

REPORT TO COUNCIL



Date: February 6, 2018

RIM No. 0940-00

To: City Manager

From: Community Planning Department (LK)

Application: DP16-0289 & DVP16-0290 **Owner:** 1080493 B.C. LTD., INC. No. BC1080493

Address: 1740 Ethel Street **Applicant:** New Town Services Inc.

Subject: Development Permit & Development Variance Permit Applications

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

Existing Zone: RU6 – Two Dwelling Housing

Proposed Zone: RM5 – Medium Density Multiple Housing

1.0 Recommendation

THAT Rezoning Bylaw No. 11353 be amended at third reading to revise the legal description of the subject properties from Lot 2 District Lot 138 ODYD Plan 1942 and Lot 3 District Lot 138 ODYD Plan 1942 to Lot 1 District Lot 138 ODYD Plan EPP71627;

AND THAT final adoption of Rezoning Bylaw No. 11353 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP16-0289 for Lot 1 District Lot 138 ODYD Plan EPP71627, located at 1940 Ethel Street, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. 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 Registered Landscape Architect;

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

Section 13.11.6(b): RM5 – Medium Density Multiple Housing Development Regulations

To vary the required maximum site coverage from 40% permitted to 45% proposed and the maximum site coverage of buildings, driveways, and parking areas from 65% permitted to 73% proposed;

Section 13.11.6(d): RM5 – Medium Density Multiple Housing Development Regulations

To vary the required minimum site front yard from 6.0 m permitted to 1.5 m proposed;

Section 13.11.6(e): RM5 – Medium Density Multiple Housing Development Regulations

To vary the required minimum site side yard from 6.0 m permitted to 1.5 m proposed;

Section 13.11.6(f): RM5 – Medium Density Multiple Housing Development Regulations

To vary the required minimum site rear yard from 9.0 m permitted to 7.0 m proposed;

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

2.0 Purpose

To consider the form and character of a multiple dwelling housing project on the subject property and to vary the minimum front and flanking side yard setbacks from 6.0 m required to 1.5 m proposed, the minimum rear yard setback from 9.0 m required to 7.0 m proposed, and to vary both the site coverage of the building from 40% maximum to 45% proposed and the site coverage of buildings, driveways and parking areas from 65% maximum to 73% proposed.

3.0 Community Planning

Community Planning supports the form and character development permit and the associated variances to facilitate the development of the 26-unit multiple dwelling housing project on the subject property. The proposal also includes the provision of Ground Oriented Units which front onto both Ethel Street and Saucier Avenue. The development meets the majority of the Official Community Plan (OCP) Urban Design Guidelines including the selected building finishes, façade articulation and transition between the public and private open spaces. The application meets many of the OCP's Urban Infill objectives with respect to Compact Urban Form and Sensitive Infill.

Council Policy No. 367 with respect to public consultation was undertaken by the applicant and all neighbours within a 50 m radius of the subject parcel.

4.0 Proposal

4.1 Background

The subject property has a registered heritage tree (mature Copper Beech) located at the southeast corner of the parcel. The proposed building has been designed to embrace and highlight the tree within the development. A Tree Protection Covenant was registered on title at time of the lot consolidation and road dedications through completion of a subdivision application. The road dedication aiding in facilitating the completion of the third phase of the Ethel Street Active Transportation Corridor.

4.2 Project Description

The proposed development is a 26-unit 4-storey condo building. The intent is to create a strata development, thus allowing the units to be sold individually. The unit breakdown comprises of five studio

units, six one-bedroom units and 15 two-bedroom units. The unit sizes range from 518 ft² (42m²) up to 1,164 ft² (108.1 m²). Large private exterior balconies and decks provide amenity areas for residents to take advantage of Okanagan climate, while the large overhangs will provide protection from the sun and rain.

The architectural style of the building has a contemporary design with stucco siding and wood toned fibre cement accents. Due to the high water table at this location, the building has been designed with the underground parkade structure elevated approximately 1.2 m above natural grade. This has allowed the building design to provide extensive terraced landscaping above the parking structure. This naturally hides the parkade structure while providing large landscaped decks which have at-grade access to the street facing main floor units. The tiered landscaped planters provide a friendly aesthetic for pedestrians and cyclists along both Ethel and Saucier frontages.



The parkade driveway is accessed from Saucier Avenue. There is a partial lane off Ethel Street at the north end of the parcel. The proposal provides 10 at-grade parking stalls, garbage bins and truck turnaround space all accessed from this laneway. The Zoning Bylaw parking requirements have been met with the provision of 26 underground stalls and the 10 at-grade stalls. With the Ethel Street Active Transportation Corridor directly accessible by the site, the developer is providing bicycle parking stalls well in excess of the bylaw requirements with 46 bike spaces in the underground parkade for the use of residents and three visitor bike spaces at-grade.

Variances

The applicant is proposing four variances to the RM5 – Medium Density Multiple Housing zoning regulations. The first two variances are to both the front setback to Ethel Street and the flanking side setback to Saucier Avenue. The request is to reduce the 6.0 m required setback to 1.5 m to the parkade structure. The RM5 regulations allow the 6.0 m required setback to be reduced to 1.5 m for the ground oriented portions of a building. In this scenario the parkade structure is only partially below grade and the 1.5 m setback is to the above ground portion of the parkade and not the ground oriented units.

The third variance is for the rear yard setback. The zoning bylaw requires a 9.0 m rear setback, which may be reduced to 7.0 m when there is rear lane access. The site is a corner parcel with the frontage facing onto Ethel Street. Therefore, the rear of the parcel is opposite along the west property line, which does not have lane access. The proposed 7.0 m setback would meet the later portion if there was lane access. Staff is supportive of this variance as the west property line is the rear of the subject property, but is the side for the adjacent property. The RM5 Zone requires a 7.0 m side setback for portions of a building over 2 ½ storeys. The applicant's proposal meets the 7.0 m side setback requirements.

The final variance is to both portions of the site coverage regulation. The maximum site coverage of building is 40% and 65% including building, parking areas and driveways. Both calculations include the above grade portion of the parkade structure. The site coverage of the building without including the parkade structure is 36.4%, which would meet the development regulations. With the inclusion of the parkade, the site coverage of the building increases to 45% proposed. For the second portion of the site coverage regulation, the applicant is proposing 73% site coverage for building (including parkade), driveways and parking areas at-grade. The site has a partial lane extending along the north side of the parcel which provides access to ten at-grade visitor parking stalls, a garbage bin area and a turnaround area for garbage trucks. Due to the location of the garbage bins for the north adjacent parcel being at the end of the lane, garbage trucks have had to back-out onto Ethel Street. This proposal will eliminate an existing unsafe condition. The applicant has provided extensive landscaping to soften the raised parkade area, which also helps to delineate the private amenity area from the public realm at the street level.



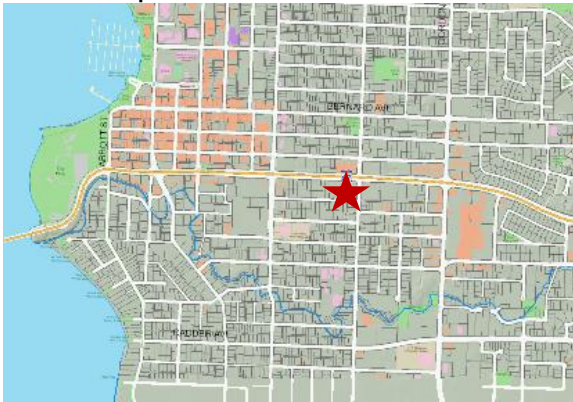
4.3 Site Context

The subject properties are located at the Northwest corner of the Ethel Street and Saucier Avenue intersection. The parcels are bordered by existing RM5 – Multiple Dwelling Housing sites on the North, East and West sides. The parcels are centrally located between both the City Centre and Capri Landmark Urban Centres. The parcels are designated MRM – Multiple Unit Residential (Medium Density) and are within the Permanent Growth Boundary.

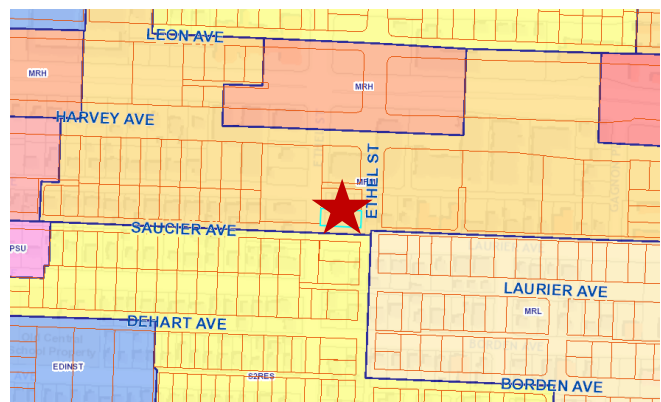
Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM5 – Medium Density Multiple Housing	Multi-Family (Women's Housing)
East	RM5 – Medium Density Multiple Housing	Multi-Family Condo Building
South	RU6 – Two Dwelling Housing	Single Family Dwelling
West	RM5 – Medium Density Multiple Housing	Multi-Family Condo Building

Context Map



Future Land Use



Subject Property Map: 1740 Ethel Street



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM ₅ ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Floor Area Ratio	1.4	1.17
Site Coverage (Building)	40 %	45 % ❶
(incl. Building, parking & driveway)	65 %	73 % ❶
Height	18 m or 4.5 storeys	14.7 m & 4 storeys
Front Yard (Ethel Street)	1.5 m (Ground Oriented)	5.72m (to units)
	6.0 m	1.5 m (to parkade) ❷

Side Yard (Saucier Ave)	1.5 m (Ground Oriented) 6.0 m	5.72m (to units) 1.5 m (to parkade) ❸
Side Yard (north)	4.5 m (under 2.5 storeys) 7.0 m (over 2.5 storeys)	7.0 m
Rear Yard	9.0 m (no lane access)	7.0 m ❹
Other Regulations		
Minimum Parking Requirements	35 stalls	36 stalls
Bicycle Parking	Class I – 13 stalls Class II – 3 stalls	40 stalls 3 stalls
Private Open Space	503 m ²	750 m ²
<p>❶ Indicates a requested variance to the site coverage (building only) from 40% maximum to 45% proposed and site coverage, (building, parking & driveway) from 65% maximum to 73% proposed.</p> <p>❷ Indicates a requested variance to the front setback from 6.0 m required to 1.5 m proposed.</p> <p>❸ Indicates a requested variance to the side yard setback from 6.0 m required to 1.5 m proposed.</p> <p>❹ Indicates a requested variance to the rear yard setback from 9.0m (no lane access) to 7.0 m proposed.</p>		

4.5 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.

Healthy Communities.³ Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

Ground-Oriented Housing.⁴ Encourage all multiple-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with 2 or more bedrooms so as to provide a family housing choice within the multi-unit rental or ownership markets. High density residential projects in the Downtown area are encouraged to include a ground-oriented housing component, especially where such can be provided on non-arterial and non-collector streets.

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

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

³ City of Kelowna Official Community Plan, Policy 5.22.7 (Development Process Chapter).

⁴ City of Kelowna Official Community Plan, Policy 5.23.1 (Development Process Chapter).

Comprehensive Development Permit Area (MultiFamily)

Consideration has been given to the following guidelines as identified in Section 14.A. of the City of Kelowna Official Community Plan relating to Comprehensive Development Permit Areas:

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Authenticity and Regional Expression			
Do landscaping and building form convey a character that is distinct to Kelowna and the Central Okanagan?	✓		
Are materials in keeping with the character of the region?	✓		
Are colours used common in the region's natural landscape?	✓		
Does the design provide for a transition between the indoors and outdoors?	✓		
Context			
Does the proposal maintain the established or envisioned architectural character of the neighbourhood?	✓		
Does interim development consider neighbouring properties designated for more intensive development?			✓
Are façade treatments facing residential areas attractive and context sensitive?	✓		
Are architectural elements aligned from one building to the next?			✓
For exterior changes, is the original character of the building respected and enhanced?	✓		
Is the design unique without visually dominating neighbouring buildings?	✓		
For developments with multiple buildings, is there a sense of architectural unity and cohesiveness?			✓
Relationship to the Street			
Do buildings create the desired streetscape rhythm?	✓		
Are parkade entrances located at grade?	✓		
For buildings with multiple street frontages, is equal emphasis given to each frontage?	✓		
Massing and Height			
Does the design mitigate the actual and perceived mass of buildings?	✓		
Does the height consider shading and view impacts for neighbouring properties and transition to less intensive areas?	✓		
Human Scale			
Are architectural elements scaled for pedestrians?	✓		
Are façades articulated with indentations and projections?	✓		
Are top, middle and bottom building elements distinguished?	✓		

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Do proposed buildings have an identifiable base, middle and top?	✓		
Are building facades designed with a balance of vertical and horizontal proportions?	✓		
Are horizontal glazed areas divided into vertically proportioned windows separated by mullions or building structures?	✓		
Does the design incorporate roof overhangs and the use of awnings, louvers, canopies and other window screening techniques?	✓		
Is the visual impact of enclosed elevator shafts reduced through architectural treatments?			✓
Exterior Elevations and Materials			
Are buildings finished with materials that are natural, local, durable and appropriate to the character of the development?	✓		
Are entrances visually prominent, accessible and recognizable?	✓		
Are higher quality materials continued around building corners or edges that are visible to the public?	✓		
Are a variety of materials used to create contrast, enhance the pedestrian environment and reduce the apparent mass of a building?	✓		
Are elements other than colour used as the dominant feature of a building?	✓		
Public and Private Open Space			
Does public open space promote interaction and movement through the site?	✓		
Are public and private open spaces oriented to take advantage of and protect from the elements?	✓		
Is there an appropriate transition between public and private open spaces?	✓		
Are amenities such as benches, garbage receptacles, bicycle stands and community notice boards included on site?	✓		
Site Access			
Is the safe and convenient movement of pedestrians prioritized?	✓		
Are alternative and active modes of transportation supported through the site design?	✓		
Are identifiable and well-lit pathways provided to front entrances?	✓		
Do paved surfaces provide visual interest?	✓		
Is parking located behind or inside buildings, or below grade?	✓		
Are large expanses of parking separated by landscaping or buildings?			✓
Are vehicle and service accesses from lower order roads or lanes?	✓		
Do vehicle and service accesses have minimal impact on the streetscape and public views?	✓		

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Is visible and secure bicycle parking provided in new parking structures and parking lots?	✓		
Environmental Design and Green Building			
Does the proposal consider solar gain and exposure?	✓		
Are green walls or shade trees incorporated in the design?	✓		
Does the site layout minimize storm water runoff?	✓		
Are sustainable construction methods and materials used in the project?	✓		
Are green building strategies incorporated into the design?			✓
Decks, Balconies, Rooftops and Common Outdoor Amenity Space			
Are decks, balconies or common outdoor amenity spaces provided?	✓		
Does hard and soft landscaping enhance the usability of decks, balconies and outdoor amenity spaces?	✓		
Are large flat expanses of roof enhanced with texture, colour or landscaping where they are visible from above or adjacent properties?	✓		
Amenities, Ancillary Services and Utilities			
Are loading, garage, storage, utility and other ancillary services located away from public view?	✓		
Are vents, mechanical rooms / equipment and elevator penthouses integrated with the roof or screened with finishes compatible with the building's design?	✓		
Landscape Development and Irrigation Water Conservation			
Does landscaping:	-	-	-
<ul style="list-style-type: none"> Compliment and soften the building's architectural features and mitigate undesirable elements? 	✓		
<ul style="list-style-type: none"> Maintain the dominant pattern of landscaping along the street and surrounding properties? 	✓		
<ul style="list-style-type: none"> Enhance the pedestrian environment and the sense of personal safety? 	✓		
<ul style="list-style-type: none"> Screen parking areas, mechanical functions, and garbage and recycling areas? 	✓		
<ul style="list-style-type: none"> Respect required sightlines from roadways and enhance public views? 	✓		
<ul style="list-style-type: none"> Retain existing healthy mature trees and vegetation? 	✓		
<ul style="list-style-type: none"> Use native plants that are drought tolerant? 	✓		
<ul style="list-style-type: none"> Define distinct private outdoor space for all ground-level dwellings? 	✓		
Do any fences and retaining walls create visual interest and enhance the pedestrian environment?			✓

5.0 Technical Comments

Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s).
- Demolition Permit required for any existing structures.
- 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.
- 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.
- A Building Code analysis is required for the structure at time of building permit applications.
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.
- 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 neighbour roofs, excessive noise from mechanical units, vibration damage during foundation preparation work etc.
- Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s) / area(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located.
- 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 and all corridors, number of required exits per area, door swing direction, handrails on each side of exit stairs, width of exits, spatial calculation for any windows in exit stairs, etc.
- 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 complex at time of permit application.

5.1 Development Engineering Department

- Refer to Attachment 'A' dated December 22, 2016.

5.2 Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900.
- 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.
- Sprinkler drawings are to be submitted to the Fire Dept. for review when available.
- Fire Department access is to be met as per BCBC 3.2.5. It appears access to the building is on Saucier - the building shall be addressed off of Saucier.
- Approved Fire Department steel lock box acceptable to the fire dept. is required by the fire dept. entrance and shall be flush mounted.

- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met.
- Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.
- Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- Fire department connection is to be within 45M of a fire hydrant - unobstructed. It shall be clearly marked and visible.
 - standpipes to be located on intermediate landings.
 - sprinkler zone valves shall be accessible as per fire prevention bylaw -no higher than 7 ft.
 - dumpster/refuse container must be 3 meters from structures or overhangs or in a rated room in the parking garage.
 - Include a copy of the sprinkler system owner's certificate with fire safety plan.
 - copy of referenced NFPA 25 document to be on site.

6.o Application Chronology

Date of Application Received: November 16, 2016

Date Public Consultation Completed: January 17, 2017

Date of Subdivision Application and Heritage

Tree Covenant Completion: September 14, 2017

Report prepared by: Lydia Korolchuk, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A: Development Engineering Memorandum

Attachment B: Draft Development Permit & Development Variance Permit DP16-0289 & DVP16-0290

Schedule A: Site Plan

Schedule B: Elevations

Schedule C: Landscape Plan