

REPORT TO COUNCIL



Date: March 1, 2015
RIM No. 0940-00
To: City Manager
From: Community Planning Department (LB)
Application: DP15-0215 / DVP15-0216 **Owner:** ML Holdings Inc., Inc. No. BC0825079
Address: 1295 St Paul Street **Applicant:** Edgcombe Builders
Subject: Development Permit and Development Variance Permit Application
Existing OCP Designation: MRM - Multiple Unit Residential (Medium Density)
Existing Zone: RM4 - Transitional Low Density Housing

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11162 be considered by Council;

AND THAT final adoption of Zoning Bylaw Text Amending Bylaw No. 11163 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP15-0215 for Lot 25, District Lot 139, ODYD, Plan 1303, located at 1295 St Paul 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 this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0216 for Lot 25, District Lot 139, ODYD, Plan 1303, located at 1295 St Paul Street, Kelowna, BC;

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

Section 7.6.1: Minimum Landscape Buffers

To vary the minimum landscape buffer for the front yard and flanking street from Level 2 permitted to Level 1 proposed and to vary the minimum landscape buffer for the rear yard from Level 3 permitted to Level 1 proposed.

Section 8.1.11(b): Parking and Loading Size and Ratio

To vary the minimum parking ratio from 50% full size and 50% medium size permitted to 50% full size, 25% medium size and 25% compact size proposed.

Section 13.10.6(b): RM4 - Transitional Low Density Housing Development Regulations

To vary the maximum site coverage from 50% permitted to 71.3% proposed and to vary the maximum site coverage for buildings, driveways and parking areas from 60% to 73.9%.

Section 13.10.6(d): RM4 - Transitional Low Density Housing Development Regulations

To vary the minimum front yard from 6.0 m permitted to 1.0 m proposed.

Section 13.10.6(e): RM4 - Transitional Low Density Housing Development Regulations

To vary the minimum side yard from 4.5 m permitted to 1.5 m proposed and to vary the minimum flanking street side yard from 4.5 m permitted to 0.8 m proposed.

Section 13.10.6(f): RM4 - Transitional Low Density Housing Development Regulations

To vary the minimum rear yard from 7.5 m permitted to 1.5 m proposed.

AND FURTHER THAT this 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 four unit rowhouse development and to vary the site coverage, setbacks, parking requirements and landscape buffers on the subject property.

3.0 Community Planning

Community Planning Staff supports the proposed Development Permit and Development Variance Permit application to facilitate the construction of a four unit townhouse on the subject property. The proposed form and character is consistent with the OCP Urban Design Guidelines for Revitalization Areas.

Variances

Although row housing and stacked row housing are permitted forms of development in the RM4 zone, it was created with low rise apartments in mind and the development regulations reflect this. As a row house development on a small urban lot, several of the development regulations are not met and variances are being requested. Should this application be approved and constructed, Staff will evaluate the outcomes and identify possible Zoning Bylaw amendments to facilitate this form of development in the future.

The property is a relatively small urban residential lot and the site coverage variances are needed to achieve the proposed level of density of 1.15 Floor Area Ratio (FAR). The development must meet the City's stormwater and drainage requirements, which will be addressed at time of Building Permit application.

Where appropriate, Staff considered the requested variances in light of development regulations for similar ground-oriented townhouses in other zones. The RM3 zone specifically encourages

ground-oriented housing through reduced front and flanking street side yard setbacks of 1.5 m. At ground level, the setbacks for this development are within 0.5 m of the RM3 setback. In working with City Staff, the applicant revised the design to achieve setbacks that better respect the surrounding context while facilitating a dense form of infill housing. The setbacks do not extend for the entire length of the building, and the resulting articulation makes for a more interesting urban façade and helps to break up the building's massing. The rear yard setback is comparable to the setback for accessory buildings.

Staff support the variance to the ratio of parking stalls given the site's location within the City Centre (Downtown) Urban Centre and proximity to nearby amenities, services and employment. The location offers easy access to other modes of transportation, including public transit, pedestrian and cycling facilities and car share options. The Downtown also has many shops and services within walking distance of the property.

Variances to the landscape buffer widths are required as a result of the setback variances, and decorative grasses and shrubs will be planted in the setback areas along the street frontages as proposed in the Landscape Plan. As part of the off-site works related to the development, the applicant will be planting deciduous shade trees in the boulevards along St Paul Street and Cawston Avenue, improving the streetscape and landscaping adjacent to the development.

Public Consultation

In fulfillment of Council Policy No. 367, the applicant completed public notification and consultation with property owners within 50 m of the subject property. The applicant also held a neighbourhood open house on Wednesday October 7, 2015 from 5:00 pm to 6:00 pm in the Sole building across from the subject property. Five local residents and business owners attended, including a representative from the Kelowna Downtown Knox Mountain Neighbourhood Association. The applicant described the project background and development details to attendees.

The open house attendees were generally supportive of some development on the site and asked questions regarding specific elements of the project. Some elements of concern included changes to the boulevard and on-street parking, landscaping, and the requested variances. At the time of writing, Staff has been contacted with questions and some concerns from one area resident.

4.0 Proposal

4.1 Background

Council gave second and third readings to Rezoning application Z15-0023 and Text Amendment application TA15-0014 on December 1, 2015. The Rezoning application was to rezone the property from the RU2 - Medium Lot Housing zone to the RM4 - Transitional Low Density Housing zone and the Text Amendment application was to add specific provisions to increase the Floor Area Ratio (FAR) in the RM4 zone.

4.2 Project Description

Proposed Development

The proposed development consists of a four unit, three storey townhouse building with attached garages. The intent is to create a building strata allowing the units to be sold individually. Unit sizes range from approximately 1,680 ft² (156 m²) to 1,830 ft² (170 m²), plus exterior decks and patio space. The site is in part of the City Centre (Downtown) Urban Centre that quickly changes from high density mixed use developments to an area of single dwelling housing that is designated for medium density residential development.

Secure parking is provided in a row of four attached garages, each of which offers tandem parking for two vehicles. Vehicular access to the garages is from the lane off St Paul Street on the north side of the property. Each unit has an at-grade pedestrian entrance facing either St Paul Street or Cawston Avenue and it is considered ground-oriented housing.

As an urban infill townhouse project, this development is a form of housing seldom seen in Downtown Kelowna. The developer expects buyers to be those seeking to live near the amenities and employment in the area.

Form and Character



Figure 1 - Building from Intersection of St. Paul and Cawston

The building design proposes to use both contemporary and traditional materials. The brickwork is intended to match the style of the structure across St. Paul, with concrete panelling similar to the Sole building to the north.



Figure 2 - Cawston Road, looking North East

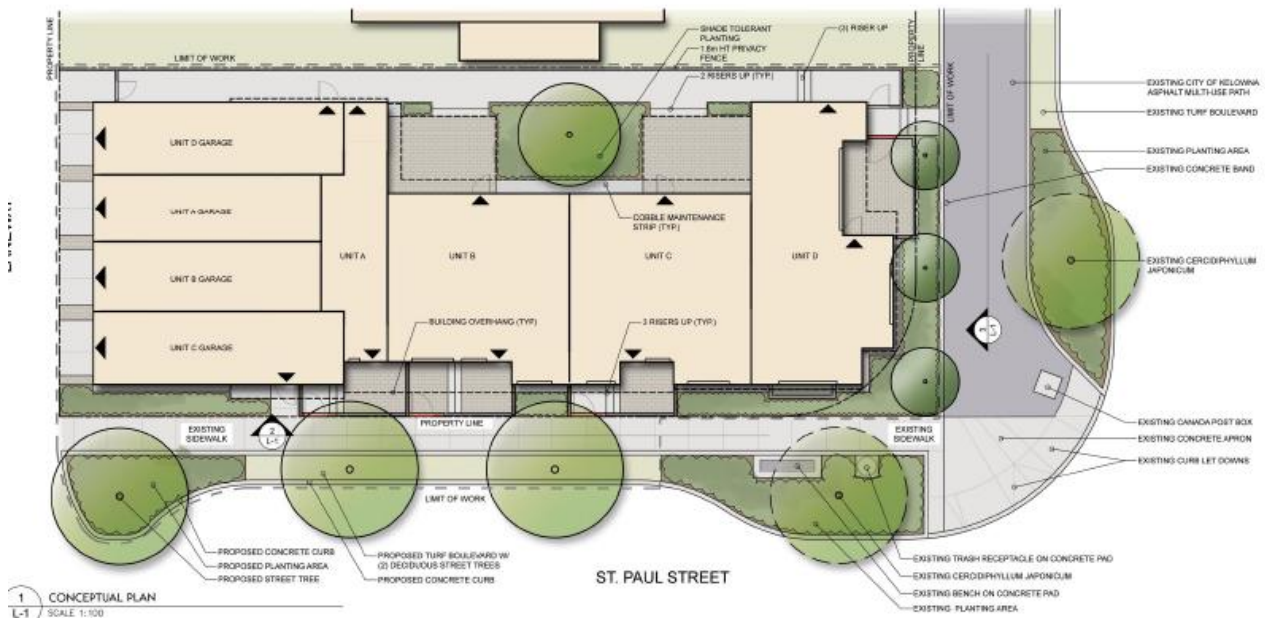
The designer has stepped the building down towards the residential dwellings to the east. The landscaping and common area is also located on the east side, as a transition to neighbouring properties. Windows along the single family frontage are limited to preserve privacy. The application will use light coloured metallic cladding above the second storey on the east frontage to reduce apparent bulk of the building in the afternoon sun.



Figure 3 - St Paul Frontage, looking South West

The St. Paul frontage is more urban in character, facing the Sole Building and Downtown. On this frontage, the applicant has used concrete panels and galvanized metal siding, to keep with the more urban feel across St. Paul.

Landscaping



Site landscaping is limited because of the footprint of the building and relatively small lot size. Existing boulevard trees will be protected, and three additional trees planted along the boulevard.

Variations

The applicant is requesting variances to the following provisions of the Zoning Bylaw: site coverage, setbacks, parking requirements, and landscape buffers. The details of the variances are shown in the Zoning Analysis Table in Section 4.4 of this report, and discussion of the setbacks and parking variances is offered below.

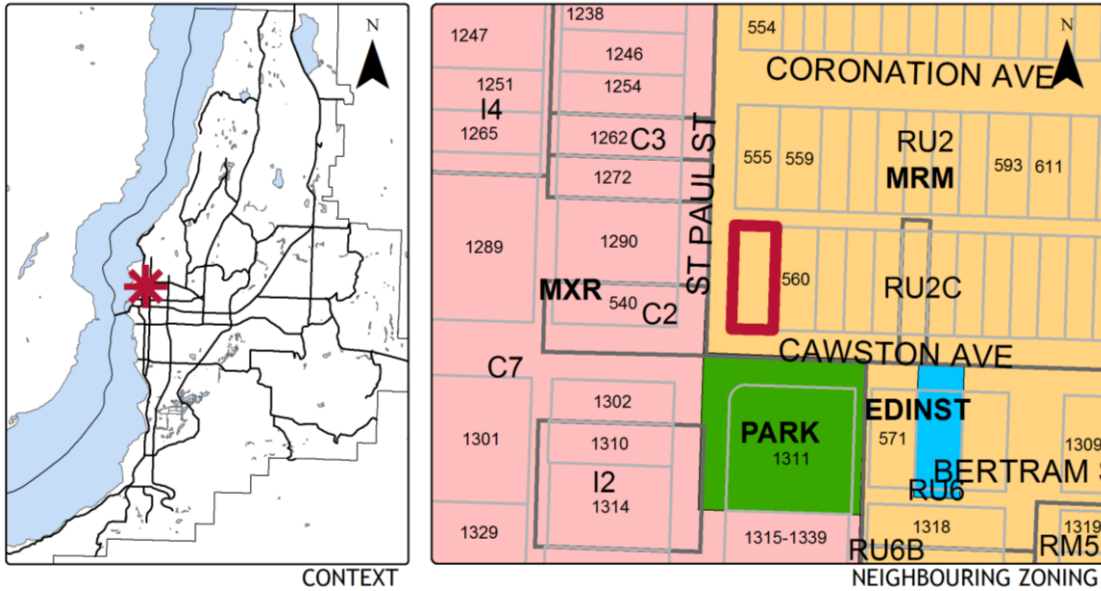
With the exception of the rear yard, the requested setbacks do not extend for the entire length of the building. The setback along Cawston Avenue is 1.0 m near the intersection and increases to over 2.0 m towards the east side of the property. The east side yard setback of 1.5 m is for a small portion of the building towards the front of the property and the length of the garage. The setback for the remainder of the building in the centre of the property is 5.5 m, which exceeds the minimum setback regulation. Along St Paul Street, the setback for the first storey ranges from 1.4 m to 2.4 m. The requested variance to 0.8 m along St Paul Street is for small sections of the second and third storeys that project towards the road. The rear yard setback of 1.5 m is to the garages.

The parking regulations require four full and three medium size stalls, and the development provides eight stalls with four full, two medium and two compact size stalls, requiring a variance to the ratio of parking stalls.

4.3 Site Context

The subject property is located at the northeast corner of the intersection of St Paul Street and Cawston Avenue in the Central City (Downtown) Sector as well as the City Centre (Downtown) Urban Centre. It is designated for medium density multiple unit residential development in the Official Community Plan and is within the Permanent Growth Boundary. The surrounding area is characterized by single dwelling housing to the north and east, and by mixed-use commercial and

residential development to the south and west. The City’s St. Paul Street Parking lot is immediately across Cawston Avenue, long-term a future neighbourhood park.



Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU2 - Medium Lot Housing	Single dwelling housing
East	RU2 - Medium Lot Housing	Single dwelling housing
South	C7 - Central Business Commercial	Non-accessory parking
West	C2 - Neighbourhood Commercial C7 - Central Business Commercial	Offices Offices, multiple dwelling housing

Subject Property Map



SUBJECT PROPERTY

4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM4 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	900 m ²	577.8 m ² *
Minimum Lot Width	30.0 m	15.4 m *
Minimum Lot Depth	30.0 m	37.6 m *
Development Regulations		
Maximum Floor Area Ratio	1.15	1.15
Maximum Site Coverage (buildings)	50%	71.3% ❶
Maximum Site Coverage (buildings, driveways and parking)	60%	73.9% ❷
Maximum Height	13.0 m / 3 storeys	11.0 m
Minimum Front Yard	6.0 m	1.0 m ❸
Minimum Side Yard (east)	4.5 m	1.5 m ❹
Minimum Flanking Street Side Yard (west)	4.5 m	0.8 m ❺
Minimum Rear Yard	7.5 m	1.5 m ❻
Other Regulations		
Minimum Parking Requirements	7 stalls (4 full, 3 medium)	8 stalls (4 full, 2 medium, 2 compact) ❷
Minimum Private Open Space	25 m ²	38 m ²
Minimum Landscape Buffer	Front yard: Level 2 Flanking street: Level 2 Rear yard: Level 3 Side yard: Level 3	Front yard: Level 1 Flanking street: Level 1 Rear yard: Level 1 Side yard: Level 3 ❸
<p>* No subdivision is being proposed; therefore, the lot does not need to conform to the minimum lot dimensions of the RM4 subdivision regulations.</p> <p>❶ Indicates a requested variance to increase the maximum site coverage from 50% permitted to 71.3% proposed.</p> <p>❷ Indicates a requested variance to increase the maximum site coverage for buildings, driveways and parking areas from 60% permitted to 73.9% proposed.</p> <p>❸ Indicates a requested variance to reduce the minimum front yard from 6.0 m permitted to 1.0 m proposed.</p> <p>❹ Indicates a requested variance to reduce the minimum side yard from 4.5 m permitted to 1.5 m proposed.</p> <p>❺ Indicates a requested variance to reduce the minimum flanking street side yard from 4.5 m permitted to 0.8 m proposed.</p> <p>❻ Indicates a requested variance to reduce the minimum rear yard from 7.5 m permitted to 1.5 m proposed.</p> <p>❼ Indicates a requested variance to vary the ratio of parking stalls from three medium stalls permitted to two medium and two compact stalls proposed.</p> <p>❽ Indicates a requested variance to reduce the minimum landscape buffers for the front yard and flanking street from Level 2 permitted to Level 1 proposed, and for the rear yard from Level 3 permitted to Level 1 proposed.</p>		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Sensitive Infill.¹ 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.

Ground-Oriented Housing.² 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.

Revitalization Development Permit Guideline Objectives

- Use appropriate architectural features and detailing of buildings and landscapes to define area character;
- Convey a strong sense of authenticity through high quality urban design that is distinctive of Kelowna;
- Enhance the urban centre's main street character in a manner consistent with the area's character;
- Provide for a scale and massing of buildings that promotes an enjoyable living, pedestrian, working, shopping and service experience;
- Encourage an appropriate mix of uses and housing types and sizes;
- Design and facilitate beautiful public open spaces that encourage year round enjoyment;
- Create open, architecturally-pleasing and accessible building facades to the street; and
- Improve existing streets and sidewalks to promote alternative transportation.

6.0 Technical Comments

6.1 Development Engineering Department

See attached Memorandum

6.2 Fire Department

- 1 Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required. Template available online at Kelowna.ca
- 2 Engineered Fire Flow calculations of 150 l/sec are required.
- 3 A visible address must be posted as per City of Kelowna By-Laws
- 4 Should the townhomes be have a sprinkler system, Sprinkler drawings are to be submitted to the Fire Dept. for review when available.
- 5 Should the townhomes have a sprinkler system, a Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.

¹ City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.23.1 (Development Process Chapter).

- 6 A fire safety plan will be required 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. This plan shall address the unique characteristics in this building
- 7 Approved Fire Department steel lock box or key tube acceptable to the fire dept. is required by the fire dept. entrance.
- 8 All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met.
- 9 Fire department connection is to be within 45M of a fire hydrant
- 10 Ensure FD connection is clearly marked and visible from the street
- 11 Dumpster/refuse container must be 3 meters from structures and overhangs or if inside the parking garage, it shall be enclosed within a rated room

7.0 Application Chronology

Date of Application Received: September 11, 2015
Date Public Consultation Completed: October 7, 2015

Report prepared by:

Laura Bentley, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Subject Property Map
Development Engineering Memorandum
Draft Development Permit No. DP15-0215 / Development Variance Permit No. DVP15-0216
Schedule A: Site Plan & Floor Plans
Schedule B: Elevations & Colour Board
Schedule C: Landscape Plan
Schedule D: Variances