

REPORT TO COUNCIL



Date: March 12, 2019

RIM No. 0940-00

To: City Manager

From: Community Planning Department (AJ)

Application: DP17-0162 & DVP17-0163

Owner: Ki-Low-Na Friendship Society,
Inc. No. S-10638

Address: 1759 Highway 33 E
(Margaret's Landing)

Applicant: Patrick McCusker

Subject: Development Permit and Development Variance Permit

Existing OCP Designation: MRL – Multiple Unit Residential (Low Density)
PARK – Major Park/Open Space (Public)

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RM3 – Low Density Multiple Housing

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11625 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0162 and Development Variance Permit No. DVP17-0163 for Lot B, Section 18, Township 27, ODYD, Plan 29386, located at 1759 Highway 33 E, 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 section of Zoning Bylaw No. 8000 be granted:

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

To vary the maximum height from 10.0m permitted to 11.0m proposed for the proposed apartment building as referenced in Schedule "B"

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 (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To consider the form and character of a multi-family housing complex with a variance to building height for the proposed apartment building.

3.0 Community Planning

Form and Character

Community Planning supports the Development Permit and Development Variance Permit for the proposed multi-family housing complex as it provides affordable housing options in general accordance with Official Community Plan (OCP) objectives and Urban Design Guidelines. Within the complex, the proposed townhomes and apartment building are to be constructed using consistent materials to provide design cohesion. Materials include vertical and horizontal siding in neutral tones, and visual interest is provided through architectural articulation and entryway accents. The townhome units are ground-oriented, and the buildings are proposed to be built to Leadership in Energy and Environmental Design (LEED) standards.

The landscape design includes an outdoor play area, planter beds, an outdoor gathering area, and multiple sitting areas. Additionally, pedestrian pathways that link the complex to the adjacent Black Mountain Elementary School property are provided.



Variance

The requested variance is to increase the absolute height of the proposed apartment building from 10.0m permitted to 11.0m proposed. The requested variance does not increase the number of storeys; the apartment building is proposed to be 3 storeys, which is the maximum number of storeys permitted in the

RM3 zone. The applicant is requesting the height variance to accommodate LEED energy efficient construction standards. To meet LEED standards, thicker floors are needed and due to the topography of the site it would be challenging to construct a portion of the apartment building underground. All setbacks are being met and the application includes a full landscape plan that provides reasonable transition to the surrounding neighbourhood.

4.0 Proposal

4.1 Background

The subject property was acquired by the Ki-Low-Na Friendship Society in 2004. Currently there is a single family dwelling and an accessory building located on the property, which will be removed as a function of this proposal.

4.2 Project Description

The proposed development consists of two townhome buildings and one apartment building, which are intended to provide affordable purpose built rental housing managed by the non-profit Ki-Low-Na Friendship Society. The applicant has proposed a total of 14 townhomes featuring three and four bedroom units with two car tandem garages. The larger units provide family housing stock (OCP Policy 5.22.13) which is currently in low supply in Kelowna as identified in the Housing Needs Assessment. The proposed 35-unit apartment building will consist of one and two-bedroom units with surface parking. The applicant is also considering a future phase on the remainder of the property and in association with the current development proposal which may include a Childhood Education and Care Centre.

Additionally, staff have worked with the applicant and their environmental consultant to establish restrictive covenants for the long-term protection of environmentally sensitive areas including slopes and riparian areas on the southern portion of the property. This includes a "Do Not Build" covenant to provide a geotechnical setback to the proposed structures. A Public Statutory Right-of-Way was also registered to allow for public access to the Gopher Creek Linear Park.

4.3 Site Context

The subject property is located in the Black Mountain Village Centre on the south side of Highway 33 E. It is located on a bench above Gopher Creek and adjacent to Black Mountain Elementary School. There is a series of single family dwelling homes to the west which are located at a lower elevation than the proposed development.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture	Residential
East	A1 – Agriculture P2 – Educational & Minor Institutional	Gas Bar Public School
South	RR3 – Rural Residential 3	Residential
West	A1 – Agriculture RU1 – Large Lot Housing RU6 – Two Dwelling Housing	Residential

Subject Property Map: 1759 Highway 33 E**4.4 Zoning Analysis Table**

Zoning Analysis Table		
CRITERIA	RM3 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Floor Area Ratio	0.77	0.22
Height	10.0m/3 storeys	11.0m/3 storeys ¹
Front Yard	4.5m	4.5m
Side Yard	4.0m	>4.0m
Side Yard	4.0m	>4.0m
Rear Yard	7.5m	>7.5m
Other Regulations		
Minimum Parking Requirements	74	74
Bicycle Parking	29	31
¹ Indicates a requested variance to absolute height.		

5.0 Current Development Policies**5.1 Kelowna Official Community Plan****Development Process¹**

Policy 5.2.3: Complete Suburbs. Support a mix of uses within Kelowna's suburbs (see Map 5.1 - Urban Core Area), in accordance with "Smart Growth" principles to ensure complete communities. Uses that should be present in all areas of the City (consistent with Map 4.1 - Future Land Use Map), at appropriate locations, include: commercial, institutional, and all types of residential uses (including affordable and special needs

¹ City of Kelowna Official Community Plan, Chapter 5: Development Process.

housing) at densities appropriate to their context. Building heights in excess of four storeys will not be supported within the suburban areas, unless provided for by zoning existing prior to adoption of OCP Bylaw 10500.

Policy 5.22.11: Housing Mix. Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.

Policy 5.22.13: 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).

Urban Design Development Permit Guidelines²

Chapter 14.A: 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 commercial buildings that promotes a safe, enjoyable living, pedestrian, working, shopping and service experience; and
- Incorporate architectural features and detailing of buildings and landscapes that define an area's character.

Technical Comments

5.2 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s).
- Demolition Permit required for any existing structures.
- 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.
- Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s) / area(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located.
- Fire Department access to site, turn a rounds requirement for equipment, travel distance from the truck access to the front doors of the units and private hydrant locations if required are too be verified with Kelowna Fire Department. The Fire truck is required to be able to drive up to access the front door within a range of 3 meters to 15 meters on an unobstructed hard surface path.
- 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 alternative solution must be accepted by the Chief Building Inspector prior to the release of the Building Permit
 - Location, Heights, Colours of mechanical systems and the required screening are to be determined at time of DP.

² City of Kelowna Official Community Plan, Chapter 14: Urban Design DP Guidelines.

- Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
- Offset fire separations are required to be addressed in the upper floor townhomes.
- Door swings that impeded egress are to be addressed in the townhomes.
- Exit thru lobby minimum requirements are to be met for minimum code, redesign of exit stairs or lobby configuration may need adjustment to make travel distance.
- Separate permits are required for retaining walls in excess of 1.2 meters unless supporting the building foundations. Please provide cross sections thru walls with respect to building foundations at time of permit.
- Hard surfaced paths leading from the egress stairwells to a safe area are to be clearly defined as part of the DP
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. Minimum building elevations are required to be established prior to the release of the Development Permit. If a soil removal or deposit permit is required, this must be provided at time of Development Permit application.
- We strongly recommend that the developer have his professional consultants review and prepare solutions for potential impact of this development on adjacent properties.
- 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.
- An exit analysis is required as part of the code analysis at time of building permit 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 complex at time of permit application.

5.3 Development Engineering Department

See attached Development Engineering Department memorandum. All the offsite infrastructure and services upgrades are addressed in the Rezoning Engineering Report under file Z17-0065.

6.0 Application Chronology

Date of Application Received:	June 21, 2017
Date Public Consultation Completed:	April 25, 2018
Date of Initial Consideration and First Reading:	June 11, 2018
Date of Public Hearing and Second and Third Reading:	June 26, 2018

Report prepared by: Arlene Janousek, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment "A": Development Engineering Memorandum

Schedule "A": Site Plan

Schedule "B": Conceptual Elevations

Schedule "C": Landscape Plan

Draft Development Permit and Development Variance Permit