

# REPORT TO COUNCIL



**Date:** March 12, 2019

**RIM No.** 0940-00

**To:** City Manager

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

**Application:** DP18-0108 & DVP18-0109

**Owner:** Karambir Singh Kler  
Amarjit Kaur Kler

**Address:** 2529 Richter Street

**Applicant:** New Town Services

**Subject:** Development Permit and Development Variance Permit Application

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

Existing Zone: RM3 – Low Density Multiple Housing

---

## 1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11655 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP18-0108 and Development Variance Permit No. DVP18-0109 for Lot 9 District Lot 136 Osoyoos Division Yale District Plan 3506, located at 2529 Richter 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 variances to the following sections of Zoning Bylaw No. 8000 be granted:

### **Section 8.1.9(b): Off-Street Vehicle Parking**

To vary the required front yard to allow for one off-street vehicle parking stall from 4.5 m permitted to 3.85 m proposed.

### **Section 13.9.6(b): RM3 – Low Density Multiple Housing Development Regulations**

To vary the required maximum site coverage of buildings, driveways, and parking areas from 65 % permitted to 73.3 % proposed.

AND THAT a Section 219 Restrictive Covenant requiring on-site snow management and removal be registered on title to the satisfaction of the City of Kelowna Approving Officer prior to Development Permit and Development Variance Permit issuance;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit Application 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 the form and character of a multiple dwelling housing project in the RM3 – Low Density Multiple Housing zone and variances to the maximum site coverage from 65 % (permitted) to 73.3 % (proposed) and the minimum distance of a parking stall from the required front yard from 4.5 m (required) to 3.85 m (proposed).

## **3.0 Community Planning**

Community Planning Staff support the Development Permit and Development Variance Permit application. The proposed ground-oriented townhouse design achieves the following form and character objectives from the City's Official Community Plan (OCP) Comprehensive Design Guidelines:

- Equal emphasis and design treatment has been given to both the Richter Street and Morrison Avenue frontages, with respect to building massing, materials, details, and landscaping.
- Facades are articulated by means of indentations and projections of elements.

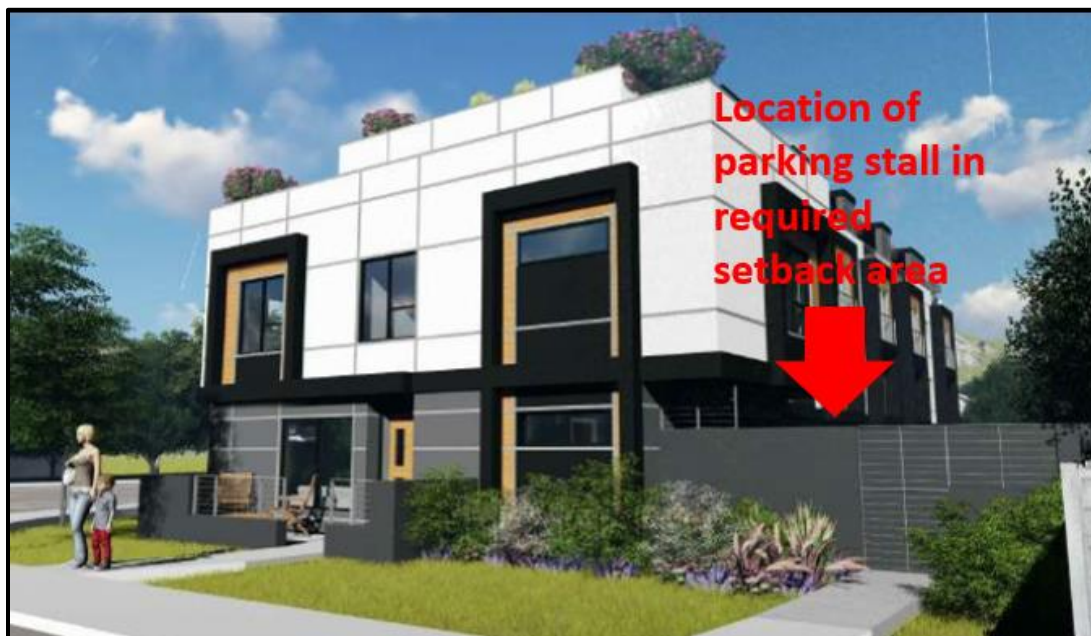
Staff acknowledge the proposal as a creative urban infill project on a relatively small urban corner lot. The parking configuration and on-site vehicular turning movements will be tight, especially for the three stalls on the far west side of the property. A vehicle, from one of these three stalls, when it reverses, will overhang into the landscape buffer. In the winter, this turning movement would not be possible if snow were piled in this area. Due to this concern, a snow removal covenant, would be required to be registered on-title prior to issuance of a Development Permit. An alternative to multi-point vehicular turns is that these vehicles reverse the entire length of the development directly into the lane. The turning movements for these three stalls are shown in Attachment A.

## **Variances**

There are two variances being requested as part of this application, for overall site coverage and to allow a required parking stall within the required front yard setback. The applicant has included permeable pavers, which helps to facilitate rain water infiltration, for the entire drive aisle, which allows them to take advantage of a site coverage bonus in the RM3 – Low Density Multiple Housing Zone (an increase from 60 % to 65 % permitted). For this project, the applicant is requesting an increase from 65 % permitted to 73.3 % proposed, in order to achieve the proposed building form and density (seven units).

An additional variance is being requested to allow for one required parking stall to be located within the front yard setback. The applicant is proposing to screen this stall with landscaping and opaque fencing to help minimize the visual impact of it when viewed from Richter Street. The applicant has provided an artist rendering of the Richter Street elevation, which shows how a vehicle would be screened from view.

**Image 1** – Artist rendering of the proposed Richter Street elevation



#### 4.0 Proposal

##### 4.1 Background

The applicant submitted a Rezoning and Development Permit application in May 2018. The Rezoning application received second and third readings on August 28, 2018. The applicant has met the engineering requirements associated with the rezoning in order to receive final adoption of the Rezoning Bylaw No. 11655.

There is existing single dwelling housing on the subject property, which would be demolished to facilitate this development.

##### 4.2 Project Description

The proposed development features seven dwelling units in row house form. This includes six two-bedroom units and one three-bedroom unit. The three-bedroom unit has a main entrance on Richter Street and the remaining six units have main entrances on Morrison Avenue. The buildings are slightly tiered, to add visual interest, with a two storey portion of the building (the three-bedroom unit) fronting on Richter Street, and then increasing to three storeys for the remainder of the development. This tiering is visible in Image 2 below. The main exterior materials include white Hardie panel and true grain (wood coloured) Hardie siding.

Each unit has a rooftop patio, which meets the Zoning Bylaw requirements for private open space. All vehicular access for the development is proposed to come from the lane which fronts this development on the east property line, and a combination of garages and surface parking stalls would all be accessed from this internal drive aisle.

**Image 2** – Artist rendering of the proposed Morrison Avenue frontage

#### 4.3 Site Context

The 799 m<sup>2</sup> subject property is located at the corner of Richter Street and Morrison Avenue. It is in close proximity to the South Pandosy Urban Centre Area, Kelowna General Hospital, and nearby parks, including Cameron Park, Osprey Park and Kinsmen Park. It is within the City's Permanent Growth Boundary, and the walk score is 75, which means the site is very walkable and more errands can be accomplished on foot.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Residential
East	Ru7 – Infill Housing	Residential
South	RU6 – Two Dwelling Housing	Residential
West	RU6 – Two Dwelling Housing	Residential

## Subject Property Map: 2529 Richter Street



## 4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM <sub>3</sub> ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Floor Area Ratio	0.8	0.79
Site Coverage	50 %	36.8 %
Site Coverage of buildings, driveways and parking areas (with bonus for permeable drive surfaces and parking)	65 %	73.3 % ❶
Height	10 m / 3 storeys	9.52 m / 3 storeys
Front Yard (west – Richter St)	1.5 m	3.17 m
Flanking Side Yard (north – Morrison Ave)	1.5 m	1.5 m
Side Yard (south)	4.0 m	5.2 m
Rear Yard (east – public lane)	3.0 m	4.46 m
Other Regulations		
Minimum Parking Requirements	11 Residential stalls 1 Visitor stalls 12 Total stalls	14 Residential stalls 1 Visitor stalls 15 Total stalls
Minimum Private Open Space	175 m <sup>2</sup>	> 175 m <sup>2</sup>
Minimum Two Way Drive Aisle Width	7.0 m	7.0 m
Setbacks to Surface Parking – Front	4.5 m	3.85 m ❷
Setbacks to Surface Parking – Rear	1.5 m	1.77 m
Setbacks to Surface Parking – Flanking Side	3.0 m	3.0 m
Setbacks to Surface Parking – Side	1.5 m	2.5 m
❶ Indicates a requested variance to the maximum site coverage of buildings, driveways and parking areas		
❷ Indicates a requested variance to the required front yard setback for surface 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

All the offsite infrastructure and services upgrades were addressed in the Rezoning Engineering Report under file Z18-0056.

## 7.0 Application Chronology

Date of Application Received:	May 10, 2018
Date Public Consultation Completed:	July 10, 2018
Date of Rezoning Initial Consideration:	August 13, 2018
Date of Rezoning Public Hearing:	August 28, 2018

<b>Report prepared by:</b>	Kimberly Brunet, Planner
<b>Reviewed by:</b>	Terry Barton, Urban Planning Manager
<b>Approved for Inclusion:</b>	Ryan Smith, Community Planning Department Manager

**Attachments:**

Draft Development Permit and Development Variance Permit No. DP18-0108 & DVP18-0109

Schedule A – Zoning Analysis Table and Site Plan

Schedule B – Elevations and Materials

Schedule C – Landscape Plan and Proprietary documents for Permeable Paving System

Attachment A – Vehicular Turning Movements