

REPORT TO COUNCIL



Date: 1/19/2016

RIM No. 0940-40

To: City Manager

From: Community Planning Department (AC)

Application: DP15-0197, DVP15-0198, & Z15-0046

Owner: Unico One Developments Ltd., Inc. No. BC0990537

Address: 125 Dundas Rd

Applicant: BlueGreen Architecture (Wendy Rempel)

Subject: Rezoning Applications

Existing OCP Designation: MRM - Multiple Unit Residential (Medium Density)

Existing Zone: RU1 - Large Lot Housing

Proposed Zone: RM5 - Medium Density Multiple Housing

1.0 Recommendation

THAT Final Adoption of Zoning Amending Bylaw No. 11165 be considered by Council;

AND THAT Council authorize the issuance of Development Permit DP15-0197 for Lot 1, Section 22, Township 26, ODYD, Plan EPP51775, located on 125 Dundas Road, Kelowna, BC, subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land to be in general accordance with Schedule "C";
4. That the applicant be required to post with the City, a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT Council authorize the issuance of Development Variance Permit DVP15-0198 for Lot 1, Section 22, Township 26, ODYD, Plan EPP51775, located on 125 Dundas Road, Kelowna, BC.

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 13.11.6 Development Regulations

- a) To vary the maximum site coverage from 40% permitted to 43.05% proposed in sub-paragraph (b);
- b) To vary the side yard setback from 7.0m permitted to 5.2m proposed in sub-paragraph (e); and
- c) To vary the rear yard setback from 9.0m permitted to 7.1m proposed in sub-paragraph (f)

Section 8.1.11 (b) Size and Ratio

To increase the maximum percentage of small sized parking stalls from 10% permitted to 18.5% proposed.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit/Development Variance Permit Applications in order for the permit to be issued.

AND FURTHER THAT this Development Permit and Development Variance Permit be valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To review the form and character Development Permit for a 4.5 storey student housing residential development and to consider four variances to side yard setback, rear yard setback, site coverage, and the ratio of small sized parking stalls.

3.0 Community Planning

Staff supports the proposed Development Permit and Development Variance Permit as the project meets many objectives and supporting policies of the Official Community Plan (OCP) including the applicable urban design guidelines. The Official Community Plan (OCP) identifies the area as MRM (Medium Density Multiple Residential). The proposal for student housing on this site will add significant density within an urban centre. The proposal will also support the nearby commercial uses and improve the walkability within the neighbourhood. Student residents are only 300 meter's (or a four-minute walk) from 31 shops and services in the Rutland Town Centre. Additional density in this area is well supported by the close proximity to existing parks and outdoor amenities. Ben Lee Park is located 2 blocks north and has many amenities that a student population would likely utilize.

This proposal is unique compared to the other developments in the neighbourhood. The majority of the existing apartment style buildings have developed underground parking. This development while not providing the minimum number parking stalls does not need a parking variance. The developer will be paying for the parking shortfall through cash-in-lieu as permitted by the Payment in Lieu of Parking Bylaw No. 8125. The funds will be maintained in a City reserve for future city parking investment in the area. Further, this development works particularly well for students as the #8 UBCO - OC Bus Line stops on Highway 33 immediately adjacent to this site. Transit time to UBCO from this site is approximately 16 minutes' door to door and transit time to Okanagan College its is approximately 28 minutes' door to door.

Four variances are requested. The variances and the payment in lieu of parking are necessary for the applicant to meet their density objectives on a relatively small site. The main issue with the proposal is balancing the desire for increased density in the core areas while maintaining adequate parking onsite. Adequate parking onsite is needed to meet the demand for parking generated by the development and limiting the spillover effects into the surrounding

neighbourhood. The OCP does include policy direction that promotes transit oriented development including higher density housing developments, especially as infill or redevelopment projects in the core areas. Transit oriented developments include areas that are mixed-use, compact, walkable, and encourage people to live, work, and shop near transit services in order to decrease their dependence on driving. This project meets the criteria of a transit oriented development warranting the requested variances that have led to a reduction in parking provided onsite. Further, the applicant has hired CTQ to produce a parking demand analysis to further provide justification for their proposal (see attachments).

Staff will be reviewing parking rates in the future for all multi-family developments including student housing projects especially in relation to areas with transit oriented development potential. The recommendations derived from a comprehensive parking review should better reflect the future parking expectations in urban centres and in transit oriented developments.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant notified all of the neighbours within a 50 meter radius.

4.0 Proposal

4.1 Project Description

The current proposal for the site is a new 23 unit student housing development. The type of dwelling unit varies between 3 and 5 bedrooms. The building is 4 ½ stories, with the top floor incorporated into a dormer, and partial under-cover parking at grade. Architecturally, the development is a mix between traditional materials (brick, siding, and stucco) and a modern colour palette and textures. The applicant's facade treatment includes green colour highlights with three dimensional facade articulations to develop shadow and depth in these elevations as well as to provide visual interest.

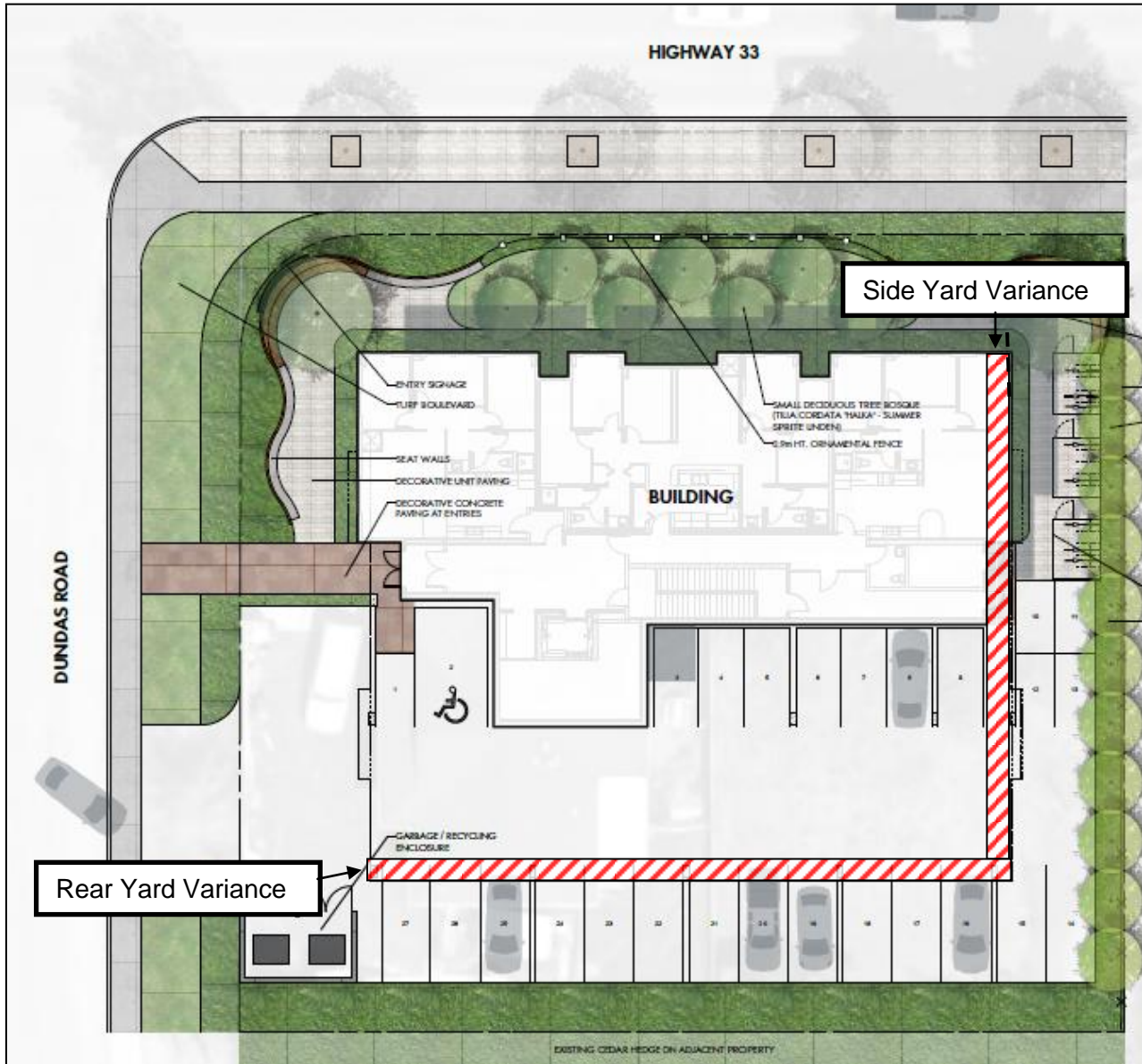
4.2 Variances

The proposed development requires four variances.

- 1) Side yard setback reduction (from 7.0m to 5.2m);
- 2) Rear yard setback reduction (from 9.0m to 7.1m);
- 3) Site coverage reduction (from 40% to 43.05%);
- 4) Increase in the proportion of small sized parking stalls (from 10% to 18.5%)

The site coverage and the proportion of small sized parking stall variances are considered relatively minor as both variances are below ten percent. The setback variances (See Figure 1) are larger but are requested by the developer to achieve their desired density projections in order to provide a competitively priced product. Generally, in the urban core areas adjacent to transit and services variances that result in an increase in density are supported as long as the impact on adjacent properties can be mitigated. In this case, the developer is proposing to mitigate this impact by providing a line of buffering trees (Swedish Columar Aspen) along the eastern property line. Along the southern property line there is an existing cedar hedge on the neighbouring property that will provide screening.

Figure 1: Setback Variance

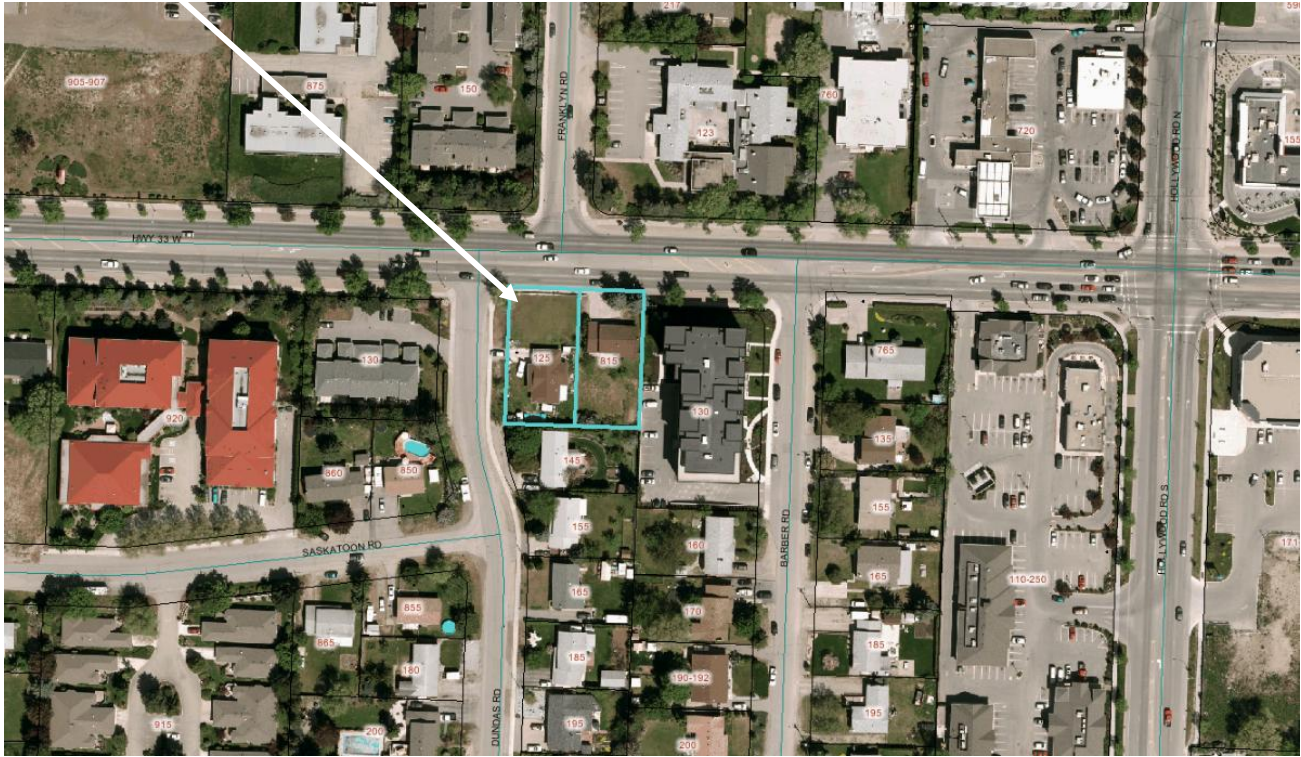


4.3 Site Context

The subject parcels are located within the Rutland Urban Centre adjacent Highway 33. The subject property is designated as Multiple Unit Residential - Medium Density (MRM) in the OCP and the lot is within the Permanent Growth Boundary. Specifically, the adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM3 - Low Density Multiple Housing P2 - Education and Minor Institutional	Residential Institutional
East	RM5 - Multiple Unit Residential (Medium Density) RM3 - Low Density Multiple Housing RU1 - Large Lot Housing	Residential
South	RU1 - Large Lot Housing	Residential
West	RM5 - Multiple Unit Residential (Medium Density) RU1 - Large Lot Housing	Residential

Subject Property Map:



4.4 Zoning Analysis

Zoning Analysis Table		
CRITERIA	PROPOSAL	REQUIREMENTS
		RM5
Development Regulations		
Height	18m / 4.5 stories	16.5 m / 4.5 stories
Front Yard (north)	6.0 m	6.0 m
Side Yard (west)	9.1 m	4.5 m
Side Yard (east)	5.2 m ❶	7.0 m
Rear Yard (south)	7.71 m ❷	9.0 m
Site Coverage	43.05 % ❸	40 %
Site coverage of buildings, parking, & driveways	62.62 %	65 %
FAR	1.25	1.1 plus 0.2 bonuses = 1.3 max FAR
Other Regulations		
Minimum Parking Requirements	27	46 stalls

Zoning Analysis Table		
CRITERIA	PROPOSAL	REQUIREMENTS
		RM5
Portion of Parking Stall Size	(Based on 27 parking stalls) Full size = 15 stalls Medium size = 7 stalls Small size = 5 stalls ❶	(Based on 27 parking stalls) Min Full size: 50% = 14 stalls Max Medium size: 40% = 11 stalls Max Small size: 10% = 3 stalls
Minimum Bicycle Parking	Class 1: 14 Class 2: 5	Class 1: 12 Class 2: 3
Private Open Space	643 m ²	575 m ²
❶ Side yard setback reduction requested; ❷ Rear yard setback reduction requested; ❸ Site coverage reduction requested; ❹ Requested an increase in the proportion of small vehicle size stalls from 10% to 37%;		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Sensitive Infill.² Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height, and siting.

Affordable Housing.³ Support the creation of affordable and safe rental, non-market and/or special needs housing.

Housing.⁴ Kelowna 2030 includes policy direction that promotes higher density housing development in general, especially as infill or redevelopment in core areas. Approximately 57% of all new housing would be in the form of apartments and townhouses in support of compact urban form and complete communities objectives, as well as reduced servicing costs. Kelowna 2030 also includes policy direction in support of affordable and safe rental housing, non-market and/or special needs housing.

Objective 5.11.⁵ Support parking management programs that promote reduced vehicle ownerships, reduced vehicle trips and increased use of active modes of transportation.

Policy 1 Parking Relaxations. Consider parking requirement relaxations, in areas that are not part of a cash- in-lieu program, where an approved TDM strategy indicates a lower use of vehicles and the City is satisfied that parking relaxations would not create parking spill-over problems on adjoining neighbourhood streets. Parking relaxations will not be considered in hillside areas (as defined on Map 4.1 - Future Land Use).

¹ City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Objective 10.3, Chapter 10 (Social Sustainability).

⁴ City of Kelowna Official Community Plan, Housing, Chapter 2.1 (Regional Context).

⁵ City of Kelowna Official Community Plan, Chapter 5 (Development Process).

Policy 3 Preferred Parking. Encourage preferred (e.g. close to entrances) or dedicated parking stalls for electric vehicles, share cars and / or hybrid vehicles and small vehicles for all developments.

Policy 4 Multi-Unit Residential Parking. Encourage developers / landlords to unbundle parking price from the multi-family housing or rental price.

6.0 Technical Comments

6.1 Building & Permitting Department

- a) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- b) Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- c) A Hoarding permit is required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP.
- d) A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
 - o Door swings and gate swings for proper means of exiting are required along with a hard path of to the street for exiting from the exit stairwells
 - o Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
- e) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.
- f) We strongly recommend that the developer have his professional consultants review and prepare solutions for potential impact of this development on adjacent properties. Any damage to adjacent properties is a civil action which does not involve the city directly. The items of potential damage claims by adjacent properties are items like settlement of foundations (preload), damage to the structure during construction, additional snow drift on neighboring roofs, excessive noise from mechanical units, vibration damage during foundation preparation work etc.
- g) Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located.
- h) An exit analysis is required as part of the code analysis at time of building permit application. The exit analysis is to address travel distances within the units, number of required exits per area, door swing direction, handrails on each side of exit stairs, width of exits etc.
- i) Size and location of all signage to be clearly defined as part of the development permit. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
- j) Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this structure at time of permit application.

6.2 Development Engineering

- See attached Memo dated October 19th 2015

6.3 Fire Department

- a) Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required. Template available online at Kelowna.ca
- b) Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900. A minimum of 150litres/sec is required. Should a hydrant be required on this property it shall be deemed private and shall be operational prior to the start of construction.
- c) Fire Department access is to be met as per BCBC 3.2.5.6 -
- d) A visible address must be posted as per City of Kelowna By-Laws
- e) Sprinkler drawings are to be submitted to the Fire Dept. for review when available
- f) A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD
- g) Approved Fire Department steel lock box or key tube acceptable to the fire dept. is required by the fire dept. entrance.
- h) All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met.
- i) Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.
- j) Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- k) Fire department connection is to be within 45M of a fire hydrant- unobstructed.
- l) Ensure FD connection is clearly marked and visible from the street
- m) Dumpster/refuse container must be 3 meters from structures or if inside the parking garage, it shall be enclosed within a rated room
- n) Do not issue BP unless all life safety issues are confirmed

6.4 FortisBC Inc - Electric

- There are primary distribution facilities along Hwy 33 and south of the subject along Dundas Road. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.
- Otherwise, FortisBC Inc. (Electric) has no concerns with this circulation.
- In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

6.5 Ministry of Transportation

- Preliminary Approval is granted for the rezoning for one year pursuant to Section 52(3)(a) of the Transportation Act, subject to the following conditions:
- No direct access to any portion of the subject lots via Highway 33 be maintained, provision of alternate access served via Dundas Road.

- Physical removal of the existing drop curb/driveway letdown along subject properties frontage on Highway 33 to include restoration of highway curb/gutter/sidewalk and drainage works to Ministry satisfaction.
- Dedication of lands for Provincial Arterial Highway 15 metres measured at a right angle from mean centreline of Highway 33, along entire frontage of subject properties.

7.0 Application Chronology

Date of Application Received:	August 27 th 2015
Date of Public Consultation:	August 24 th 2015
Date of First Reading:	November 16 th 2015
Date of Public Hearing:	December 1 st 2015

Report prepared by:

Adam Cseke, Planner

Reviewed by:



Terry Barton, Urban Planning Manager

Approved by:



Ryan Smith, Community Planning Manager

Attachments:

Subject Property Map

Development Engineering Comments dated October 19th 2015

Applicant's rationale

Public Notification summary

Application Package

Draft Development Permit / Development Variance Permit

- Schedule 'A'
 - Site Plan
 - Floor Plan
- Schedule 'B'
 - Elevations
 - Colour Board
- Schedule 'C'
 - Landscaping