

# REPORT TO COUNCIL



**Date:** November 18, 2019

**To:** Council

**From:** City Manager

**Department:** Development Planning (AC)

**Application:** Z19-0037

**Owner:** Gursher Pannu & Harsheen Pannu

**Address:** 757 Harvey Ave

**Applicant:** New Town Services Inc. (Jesse Alexander)

**Subject:** Rezoning Application

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

**Existing Zone:** RU6 – Two Dwelling Housing

**Proposed Zone:** RM4 – Transitional Low Density Multiple Housing

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## 1.0 Recommendation

That Rezoning Application No. Z19-0037 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Block 1, District Lot 138, ODYD, Plan 7117, located at 757 Harvey Ave, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM4 – Transitional Low Density Multiple Housing zone, **NOT** be considered by Council.

## 2.0 Purpose

To consider a Staff recommendation to NOT rezone the subject property from the RU6 – Two Dwelling Housing zone to the RM4 – Transitional Low Density Multiple Housing zone.

## 3.0 Development Planning

The Official Community Plan (OCP) designates the subject property as MRM – Multiple Unit Residential (Medium Density) with the vision of achieving larger apartment style buildings under the RM5 zone. This land use vision is evident along the Harvey Ave corridor in this area, specifically with the Murano, Cambridge House, NOW Canada, Dorchester, and Central Green buildings. Council-directed growth expectations fit the vision of creating significant density within large apartment buildings along the Harvey Ave / Highway 97 corridor because of its proximity to downtown, commercial services, employment, transit, cycling routes, parks, and schools.

The proposed application for the subject property undermines this vision as the applicant is proposing to use the less intensive RM4 zone on the proposed lot. While the RM4 zone is technically aligned with the MRM future land use designation, it is not being utilized for the intended purpose with this application. The purpose of the RM4 zone is:

“to provide a zone primarily for low-rise low-density apartment housing with urban services as a transition between low and medium density developments.”

Therefore, the RM4 zone should be used with smaller urban infill apartment situations (3 storeys) within transitional areas between MRM and MRL designations. This project has a Floor Area Ratio (FAR) of 0.68 which is less than the RM3 zone maximum of 0.75. This means the proposal could have fit within the RM3 zone but the RM3 zone does not fit the intended land use for the area as MRM style developments and would have required an OCP amendment. Staff are recommending against the rezoning proposal in order to facilitate lot consolidation and larger developments along the Harvey Ave corridor. Due to the age of the buildings between Harvey Ave and Saucier Ave, Staff believe lot consolidation is viable and would recommend against smaller single lot developments with lower density.

#### **4.0 Proposal**

##### **4.1 Project Description**

The applicant has applied for a rezoning and development permit application to facilitate an 8-unit ground-oriented 2-bedroom townhouse development. The building is 3 storeys in height and is oriented towards Harvey Ave, with vehicular access limited to and from the rear lane only. The existing driveway from the highway would be decommissioned and removed. Parking is provided within garages (2 stalls/unit) with a visitor spot allocated as a surface stall. Two of the units have a double garage, with the 6 remaining dwelling units configured in a tandem parking format. Staff are currently tracking one variance to increase overall site coverage and would provide comprehensive comments on the form & character within the Development Permit report should Council support the rezoning application.

##### **4.2 Site Context**

The subject property is located just east of the Downtown Urban Centre fronting on Harvey Avenue between Richter Street and Ethel Street. The site is currently zoned RU6, has a future land use designation of MRM – Multiple Unit Residential (Medium Density), and the existing single-family dwelling was built in the 1940s. The surrounding neighbourhood has a combination of older single family residential, multiple dwelling housing, and commercial uses.

##### **4.3 Public Notification**

The applicant has met Council Policy No. 367 (Development Notification Policy) by mailing notices to all properties within a 50 metre radius.

**Subject Property Map: 757 Harvey Ave**



**5.0 Current Development Policies**

**5.1 Kelowna Official Community Plan (OCP)**

**Chapter 1: Introduction**

*Goal 1: Contain Urban Growth.* Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

*Goal 2: Address Housing Needs of All Residents.* Address housing needs of all residents by working towards an adequate supply of a variety of housing.

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

*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 neighborhood characteristics (e.g.: location and amenities).

## **6.o Technical Comments**

6.1 Development Engineering Department

See attached memorandum dated Jan 10, 2019.

6.2 Ministry of Transportation

No direct access to any portion of the subject property via Highway 97 shall be maintained (it is noted that the site plan is proposing all access via the rear lane). Physical removal of the existing drop curb/driveway letdown along subject property's frontage on Highway 97 must be completed.

## **7.0 Application Chronology**

Date of Application Received:

December 22, 2018

Date Public Consultation Completed:

July 2019

## **8.0 Alternate Recommendation**

THAT Rezoning Application No. Z19-0023 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Block 1, District Lot 138, ODYD, Plan 7117, located at 757 Harvey Ave, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM4 – Transitional Low Density Multiple Housing zone, be considered by Council;

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration.

AND FURTHER THAT final adoption of the Zone Amending Bylaw be subsequent to the outstanding conditions of approval as set out in Attachment 'A' attached to the Report from the Development Planning Department dated November 18, 2018.

**Report prepared by:**

Adam Cseke, Planner Specialist

**Reviewed by:**

Laura Bentley, Urban Planning & Development Policy Manager

**Reviewed by:**

Terry Barton, Development Planning Department Manager

### **Attachments:**

Attachment 'A' - Development Engineering Memo dated Jan 10<sup>th</sup> 2019

Attachment 'B' – Applicant's Rationale & Initial Architectural Drawing Package