

REPORT TO COUNCIL



Date: January 15, 2019

RIM No. 0940-00

To: City Manager

From: Community Planning Department (KB)

Application: DP18-0123 & DVP18-0124

Owner: Harveer Singh Nijjar

Address: 365 Highway 33 East

Applicant: Saath Development Corp

Subject: Development Permit and Development Variance Permit

Existing OCP Designation: MRM – Multiple Unit Residential (Medium Density)

Existing Zone: RM3 – Low Density Multiple Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP18-0123 and Development Variance Permit No. DVP18-0124 for Lot C Section 23 Township 26 Osoyoos Division Yale District Plan 5012, located at 365 Highway 33 East, 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 variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 13.9.6(e): RM3 – Low Density Multiple Housing Development Regulations

To vary the required minimum side yard from 4.0 m permitted to 1.2 m proposed.

Section 13.9.6(f): RM3 – Low Density Multiple Housing Development Regulations

To vary the required minimum rear yard from a public lane from 3.0 m permitted to 1.45 m proposed.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

AND FURTHER THAT this Development 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 proposed four-unit multiple dwelling housing development with variances to the west side yard setback and rear yard setback.

3.0 Community Planning

Community Planning Staff are recommending support for the Development Permit and Development Variance Permit due to the proposals consistency with the Official Community Plan's (OCP) Design Guidelines. The subject property has a long history of inquiries with the Planning Department and has been a challenging site to develop, due to road dedication requirements along both Hwy 33 East and Mallach Road, which would be required to be completed at the time of building permit. Community Planning Staff recognize the challenges these objectives have placed on the property for development according to the RM3 – Low Density Multiple Housing Zone.

The applicant is seeking variances to for the west side yard setback and the rear yard setback. Staff recommends support for the variances as the building achieves many of the OCP's revitalization design guidelines and the application provides a creative solution to achieving density on a smaller lot.

The proposal includes four parking stalls on-site, provided in single car garages accessed directly off the laneway and cash-in-lieu provision for 2 parking stalls in accordance with the Rutland Urban Centre Cash-in-Lieu Program (6 stalls required, 4 provided).

4.0 Proposal

4.1 Background

There is currently a single family dwelling on the subject property that is proposed to be demolished for this development to occur. The property is zoned RM3 – Low Density Multiple Housing.

4.2 Project Description

The proposed development is for a four-unit multiple dwelling housing project, in two separate buildings. Each unit has two bedrooms. Two units are located in partially sunken building fronting on Highway 33 East, and the remaining two units (and garages) are farther south on the property. The exterior finishes of the development are proposed to consist largely of brick veneer and white stucco, with cedar coloured entry and garage doors.

All vehicular access for the development would come from the lane that fronts this development on the south property line. Four required parking stalls are provided in single car garages, with access off the lane. An additional two parking stalls are being requested as cash in lieu, as the subject property is located within the Rutland Urban Centre.

Image 1 – Rendering of the proposed development from the corner of Highway 33 East and Mallach Road (looking at the east elevations)



4.3 Site Context

The subject property is located at the corner of Highway 33 East and Mallach Road in the City's Rutland Sector. It is located within the Permanent Growth Boundary. The walk score is 72, indicating the site is very walkable and most errands can be accomplished on foot. The transit score is 40, with a few nearby public transit options. It is in close proximity to South Rutland Elementary School.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Residential
East	RU6 – Two Dwelling Housing	Residential
South	RM3 – Low Density Multiple Housing	Residential
West	RM3 – Low Density Multiple Housing	Residential

Subject Property Map: 365 Highway 33 East**4.4 Zoning Analysis Table**

Zoning Analysis Table		
CRITERIA	RM ₃ ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Maximum Site Coverage	50 %	38 %
Maximum Site Coverage (Buildings, Driveways and Parking Areas)	60 %	52 %
Floor Area Ratio	0.9	0.9
Height	10 m / 3 storeys	9.96 m / 3 storeys
Front Yard (north)	4.5 m	9.5 m
Flanking Side Yard (flanking - east)	1.5 m	4.0 m
Side Yard (west)	4.0 m	1.2 m ^❶
Rear Yard (south)	3.0 m	1.4 m ^❷
Other Regulations		
Minimum Parking Requirements	6 stalls	4 stalls ^❸
Private Open Space	m ²	m ²
^❶ Indicates a requested variance to the minimum west side yard setback ^❷ Indicates a requested variance to the minimum rear yard setback ^❸ Indicates a request for cash in lieu parking		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5 - Development Process

Objective 5.3 Focus development to designated growth areas

Policy .2 Compact Urban Form. 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.

Objective 5.22 Ensure context sensitive housing development

Policy .6 Sensitive Infill. 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.

Policy .7 Healthy Communities. Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

Policy .13 Family Housing. Support housing alternatives for families when single detached housing is too costly, including features that are important to families such as: outdoor space, direct access to grade, workshop space, larger units, safe design, and neighbourhood characteristics (e.g.: location and amenities).

Objective 5.23 Address the needs of families with children through the provision of appropriate family-oriented housing

Policy .1 Ground-Oriented Housing. 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.

6.0 Technical Comments

6.1 Development Engineering Department

See Attachment A – City of Kelowna Memorandum

7.0 Application Chronology

Date of Application Received: March 9, 2018

Date Public Consultation Completed: September 28, 2018

Report prepared by: Kimberly Brunet, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Draft Development Permit/Development Variance Permit No. DP18-0123/DVP18-0124

Revitalization Development Permit Guidelines Checklist

Schedule A – Site Plan

Schedule B - Elevations, Floor Plans and Colour Boards

Schedule C – Landscape and Hydrozone Plan

Attachment A – City of Kelowna Memorandum

Attachment B – Applicant's Design and Parking Rationale