

REPORT TO COUNCIL



Date: June 12, 2018

RIM No. 0940-00

To: City Manager

From: Community Planning Department (AW)

Application: DP17-0249 & DVP17-0250

Owner: 1139096 BC Ltd

Address: 1304 & 1308 Richter Street

Applicant: Dwayne McLean

Subject: Development Permit and Development Variance Permit

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 final adoption of Rezoning Bylaw No. 11553 (Z17-0104) be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0249 for Lot A District Lot 139 ODYD Plan EPP81393, located at 1308 and 1304 Richter St, 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 DVP17-0250 Lot A District Lot 139 ODYD Plan EPP81393, located at 1308 and 1304 Richter St, Kelowna, BC;

Section 13.11.6 (d) Development Regulations – Front Yard Setback

To vary the front yard setback for a portion of the building above 2 ½ storeys (3rd storey) from 6.0m required to 4.18m proposed.

Section 13.11.6 (e) Development Regulations – Side Yard Setback (South)

To vary the side yard setback for portions of the building below 2 ½ storeys from 4.5 m required to 2.76 m proposed.

To vary the side yard setback for portions of the building above 2 ½ storeys from 7.0 m required to 2.7 m for the 3rd storey and 4.05 m for the 4th storey.

Section 13.11.6 (e) Development Regulations – Side Yard Setback (North)

To vary the side yard setback for portions of the building below 2 ½ storeys from 1.5 m required to 0.47 m proposed.

To vary the side yard setback for portions of the building above 2 ½ storeys from 6.0 m required to 0.47 m for the 3rd and 4th storeys.

Section 13.11.6 (f) Development Regulations – Rear Yard Setback

To vary the rear yard setback from 7.0m required to 1.19m 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 review the Form & Character Development Permit of a 12-unit townhouse development and to consider variances to the required setbacks.

3.0 Community Planning

Community Planning Staff support the Development Permit and associated Development Variance Permit for the proposed twelve-unit ground oriented townhouse development. The form and character is in general accordance with the relevant Development Permit objectives and guidelines as specified in the Official Community Plan (OCP), including providing visually prominent and recognizable entrances as well as the variation in both materials and building form. Architectural elements are used to create visual interest.

OCP Policy 5.22.6 (Sensitive Infill) is achieved by keeping the height of the proposed development at 4 stories with rooftop access for private open space. This provides an appropriate transition from the existing apartment building to the south and the anticipated future redevelopment of the surrounding area. The applicant has proposed two bedroom units. The subject properties are located within the 'City Centre' Urban Centre at the intersection of Cawston Ave and Richter St. The subject properties are in close proximity to downtown and is well served by nearby amenities including parks, restaurants, and shops. The properties also front the Cawston Ave multi-use corridor with good cycling connectivity to downtown, the Ethel St multi-use corridor, and Rails with Trails. The Official Community Plan Future Land Use designation for the properties is MRM – Multiple Unit Residential (Medium Density). The properties' Walk Score is 88 (Very Walkable – most errands can be accomplished on foot). As a result, staff are supportive of the proposed rezoning to RM5 – Medium Density Multiple Housing in order to facilitate the development of row housing.

To fulfill Council Policy No. 367, the applicant submitted a Neighbour Consultation Summary Form to staff on January 11, 2018, documenting that neighbours within 50m of the subject properties were notified.

4.0 Proposal

4.1 Project Description

The applicant is proposing to construct twelve, two-bedroom row houses on the subject properties. The subject properties' current land use designation of MRM – Multiple Unit Residential (Medium Density) is consistent with the proposed RM5 – Medium Density Multiple Housing zone. The RM5 zone allows for apartment housing and row housing with a maximum floor area ratio of 1.4 and a maximum height of 18.0m/4.5 storeys.

4.2 Site Context

Subject Property Map: 1304 & 1308 Richter St



The subject properties are in the 'City Centre' Urban Centre at the corner of Cawston Ave and Richter St. The two lots have a combined area of 1,202m² in a primarily residential neighbourhood.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU2 – Medium Lot Housing	Single Dwelling Housing
East	RU6 – Two Dwelling Housing	Single Dwelling Housing
South	RM5 – Medium Density Multiple Housing	Apartment Housing
West	RU6 – Two Dwelling Housing	Single Dwelling Housing

4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM ₅ ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Floor Area Ratio	1.4	1.37
Site Coverage	70%	70%
Height	18 m / 4.5 storeys	13 m / 4 storeys
Front Yard	0-2 ½ storeys	1.5 m
	> 2 ½ storeys	3 rd storey - 4.18 m* / 4 th storey - 9.0 m
Side Yard (S)	0-2 ½ storeys	2.76 m*
	> 2 ½ storeys	3 rd storey - 2.7 m* / 4 th storey - 4.05 m*
Side Yard (N) Flanking St.	0-2 ½ storeys	0.47 m*
	> 2 ½ storeys	3 rd storey - 0.47 m* / 4 th storey - 0.47 m*
Rear Yard	7.0 m	1.19 m *
Other Regulations		
Minimum Parking Requirements	18 stalls	24 stalls
Bicycle Parking	Class I: 6	Class I: 24
	Class II: 3	Class II: 10
Private Open Space	300 m ²	561 m ²
<p>* Vary the front yard setback for a portion of the building above 2 ½ storeys (3rd storey) from 6.0m required to 4.18m proposed.</p> <p>* Vary the side yard setback (South) for portions of the building below 2 ½ storeys from 4.5 m required to 2.76 m proposed.</p> <p>* Vary the side yard setback (South) for portions of the building above 2 ½ storeys from 7.0 m required to 2.7 m for the 3rd storey and 4.05 m for the 4th storey.</p> <p>* Vary the side yard setback (North) for portions of the building below 2 ½ storeys from 1.5 m required to 0.47 m proposed.</p> <p>* Vary the side yard setback (North) for portions of the building above 2 ½ storeys from 6.0 m required to 0.47 m for the 3rd and 4th storeys.</p> <p>* Vary the rear yard setback from 7.0m required to 1.19m proposed.</p>		

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.

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

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

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)

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

Chapter 4: Land Use Designation Massing and Height.3

- Mitigate the actual and perceived bulk of buildings by utilizing appropriate massing, including:
- 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).
- 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 trailers are to be shown at time of development permit application.
- HPO (Home Protection Office) approval or release is required at time of Building Permit application.
- A Hoarding permit is required and protection of the public from the staging area and the new building area during construction.
- 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):
 - Any alternative solution must be accepted by the Chief Building Inspector prior to the release of the Building Permit.
 - Location, Heights, Colors of mechanical systems and the required screening are to be determined at time of DP
 - Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
 - Access to the roofs are required per NFPA and guard rails may be required and should be reflected in the plans if required.
 - Vestibules are required between suites and parking areas and are to be air pressurized spaces which may require a rated horizontal shaft. BCBC 3.3.5.7. (4). This may affect the unit layouts or parking areas.
 - The second floor terrace / roof top areas require a secondary means of egress as per BCBC 3.3.1.3. (2)
 - Mechanical Ventilation inlet and exhausts vents are not clearly defined in these drawings since elevations were not provided. It appears that the parking garage vents below the exit stairs and may exhaust against the side wall of a unit.
 - The winders on the unit stairs do not appear to meet the requirements of BCBC code articles within 9.8.4.5. which may affect the unit layouts.
 - Distance from the building to the outside garbage & recycling collection area is to be reviewed with the Fire Department for compliance.
 - Fire resistance ratings are required for garbage enclosure room(s) / area(s) in the parkade. The drawings submitted for building permit are to clearly identify how this rating will be achieved and where these area(s) are located.

- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. Minimum building elevations are required to be established prior to the release of the Development Permit. If a soil removal or deposit permit is required, this must be provided at time of Development 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, undermining & underpinning of existing foundation, additional snow drift on neighbour roofs, excessive noise from mechanical units, vibration damage during foundation preparation work, water infiltration systems, 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

6.2 Development Engineering Department

Development Engineering requirements satisfied with rezoning application.

6.3 Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
 - the building shall be addressed off of road it is accessed from – Richter
 - Fire Department access is to be met as per BCBC 3.2.5. and accommodate the largest apparatus. Lane access is not considered access to the west side of the building. Will travel distance to the west units meet code requirements due to access being upstairs and down a hallway?
- 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 as well as a fire pre-plan as per bylaw 10760
- Approved Fire Department steel lock box acceptable to the fire dept. is required by the fire dept.
- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met for communications
- the fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard
 - sprinkler zone valves shall be accessible as per fire prevention bylaw (10760) - less than 7 feet in height
- Fire department connection is to be within 45M of a fire hydrant - unobstructed.
 - ensure FD connection is clearly marked and visible from the street
 - Upon completion an owners certificate and copy of NFPA 25 shall be provided for the sprinkler system.
 - Upon completion, a certificate is required to verify CANULC 561 Compliance
 - dumpster/refuse container must be 3 meters from structures or overhangs

7.0 Application Chronology

Date of Application Received:	November 7, 2017
Date Public Consultation Completed:	January 11, 2018
Date of Public Hearing:	March 6, 2018

Report prepared by:

Alec Warrender, Property Officer Specialist

Reviewed by:

Terry Barton, Urban Planning Manager

Approved for Inclusion:

Ryan Smith, Community Planning Department Manager

Attachments:

Applicant's Letter of Rationale
DP17-0249 & DVP17-0250