



## REQUEST FOR DECISION

**Agenda Item Number:**

**Meeting Date: 7/16/2024**

**Author: D. Schaal**

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**TO: Mayor and Council**

**FROM: Planning and Development Services Department**

**SUBJECT: Comprehensive (Form and Character) Development Permit with Variances, 5481 Clements Crescent, File: DP24-06**

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### **RECOMMENDATION:**

THAT Council authorize the issuance of a Form and Character Development Permit (File: DP24-06) for the property at 5481 Clements Crescent (District Lot 220, ODYD, Except Plans B3846, 5230, B7154, 10665, 11334, 16015, 19177, 19728, 20050, 36929, H783, KAP58976, EPP97847 and EPP124417) to permit the construction of a 98-unit multiple-family residential building.

AND THAT Council authorize the issuance of the Development Permit with the following variances to:

#### Zoning Bylaw No. 2400:

- Maximum building height, s. 7.11.9, from 16.8 metres to 21.6 metres.
- Location of parking spaces, s. 6.1.1, to allow some required parking spaces to be located off site, or partially off site.
- Total number of parking spaces, Table 6.3, to reduce the total number of required parking spaces for the development (both on- and off-site) from 142 spaces to 141 spaces.
- Design and landscaping, s. 6.6.8, to allow a parking row longer than 20 spaces without the provision of landscape islands.
- EV charging spaces, Table 6.3, to eliminate the requirement for 1.0 EV charging space per unit.

#### Subdivision and Development Servicing Bylaw No. 2395:

- Schedule 1 – Roads, s. 1.7 – Cul-de-sacs, to reduce the minimum radius of the temporary cul-de-sac at the end of Wild Goose Street from 12.5 metres to 7.3 metres.
- Schedule 10 – Standard Drawings, to apply a modified SD-R3 road cross section to the construction of Wild Goose Street, including a reduction in sidewalk width from 1.8 metres to 1.5 metres, sidewalk location(s), and boulevard width.

AND THAT issuance of the Permit be withheld subject to:

- Submission of landscape security in the amount of \$264,158.00.
- Registration of a pedestrian access statutory right of way to connect the north end of Wild Goose Street to Trepanier Creek Linear Park.
- Submission of an updated Construction Management Plan.

AND THAT Council direct staff to enter into legal agreements, as necessary, to provide shared parking and vehicle access between the multiple residential site and a potential childcare facility site (to be created through subdivision of the subject property).

AND THAT Council waive the community amenity contribution (CAC).

AND FURTHER THAT the applicant must satisfy the conditions for issuance of the Development Permit within one year of Council approval or the approval is lapsed.

## PURPOSE

To approve the form, character, and landscaping of a proposed six-storey, 98-unit multiple-unit residential building. The development permit includes variances associated with building height, parking, and road construction.

## COUNCIL AUTHORITY/PREVIOUS DECISIONS

Council has the authority to issue a development permit, including a development permit with variances, under s. 490 of the *Local Government Act*.

Council approved a development permit with variances (File: DP21-08(FC)) for an 84-unit multiple-unit residential building on February 7, 2023. The conditions for issuance of the permit were never satisfied and the approval subsequently lapsed.

## CHIEF ADMINISTRATIVE OFFICERS COMMENTS

Approved for Council's consideration.

# REPORT

## BACKGROUND

The subject property is located in the Clements neighbourhood adjacent to Peachland Elementary School and within a short walking distance to Peachland Centre (shopping mall), transit services, and various regional and municipal parks and trails. The property is 1.1 hectares (2.8 acres) in area and it is split zoned with a large portion of the parcel zoned Multi-unit Residential—Medium Density (RM4) and small area adjacent to the existing single family development that is zoned Single Detached Residential (R1). The existing surrounding uses include (Attachment 1):

- North – Undeveloped privately-owned parcel zoned Public/Institutional (P2)
- East – Trepanier Creek Linear Park (dedicated parkland) zoned Parks and Open Space (P1)
- South – Creekside Landing development zoned RM4 and single-family development zoned R1
- West – Wild Goose Street (unconstructed) and Peachland Elementary School zoned P2

In January 2023, Council adopted OCP and zoning amendments for the subject property that also secured several off-site improvements in the area, including pedestrian safety works related to the elementary school as well as a significant parkland dedication adjacent to Trepanier Creek.

## Proposal

The application is a Comprehensive (Form and Character) Development Permit proposal that includes variances for building height, parking, and road construction. The application proposes a six-storey multiple-unit residential building with 98 units (see Attachments 2 – 7).

The siting of the building is proposed to be shifted further north (away from the existing residential neighbourhood) to accommodate a site for a potential childcare facility. The potential childcare facility site is located at the southern end of the subject property fronting onto Clements Crescent and Wild Goose Street.



Figure 1 – Architectural rendering of proposed six-storey building

The proposed building is generally to be comprised of 11 studio units, 16 one-bedroom units, 52 two-bedroom units, and 19 three-bedroom units. Each unit contains a sundeck and the development provides a generous amount of amenity space, in addition to the parkland that was dedicated to the District as a rezoning condition.

The building contains 36 in-structure parking spaces, there are 50 surface parking spaces to be provided on site, and the applicant proposes to construct 55 additional parking spaces on Wild Goose Street, which are intended for the exclusive use of the residents of the building. Altogether, 141 parking spaces will be provided, not including visitor parking spaces nor the new school pick-up/drop-off parking spaces. Variances are requested to accommodate the parking proposal (further details are provided in the Zoning Bylaw Review section below). In addition, a shared parking/access agreement is recommended for the mutual benefit of the multi-family site and the potential childcare facility site.

## **DISCUSSION**

### Official Community Plan (OCP) Review

The development proposal is consistent with policies contained in the Official Community Plan (OCP).

1. OCP policies support a variety of housing types and tenures and aim to diversify the housing stock. Further, OCP policies encourage young professionals and families to locate in Peachland by supporting a diverse and affordable housing stock and amenities for all ages.

*Multiple-unit housing in an apartment building type offering a range of unit sizes is consistent with these policies as does the approach to create units that target middle-income earners.*

2. OCP policies require new development to provide amenity space and recreational opportunities.

*The development proposal includes ample private and communal amenities spaces as well as a pedestrian trail through Trepanier Creek Linear Park and an outdoor basketball court.*

3. OCP policies encourage the sensitive integration of new housing forms into existing neighbourhoods.

*The proposed building is pushed further north on the site and is greater than 50 metres away from the existing single-family neighbourhood. A potential childcare site buffers the taller, multi-unit building from the existing adjacent uses.*

4. OCP policies seek to preserve and protect natural areas for their environmental, aesthetic, and economic value, and also require new development to contribute to the parks and trail network.

*As part of the earlier rezoning application, the developer dedicated 3,410 m<sup>2</sup> of land adjacent to Trepanier Creek as parkland, which protects the environmentally sensitive area, but also provided public access through a pedestrian right of way and committed to future trail construction.*

The proposed development is also consistent with the Development Permit Guidelines contained in the OCP. The building and its roofline incorporate some articulation and employ basic earth tones with a variety of textures, tones, and details. The building faces the street and provides safe and accessible access to a public sidewalk. The layout of the site provides generous outdoor spaces and connects parks and greenspaces that increase opportunities for social interaction. The landscaping plan is consistent with FireSmart principles.

## Zoning Bylaw Review

There are five variances to the Zoning Bylaw requested to accommodate the proposal. One variance request relates to the RM4 zoning regulations and the other variances pertain to parking regulations. The following section identifies each variance and provides rationale for the request.

### *RM4 Zone*

The proposed building is to be constructed on the RM4-zoned portion of the property.<sup>1</sup> The proposal meets all of the relevant RM4 zoning regulations with the exception of building height, which is proposed to be varied from 16.8 metres to 21.6 metres. The rationale for the building height variance is twofold:

- The area of the proposed multiple-unit residential building site is proposed to decrease in order to accommodate a potential site for a future childcare facility.
- The increased building height accommodates additional density—which still does not exceed the maximum density established in the RM4 zone—and improves the financial viability of the project.

### *Parking*

Four variances concern parking regulations. The requests propose:

- To allow some required parking spaces to be located off site, or partially off site, within the Wild Goose Street road right of way, which the developer is required to construct fully at time of development.
- To reduce the total number of required parking spaces for the development (both on- and off-site) from 142 spaces to 141 spaces.
- To allow a row of parking spaces longer than 20 stalls without the provision of landscape islands.
- To eliminate the requirement for one electric vehicle charging space per unit.

The rationale for the parking variances is based on impacts created through the provision of a site for a potential childcare facility. Put differently, the building site for the multiple-unit residential building is being reduced to accommodate the potential for a significant community facility—and one that Council has identified as a strategic priority.

Overall, with the provision of some of the required parking off-site, and the visitor parking to be shared through a mutually beneficial shared parking arrangement, the anticipated impact of the parking variances is one space. The requirement for 98 EV charging spaces, in this case, is seen as unnecessarily onerous and expensive given the objective of creating housing for middle-income earners in a highly walkable neighbourhood that forms a complete community.

The recommendation of support for the variance requests is premised on the desire of the District to encourage the development to proceed expeditiously. The benefits of the development include: the provision of more housing options in the community (including a range of unit sizes), densification in an appropriate area, support for a potential childcare facility adjacent to the elementary school, and support for enrollment at the elementary school.

### *Shared Parking Agreement*

Should the District acquire a portion of the subject property for the potential development of a childcare facility, it is recommended that Council direct staff to work with the applicant to register a legal document(s) to secure shared access and visitor parking spaces between the multi-family site and the potential childcare facility site. Shared access for both buildings is more efficient and economical and the peak visitor parking demands of each use are complementary. Responsibility for maintenance obligations will need to be considered.

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<sup>1</sup> There is an in-stream subdivision application (File: S22-06) that proposes a two-lot subdivision with a new lot line to be established generally around the existing split-zoning boundary.

The multi-family building requires 20 visitor parking spaces. Eight spaces are accommodated on the multi-family site itself and 12 are proposed to be shared with the potential childcare facility. The childcare facility is anticipated to require 12 parking spaces, which are accommodated on site, and must be dedicated to the operation of the facility for standard hours on weekdays.

### Subdivision and Development Servicing (SDS) Bylaw Review

The requirements of the SDS Bylaw are typically addressed at later stages of the development process. However, it is already anticipated that due to the narrow road right of way of Wild Goose Street (only 15.0 metres), a modified road cross section is required as well as a reduction in the minimum radius of the temporary cul-de-sac at the end of Wild Goose Street. The Engineering Department reviewed the proposal and supports the requested variances to the SDS Bylaw as the cul-de-sac is only temporary until the lands beyond develop and the modified cross section is a best fit under the existing conditions.

### External Referral Comments

BC Hydro, Fortis Gas, and Telus expressed no objections or concerns to the development proposal.

BC Transit supports the development as it is consistent with transit-supportive land use and transportation policies, but also recommends fully accessible sidewalks and street lighting along Clements Crescent, on-site paths to connect buildings to public sidewalks, and reducing minimum vehicle parking requirements.

School District No. 23 requested clarifications on matters primarily related to pedestrian and traffic safety, including parking (i.e. student pick-up and drop-off), and noted appreciation for the work the District and the applicant have done/will do to improve road conditions on Clements Crescent.<sup>2</sup>

### Community Amenity Contribution (CAC)

The recommended motion requests Council to waive the CAC for the multiple-unit residential building. The requirement for a CAC was previously established through covenant as a zoning condition with payment required at time of building permit issuance. Should the District acquire a portion of the subject property for the potential development of a childcare facility, the CAC amount will help offset the purchase price. Should the District not acquire any property, the CAC will be collected at time of building permit issuance.

## **IMPLICATIONS/RELATED ISSUES/RISK**

N/A

## **STRATEGIC DIRECTION**

### **Increase Housing Choice**

- Priority #7 – Identify potential incentives for encouraging rental housing.
- Priority #8 – Promote diverse housing options.

### **Fiscal Responsibility**

- Priority #4 – Strategically lobby senior levels of government to advocate for funding opportunities for priority projects.

### **Good Governance**

- Priority #7 – Pursue grant funding to develop a childcare strategy.

### **Infrastructure Improvements**

- Priority #2 – Roads and sidewalk improvements.

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<sup>2</sup> As part of the rezoning application (File: Z21-01), the applicant committed to construct a school parking layby (pick-up/drop-off) area on Wild Goose Street with sidewalk connections fronting and onto the school site as well as a raised crosswalk with centre-line signage on Clements Crescent in front of the school.

## **PUBLIC NOTIFICATION**

Public notification is not required for the development permit as both Council and the applicant are bound by the Development Permit Guidelines contained in the Official Community Plan. However, the inclusion of variance requests in the approval consideration triggers public notification in accordance with the *Local Government Act* and District bylaws. A *Development Proposal* sign was posted on the property to advise of the variance requests, notice letters were mailed to property owners/tenants within 100 metres of the subject property, and notification was placed on the District webpage and bulletin boards. At the time of writing this report, no correspondence from the public has been received.

**Note:** public feedback must pertain to the specific variance requests and not to matters related to the development permit, which generally encompass form and character and landscaping elements.

## **CONCLUSION**

The recommended motion is based on the following key considerations:

- The proposed development is generally consistent with the Development Permit Guidelines and policies contained in the OCP.
- The proposed housing units target middle-income households.
- The requested variances are not anticipated to create any negative impacts on the surrounding neighbourhood.
- Principles of the [complete communities](#) initiative support increased density in areas that are within a short walking distance from shopping, services, amenities, transit, and public facilities.
- The revised development permit proposal, with variances, supports a more economically viable project that also improves safety for and enrollment at the elementary school.
- The proposal facilitates the potential development of a new childcare facility in the area.

## **SUPPORTING DOCUMENTATION**

1. Subject Property Map (one page)
2. Site Plan (one page)
3. Floor Plans (four pages)
4. Materials and Colour Board (one page)
5. Renderings (two pages)
6. Building Elevations (two pages)
7. Landscape Plans (four pages)
8. Applicant's Rationale Letter (six pages)

**REVIEWED BY Jason Sandberg, Director of Engineering and Infrastructure**

**REVIEWED BY Cory Labrecque, Director of Community Services**

**REVIEWED & APPROVED BY Joe Creron, CAO**