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Revised October 30, 2017<br>Proposal for Rezoning \& Development Permit<br>Existing Zone: RU6<br>Proposed Zone: RM5<br>Legal Description: Lots 34 \& 35 D.L.<br>139 ODYD Plan 2085<br>1304 \& 1308 Richter Street<br>Kelowna, BC

## Introduction

This is an application for both a rezoning and a development permit to accommodate a 12 unit multi-unit building located at 1304 \& 1308 Richter Street. The proposed building consists of 12 ground orientated townhouse units. These applications are being submitted concurrently, with the intent that they will be processed together.

## Site Context

The subject site consists of 2 lots that total approximately 1200.59 SM and is prominently located at the SW corner of the intersection of Richter Street and Cawston Ave.

The proposed revised zoning classification is RM5 with minor variances proposed in support of this unique project.

The property is currently zoned RU6, Two Dwelling Housing.


Overview
This proposed infill development is located on an underutilized property bordered on 1 side by an existing multifamily building which also falls under RM5 zoning guidelines. Two single family homes are currently situated on the property. The two lots are "orphaned" by the adjacent multifamily higher density development.

The site is well positioned near the rapid transit bus route system. It is also located on the Cawston community system bike path which is part of the overall Active Transportation Corridor. The increasing number of jobs and overall activity in Downtown Kelowna has inspired us to look at a higher density project to meet the growing demand for well conceived downtown housing. In support of this higher density project, rezoning will be required together with minor variances. A development permit will also be required. We have contemplated RM5 Guidelines with specific variance approvals in support of our rezoning application.

Cawston Avenue is a prominent downtown street with the improved bike lane. Our primary design objective has been to create curb appeal, street presence, and separate street and ground oriented townhouse entrances for all units.

In support of this application, both properties fall within the Multiple Unit Residential (Medium Density) land use designation as prescribed by the City of Kelowna's Official Community Plan. We are proposing that the site be rezoned to RM5 to accommodate 12 ground oriented townhouse units. Variances that are required to facilitate this design are detailed in an attached schedule.

The parking structure roof slab is used as a base for the townhouse "mews" style units as well as an elevated pedestrian park environment providing direct access to the main living floor of each unit. In addition each unit has direct access to grade on each of the side yards which are also richly landscaped. All units are two bedroom with upper level dens (potential $3^{\text {rd }}$ bedroom) and private rooftop patios. Each unit is provided with two indoor parking stalls with immediate and direct access for residents to their own unit.

It is important to know that the builder has to contend with a high water table. The high water table prohibits development of a sub-grade parking structure. Accordingly, the parking structure is proposed to be developed at grade. In order to facilitate street oriented unit design, variances are proposed to some bylaw site setback requirements. These are detailed in the attached schedules. It is important to note that the need for variance approvals is almost wholly driven by the high water table and the resultant need to locate the parking structure at grade.

## Variances Requested

The site layout substantially fits within the prescribed guidelines of the RM5 zone and the proposed rezoning is consistent with the Future Land Use prescribed in the Official Community Plan.

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Bylaw Summary: RM5 Guidelines (Revised Oct 30/17)

| Criteria Item | Regulation | Proposed | Variance |
| :---: | :---: | :---: | :---: |
| Min Site Area | 1400 SM | 1200.59 SM | Required |
| Min Lot Width | 30 M | 26.29 M | Required |
| Min Lot Depth | 35 M | 45.70 M | N/A |
| Maximum FAR (not including covered parking) 1,680.83 SM (Max) | $\begin{gathered} \hline \text { 1.4 F.A.R. } \\ (1.2+0.2) \\ \hline \end{gathered}$ | $\begin{gathered} \hline \text { 1644.81 SM } \\ \text { 1.37 F.A.R. } \\ \hline \end{gathered}$ | N/A |
| Max Site Coverage: 840.4 SM (Building, Parking \& Paving) | $\begin{gathered} 70 \% \\ (50 \%+20 \%) \end{gathered}$ | $\begin{gathered} 70 \% \\ 840 \text { SM } \end{gathered}$ | N/A |
| Maximum Height | $\begin{gathered} \text { 4.5 Storeys } \\ 18 \mathrm{M} \end{gathered}$ | 4 Storeys/12.548 | N/A |
| Net Unit Area | $\begin{gathered} \hline(1.4 \times 1200.59 \mathrm{SM}) \\ 1680.83 \mathrm{SM} \\ \hline \end{gathered}$ | 1644.81 SM | N/A |
| Front Yard (at Richter St.) under $21 / 2$ storeys <br> @ Ground Floor \& $2^{\text {nd }}$ Floor | 1.5 M | 1.5 M | N/A |
| Front Yard (at Richter St.) over $21 / 2$ storeys <br> @ $3^{\text {rd }}$ Floor <br> @ $4^{\text {th }}$ Floor | $\begin{aligned} & 6.0 \mathrm{M} \\ & 6.0 \mathrm{M} \\ & \hline \end{aligned}$ | $\begin{gathered} 4.181 \mathrm{M} \\ 9 \mathrm{M} \\ \hline \end{gathered}$ | $\begin{gathered} 1.819 \mathrm{M} \\ \mathrm{~N} / \mathrm{A} \\ \hline \end{gathered}$ |
| North Side Yard (at Cawston) under $21 / 2$ storeys <br> @ Ground Floor <br> @ $2^{\text {nd }}$ Floor | $\begin{aligned} & 1.5 \mathrm{M} \\ & 1.5 \mathrm{M} \end{aligned}$ | $\begin{aligned} & 0.928 \mathrm{M} \\ & 0.470 \mathrm{M} \end{aligned}$ | $\begin{gathered} 0.572 \mathrm{M} \\ 1.03 \mathrm{M} \end{gathered}$ |
| North Side Yard (at Cawston) over $21 / 2$ storeys <br> @ $3^{\text {rd }}$ Floor <br> @ $4^{\text {th }}$ Floor | $\begin{aligned} & 6.0 \mathrm{M} \\ & 6.0 \mathrm{M} \end{aligned}$ | $\begin{aligned} & 0.470 \mathrm{M} \\ & 3.170 \mathrm{M} \end{aligned}$ | $\begin{aligned} & 5.53 \mathrm{M} \\ & 2.83 \mathrm{M} \end{aligned}$ |
| South Side Yard (joint P.L.) under $21 / 2$ storeys @ Ground Floor | 4.5 M | 2.760 M | 1.749 M |
| South Side Yard (joint P.L.) over $21 / 2$ storeys <br> @ $3^{\text {rd }}$ Floor <br> @ $4^{\text {th }}$ Floor | $\begin{aligned} & 7.0 \mathrm{M} \\ & 7.0 \mathrm{M} \end{aligned}$ | $\begin{gathered} 2.7 \mathrm{M} \\ 4.056 \mathrm{M} \end{gathered}$ | $\begin{gathered} 4.3 \mathrm{M} \\ 2.944 \mathrm{M} \end{gathered}$ |
| Rear Yard ( at lane) @ Car Port Structure at grade <br> @ $2^{\text {nd }}, 3^{\text {rd }}$ and $4^{\text {th }}$ Floors <br> (See shared $2^{\text {nd }}$ floor shared garden areas and shared green roof areas on plans) | $\begin{gathered} 1.5 \mathrm{M} \\ 6.0 \mathrm{M} \\ \text { See Bylaw } \\ \text { \#13.11.6.h } \end{gathered}$ | $\begin{gathered} 1.190 \mathrm{M} \\ 6.0 \mathrm{M} \end{gathered}$ | $\begin{gathered} 0.310 \mathrm{M} \\ \mathrm{~N} / \mathrm{A} \\ \text { See Bylaw } \\ \text { \#13.11.6.h } \\ \hline \end{gathered}$ |

Please see attached Setback Plans attached in this package for your reference.
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| Criteria Item | Regulation | Proposed | Variance |
| :---: | :---: | :---: | :---: |
| Parking Stalls | $18(150 \%)$ | $24(200 \%)$ | N/A |
| Bicycle Parking | 6 Class 1 \& 3 |  |  |
|  | Class 2 |  |  |

RESIDENTIAL AREA SUMMARY BY UNIT (NOT INCLUDING PARKING)

| UNIT TYPE | TOTAL UNIT AREA | \# OF UNITS | TOTAL NEW UNIT AREAS |
| :---: | :---: | :---: | :---: |
| UNIT A | 147.78 SM | X 1 | 147.78 SM |
| UNIT B | 148.18 SM | X 3 | 444.54 SM |
| UNIT C | 148.35 SM | X 1 | 145.35 SM |
| UNIT D | 145.17 SM | X 1 | 145.17 SM |
| UNIT E | 144.96 SM | $\times 3$ | 434.88 SM |
| UNIT F | 145.12 SM | X 1 | 145.12 SM |
| UNIT G | 136.27 SM | $\times 2$ | 272.54 SM |
| TOTAL NET RESIDENTAL UNIT AREA |  | 12 UNITS | RESIDENTAL AREA 1,738.38 SM |

## RESIDENTIAL AREA SUMMARY BY FLOOR (NOT INCLUDING PARKING)

| GROUND FLOOR | 195.19 SM |
| :---: | :---: |
| SECOND FLOOR | 636.26 SM |
| THIRD FLOOR | 586.83 SM |
| FOURTH FLOOR | 320.10 SM |
| TOTAL RESIDENTIAL FLOOR AREA | $\mathbf{1 , 7 3 8 . 3 8} \mathbf{~ S M}$ |

## F.A.R CALCULATION

| SITE AREA | 1200.59 SM |
| :--- | :--- |
| REGULATION F.A.R. | 1.4 OF SITE AREA |
| REGULATION MAX UNIT AREA | $(1.4 \times 1200.59$ SM $)=1,680.82$ SM |
| ACTUAL RESIDENTIAL AREA (FROM ABOVE) | $1,738.38$ SM |
| DEDUCT 50\% OF EACH INTERIOR STAIR AREA IN EACH UNIT <br> ON EACH FLOOR OF EACH UNIT | $=92.52$ SM NET DEDUCTIBLE |
| NET RESIDENTIAL AREA (1,738.38 SM LESS 92.52 SM) | $=1,645.86$ NET |
| F.A.R. PROPOSED 1,645.86 SM / 1,200.59 SM | 1.370 F.A.R. |
| CONCLUSION F.A.R. PROVIDED AND NO VARIANCE REQ'D | 0.03 LESS THAN MAX ALLOWABLE |



As previously stated, the exceptionally high water table on this site has prevented construction of a subgrade parking structure leaving the builder no choice but to develop the parking structure at grade. In developing the parking structure at grade and clear of the water table, the above variances are required for a functional and working project. Having said that, it should be noted that the above grade density (F.A.R.) and site coverage proposed are both bylaw compliant with no variance required to render this project functional.

We have also had productive consultation with our neighbors to the South living in "The Cambridge." Their basic concerns of life safety (fire spread) have been addressed two fold. Once by decreasing the proposed setback variances on our joint property line and again by proposing that the construction of our South exterior wall be constructed as wall assembly with a 2 hour fire resistance rating compliant with the current BC Building Code. The combination of these two measures provide the added assurance and exceed the applicable Building Code requirements by a considerable margin.

## Conclusion

Maximizing the efficiency of infill development has been identified by the City of Kelowna as a priority to help avoid urban sprawl. This project strives to help fulfill that goal while promoting an active lifestyle for residents. A priority is also given by the architect to ground and street orientation and pedestrian relevant design in this project on multiple levels. The applicant seeks support from staff and council for this rezoning and development permit application complete with all required variances.

Best Regards,
DW Architecture


## David Catkin

DW/ta



(2) 2nd FLOOR SETBACK PLAN (UNDER 2.5 STORIES)

| --\| | PROPOSED NORTH FRONT YARD |
| :---: | :---: |
|  | PROPOSED EAST FRONT YARD |
|  | PROPOSED SOUTH SIDE YARD |
|  | PROPOSED WEST REAR YARD |
| ---------------- | ENCROACHMENT |
|  | PROPERTY LINE |
|  | REGULATION SETBACK LINE |




# Development \& Development Variance Permit DP17-0249 \& DVP17-0250 

This permit relates to land in the City of Kelowna municipally known as
1304 \& 1308 Richter Street
and legally known as
Lot A District Lot 139 ODYD Plan EPP81393
The development has been approved subject to any attached terms and conditions, and to full compliance with the approved plans bearing the stamp of approval and the above described development permit number.

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.

Date of Decision:
Decision By:
Issued Date:
Development Permit Area:
File Manager:

June 12, 2018
CITY COUNCIL
TBD
Comprehensive Development Permit Area
Alec Warrender

This permit will not be valid if development has not commenced by June 12, 2020.
Existing Zone: RM5 - Medium Density Multiple Housing Future Land Use Designation: Multiple Unit Residential (Medium Density)

## This is NOT a Building Permit.

In addition to your Development \& Development Variance Permit, a Building Permit may be required prior to any work commencing. For further information, contact the City of Kelowna, Development Services Branch.

## NOTICE

This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

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Owner: 1139096 BC Ltd
Address: 1593 Klein Road
City: West Kelowna, BC
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Ryan Smith, Community Planning Department Manager Community Planning \& Strategic Investments

## 1. SCOPE OF APPROVAL

This Development Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Development Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this permit, noted in the Terms and Conditions below.

The issuance of a permit limits the permit holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific variances have been authorized by the Development Permit. No implied variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

## 2. CONDITIONS OF APPROVAL

a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule " A ";
b) The exterior design and finish of the building to be constructed on the land be in accordance with Schedule " B ";
c) Landscaping to be provided on the land be in accordance with Schedule " C "; and
d) 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.
e) Council approved variances:

## Section 13.11.6 (d) Development Regulations - Front Yard Setback

To vary the front yard setback for a portion of the building above $21 / 2$ storeys ( $3^{\text {rd }}$ storey) from 6.0 m required to 4.18 m proposed.

## Section 13.11 .6 (e) Development Regulations - Side Yard Setback (South)

To vary the side yard setback for portions of the building below $21 / 2$ storeys from 4.5 m required to 2.76 m proposed.
To vary the side yard setback for portions of the building above $21 / 2$ storeys from 7.0 m required to 2.7 m for the $3^{\text {rd }}$ storey and 4.05 m for the $4^{\text {th }}$ storey.

## Section 13.11.6 (e) Development Regulations - Side Yard Setback (North)

To vary the side yard setback for portions of the building below $21 / 2$ storeys from 1.5 m required to 0.47 m proposed.
To vary the side yard setback for portions of the building above $21 / 2$ storeys from 6.0 m required to 0.47 m for the $3^{\text {rd }}$ and $4^{\text {th }}$ storeys.

Section 13.11.6 (f) Development Regulations - Rear Yard Setback
To vary the rear yard setback from 7.0 m required to 1.19 m proposed.
This Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

## 3. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property own of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:
a) A Certified Cheque in the amount of TBD.

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

## 4. Indemnification

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:
a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.

All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

The PERMIT HOLDER is the CURRENT LAND OWNER.
Security shall ONLY be returned to the signatory of the
Landscape Agreement or their designates.


## 1304 \& 1308 Richter Street



| 2 | EAST ADACENT PROPERTY |
| :---: | :---: |
| ${ }_{n}$ | Schate NTS |

5 North adacent property


 D. CuEN D McLean Construction Ltd


PROUET JECT NAME
PROJECT NAME
1304\& 1308 Richer Street







$1645.86 / 1200.59=1.37$ F .A.R.

 ${ }^{\text {PROJECT TTART }}$ | DP SUBMISSIIN | $\begin{array}{ll}\text { Ong292017 } \\ \text { 10272017 }\end{array}$ |
| :--- | :--- |



$\underset{\substack{\text { CuENT } \\ \text { D.McLean Construction Ltd }}}{\text { and }}$



Rrouer
PROJECT NAME
ROJECT NAME
B04\& 1308 Richer Stree


Second Floor Plan




A2.1









( 1 (3.4) Unit E-Main Floor/Parking Plan
Toal Unit A Area: $147.37 \mathrm{~m}^{2}$


(3) Santit Thid floor Pan
(3at) Unit F Fount foor Pan

| SCHEDULE A |  |
| :---: | :---: |
| This forms part of application \# DP17-0249 \& DP17-0250 |  |
|  | City of 'wis' |
| $\substack{\text { Pamee } \\ \text { nitas }}_{\text {aW }}$ | Kelowna |


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D.McLean Construction Ltd
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Unit Type E Floor Plans









( 1.2 Southest Rendeing


EDULE B
ns part of application


## NOTES








| PLANT LIST |  |  |  |
| :---: | :---: | :---: | :---: |
| botanical name | Common name | arr | SIIE / Spacaing remarks |
| TREES ACER PALMATUM 'SANGO KAKU' ACER RUBRUM 'AUTUMN SPIRE' tIla coroata halka | CORAL BARK JAPANESE MAPLE AUTUMN SPIRE RED MAPLE SUMMER SPRITE LINDEN | $\stackrel{4}{3}$ |  |
| SHRUBS $\qquad$ HYDRANGEA MACROPHYLL SYRINGA MEYERI 'PALIBIN' | RUBY CAPRUSEL BARBERYY BuSHIIMG BRIEE HYRENGGE BWARF Korean liac | $\begin{gathered} \left.\begin{array}{c} 27 \\ 12 \\ 18 \end{array}\right) \end{gathered}$ |  |
|  |  |  |  |

OUTLAND DESIGN LANDSCAPE ARCHITECTURE


## CONCEPTUAL LANDSCAPE PLAN <br> 




ISSUED FOR REVIEW ONIY

