zone is 30 units per ha (12 units per ac), which would allow up to 33 units on the subject property. Density for the proposed project calculates to 125 units per ha (51 units per ac) and so the need to rezone to a higher density zone. The proposed RH1 zoning establishes the maximum allowable density through FSR rather than units per hectare (acre). There is no unit-per-hectare ceiling in the RH1, meaning that there is no restriction on the number of units that can be constructed, apart from compliance with other development controls such as FSR, lot coverage, height, and setbacks. The maximum allowable density of the RH1 zone is an FSR of 2.0. The project proposal is for an FSR of 0.75.
8. The subject property is designated as Residential Medium Density (RMD) in the OCP (Attachment 7). The RMD land use designation supports apartments, townhouses and mixed use with a maximum density of 110 units per ha (44.5 units per ac). With a lot area of 1.12 ha (2.77 ac), the property could support up to 123 units under the RMD designation. The proposed project envisions a somewhat higher count of 140 units. In zoning districts utilizing Floor Space Ratio (FSR) for density, such as the proposed RH1, Section 7.5 of the OCP indicates that there is no maximum unit per hectare (acre). However, Administration recommends that a restrictive covenant be registered on the title to cap the number of dwelling units at 140.
9. Regional Growth Strategy (RGS) Bylaw 2500, 2011 identifies the subject property as being within an area intended for growth.
10. Table 1 below compares the R5 and RH1 zoning regulations.

	Existing R5	Proposed RH1
Housing Form	<ul style="list-style-type: none"> • SDH • Duplex/Semi-detached Housing • Three-plex Housing • Four-plex Housing • Secondary Suites within SDH 	<ul style="list-style-type: none"> • Apartment Housing • Stacked Row Housing • Seniors Housing (including Assisted and Supportive)
Max. Density	30 units/ha = 33 units	<ul style="list-style-type: none"> • FSR = 1.25 • FSR with a housing agreement = 1.35 • FSR where parking provided completely beneath habitable space or common amenity areas = 2.0 • Max. FSR with all bonuses = 2.0
Max. Site Coverage	<ul style="list-style-type: none"> • 40% • Max. 50% with impermeable surfaces 	<ul style="list-style-type: none"> • 65% • Max. 85% with impermeable surfaces
Max. Height	<ul style="list-style-type: none"> • 10m • 4.5m for secondary buildings and structures 	<ul style="list-style-type: none"> • 16.5m • 4.5m for secondary buildings and structures
Min. Yards	<ul style="list-style-type: none"> • 4m for Front and Flanking • 2m for Side • 6m for Rear 	<ul style="list-style-type: none"> • 4.5m for Front, Side and Flanking • 9m for Rear

Table 1: Zoning Comparison

11. Surrounding land uses (i.e. zoning and actual use) are compatible with the proposed multi-family development, as shown in Table 2.

	Zoning	Actual Use
North	RM1 – Row Housing Residential	Countryside Place (multi-family housing)
East	RM1 R5 – Four-plex Housing Residential	Vernon Springs (multi-family housing) Single detached housing (SDH)
South	R5 RH2 – Stacked Row Housing Residential R7 – Mobile Home Residential	Mobile Home Park
West	R5 RH2	Undeveloped / multi-family housing

Table 2: Surrounding Properties – Zoning & Actual Use

12. A Trip Generation and Impact Analysis letter (Attachment 8) has been provided with estimated trip generation, using the Institute of Transportation Engineers (ITE) Trip Generation Manual, and an assessment of the impact of the proposed development (up to 160 units) on the road network, based on road classification. The analysis predicts that during both the morning (AM) and evening (PM) peak hours, there will be fewer than 100 vehicle trips generated. It concludes that the quantity is insufficient to impact the level of service of the intersection approach at 43rd Avenue and Pleasant Valley Road or to cause the road classification to change. The Trip Generation and Impact Analysis letter provided did not verify sight lines or recommend upgrades to improve visibility and safety for all road users and, in particular, active transportation users. Therefore, Administration recommends a Traffic Safety Analysis for the site access at 43rd Avenue be provided at the development permit stage.

13. In alignment with the OCP, Administration recommends registering a statutory right of way along the north boundary of the subject property, before final bylaw adoption, to enhance community connectivity for pedestrians and cyclists.

14. Under the City’s Environmental Management Areas (EMA) Strategy, the subject property has a “medium” conservation value (Figure 3). An Environmental Impact Assessment (EIA) (Attachment 9) has been provided, further describing the property’s conservation value. This assessment explains that much of the site has been disturbed as a result of previous development activities, including excavations for building foundations that did not get built. It identifies the following vegetation communities on the property that hold significant environmental value: a

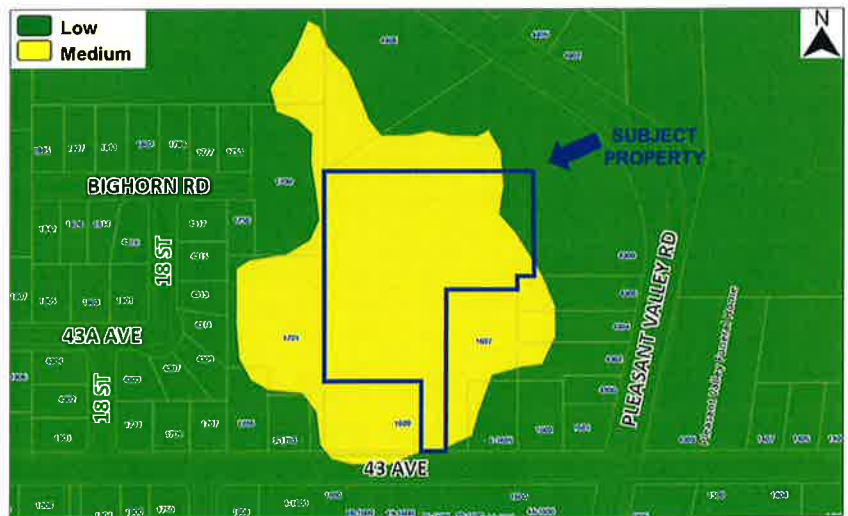


Figure 3 – EMA Polygons

pond/wetland, a deciduous forest, and a common cattail marsh. The pond/wetland in the southwest corner is currently protected by a no-disturb covenant that would only allow disturbance for underground utility works and services. The EIA outlines mitigation strategies to enhance the environmental value of the existing vegetation communities that should be implemented at the time of development including planting of native trees and shrubs within the covenant area; installing a native swale along the west

side of the property to connect with the covenant area; avoiding songbird breeding windows; and, implementing erosion and sediment control measure during construction. Administration recommends that an environmental development permit (DP) be required prior to submission of a Building Permit application to ensure the EIA mitigation strategies are implemented. An environmental DP may not be required otherwise due to exemptions in the OCP.

15. A Geotechnical Assessment (available upon request), prepared by Ecora Engineering & Resource Group Ltd., dated November 2020, has been provided. A summary of findings can be found in Section 9. Briefly, the assessment found:

- clay soils with medium to very high potential for swelling;
- groundwater seepage at depths inferred between 1 and 3 metres below ground level (mbgl), which may be higher during periods of heavy rainfall and snow-melt. Seepage may be encountered during excavation of the proposed underground basement parkades and utility installations;
- soils are not considered to be susceptible to liquefaction in the event of an earthquake; and
- shallow foundations are not considered appropriate for the proposed buildings, unless ground improvement techniques are utilized.

The assessment states that the site is situated for the proposed development provided the site improvement recommendations are followed during the design and construction phases of the project. Detailed recommendations can be found in Sections 9 and 10 of the assessment including ground improvement options, deep foundation options, frost considerations, site preparation and drainage considerations, and stormwater management. Administration recommends compliance with the assessment at the development permit stage and suggests a covenant to limit maximum site coverage with impermeable surfaces to 60%, as opposed to the proposed 85% within the RH1 zone. The project's total site coverage with impermeable surfaces is under 60%.

16. Administration supports the rezoning application for the following reasons:

- a) It is congruent with the RGS Bylaw which identifies the subject property as a growth area.
- b) It is consistent with the OCP RMD designation to accommodate medium density multi-family development.
- c) While the site presents challenges in terms of environmental and geotechnical factors, the accompanying professional reports propose effective mitigation measures to enhance conditions and render the project site feasible.
- d) The project helps to meet essential housing needs by revitalizing a dormant site undeveloped for over 25 years.

C. Attachments:

Attachment 1 – Photos
Attachment 2 – Architectural Drawings
Attachment 3 – Conceptual Landscape Plan
Attachment 4 – Zoning Map
Attachment 5 – R5 Zoning Regulations
Attachment 6 – RH1 Zoning Regulations
Attachment 7 – OCP Map
Attachment 8 – Trip Generator and Impact Analysis Letter
Attachment 9 – Environmental Impact Assessment

D. Council's Strategic Plan Alignment

- Governance & Organizational Excellence
- Recreation, Parks & Natural Areas
- Environmental Leadership
- Livability
- Vibrancy
- Not Applicable

E. Relevant Policy/Bylaws/Resolutions:

1. Official Community Plan Bylaw 5470:
 - OCP Designation – Residential Medium Density (RMD)
 - Development District – 2 Neighbourhood
2. Zoning Bylaw 5000:
 - Sec. 9.12 RH1: Low-rise Apartment Residential

FINANCIAL IMPLICATIONS:

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

Prepared by:

Approved for submission to Council:

X Michelle Austin
 Michelle Austin
 Planner, Planning

Patricia Bridal
 Patricia Bridal, CAO
 Date: 12 | 05 | 2023

FOR X Terry Barton
 Terry Barton, Director
 Planning and Community Services

REVIEWED WITH

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| <input checked="" type="checkbox"/> Corporate Services | <input type="checkbox"/> Operations | <input checked="" type="checkbox"/> Current Planning (Approving Officer) |
| <input type="checkbox"/> Bylaw Compliance | <input type="checkbox"/> Public Works/Airport | <input checked="" type="checkbox"/> Long Range Planning & Sustainability |
| <input checked="" type="checkbox"/> Real Estate | <input type="checkbox"/> Facilities | <input checked="" 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 |
| <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 (Nov. 28/23) | | |
| <input type="checkbox"/> OTHER: | | |