

# REPORT TO COUNCIL



**Date:** December 3, 2018

**RIM No.** 1250-30

**To:** City Manager

**From:** Community Planning Department (LK)

**Application:** OCP18-0013 & Z18-0062      **Owner:** City of Kelowna

**Address:** 555 Fuller Avenue      **Applicant:** DiStefano Jaud Architecture

**Subject:** Official Community Plan Amendment Application & Rezoning Application

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

Proposed OCP Designation:      MXR – Mixed Use (Residential/ Commercial)

Existing Zone:      RM5 – Medium Density Multiple Housing

Proposed Zone:      C7 – Central Business Commercial

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## 1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP18-0013 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot 1 District Lot 139 ODYD Plan EPP78052, located at 555 Fuller Avenue, Kelowna, BC from the MRM – Multiple Unit Residential (Medium Density) designation to the MXR – Mixed Use (Residential / Commercial) designation, be considered by Council;

AND THAT the Official Community Plan Map Amending Bylaw be forwarded to a Public Hearing for further consideration;

THAT Rezoning Application No. Z18-0062 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 District Lot 139 ODYD Plan EPP78052, located at 555 Fuller Avenue, Kelowna, BC from the RM5 – Medium Density Multiple Housing zone to the C7 – Central Business Commercial zone, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the *Purpose* of Section 879 of the *Local Government Act*, as outlined in the Report from the Community Planning Department dated December 3, 2018;

AND THAT Housing Agreement Bylaw No. 9999 be forwarded for rescindment consideration;

AND THAT final adoption of the Official Community Plan Map Amending Bylaw and the Rezoning Bylaw be considered subsequent to the rescindment of Housing Agreement Bylaw No. 9999;

AND THAT final adoption of the Official Community Plan Map Amending Bylaw and the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated December 3, 2018;

AND FURTHER THAT final adoption of the Official Community Plan Map Amending Bylaw and the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit for the subject property.

## **2.0 Purpose**

To amend the Official Community Plan to change the Future Land Use designation and to rezone the subject property to facilitate the development of apartment housing.

## **3.0 Community Planning**

The applicant is requesting an Official Community Plan amendment from MRM – Multiple Unit Residential (Medium Density) to MXR – Mixed Use (Residential/Commercial) and rezoning from RM5 – Medium Density Multiple Housing zone to the C7 - Central Business Commercial zone. The site is owned by the City of Kelowna and leased to the Pathways Abilities Society to manage, with construction funding provided by BC Housing.

Community Planning Staff are supportive of the applications to facilitate the development of apartment housing. The subject development site is located within the City Centre Urban Centre on Bertram St at the intersection with Fuller Avenue. The parcel has a Walk Score of 93 (Walker's Paradise – Daily errands do not require a car) and a Transit Score of 48 with a few nearby transportation options in the area. The development is in proximity of many nearby amenities including parks, restaurants, shops and recreational opportunities in the immediate area. The C7 – Central Business Commercial zone allows the applicant to design a building with greater density and no setback requirements (appropriate in the urban context) as compared with the existing RM5 – Medium Density Housing zone.

To fulfill Council Policy No. 367 for 'OCP Amendment Minor' and 'Zoning Major' applications, the applicant held a public information session on July 26, 2018 at the Pathways building on the subject property at 555 Fuller Avenue. The open house was held from 7-9pm. The session was advertised in the Kelowna Daily Courier on Thursday July 12, 2018. Approximately 600 postcards/invites were delivered through Canada Post to parcels within 100 m radius of the project site.

In 2008, Council approved a Housing Agreement Bylaw no. 9999, which was registered as a Section 219 Housing Agreement Covenant on the land title for the property. The housing agreement allowed the development of a maximum of eleven units to be developed on the site. To facilitate the current proposal, the existing Housing Agreement Bylaw will be rescinded and the covenant discharged from the land title.

Staff have reviewed this application and it may proceed without affecting the City's Financial Plan or the Waste Management Plan.

## **4.0 Proposal**

### **4.1 Background**

The City of Kelowna owns the project site and has extended a long- term lease to the Pathways Abilities Society. The Society has occupied the building for various non-profit purposes since the early 1950's. Due to the proposed development, the Society has secured a new location at 1216 St. Paul Street and have

already relocated the 'lost and stolen bike program' to the new space. Should Council support the development proposal, the remaining uses would also be relocated to the new location.

Fuller Avenue was downgraded from a road to a lane for the half block portion of the roadway that extends west of Bertram Street (the length of the development site). Once the roadway was deemed unnecessary, as a connection to Ellis Street is not in the transportation plan, the roadway width was reduced from the existing 10 m width to a 6.0 m lane standard. This surplus area has since been consolidated with the subject property.

#### 4.2 Project Description

The applicant is proposing to construct a 6-storey 68-unit purpose built affordable housing project on the subject property. The units will vary in size to include 9 bachelor units, 40 one-bedroom units and 19 two-bedroom units. The development fronts onto Bertram Street with the primary entry being flanked by a ground-oriented unit on either side to provide a stronger urban interface to the street.

One level of parking is provided (partially above- grade) with access from the rear laneway. There are five floors of dwelling units above the parkade podium. Each unit provides balconies to meet the amenity space requirements. Shared laundry facilities are provided on each floor for the use of the tenants. Each dwelling unit is equipped with a mounting rack to allow bike storage within the suite.

While Staff is supportive of the OCP Amendment and Rezoning, there are concerns regarding the applicants desire for a parking variance without the appropriate payment to the Downtown Cash In Lieu of Parking Bylaw No. 8125. This will be discussed in-depth with the Development Permit and proposed variances should Council support the OCP and Rezoning proposal.

The proposed development is supported by OCP Policies for Ground-Oriented Housing, Healthy Communities and Housing Mix which encourages a diversity of housing types, tenure, and size.

#### 4.3 Site Context

The subject property is located within the City Centre Urban Centre at the corner of Fuller Avenue and Bertram Street.

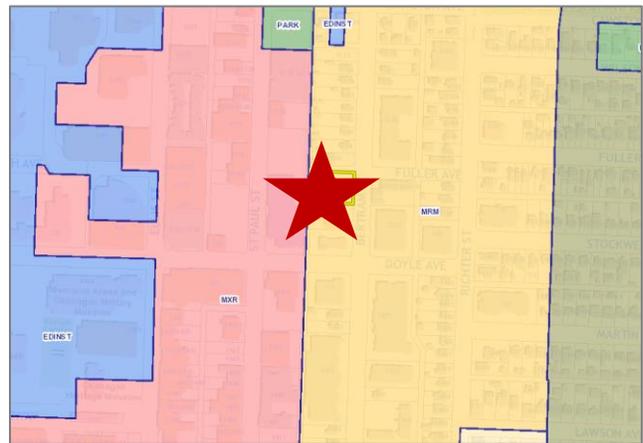
Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 -Two Dwelling Housing	Single Family Dwelling
East	RM5 – Medium Density Multiple Housing	Townhouses, Condo Units
South	P2 – Education & Minor Institutional	Royal Canadian Legion
West	C7 – Central Business Commercial	Daily Courier

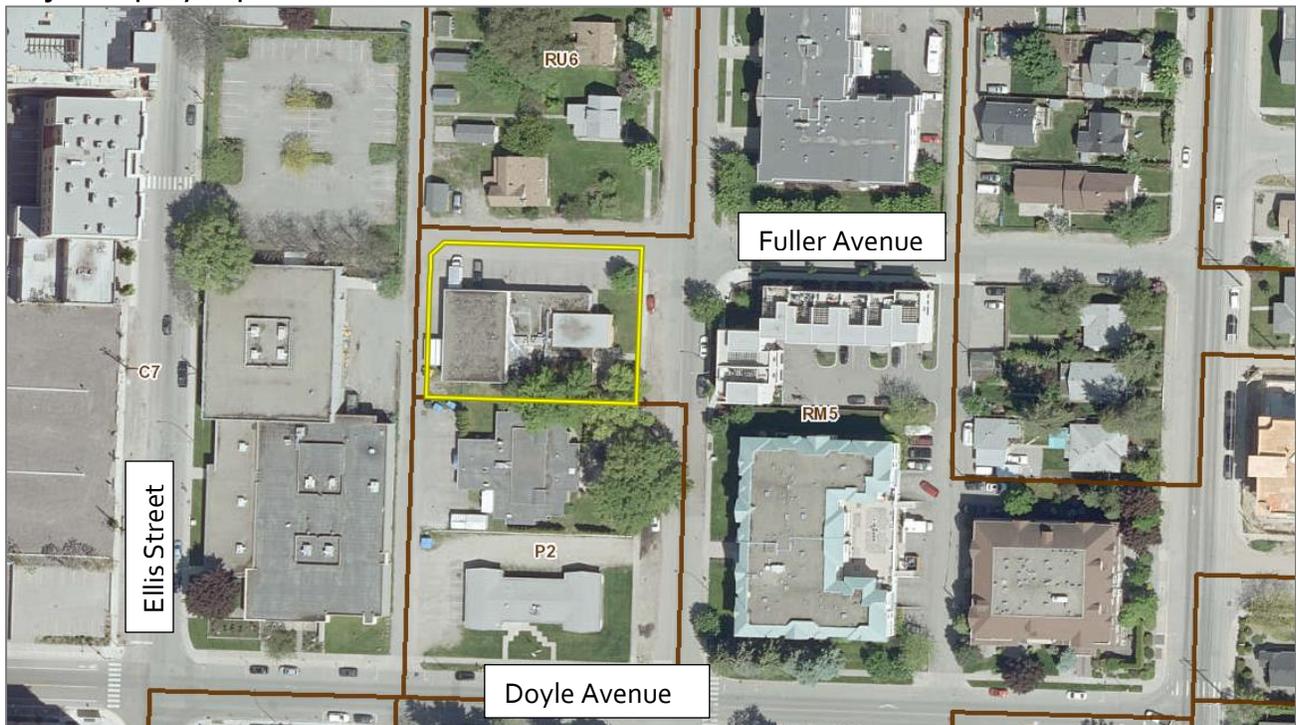
Context Map:



Future Land Use:



Subject Property Map:



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Objective 5.9**<sup>1</sup> Support the creation of affordable and safe rental, non-market and/or special needs housing.

**Compact Urban Form.**<sup>2</sup> 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

<sup>1</sup> City of Kelowna Official Community Plan, Objective 5.9 (Development Process Chapter).

(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.

**Healthy Communities.**<sup>3</sup> 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.

**City Owned Land.**<sup>4</sup> Continue to consider the potential to lease City-owned land to non-profit housing societies to assist in the delivery of affordable housing.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- No comments applicable to the OCP Amendment and Rezoning applications.

### 6.2 Development Engineering Department

- Refer to Attachment 'A' dated June 7, 2018.

### 6.3 Fire Department

- No comments applicable to the OCP Amendment and Rezoning applications.

### 6.4 Ministry of Transportation and Infrastructure (MOTI)

- Refer to attachment 'B' dated June 18, 2018.

## 7.0 Application Chronology

Date of Application Received: May 28, 2018

Date Public Consultation Completed: July 26, 2018

**Report prepared by:** Lydia Korolchuk, Planner

**Reviewed by:** Terry Barton, Urban Planning Manager

**Approved for Inclusion by:** Ryan Smith, Community Planning Department Manager

### Attachments:

Attachment A: Development Engineering Memorandum

Attachment B: MOTI Letter

Site Plan and Floor Plans

Conceptual Elevations

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<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

<sup>3</sup> City of Kelowna Official Community Plan, Policy 5.11.1 (Development Process Chapter).

<sup>4</sup> City of Kelowna Official Community Plan, Policy 10.3.1 (Social Sustainability Process Chapter).