

REPORT TO COUNCIL



Date: April 5th, 2016
RIM No. 0940-40
To: City Manager
From: Community Planning (AC)
Application: DP15-0316 & DVP15-0317 **Owner:** Watermark Developments Ltd., Inc. No. BC0642787
Address: 805 Academy Way **Applicant:** Mission Group Homes
Title: Development Permit and Development Variance Permit
Existing OCP Designation: MRM - Multiple Unit Residential (Medium Density)
Existing Zone: RM5 - Medium Density Multiple Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP15-0316 for Lot 1, Section 3 & 10, Township 23, ODYD, Plan EPP53793, located on 805 Academy Way, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied as described in the report's "Attachments";
5. 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 professional landscaper;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP15-0317, Lot 1, Section 3 & 10, Township 23, ODYD, Plan EPP53793, located on 805 Academy Way, Kelowna, BC.

AND THAT the variance to the following section Zoning Bylaw No. 8000 be granted:

Section 8.1 - Parking Schedule

Vary the parking requirements from 93 parking stalls required to 69 parking stalls proposed.

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 consider a Development Permit and Development Variance Permit for a 63-unit 4 storey apartment development known as 'U3A'.

3.0 Community Planning

The proposed 'U3A' development will provide 63 rental units in the University South Village neighbourhood primarily serving UBCO students and helping to address the community housing need for rental options. The multi-family development is consistent with the OCP Future Land Use designation and the subject property's current RM5 zoning. The applicant is requesting a parking variance to the Zoning Bylaw for a 26% relaxation to the number of parking stalls. The reduction will equate to providing approximately 1 stall per unit plus visitor parking. The Applicant suggests that this is the appropriate number of stalls for this type of housing. This is based on the Applicant's experience in the neighborhood with similar types of developments at 'U1' and 'U2'. Planning Staff have assessed the applicant's request in consideration to the OCP policy for parking relaxations:

Parking Relaxations.¹ Consider parking requirement relaxations, in areas that are not part of a cash-in-lieu program, where an approved TDM strategy indicates a lower use of vehicles and the City is satisfied that parking relaxations would not create parking spill-over problems on adjoining neighbourhood streets. Parking relaxations will not be considered in hillside areas (as defined on Map 4.1 - Future Land Use).

The parking relaxation is further supported by the Applicant's Transportation Demand Management Strategy and they are proposing a number of improved site development features to promote walking and cycling. While the parking variance represents a significant reduction from the Zoning Bylaw, staff are supportive of the variance largely due to the unique character of the University South Village neighbourhood and the project's intended niche demographic.

Staff acknowledge that the Zoning Bylaw's regulations for the provision of parking are broad-based in nature and do not consider the uniqueness of individual neighbourhoods in the City. The most significant neighbourhood variable in the University South Village is the combination of walkability (measured by distance to UBCO) and frequency of transit service (along John Hindle Way) within walking distance. As walkability and transit frequency become viable options, parking utilization should decrease.

While it is challenging to determine the 'appropriate' number of parking stalls for any given development, Planning staff are conscious of the community consequences of oversupplying parking. It can lead to increased automobile ownership, vehicle miles traveled and congestion on the City's roads. Parking availability affects travel mode choices for residents, increasing single-occupancy vehicle use and decreasing the use of transportation alternatives. This would not be in keeping with the OCP Vision and its livability objectives for the City. Therefore, Planning staff

¹ City of Kelowna Official Community Plan, Policy 5.11.1 (Development Process Chapter).

are recommending support to Council for the parking variance in consideration of the merits of the project as a whole.

4.0 Proposal

4.1 Background

The subject property is located within the University South Neighbourhood, a comprehensive planned community under the University Village Master Plan (October 2009). The applicant has recently completed a subdivision of a RM5 lot within the neighbourhood in order to develop two different types of residential buildings: 'U3A' as a rental building and 'U3B' and a condo building. The development permits will be considered by Council individually as they relate to two separate legal parcels, however, both projects rely upon a coordinated approach to the site layout.

4.2 Project Description

The 'U3A' project is a 63-unit rental development. The site has been terra-formed and rough graded to create a relatively flat building site. A Fortis Right-of-Way is secured on the western portion of the property adjacent to Academy Way for a natural gas line.

The 4 storey wood frame building is located on the north side of the site perpendicular to Academy Way. The proposed drive way will be located directly off Academy Way and will access a 69 stall surface parking lot as well as access 'U3B'.

Figure 1 - U3A & U3B Site Layout



Character & Materials

The architectural form and character of the building is designed in a “campus modern” style and reflects similar architectural styles along the east side of Academy Way. Both ‘U3A’ and ‘U3B’ have a complimentary form, image, and colour. Both buildings will use a combination of Hardie Panel, Hardie Siding, and stucco. The design has incorporated significant vertical elements to break up the mass of the buildings, provided ground oriented housing units, a defined entrance and unique colours to adequately meet building design guidelines.

Figure 2: U3A - Front Facade



Site Layout & Landscape

The site plan shows common landscape elements for both ‘U3A’ and ‘U3B’ that contribute towards a consistent image between the two sites. A dedicated pedestrian circulation system will connect the building entrances to the parking areas and connect beyond the property to the Academy Way multi-use corridor and the public trail system to the east.

Planning Staff requested that the Applicant provide an underground structured parking area rather than rely solely upon a surface parking lot. The University South Village Master Plan (2009) created a vision for the area that parking spaces for automobiles would be largely limited to under-building/structured facilities with only minor surface parking lots.

- **3.8 Design (Parking Structures)²** - All multiple family residential and mixed use buildings will contain understructure (beneath habitable or commercial space) in keeping with zoning requirements. Parking structures should be screened from views/wrapped by other uses, and entrances must be located to avoid pedestrian-vehicle conflicts.

The Applicant has declined this request and proposed all parking for U3A be provided through a surface parking lot. They have sited the costs of providing structured parking as a significant obstacle that would lead to price implications on the rental units. The

² Part 2 University South Village Master Plan (October 2009) - Watermark

Applicant is proposing to mitigate the aesthetic and environmental impacts of the surface parking through the following measures:

- Unit pavers for the visitor stalls (9 stalls) to enhance surface permeability for water infiltration;
- Bio-swale areas to help catch storm water run-off and further help water infiltration;
- Increased landscaped areas and tree planting;
- A well-defined pedestrian circulation system through the parking lot giving prominence to walking and cycling;
- A linear greenspace and amenity area through the center of the site to provide a future connection to the commercial property to the north and the further multi-family developments to the south; and
- Significant tree planting and landscape areas around the parking lot.

Figure 3: U3A - Landscape Plan



4.3 Housing Agreement

The Applicant will commit to a housing agreement with the City for rental units over a 20 year period. This is an important objective as the most recent CMHC Rental Market Survey for Kelowna states that the rental vacancy is well below the 3% threshold. The Housing Agreement will come to Council for consideration should the Development Permit be supported.

4.4 Parking Variance

The applicant is proposing to provide 69 parking stalls for 63 apartment units. The City’s Zoning Bylaw requires the project to have 93 stalls and so the applicant is requesting a variance of 26%.

The Applicant feels confident that this number of stalls is appropriate for the development. As the owners of the building, should parking spillover become a problem in the future, the City would work with them on possible parking management solutions.

In support of the variance, the applicant has committed to the following TDM measures:

- Additional Class 1 bicycle storage;
- Dedicated bicycle maintenance & repair room with wash station;
- Separated parking fee from monthly rental fee;
- Managing the stalls as a 'parking pool' rather than dedicated stalls to residents;
- Provision of electrical vehicle charging station with free charging for residents; and
- Funding the cost of a car-share pool vehicle in partnership with OGO Car-Share to support the overall neighbourhood;

For context, Staff provide the following chart for Council's consideration that summarizes the parking variances within the University South Village neighbourhood:

Project	Number of Units	Number of Parking Stalls per unit	Parking Variance
Academy Hill	78	1.49	0%
U1	66	1.41	7%
U2	112	1.38	7%
Veda (Micro Suites)	251	0.58	42%
U3A	63	1.10	26%
U3B	87	1.18	33%

4.5 Public Notification

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by individually contacting the neighbours. No major issues were identified during the initial consultation with neighbouring parcels. However, most of the adjacent parcels are currently undeveloped.

4.6 Site Context

The 'U3A' and 'U3B' development projects are located on the north slope adjacent to Academy Way. The property has a Future Land Use designation of MRM - Multiple Unit Residential (Medium Density) in the Official Community Plan and is within the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C3 - Neighbourhood Commercial RM5 - Medium Density Multiple Housing	Vacant
East	A1 - Agricultural	Park
South	RM4 - Transitional Low Density Housing	Multiple family dwellings
West	RM5 - Medium Density Multiple Housing A1 - Agricultural	Vacant - micro suite application Vacant - single family subdivision application

Subject Property Map: 805 Academy Way



4.1 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM5 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Site Coverage (buildings)	40 %	18.7 %
Site Coverage (buildings, driveways, and parking)	60 %	52.1 %
FAR	1.1	0.59
Height	18.0 m and 4 ½ storeys	12.2 m and 4 storeys
Front Yard (west)	6.0 m	20.0 m
Side Yard (north)	7.0 m	8.0 m
Side Yard (south)	7.0 m	25.0 m
Rear Yard (east)	9.0 m	12.0 m

Other Regulations		
Private Open Space	1,495 m ²	1,538 m ²
Parking Stalls	93	69 ❶
Bicycle Spaces	32 Class 1 spaces 7 Class 2 spaces	42 Class 1 spaces 8 Class 2 spaces
❶ Indicates a requested variance to reduce the minimum number of parking stalls by 33%.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 14 - Comprehensive Development Permit Area

Objectives

- Convey a strong sense of authenticity through urban design that is distinctive for Kelowna;
- Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures;
- Integrate new development with existing site conditions and preserve the character amenities of the surrounding area;
- Promote interesting, pedestrian friendly streetscape design and pedestrian linkages;
- Provide for a scale and massing of buildings that promotes a safe, enjoyable living, pedestrian, working shipping and service experience;
- Incorporate architectural features and detailing of buildings and landscapes that define an areas' character; and
- Promote alternative transportation with enhanced streetscapes and multi-modal linkages;

Chapter 5 - Development Process

Maximize Pedestrian/Cycling Connectivity³. Require that pedestrian and cyclist movement and infrastructure be addressed in the review and approval of all City and private sector developments, including the provision of sidewalks and trails and recognition of frequently used connections and informal pedestrian routes. With new developments, require dedication of on-site walking cycling paths where necessary to provide links to adjacent parks, schools, transit stops, recreation facilities, employment nodes, cul-de-sacs and large activity areas.

Support parking management programs⁴ that promote reduced vehicles ownerships, reduced vehicles trips, and increased use of active modes of transportation.

Preferred Parking⁵. Encourage preferred or dedicated parking stalls for electric vehicles, shared cars and/or hybrid vehicles and small vehicles for all developments.

³ City of Kelowna Official Community Plan, Policy 5.10.1 (Development Process Chapter).

⁴ City of Kelowna Official Community Plan, Policy 5.11 (Development Process Chapter).

⁵ City of Kelowna Official Community Plan, Policy 5.11.3 (Development Process Chapter).

Multi-Unit Residential Parking⁶. Encourage developers to unbundle parking price from the multi-family housing or rental price.

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 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 security system that limits access to exiting needs to be addressed in the code analysis by the architect.
 - Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
 - Handicap parking is required in the parkade of the Condo building and access provided to the lobby. Vestibule between parkade and lobby to be designed for barrier free dimensions
 - Separate Permits required for all retaining walls in excess of 1.2 meters and require engineering design. Provide schedules and drawings for each retaining wall.
- Mechanical Ventilation inlet and exhausts vents are not clearly defined in these drawings for the enclosed parking storey. The location and noise from these units should be addressed at time of Development Permit.
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.
- 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, accessibility, 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.
- Separate Building permits required for each carport at time of application
- 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 Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required. Template available online at Kelowna.ca
- Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900. Should a hydrant be required on this

⁶ City of Kelowna Official Community Plan, Policy 5.11.4 (Development Process Chapter).

property it shall be deemed private and shall be operational prior to the start of construction.

- A visible address must be posted on Academy Way as per City of Kelowna By-Laws.
- Sprinkler drawings are to be submitted to the Fire Dept. for review when available. Floor isolation valves shall be installed as per bylaw 10760 section 5.3 - under 7 feet in height.
- 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. This plan shall address the unique characteristics in this building as well as the evacuation procedures with all staffing levels.
- Fire Department access is to be met as per BCBC 3.2.5.
- Approved Fire Department steel lock box or key tube acceptable to the fire dept. is required by the fire dept. entrance.
- 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 (unobstructed) of a fire hydrant.
- Ensure FD connection is clearly marked and visible from the street.
- 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.
- Do not issue BP unless all life safety issues are confirmed.

6.3 Real Estate and Building Services

- It should be noted that with each new multi-family residential complex approved, the potential impact/costs for parking enforcement increases. When variances are granted the potential impact on City resources increases.

6.4 Parks Planning

- Provide an obvious link from main building entrances to public trail along the eastern property line and multi-use corridor along the Academy Way frontage by providing a clear, continuous sidewalk / pedestrian connection and wayfinding signage.
- Provide Multi-use trail and landscaping to match previous developments to the north along the Academy Way frontage.

6.5 Development Engineering Department

- See attached memorandum.

7.0 **Application Chronology**

Date of Application Received: December 17th, 2015
Date of Public Consultation: February 19th, 2016

Report prepared by:

Adam Cseke, Planner

Approved for Inclusion:



Ryan Smith, Community Planning Manager

Attachments:

Development Engineering Memorandum

Applicant Rationale

Draft Development Permit / Development Variance Permit

- Schedule 'A'
 - Site Plan
 - Floor Plan
- Schedule 'B'
 - Elevations
- Schedule 'C'
 - Landscape Plan