

REPORT TO COUNCIL



Date: 11/16/2015
RIM No. 1250-30
To: City Manager
From: Community Planning Department (AC)
Application: Z15-0046
Owner: Unico One Developments Ltd., Inc.No. BC0990537
Address: 125 Dundas Rd
815 Hwy 33 W
Applicant: BlueGreen Architecture (Wendy Rempel)
Subject: Rezoning Applications
Existing OCP Designation: MRM - Multiple Unit Residential (Medium Density)
Existing Zone: RU1 - Large Lot Housing
Proposed Zone: RM5 - Medium Density Multiple Housing

1.0 Recommendation

THAT Rezoning Application No. Z15-0046 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification from the RU1 - Large Lot Housing zone to the RM5 - Medium Density Multiple Housing zone, be considered by Council on the following parcels:

- Lot A, Section 22, Township 26, ODYD, Plan 19344 Except Plan 39372, located at 815 Hwy 33 W.
- Lot B, Section 22, Township 26, ODYD, Plan 19344 Except Plan 39372, located at 125 Dundas Rd.

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the following:

1. To the outstanding conditions identified in Attachment "A" associated with the report from the Community Planning Department dated November 16th 2015.

2.0 Purpose

To rezone the subject properties to the RM5 - Medium Density Multiple Housing zone.

3.0 Community Planning

Staff supports the proposed rezoning application. The Official Community Plan (OCP) identifies the area as MRM (Medium Density Multiple Residential). A rezoning to the RM5 zone and the initial proposal for student housing on this site meets many of the goals of the OCP. Adding additional density within an urban centre increases the viability of nearby commercial uses and walkability within the neighbourhood. Students or residents are only 300 metres (or a four minute walk) from 31 shops and services in the Rutland Town Centre. Further, additional density in this area is well supported by existing parks and outdoor amenities within close proximity that students or residents could utilize. Ben Lee Park is located 2 blocks north and has many amenities that a student population would likely utilize.

This proposed development works particularly well for students as the #8 UBCO - OC Bus Line stops on Highway 33 immediately adjacent to this site. Transit time to UBCO from this site is approximately 16 minutes door to door and transit time to Okanagan College its is approximately 28 minutes door to door. Overall, the residential land use allowed in the RM5 zone fit well on this site.

A large number of variances are currently proposed. These variances are necessary for the applicant to meet their density objectives on a relatively small site. One problem is, the applicant wants to achieve their maximum FAR identified in the zone but any plan respecting the appropriate setbacks, height, and parking requirements would not achieve the maximum FAR. As a result, the applicant is making an argument that the type of anticipated occupants (students) warrant the type of variances proposed. The applicant has been repeatedly informed that Staff cannot recommend support for a parking variance (regardless of the car-share mitigation proposal) when the subject property falls within a cash-in-lieu area. Further, in order for Staff to consider a recommendation of support (regarding the variances) the applicant has been informed that cash-in-lieu for the parking shortfall as well as a car-share program would be necessary to mitigate the shortfall. However, Staff will provide further details on the merits of the variances and details of the development proposal within the Development Permit and Development Variance Permit report should Council choose to adopt the zoning on the site.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant notified all of the neighbours within a 50 metre radius.

4.0 Proposal

4.1 Project Description

The current proposal for the site is a new 23 unit student housing development. The type of dwelling unit varies between 3 and 5 bedrooms. The building is 4 ½ stories, with the top floor incorporated into a dormer, and partial under-cover parking at grade. Architecturally, the development is a mix between traditional materials (brick, siding, and stucco) and a modern colour palette and textures. The applicant's facade treatment includes green colour highlights with three dimensional facade articulations to develop shadow and depth in these elevations as well as to provide visual interest.

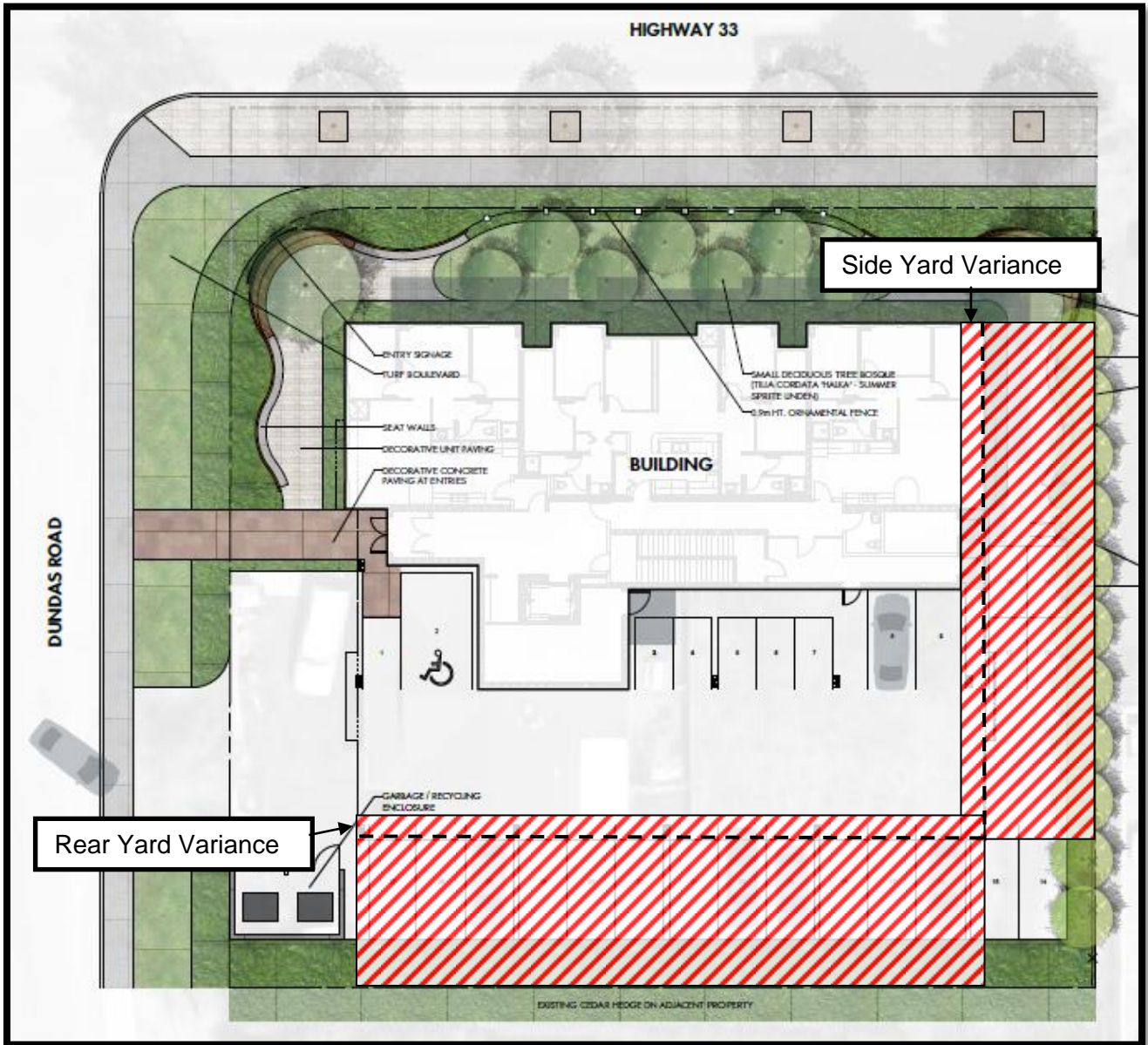
4.2 Variances

The current proposal needs seven variances.

- 1) Side yard setback reduction requested (from 7.0m to 5.2m);
- 2) Rear yard setback reduction requested (from 9.0m to 7.1m);
- 3) Site coverage reduction requested (from 40% to 43.05%);
- 4) Eleven (11) parking stall reduction requested and 8 stalls paid by cash-in-lieu;
- 5) Requested an increase in the proportion of small vehicle size stalls (from 10% to 37%);

- 6) Class 1 bicycle parking location variance requested (from the bicycle parking must be located at building grade or within one storey of building grade to the third storey);
- 7) Private open space reduction requested (from 575m² to 356.2m²).

Figure 1: Setback Variance

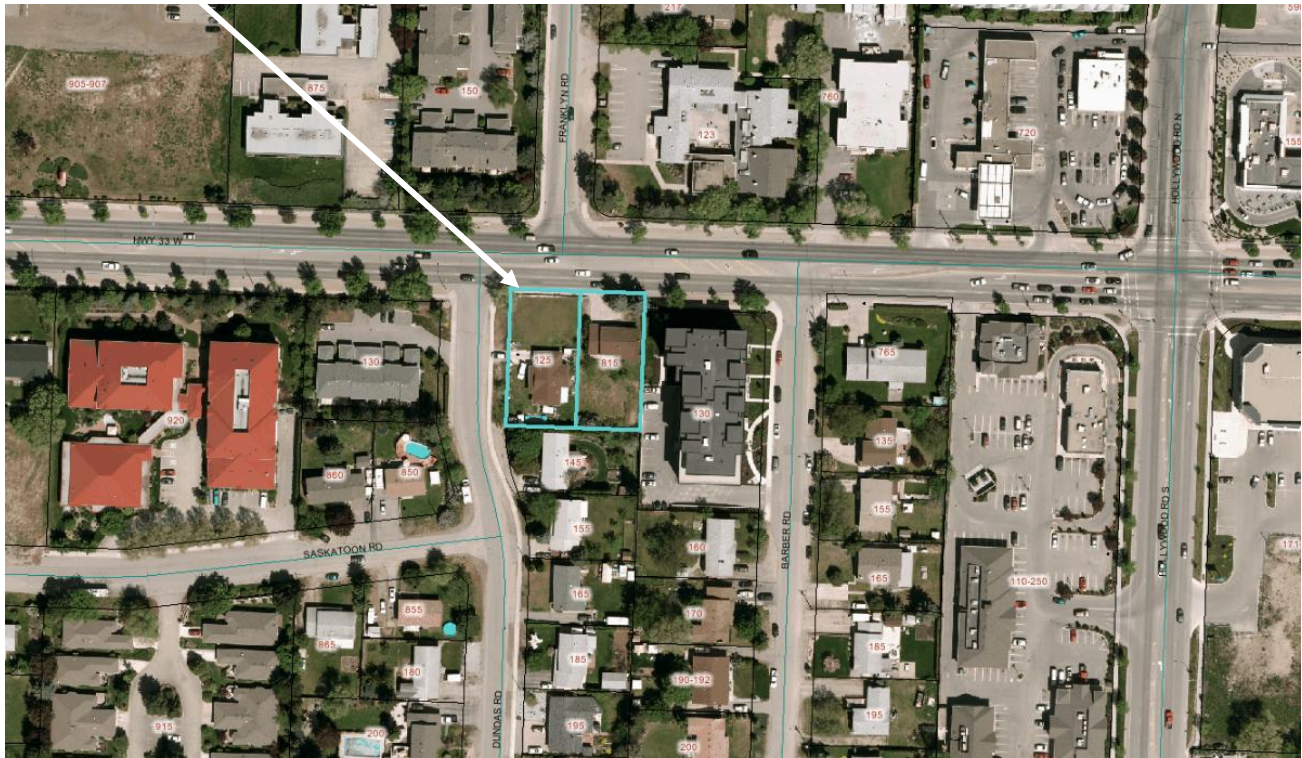


4.3 Site Context

The subject parcels are located within the Rutland Urban Centre adjacent Highway 33. The subject property is designated as Multiple Unit Residential - Medium Density (MRM) in the OCP and the lot is within the Permanent Growth Boundary. Specifically, the adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM3 - Low Density Multiple Housing P2 - Education and Minor Institutional	Residential Institutional
East	RM5 - Multiple Unit Residential (Medium Density) RM3 - Low Density Multiple Housing RU1 - Large Lot Housing	Residential
South	RU1 - Large Lot Housing	Residential
West	RM5 - Multiple Unit Residential (Medium Density) RU1 - Large Lot Housing	Residential

Subject Property Map:



4.4 Zoning Analysis

Zoning Analysis Table		
CRITERIA	PROPOSAL	REQUIREMENTS
		RM5
Development Regulations		
Height	18m / 4.5 stories	16.5 m / 4.5 stories
Front Yard (north)	6.0 m	6.0 m
Side Yard (west)	9.1 m	4.5 m
Side Yard (east)	5.2 m ●	7.0 m
Rear Yard (south)	7.71 m ●	9.0 m
Site Coverage	43.05 % ●	40 %

Zoning Analysis Table		
CRITERIA	PROPOSAL	REQUIREMENTS
		RM5
Site coverage of buildings, parking, & driveways	62.62 %	65 %
FAR	1.25	1.1 plus 0.2 bonuses = 1.3 max FAR
Other Regulations		
Minimum Parking Requirements	27 ❶	46 stalls
Portion of Parking Stall Size	(Based on 27 parking stalls) Full size = 15 stalls Medium size = 2 stalls Small size = 10 stalls ❷	(Based on 27 parking stalls) Min Full size: 50% = 14 stalls Max Medium size: 40% = 11 stalls Max Small size: 40% = 3 stalls
Minimum Bicycle Parking	Class 1: 14 ❸ Class 2: 5	Class 1: 12 Class 2: 3
Private Open Space	15. 5m ² per unit = 356.2 m ² provided ❹	25 m ² per unit = 575 m ² minimum
❶ Side yard setback reduction requested; ❷ Rear yard setback reduction requested; ❸ Site coverage reduction requested; ❹ Eleven (11) parking stall reduction requested and 8 stalls paid by cash-in-lieu; ❺ Requested an increase in the proportion of small vehicle size stalls from 10% to 37%; ❻ Class 1 bicycle parking location variance requested; ❼ Private open space reduction requested.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ 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.

Sensitive Infill.² 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.

Affordable Housing.³ Support the creation of affordable and safe rental, non-market and/or special needs housing.

6.0 Technical Comments

6.1 Building & Permitting Department

- a) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)

¹ City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Objective 10.3, Chapter 10 (Social Sustainability).

- b) 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.
- c) A Hoarding permit is required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP.
- d) 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):
 - o Door swings and gate swings for proper means of exiting are required along with a hard path of to the street for exiting from the exit stairwells
 - o Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
- e) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.
- f) We strongly recommend that the developer have his professional consultants review and prepare solutions for potential impact of this development on adjacent properties. Any damage to adjacent properties is a civil action which does not involve the city directly. The items of potential damage claims by adjacent properties are items like settlement of foundations (preload), damage to the structure during construction, additional snow drift on neighboring roofs, excessive noise from mechanical units, vibration damage during foundation preparation work etc.
- g) Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located.
- h) An exit analysis is required as part of the code analysis at time of building permit application. The exit analysis is to address travel distances within the units, number of required exits per area, door swing direction, handrails on each side of exit stairs, width of exits etc.
- i) 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.
- j) 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 structure at time of permit application.

6.2 Development Engineering

- See attached Memo dated October 19th 2015

6.3 Fire Department

- a) Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required. Template available online at Kelowna.ca
- b) Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900. A minimum of 150litres/sec is required. Should a hydrant be required on this property it shall be deemed private and shall be operational prior to the start of construction.
- c) Fire Department access is to be met as per BCBC 3.2.5.6 -

- d) A visible address must be posted as per City of Kelowna By-Laws
- e) Sprinkler drawings are to be submitted to the Fire Dept. for review when available
- f) A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD
- g) Approved Fire Department steel lock box or key tube acceptable to the fire dept. is required by the fire dept. entrance.
- h) All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met.
- i) Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.
- j) Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- k) Fire department connection is to be within 45M of a fire hydrant- unobstructed.
- l) Ensure FD connection is clearly marked and visible from the street
- m) Dumpster/refuse container must be 3 meters from structures or if inside the parking garage, it shall be enclosed within a rated room
- n) Do not issue BP unless all life safety issues are confirmed

6.4 FortisBC Inc - Electric

- There are primary distribution facilities along Hwy 33 and south of the subject along Dundas Road. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.
- Otherwise, FortisBC Inc. (Electric) has no concerns with this circulation.
- In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

6.5 Ministry of Transportation

- Preliminary Approval is granted for the rezoning for one year pursuant to Section 52(3)(a) of the Transportation Act, subject to the following conditions:
- No direct access to any portion of the subject lots via Highway 33 be maintained, provision of alternate access served via Dundas Road.
- Physical removal of the existing drop curb/driveway letdown along subject properties frontage on Highway 33 to include restoration of highway curb/gutter/sidewalk and drainage works to Ministry satisfaction.
- Dedication of lands for Provincial Arterial Highway 15 metres measured at a right angle from mean centreline of Highway 33, along entire frontage of subject properties.

7.0 Application Chronology

Date of Application Received: August 27th 2015
Date of Public consultation: August 24th 2015

Report prepared by:

Adam Cseke, Planner

Reviewed by:

Terry Barton, Urban Planning Manager

Approved by:

Ryan Smith, Community Planning Manager

Attachments:

Subject Property Map

Development Engineering Comments dated October 19th 2015 (Attachment 'A')

Applicant's rationale

Public Notification summary

Application Package