

REPORT TO COUNCIL



Date: April 10, 2018

RIM No. 0940-00 & 0940-50

To: City Manager

From: Community Planning Department (AC)

Application: DP15-0176 & DVP15-0177 **Owner:** Okanagan Metis & Aboriginal Housing Society Inc. No. S0021636

Address: 150 Kneller Rd **Applicant:** New Town Planning – Lisa Fraser

Subject: Development Permit and Development Variance Permit

OCP Designation: MRL – Multiple Unit Residential (Low Density)

Zoning: RM₃ – Low Density Multiple Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP15-0176 for Lot 2, Section 27, Township 26, ODYD, Plan EPP63257, located at 150 Kneller Rd, 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 Council authorize the issuance of Development Variance Permit DVP15-0176 for Lot 2, Section 27, Township 26, ODYD, Plan EPP63257, located at 150 Kneller Rd, Kelowna, BC;

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A, B, & C":

Section 8.1.11 (b) Size and Ratio

To vary the ratio of vehicular parking stalls sizes from: min 50% Full size, max 40% medium size, & max 10% compact size to 37.8% Full size, 56.8% medium size, & 5.4% compact size.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit applications in order for the permits to be issued;

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 review the Form & Character Development Permit of a non-profit 3 storey rental apartment building with ground floor units facing the streets and to consider one variance to the ratio of full and medium sized parking stalls.

3.0 Community Planning

3.1 Development Permit

Staff are recommending support for the proposed Development Permit due to the proposal's consistency with the Official Community Plan's (OCP) design guidelines. The applicant has worked with City staff to review and refine many site issues but the building form and massing fit well with the OCP guidelines.

Through the rezoning application the applicant will construct the Gertsmar Road realignment. This application supports the City's broad goals of residential intensification within the Urban Core and for the provision of affordable housing. This affordable housing project is a rental housing building sponsored by BC Housing and administered by the Okanagan Métis and Aboriginal Housing Society.

The site is well suited for redevelopment and intensification. The property is within an urban neighbourhood and has good access to services and amenities in the Rutland Urban Centre and nearby Hollywood commercial area. The site is a corner lot adjoining similar residential densities on all sides. The site is also located immediately adjacent to a BC Transit stop on Highway 33 W which is a corridor identified as part of the Frequent Transit Network within the City's 25 Year Transit Vision. Further, many transportation and safety goals identified by the City of Kelowna and MOTI will be achieved by the development of this lot such as:

- intersection improvements at the corner of Gerstmar Road and Highway 33;
- the construction of Gertsmar Road;
- the closing and decommissioning of Kneller Road; and
- frontage improvements along Highway 33 and Gerstmar Rd.

3.2 Public Notification

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by individually contacting the neighbours within 50 metres and holding a public information session on August 20th 2015 from 4-7pm at the Rutland Seventh Day Adventist Church. Flyers were delivered (or mailed per attached list) to the surrounding area two weeks before and an advertisement was posted in the Capital News on August 5th and again on August 12th.

The Public Information Session had (16) residences represented at the meeting. According to the applicant's report on the public information session, the overall responses to the proposed development were positive

in their nature. Many participants commented on the building design and landscape features. Attendees were encouraged to complete an exit survey and 15 completed surveys were received.

3.3 Neighbouring Parcel

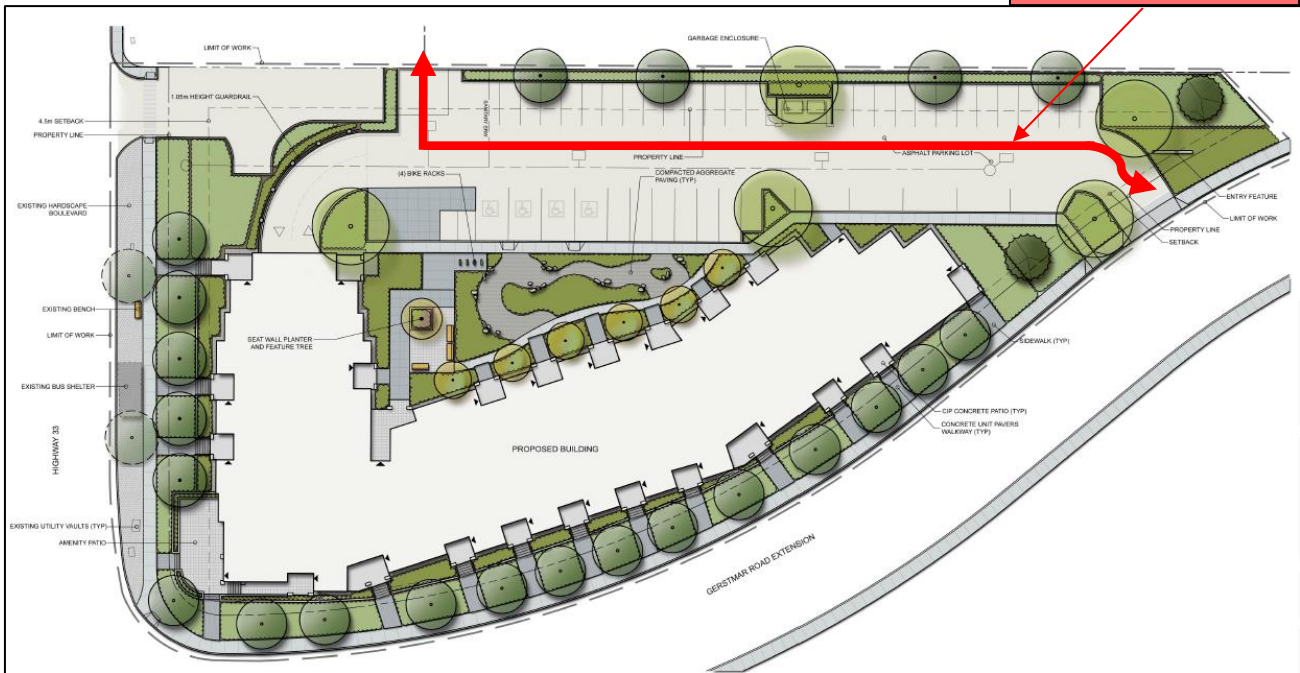
The neighbouring parcel at 1220 Hwy 33 W has their access at the north of their property on Kneller Road. As a part of the closure of Kneller Road, a public lane was created in order to connect their existing driveway access. This was necessary as the Ministry of Transportation and Infrastructure (MOTI) would only approve a rezoning if Kneller Road is closed and if 1220 Hwy 33 W is prevented from having their own driveway access to the highway.

Location of Driveway



The solution was to provide a private easement through the private parking lot for the potential redevelopment of 1220 Hwy 33 West. From a site design perspective this proposal utilizes the available space on the subject property most efficiently.

Private Easement



3.4 Development Variance Permit

There is one variance to reduce the number of full sized vehicle parking stalls and to increase the number of medium sized parking stalls. Staff prefer to see variances to the size of vehicle stalls rather to the total number of vehicle stalls and the applicant was able to provide the minimum according to the Zoning Bylaw. Staff do think this site will have more than enough parking even with the smaller sized vehicles as this is a non-profit rental project that tends to manage their parking more efficiently and the demand for parking in these projects tends to be less.

4.0 Proposal

4.1 Background

The Okanagan Métis and Aboriginal Housing Society (OMAHS) is a registered non-profit society dedicated to the provision of subsidized housing for the community and is the organization that will operate this facility. This type of housing is in high demand within Kelowna. OMAHS has secured support from BC Housing to fund the land purchase and the development for the provision of the apartment housing to be rented at 85% of market value.

OMAHS presently owns and manages several housing developments within Kelowna and West Kelowna, including 28 town house units at 115 Gerstmar Road, adjacent to the Subject Site. The new apartment building will become home to the OMAHS main office, allowing for on-site rental management for the new building and satellite management of their other properties.

The planned Gerstmar Road extension will be triggered by this development. The Ministry of Transportation and Infrastructure (MOTI) has requested that Kneller Road be closed to through traffic. The applicant has acquired the unused portion of Kneller Road right-of-way and has consolidated it with the subject site.

This application was submitted in 2015 and Council approved third reading February 16 2016. It has taken two years to complete the third reading conditions with the primary factor being the Ministry of Transportation approval which was received November 14th 2014.

4.2 Project Description

The current proposal is for a 78-unit, 3 storey apartment building placed on a single level concrete underground parkade with additional parking provided on the surface. The 3 storey wood-frame structure is proposed to be constructed in contemporary Okanagan styling incorporating a flat roof, balconies and large frame windows with solar shading. The exterior is finished with fiber cement siding, shingles, and paneling. The first floor provides ground-oriented access including private access from the street and a patio.

An application for Development Permit and Development Variance Permit has been submitted concurrently with the rezoning application. The architectural and landscape drawings have been submitted identifying conceptual building elevations along with a detailed site plan, parking plan and landscaping plan. After initial review of the Development Permit, the proposed development is complementary in nature to the existing developments along the Hwy 33 corridor.

4.3 Site Context

The subject site is just less than 5,000 m². The site is currently vacant. The site is surrounded on the north, east and west by established residential properties. There is a small development of single-family residential to the north (Kneller Road and Kneller Court), with multiple-family residential beyond. Multiple family residential developments are also located to the east and west of the Subject Site. Land uses to the south and southeast, across Highway 33, are institutional (Rutland Seventh-Day Adventist Church) and commercial (Shell gas station). The subject property is designated as MRL – Multiple Unit Residential (Low Density) and is within the Permanent Growth Boundary. Specifically, the adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU ₁ – Large Lot house RU ₆ – Two Dwelling Housing	Residential
East	RM ₃ – (Low Density Multiple Housing)	Residential
South	P ₂ – Education and Minor Institutional C ₁ – Local Commercial	Institutional Commercial
West	RU ₁ – Large Lot house RM ₃ – (Low Density Multiple Housing)	Residential

Subject Property Map: 1170 Hwy 33 W



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM ₃ ZONE REQUIREMENTS	PROPOSAL
	Development Regulations	
Height	10.0 m / 3.0 storeys	9.3 m / 3 storeys

Zoning Analysis Table		
CRITERIA	RM ₃ ZONE REQUIREMENTS	PROPOSAL
Front Yard (south)	4.5 m	4.5 m
Side Yard (north)	4.5 m (flanking)	8.6 m
Side Yard (east)	1.5 m (ground-oriented)	1.5 m
Rear Yard (west)	7.5 m	20.9 m
Site coverage of buildings	40 %	33 %
Site coverage of buildings, driveway, & parking	60 %	60 %
FAR	0.75	0.75
Parking Regulations		
Minimum Parking Requirements	(100 + 11 visitor) = 111 parking stalls	67 underground + 44 aboveground = 111 parking stalls
Ratio of Parking Stalls	Full size: 50% Min Medium Size: 40% Max Small Size: 10% Max	Full size: 34% ❶ Medium Size: 56.8% Small Size: 5.4%
Minimum Drive Aisle Width	7.0 m	8.0 m
Other Regulations		
Minimum Bicycle Parking Requirements	Class 1: 39 Class 2: 8	Class 1: 67 Class 2: 8
Private Open Space	387.5 m ²	621 m ²
❶ A variance to amend the ratio of parking stalls.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: 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.

Contain Urban Growth.³ Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

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, Goals for a Sustainable Future, Objective 1 (Chapter 1 Introduction)

Housing Mix.⁴ Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.

Building Height⁵:

- **Other Urban Centres:** Locate taller buildings in the geographic centre of Urban Centres and generally decrease height moving away from the centre, to a maximum of 4 storeys at the periphery of the Urban Centres, where adjoining land is designated for single/two unit housing.
- **South Pandosy:** Generally, 4 storeys. Six storeys within C4 or C9 zoned areas. Potential for 8 storeys where an architecturally distinct and significant buildings is placed at a corner, gateway or view terminus location that is of significance to the community or where a building is of cultural significance to the community.
- **Rutland:** Generally, 4 storeys. Six storeys within C4 or C9 zoned areas. Potential for up to 44 m height (12-14 storeys) in the core of Rutland, as identified in the C7 zone of the Zoning Bylaw.
- **Midtown:** 16 storeys, where the OCP designation provides for high-density multiple-units.
- **Capri/Landmark:** Generally, 4 storeys. Greater height (up to 12 storeys) may be supported on the Capri Shopping Centre site and in the area bordered by Dickson Avenue, Dayton Avenue, Springfield Road and Kirschner Road upon approval of a Council-endorsed comprehensive development plan for the site that provides for a variety of housing types (including but not limited to ground-oriented and rental apartment housing) and the provision of commercial space that is of an amount that, at minimum, equals that which existed in 2010.
- **Elsewhere:** For all areas of the City outside the Urban Centres, buildings heights shall be a maximum of four storeys for residential and six storeys for apartment hotels and hotels. Additional height restrictions may be imposed as a result of airport-related zoning regulations.

Objective 5.5: Ensure appropriate and context sensitive built form.

Building Height.⁶ In determining appropriate building height, the City will take into account such factors as:

- Contextual fit into the surrounding neighbourhood;
- Shadowing of the public realm;
- View impacts;
- Overlook and privacy impact on neighbouring buildings;
- Impacts on the overall skyline;
- Impacts on adjacent or nearby heritage structures;

Chapter 14: Urban Design Guidelines Amenities, ancillary Services and Utilities.⁵

- Locate loading, garbage, storage, utilities and other ancillary services away from public view. All such areas shall be screened and designed as an integral part of the building to minimize impact;
- Create attractive rear alley facades with high quality materials on buildings facing residential areas (e.g. rear building entrances, windows, balconies, plazas, and plantings).

Chapter 4: Land Use Designation Massing and Height.³

- Mitigate the actual and perceived bulk of buildings by utilizing appropriate massing, including:

⁴ City of Kelowna Official Community Plan, Policy 5.27.11 (Development Process Chapter)

⁵ City of Kelowna Official Community Plan, Policy 5.8.1 (Development Process Chapter)

⁶ City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter). 3 City of Kelowna Official Community Plan, Chapter 14 (Urban Design Development Permits Area).

- Architectural elements (e.g. balconies, bay windows, cantilevered floors, cupolas, dormers);
- Visually-interesting rooflines (e.g. variations in cornice lines and roof slopes);
- Step back upper floors to reduce visual impact;
- Detailing that creates a rhythm and visual interest along the line of the building;
- Wall projections and indentations, windows and siding treatments as well as varied material textures should be utilized to create visual interest and to articulate building facades;
- Building frontages that vary architectural treatment in regular intervals in order to maintain diverse and aesthetically appealing streets.

6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- 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.
- Requirements of the City of Kelowna fire prevention regulations bylaw No. 10760 for buildings 6 stories and greater are to be shown on the building permit drawings
- 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):
 - a. An alternative solution proposal for code requirements must be accepted by the Chief Building Inspector prior to the release of the Development Permit
 - b. Door swings and proper exit distance for means of exiting are required. Door swings can not cross property and an additional stairwell may be required for travel distance of the residential floors.
 - c. Additional doors and/or corridors may be required to meet minimum exiting requirements of the commercial space. This may include moving of the internal rated exit stairwells to meet minimum distances and addition of rated corridors and additional doors.
 - d. Spatial calculation are required between commercial units which may affect the form and character is glazing is required to be reduced.
 - e. Dedicated exits are required from the amenity deck to the public corridor.
 - f. Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
 - g. Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. A minimum Geodetic Elevation of 343.66 meters is required for all habitable spaces including the parking garage(s).
- 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). 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, number of required exits per area, door swing direction, handrails on each side of exit stairs, width of exits etc.
- 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.
- Mechanical Ventilation inlet and exhausts vents are not clearly defined in these drawings for the enclosed parking storeys. The location and noise from these units should be addressed at time of Development Permit.
- 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 Department

The Development Engineering comments and requirements regarding this Development Permit application are as follows:

1. General.

Requirements identified in the rezoning application under file Z15-0041 must be satisfied prior to issuing this development permit

2. Domestic water and fire protection.

This development is within the service area of the Rutland Waterworks District (RWDD).

3. Site grading.

Provide a site grading plan.

4. Drainage.

Provide a comprehensive site drainage management plan and design in accordance with the City's Bylaws and policies.

Variances

Do not compromise municipal services.

6.3 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. New hydrants on this property shall be operational prior to the start of construction and shall be deemed a private hydrant
- All buildings shall be addressed off of the street it is accessed from.

- 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
- Fire Department access is to be met as per BCBC 3.2.5.
- 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 4.5M of a fire hydrant - unobstructed.
- Ensure FD connection is clearly marked and visible from the street
- Standpipes to be located on intermediate landings.
- Sprinkler zone valves shall be accessible as per fire prevention bylaw - less than 7 feet from floor
- Dumpster/refuse container must be 3 meters from structures or overhangs or in a rated room in the parking garage
- Do not issue BP unless all life safety issues are confirmed

7.0 Application Chronology

Date of Application Received (complete):	August 5 th 2015
Date of Notification Letters:	Aug 25 th 2015
Date of First Reading:	Feb 1 st 2016
Date of Public Hearing:	Feb 16 th 2016
Date of MOTI Approval:	Nov 10 th 2017

Prepared by:	Adam Cseke, Urban Planner
Reviewed by:	Terry Barton, Urban Planning Manager
Approved for:	Ryan Smith, Community Planning Department Manager

Attachments:
DP15-0176 & DVP15-0177