



## REQUEST FOR DECISION

To: Development & Planning Services Committee

From: Senior Planner

Title: Development Permit Application No. 457

Legal: Lot 1, Sections 13 and 14, Township 20, Range 10, W6M, KDYD, Plan EPP136050  
Civic: 981 – 12 Street SE  
Owner: Terra Civis Inc., Inc No. 3106873  
Agent: Browne Johnson Land Surveyors

Date: September 3, 2024

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### **Executive Summary/Purpose:**

Development of this project featuring 38 multi family residential units within 10 residential buildings has proceeded under an approved Development Permit (DP-429). Through the development of the site, the need for two over-height retaining walls has been determined and changes to the previously approved designs of two of the 10 buildings requires amendment.

### **Motion for Consideration:**

THAT: Development Permit No. 457 be authorized for issuance for Lot 1, Sections 13 and 14, Township 20, Range 10, W6M, KDYD, Plan EPP136050 (981 – 12 Street SE) in accordance with the drawings dated June 11, 2024 and attached to this memorandum;

AND THAT: Development Permit No. 457 include the following variance to Zoning Bylaw No. 2303:

Section 4.12.1a – increase the maximum height of a retaining wall and fence in an interior yard from 2.0 metres (6.5 feet) to 2.6 metres (8 feet) in accordance with the attached drawings; and

Section 4.12.1b – increase the maximum height of a retaining wall in an exterior yard from 1.2 metres (3.9 feet) to 3.7 metres (12.1 feet) in accordance with the drawings attached as Appendix 7.

### **Staff Recommendation:**

Staff recommend issuance of Development Permit No. 457 and the associated variances.

**Proposal:**

Amendments to the form and character of two previously approved multi family buildings as well as two over-height retaining walls are requested.

**Background:**

The irregularly shaped subject parcel is located at 981 – 12 Street SE, situated south and above Auto Road SE, and has an area of just under 2.4 acres (Appendix 1). The parcel is being developed for 38 multi family residential units within 10 residential buildings under an approved Development Permit (DP-429) approved by Council in April 2022. The development is supported by the Medium Density Residential designation in the Official Community Plan (OCP), and permitted by the R14 Compact/Strata Multi-Family Residential Zone in the Zoning Bylaw (Appendix 2). Site photos are attached (Appendix 3).

As described in the applicant's letter and the elevation drawings (Appendix 4 and 5), the design of two of the buildings (Buildings A and B) has been changed: the rear yards are now accessed via a visible lower level, while the lower level was below the ground elevation in the previously approved designs under DP-429. Essentially the south facing elevation has increased from two levels to three in height. This change is to account for the grade of land across the site.

Further development work on the site related to the grade has also precipitated the need for retaining walls to support the driveway, with detailed designs indicating the need for retaining walls in excess of the maximum permitted height (Appendix 6 and 7).

Offsite frontage improvements have been required, including street lighting, fire hydrant installation, curb, boulevard, and multi-use pathway installation, all largely completed. Landscaping including street trees is required to be completed as a condition of DP-429.

Additionally, staff note that DP-429 included a variance for building height, which is no longer applicable with the City's new definitions for "height" and "grade". Furthermore, Development Variance Permit application VP-577, a servicing variance, was considered and supported waiving a section of water main extension and two fire hydrant installations along Auto Road which were viewed as redundant as all surrounding parcels were found to have sufficient coverage.

**Relevant Policy(ies):**

The applicant is advancing a 38 unit multi family development in the form of 10 residential buildings, each with 3 or 4 units, under the previously approved DP-429. The development is supported by the Medium Density Residential designation in the Official Community Plan (OCP), and permitted by the R14 Compact/Strata Multi-Family Residential Zone in the Zoning Bylaw (Appendix 2). The development is subject to the guidelines of the "Residential Development Permit Area" as described in the section 8.4 of the OCP, suggesting characteristics under the topics of siting and building, landscape and screening guidelines, as well as access, circulation and parking area. These elements have been considered and approved to advance under the previous DP-429.

Changes to two buildings are under consideration with this application. These buildings as illustrated have footprints of approximately 180 square metres each and are comprised of three storeys in height.

*Siting and Building*

The two buildings are sited in alignment with DP-429 along the south parcel boundary in the southeast corner of the parcel, with the building designs featuring a contemporary style with varied facades, colours, and peaked rooflines reasonably unified on all elevations and providing visual interest. Multiple buildings generally present less of an impact than a single larger building in terms of overall massing on the site, allowing for sightlines between buildings. High quality and varied materials are incorporated with proposed wood and fiberboard siding. Rear yards offer some outdoor amenity space.

The two buildings under consideration were previously proposed to be built into the slope, with only the upper two levels visible to the south. However, the approach to development on this site has changed with respect to grade and these buildings will no longer be built into the slope and three levels will be visible above ground. The proposed height meets the regulations and the form and character of these buildings aligns with the OCP guidelines, essentially matching what was previously approved for the other buildings on the site under DP-429 (Appendix 9).

#### *Landscape and Screening*

A landscape plan has been approved in consultation with the OCP guidelines associated with DP-429. Aligned with OCP policy, surface parking is broken up and screened with landscaping, while screening is also proposed for the garbage/recycling collection and between buildings. Street trees are proposed as per OCP Policy 8.4.28 along the Auto Road and 12 Street SE frontages. If boulevard planting is not feasible, planting along the exterior lot boundaries will be required. This should serve to enhance the Auto Road streetscape.

#### *Subdivision and Development Servicing Bylaw*

Frontage improvements to the Urban Interim Arterial Road (RD-4 – Auto Road SE) and the Urban Local Road (RD-2 – 12 Street SE) standards have been required, with installation of curb, boulevard, and multi-use pathway lighting largely completed.

#### *Zoning Bylaw*

Retaining wall regulations are specified by the Zoning Bylaw. While retaining walls were noted in the consideration of DP-429, details were not specified at that time and assumed to comply with the applicable regulations. The purpose of the retaining walls is to support the driveway access to the residential units.

Two over-height retaining walls are now requested for consideration under this application:

1. The proposed wall and fence along the northeast interior parcel line is subject to Zoning Bylaw Section 4.12.1a, and the request is to increase the maximum height of a retaining wall and fence from 2.0 metres (6.5 feet) to 2.6 metres (8 feet) in accordance with the attached drawings; and
2. The proposed wall at the northwest exterior parcel line is subject to Zoning Bylaw Section 4.12.1b, and the request is to increase the maximum height of a retaining wall from 1.2 metres (3.9 feet) to 3.7 metres (12.1 feet) in accordance with the attached drawings.

Staff are not concerned with the first requested variance; the wall is a reasonable size and a fence on top of the wall for safety is reasonable. This wall is of a size that is consistent with similar walls on adjacent parcels, the position of the wall does not significantly affect the streetscape, and the slope over the site presents a reasonable rationale for such a feature.

The second request is more substantial, increasing the maximum height of a retaining wall from 1.2 metres (3.9 feet) to 3.7 metres (12.1 feet) on a highly visible exterior parcel line. However, in support of this requested variance, staff note that this is the steepest point on the site amongst the following applicable factors:

1. The proposed 3.7 m retaining wall is not an unreasonable size considering the grade at this location on the site.
2. The wall design features a natural rock look with an irregular stepped shape, which overall also diminishes the size and visual impact.
3. The required street / boulevard trees will provide some screening and break up the potential impact of a wall. A total of 14 street trees are proposed along the Auto Road SE frontage. "Amur Maple" trees are proposed and are expected to reach 5-to-6 m in height.
4. The wall is reasonably consistent with existing retaining walls throughout this generally sloping residential area.
5. The sloping terrain at this particular location provides a reasonable rationale for some form of retaining wall to create level access, and is a common approach for residential developments.

Staff note that OCP Policy 8.3.22 suggests minimizing cut, fill and retaining walls on hillside areas, and the applicant appears to have made some effort to do so, stepping this retaining wall and utilizing a more natural looking product which should blend reasonably well with plantings and rock landscape finishing on the site.

The proposed retaining walls and the street trees are located on private property and future maintenance will be the responsibility of the owners once construction and installation is complete.

Referral Comments:

Fire Department

No Fire Department concerns.

Building Department

No limiting distance concerns and Fire Department access should be satisfactory.

Engineering Department

No concerns.

Design Review Panel

With the proposal for multi family development, the application was referred to the Design Review Panel (DRP) for review. The August 7, 2024 DRP meeting minutes are attached as Appendix 8.

Panel members asked questions to clarify and discussed the proposal, positively noting the proposed retaining wall's design and finishes at this key visible location. The DRP noted no concerns with the proposed buildings or the retaining wall variances. The DRP moved to support the application as presented.

### Planning Department

The applicant is applying for a Development Permit to support multi family residential development. In the opinion of staff, the proposed changes to the two buildings aligns with the Development Permit Area guidelines as described in the OCP and the previously approved DP-429.

With respect to the retaining wall variances, staff have no concerns with the smaller request for a combined retaining wall and fence. With the larger retaining wall request, typically staff would not be in support of a variance of such magnitude and note that Council is not bound to any precedent in their consideration of this proposal. However, staff note that the steep slope present at this specific location provides some supportive rationale for the proposal, this proposed retaining wall is reasonably consistent with other walls on residential parcels in the area, and the design of the stepped retaining wall proposed allows for visual interest and landscaping.

Considering the above, staff recommend approval of Development Permit No. 457 and the associated variances.

### **Financial Considerations:**

Staff note that neither proposed retaining wall is expected to impact development on adjacent parcels and future maintenance will be the responsibility of the owners.

### **Committee Recommendations:**

N/A

### **Public Consultation:**

Pursuant to the *Local Government Act* and *City of Salmon Arm Development Permit Procedures Bylaw* notices are mailed to land owners within a 30m radius of the application. The notices outline the proposal and advises those with an interest in the proposal to provide written submission prior to the Hearing and information regarding attending the Hearing. It is expected that the Hearing for this application will be held on September 9, 2024.

### **Alternatives & Implications:**

N/A

Prepared by: Senior Planner

Reviewed by: Manager of Planning and Building

Reviewed by: Director of Planning and Community Service

Approved by: Chief Administrative Officer

### Attachments:

- Appendix 1 – Aerial
- Appendix 2 – Zoning
- Appendix 3 – Site Photos
- Appendix 4 – DP-457 Letter of Proposal
- Appendix 5 – DP-457 Elevations
- Appendix 6 – Retaining Wall Letter of Proposal
- Appendix 7 – Retaining Wall Elevations
- Appendix 8 – DRP Minutes

- Appendix 9 – DP-429 Site Plans & Elevations