

REPORT TO COUNCIL



Date: April 26, 2016

RIM No. 0940-30

To: City Manager

From: Community Planning Department (LK)

Application: DP15-0149 & DVP15-0206 **Owner:** Teresa Corea- Gaspari

Address: 580 Patterson Ave **Applicant:** Lynn Welder Consulting

Subject: Development Permit and Development Variance Permit

Existing OCP Designation: MRL -Multiple Unit Residential (Low Density)

Existing Zone: RU6 - Two Dwelling Housing

Proposed Zone: RM1 - Four Dwelling Housing

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11170 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP15-0149 for Lot 3 District Lot 14 ODYD Plan 3249, located at 580 Patterson Avenue, 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 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;
5. That a section 219 flood restrictive covenant be registered on the subject parcel to restrict the area located below a geodetic elevation of 344.7 as non-habitable, and that no furnace or other fixed mechanical equipment damageable by flood waters will be located below the stated flood elevation;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0206 for Lot 3 District Lot 14 ODYD Plan 3249, located at 580 Patterson Avenue, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 8.1.9 (c): Parking and Loading Regulations

To vary the location of off-street parking to the side property line from 1.5 m required to 1.0 m proposed.

Section 13.7.6 (d): Four Dwelling Housing Development Regulations

To vary the minimum site front yard from 4.5 m required to 3.75 m 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 in order for the Permit 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 the form and character of a four-plex dwelling on the subject parcel and variances to the minimum front yard and the location of off-street parking to the side property line.

3.0 Community Planning

Community Planning staff supports the development permit and requested variances to the Zoning Bylaw to allow for the development of a four-plex on the subject parcel. The application is consistent with the Future Land Use of the Official Community Plan (OCP) for low density multiple family. It is also consistent with OCP policies to encourage increased density in existing urban neighbourhoods and consistent with the Comprehensive and Character Development Permit Guidelines.

Development Engineering requirements for a 0.76 m road dedication on Patterson Avenue have been met with an associated subdivision application #S16-0002 being approved on January 20, 2016. Domestic water and sanitary sewer upgrade requirements are noted within the engineering memorandum and will be addressed at time of building permit. All other requirements at the Rezoning Application have been completed to the satisfaction of Community Planning.

Council Policy No. 367 with respect to public consultation was undertaken by the applicant. All adjacent neighbours within a 50 m radius were provided with a circulation package in regards to the development in June and July of 2015.

4.0 Proposal

4.1 Background

The Patterson Avenue neighbourhood has been evolving in recent years under the OCP designation of MRL - Multiple Unit Residential (Low Density). New development is occurring in the neighbourhood in the form of single detached dwellings with carriage houses, two dwelling housing and four dwelling housing. The block currently has two existing four-plex developments towards the Richter Street end of the block. Other four-plex developments are located around the surrounding streets.



4.2 Project Description

The proposed design has been through various modifications to require only two minor variances and to address concerns regarding privacy to adjacent parcels. Originally proposed balconies have been removed, with the remaining ones reduced to one foot Juliette style. This will ensure the primary outdoor space will be on the main floor level patios, which are two feet above grade. A landscape buffer is provided through the placement of hedges along the length of the side property lines and multiple trees to ensure privacy for both the adjacent parcels and the subject parcel. All vehicular access will be taken from the rear laneway. The parking requirements are met through the provision of 6 parking stalls. Four parking stalls are within a detached garage and two at-grade parking stalls flank each side of the garage.

The first requested variance is to allow an off-street parking stall to be 1.0m from the side property line. The Zoning Bylaw states that any development over two units may not have an off-street parking stall within 1.5m of the side property line. The parking stall is required to be 3.30m wide in order to allow egress from the adjacent garage side door. The variance is required for the east parking stall only, as the west side provides a sufficient setback and also accommodates the garbage and recycling bins required for the site.

The second requested variance is to reduce the front yard setback requirement from 4.5 m required to 3.75 m proposed. This variance is required due to the City of Kelowna Development Engineering Department request for a 0.76m road dedication. This area is to allow for the possible future road widening of Patterson Avenue. The actual setback to the building has not been modified from the original design and the façade location matches the neighbours creating a unified streetscape. All other building setback requirements have been met.

The building height is within the 9.5 m maximum and is proposed at 9.0 m measured to the top of the flat roof. Currently, there are two new developments at 551 and 619 Patterson Avenue. Both of these parcels are being subdivided into two parcels, with each parcel being developed with two dwelling housing. Both developments have a modern design with two storey, flat-roofs and roof top decks. The subject property development is similar in styling with the flat-roof design. Private amenity space is provided with at-grade patio areas with landscaping along the side property lines to provide privacy for the adjacent parcels and the subject property. The high quality exterior materials and façade articulation will help to create an appropriate transition to the character neighbourhood. The materials used will be stucco and hardie plank siding with stone accents in earth toned colours.

4.3 Site Context

The parcel is located mid-block on the north side of Patterson Avenue between Pandosy Street and Richter Street.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6- Two Dwelling Housing	Single Detached Dwelling w/ Carriage House & Two Dwelling Housing
East	RU6- Two Dwelling Housing	Single Detached Dwelling w/ Carriage House
South	RU6- Two Dwelling Housing	Single Detached Dwelling w/ Carriage House & Two Dwelling Housing
West	RU6- Two Dwelling Housing	Single Detached Dwelling w/ Carriage House & Two Dwelling Housing

Subject Property Map: 580 Patterson Avenue



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	700 m ²	737.80 m ²
Minimum Lot Width	20 m	21.34 m
Minimum Lot Depth	30 m	34.60 m
Development Regulations		
Maximum Floor Area Ratio	0.6	0.59
Maximum Site Coverage (buildings)	40%	39.56%
Maximum Site Coverage (buildings, driveways and parking)	50%	48.60%
Maximum Height (Lessor of)	9.5 m or 2 ½ storeys	9.0 m
Minimum Front Yard	4.5 m	3.75 m
Minimum Side Yard (east)	2.5 m	4.3 m
Minimum Side Yard (west)	2.5 m	4.3 m
Minimum Rear Yard	7.5m	7.9 m
Minimum Rear Yard for Access. Building	1.5m	1.5 m
Other Regulations		
Minimum Parking Requirements	1.5 stalls/2 bdrm dwelling units (x4 units = 6 stalls req.)	6 stalls

Minimum Side Setback to a Parking Stall	1.5 m	1.0 m ^②
Minimum Private Open Space	25 m ² / unit	+38 m ² / unit
① Indicates a requested variance to the required front yard setback.		
② Indicates a requested variance to the required side yard setback to a parking stall.		

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.

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 Permits.
- Operable bedroom windows required as per the 2012 edition of the British Columbia Building Code (BCBC 12).
- Mechanical Room required and not shown
- Fire separation and Spatial calculation required at time of Building Permit Applications
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

- See attached Schedule A

6.3 Fire Department

- Requirements of section 9.10.19 Smoke Alarms of the BCBC 2012 are to be met.
- All units shall have a posted address on Patterson Ave.
- Should a gate or fence be installed between north and south building the gate is to open without special knowledge (locking device).
- A man door shall be installed on the garage so that should there be a car fire access is through a man door and not an overhead door
- Emergency access is NOT from the lane to the north but from Patterson Ave.

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).

7.0 Application Chronology

Date of Application Received:	June 22, 2015
Date Public Consultation Completed:	July 31, 2015
Date of Amended Plans Received:	October 1, 2015
Date of Rezoning Third Reading:	December 15, 2015

Report prepared by:

Lydia Korolchuk, Planner

Reviewed by: ☐ Terry Barton, Urban Planning Manager

Approved for Inclusion: ☐ Ryan Smith, Community Planning Department Manager

Attachments:

Subject Property Map
Schedule A: Site Plan
Schedule B: Conceptual Elevations
Schedule C: Landscape Plan
Attachment A: Development Engineering Memorandum dated July 22, 2015
Attachment B: OCP Development Permit Design Guidelines
Draft Development Permit & Development Variance Permit - DP15-0149 & DVP15-0206