

# REPORT TO COUNCIL



**Date:** November 9, 2015

**RIM No.** 1250-30

**To:** City Manager

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

**Application:** Z15-0023 / TA15-0014      **Owner:** ML Holdings Inc., Inc. No. BC0825079

**Address:** 1295 St Paul Street      **Applicant:** Edgcombe Builders

**Subject:** Rezoning and Text Amendment Application

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

**Existing Zone:** RU2 - Medium Lot Housing

**Proposed Zone:** RM4 - Transitional Low Density Housing

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## 1.0 Recommendation

THAT Rezoning Application No. Z15-0023 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 25, District Lot 139, ODYD, Plan 1303, located at 1295 St Paul Street, Kelowna, BC from the RU2 - Medium Lot Housing zone to the RM4 - Transitional Low Density Housing zone, be considered by Council;

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 outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated November 2, 2015;

AND THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit for the subject property;

AND THAT Zoning Bylaw Text Amendment Application No. TA15-0014 to amend the City of Kelowna Zoning Bylaw No. 8000, as outlined in the Report from the Community Planning Department dated November 2, 2015, be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Zoning Bylaw Text Amending Bylaw be considered subsequent to the requirements of the Ministry of Transportation and Infrastructure being completed to their satisfaction.

## 2.0 Purpose

To rezone the subject property to facilitate the development of a four-unit townhouse project on the subject property and to amend the Zoning Bylaw by adding the provision to increase the maximum floor area ratio for development in an Urban Centre to the RM4 zone.

## 3.0 Community Planning

Community Planning Staff supports the proposed Rezoning and Text Amendment to facilitate the development of a four-unit townhouse on the subject property. This project will increase the density of the site and create a transition from the higher density mixed use developments to the single dwelling housing area.

### *Rezoning*

The proposed rezoning is consistent with the property's Future Land Use designation of MRM - Multiple Unit Residential (Medium Density). This designation covers the area extending north and east; however, this is the first property to redevelop. Given the relatively small lot sizes, lot assembly is generally needed to achieve the forms of development and densities envisioned for this area. As a corner lot, the subject property presents an opportunity for urban infill development that is not viable on individual interior lots.

The property's proximity to recreational and retail services, employment opportunities, and transportation options makes it a prime location for additional density. It is directly on the Cawston Avenue multi-use corridor and within walking distance of Downtown Kelowna's many amenities. The proposal exceeds targeted residential intensities identified in the Official Community Plan. With an intensity of nearly 70 units per hectare, the proposed development strongly supports policies regarding creating complete communities and a compact urban form.

### *Variances*

Although row housing and stacked row housing are permitted forms of development in the RM4 zone, it was created with low rise apartments in mind and the development regulations reflect this. As a row house development on a small urban lot, several of the development regulations are not met and variances are being requested.

Row houses are typically developed under the RM3 zone and Staff are considering the variances in light of development regulations for similar forms of development in other zones. For example, the development has access to grade and individual unit entrances facing St Paul Street and Cawston Avenue, and is considered ground-oriented housing. Several Official Community Plan policies support this form of housing to improve housing options for families. While the RM2 and RM3 zones have development regulations that specifically encourage ground-oriented housing, primarily through reduced front and side yard setbacks, the RM4 zone does not have these same provisions since ground-oriented housing is not characteristic of this zone.

### *Text Amendments*

The proposed text amendments will support better use of the RM4 zone as a transition between low and medium density developments. The amendments are not site-specific; therefore, they could be used by any property currently zoned RM4 and any that rezone to RM4 in the future.

Parking in garages or carports was not previously included as an option to increase the FAR in the RM4 zone because it anticipates development of a scale that typically precludes individual garages or carports from being used for parking. The RM2 and RM3 zones include garages and carports in the allowance to increase FAR where certain parking screening requirements are met. The amendment meets the intent of the existing provision by discouraging open surface parking.

The RM2, RM3 and RM5 zones allow developments in an Urban Centre to benefit from an increased FAR. The applicant proposes to add a similar provision to the RM4 zone for a total maximum FAR of 1.15 if all conditions are met. Since density cannot be varied, this is intended to encourage multiple unit residential projects to locate in Urban Centres, supporting policies that direct intensification and higher density development to these areas. This facilitates a better transition between the RM3 zone, which has a total maximum FAR of 0.90, and the RM5 zone, which has a maximum FAR of 1.40.

There are currently six properties zoned RM4 within Urban Centres. While these properties would be able to make use of the additional FAR provisions, all of the properties are developed and no changes are anticipated outside of future full site redevelopment.

#### *Public Consultation*

In fulfillment of Council Policy No. 367, the applicant completed public notification and consultation with property owners within 50 m of the subject property. Recognizing the scope of the development, the applicant also held an open house to provide more information and answer questions about the project. The neighbourhood open house was held Wednesday October 7, 2015 from 5:00 pm to 6:00 pm in the Sole building across from the subject property. Five local residents and business owners attended, including a representative from the Kelowna Downtown Knox Mountain Neighbourhood Association. The applicants describe the project background and development details to the open house attendees.

The open house attendees were generally supportive of some development on the site and asked questions regarding specific elements of the project. Some areas of concern included changes to the boulevard and on-street parking, landscaping and the requested variances. At the time of writing, Staff has not been contacted directly with any questions or concerns about the proposed development.

## **4.0 Proposal**

### **4.1 Project Description**

#### *Proposed Development*

The proposed development consists of a four-unit, three storey townhouse building with attached garages. The intent is to create a building strata allowing the units to be sold individually. Unit sizes range from approximately 1,700 ft<sup>2</sup> (158 m<sup>2</sup>) to 1,800 ft<sup>2</sup> (167 m<sup>2</sup>), plus exterior decks and patio space. The site is in part of the City Centre (Downtown) Urban Centre that quickly changes from high density mixed use developments to an area of single dwelling housing that is designated for medium density residential development.

Secure parking is provided in a row of four attached garages, each of which offers tandem parking for two vehicles. Vehicular access to the garages is from the lane off St Paul Street on the north side of the property. Each unit has an at-grade pedestrian entrance facing either St Paul Street or Cawston Avenue.

As an urban infill townhouse project, this development is a form of housing seldom seen in Downtown Kelowna. The developer expects buyers to be those seeking to live near the amenities and employment in the area.

#### *Rezoning*

The property is currently zoned RU2 - Medium Lot Housing and the proposed zone is RM4 - Transitional Low Density Housing. The RM4 zone was created to facilitate development that transitions between low and medium density developments. It is the lower density of the two

zones under the MRM - Multiple Unit Residential (Medium Density) Future Land Use designation, the other being RM5 - Medium Density Multiple Housing.

#### *Variations*

The applicant is requesting several variations to facilitate this form of housing on a small urban lot. The variations are noted in the Zoning Analysis Table in Section 4.3 below and include increasing site coverage, reducing setbacks, varying parking ratios, reducing landscape buffers, and reducing visitor bicycle parking.

Should Council choose to support the rezoning and text amendment, the Development Permit and Development Variance Permit will be considered by Council at a later date. The Staff report for that application will include a full discussion of the requested variations as well as the form and character of the development.

#### *Text Amendments*

A text amendment to the RM4 zone is proposed to add two provisions to the floor area ratio (FAR) regulations. A measure of density, FAR is the total net floor area of all buildings on a property divided by the area of the property. The maximum FAR in the RM4 zone is 0.65 with a provision to increase the FAR by as much as 0.20 for a total of 0.85 if specific requirements to screen parking spaces are met.

The first change is to add that parking spaces within a garage or carport also qualify for the parking screening requirements to increase the FAR by up to 0.20. The second is to allow developments in an Urban Centre to increase the FAR by 0.30. With the proposed text amendments, the total maximum FAR in the RM4 zone will be 1.15 for developments that meet all the requirements for parking spaces and are within an Urban Centre.

## 4.2 Site Context

The subject property is located at the northeast corner of the intersection of St Paul Street and Cawston Avenue in the Central City (Downtown) Sector as well as the City Centre (Downtown) Urban Centre. It is designated for medium density multiple unit residential development in the Official Community Plan and is within the Permanent Growth Boundary. The surrounding area is characterized by single dwelling housing to the north and east, and by mixed use commercial and residential development to the south and west.

Adjacent land uses are as follows:

<b>Orientation</b>	<b>Zoning</b>	<b>Land Use</b>
North	RU2 - Medium Lot Housing	Single dwelling housing
East	RU2 - Medium Lot Housing	Single dwelling housing
South	C7 - Central Business Commercial	Non-accessory parking
West	C2 - Neighbourhood Commercial	Offices
	C7 - Central Business Commercial	Offices, multiple dwelling housing



## 4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM4 ZONE REQUIREMENTS	PROPOSAL
Existing Lot		
Minimum Lot Area	900 m <sup>2</sup>	577.8 m <sup>2</sup> *
Minimum Lot Width	30.0 m	15.4 m *
Minimum Lot Depth	30.0 m	37.6 m *
Development Regulations		
Maximum Floor Area Ratio	0.65	1.15 ^
Maximum Site Coverage (buildings)	50%	70.2% ❶
Maximum Site Coverage (buildings, driveways and parking)	60%	72.8% ❷
Maximum Height	13.0 m / 3 storeys	11.0 m
Minimum Front Yard	4.5 m (two storeys or less) 6.0 m (more than two storeys)	1.0 m ❸
Minimum Side Yard (east)	2.3 m (two storeys or less) 4.5 m (more than two storeys)	1.5 m ❹
Minimum Side Yard (west)	4.5 m	0.8 m ❺
Minimum Rear Yard	7.5 m (two storeys or less) 9.0 m (more than two storeys)	1.5 m ❻
Other Regulations		
Minimum Parking Requirements	7 stalls (4 full, 3 medium)	8 stalls (4 full, 2 medium, 2 compact) ❼
Minimum Bicycle Parking	2 Class I 1 Class II	8 Class I (in garages) 0 Class II ❽
Minimum Private Open Space	25 m <sup>2</sup> per dwelling	28 m <sup>2</sup> per dwelling (average)
<p>* No subdivision is being proposed; therefore, the lot does not need to conform to the minimum lot dimensions of the RM4 subdivision regulations.</p> <p>^ Floor area ratio cannot be varied. The proposed text amendments would increase the maximum floor area ratio to 1.15.</p> <p>❶ Indicates a requested variance to increase the maximum site coverage from 50% permitted to 70.2% proposed.</p> <p>❷ Indicates a requested variance to increase the maximum site coverage for buildings, driveways and parking areas from 60% permitted to 72.8% proposed.</p> <p>❸ Indicates a requested variance to reduce the minimum front yard from 6.0 permitted to 1.0 m proposed.</p> <p>❹ Indicates a requested variance to reduce the minimum side yard from 4.5 m permitted to 1.5 m proposed.</p> <p>❺ Indicates a requested variance to reduce the minimum flanking street side yard from 4.5 m permitted to 0.8 m proposed.</p> <p>❻ Indicates a requested variance to reduce the minimum rear yard from 7.5 m permitted to 1.5 m proposed.</p> <p>❼ Indicates a requested variance to vary the ratio of parking stalls from three medium stalls permitted to two medium and two compact stalls proposed.</p> <p>❽ Indicates a requested variance to reduce the minimum Class II bicycle parking spaces from one permitted to zero proposed.</p>		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Complete Communities.**<sup>1</sup> Support the development of complete communities with a minimum intensity of approximately 35-40 people and/or jobs per hectare to support basic transit service - a bus every 30 minutes.

**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 (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.**<sup>3</sup> 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.

**Ground-Oriented Housing.**<sup>4</sup> 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 Building & Permitting Department

- No concerns with the rezoning.
- Detailed Building & Permitting comments provided through the Development Permit and Development Variance Permit.

### 6.2 Development Engineering Department

- See Attachment "A": City of Kelowna Memorandum, dated June 12, 2015.

### 6.3 Fire Department

- No concerns with the rezoning.
- Detailed Fire Department comments provided through the Development Permit and Development Variance Permit.

### 6.4 FortisBC - Electric

- There are primary distribution facilities within the lane adjacent to the subject's north property line and within St Paul Street. 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.

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.2.4 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

<sup>3</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

<sup>4</sup> City of Kelowna Official Community Plan, Policy 5.23.1 (Development Process Chapter).

## 7.0 Application Chronology

Date of Application Received: May 8, 2015  
Date Public Consultation Completed: October 7, 2015

Report prepared by:

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Laura Bentley, Planner

Reviewed by:  Terry Barton, Urban Planning Manager

Approved for Inclusion:  Ryan Smith, Community Planning Department Manager

### Attachments:

Subject Property Map  
Attachment "A": City of Kelowna Memorandum  
Conceptual Plans