

REPORT TO COUNCIL



Date: February 6, 2017

RIM No. 1250-30

To: City Manager

From: Community Planning Department (LK)

Application: Z16-0081

Owner: 1080493 B.C. LTD., INC. No.
BC1080493

Address: 1730 & 1740 Ethel Street

Applicant: New Town Services Inc.

Subject: Rezoning Application

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

Existing Zone: RU6 – Two Dwelling Housing

Proposed Zone: RM5 – Medium Density Multiple Housing

1.0 Recommendation

THAT Rezoning Application No. Z16-0081 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 District Lot 138 ODYD Plan 1942 and Lot 3 District Lot 138 ODYD Plan 1942, located at 1730 Ethel Street and 1740 Ethel Street, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple 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 Schedule "A" attached to the Report from the Community Planning Department dated December 22, 2016;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the registration on the subject property of a Section 219 Tree Protection Covenant to ensure the ongoing preservation of the Registered Heritage Tree located on site;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to approval of the Ministry of Transportation and Infrastructure.

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 properties.

2.0 Purpose

To rezone the subject property to facilitate the development of multiple dwelling housing on the subject property.

3.0 Community Planning

Community Planning Staff supports the proposed rezoning application to the RM5 – Medium Density Multiple Housing zone in order to accommodate a 26-unit multiple dwelling housing project on the subject parcels. The proposed land use is consistent with the Official Community Plan (OCP) Future Land Use Designation of MRM – Multiple Unit Residential (Medium Density).

The proposal consists of two parcels that are located at a prominent location in the Central City area at the intersection of Ethel Street and Saucier Avenue, one block south of Harvey Avenue. Adding density at this location will be supported by the nearby parks, schools, transit bike routes and proximity to the downtown shopping area. The project benefits from the Ethel Street cycling routes with good commuting connections to the Downtown and central parts of the city. The proposed project will help contribute to fulfilling the City's policy of 'Complete Communities' by increasing the residential density of the property and neighbourhood and complementary to several other multi-family buildings in the area. The project is also consistent with several other OCP Urban Infill policies including 'Compact Urban Form' and 'Sensitive Infill'.

In fulfillment of Council Policy No. 367, the applicant completed public notification and consultation with property owners within 50 m of the subject property.

4.0 Proposal

4.1 Background

The existing single family dwelling at 1730 Ethel Street is located on the Kelowna Heritage Register. The homeowner has recently completed the relocation of the house from the subject parcel to 1368 Ethel Street, which will require a future update to the Kelowna Heritage Register. The subject property has a registered heritage tree (mature Copper Beech) located at the southeast corner of the parcel. The proposed building has been designed to embrace and highlight the tree within the development. Should Council support this application, registration of a Tree Protection Covenant will be required prior to final adoption of Rezoning along with the consolidation of the two parcels through a subdivision application.

4.2 Project Description

The proposed development is a 26-unit 4-storey condo building. The intent is to create a strata development, thus allowing the units to be sold individually. The unit breakdown comprises of five studio units, six one-bedroom units and 15 two-bedroom units. The unit sizes range from 518 ft² (42 m²) up to 1,164 ft² (108.1 m²), with private exterior balconies or decks.

The Zoning Bylaw Regulations for parking stall requirements have been met with 26 parking stalls provided underground and 10 stalls at-grade. Secure bicycle parking stalls are provided well in excess of the minimum bylaw requirements, with bicycle spaces provided both within a secure bike room and with wall mounted bike racks. Visitor bicycle stalls are provided near the main building entry.

The architectural style of the building has a contemporary design with stucco siding and wood toned fibre cement accents. Due to the high water table at this location, the building has been designed with the underground parkade structure elevated approximately 1.2 m above natural grade. This has allowed the building design to provide extensive terraced landscaping above the parking structure. This naturally hides the parkade structure while providing large landscaped decks which have at-grade access to the street

facing main floor units. The tiered landscaped planters provide a friendly aesthetic for pedestrians and cyclists along both Ethel and Saucier frontages. If supported, the site development will require a certified Arborist to prepare protection measures for the heritage tree, including temporary construction fencing. This would be included as part of the Development Permit requirements.

Rezoning

The two parcels are currently zoned RU6 – Two Dwelling Housing and the proposed zone is RM5 – Medium Density Multiple Housing. The RM5 zone was created to provide a zone primarily for apartment buildings. It fits within the MRM - Multiple Unit Residential (Medium Density) Future Land Use Designation and is consistent with the adjacent multi-residential parcels which provide developments of similar densities.

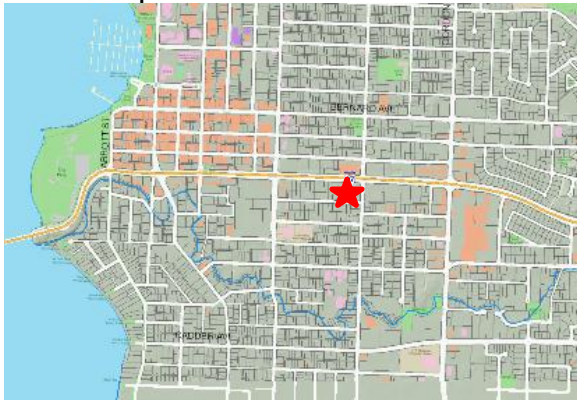
Site Context

The subject properties are located at the Northwest corner of the Ethel Street and Saucier Avenue intersection. The parcels are bordered by existing RM5 – Multi Dwelling Housing sites on the North, East and West sides. The parcels are centrally located between both the City Centre and Capri Landmark Urban Centres. The parcels are designated MRM – Multiple Unit Residential (Medium Density) and are within the Permanent Growth Boundary.

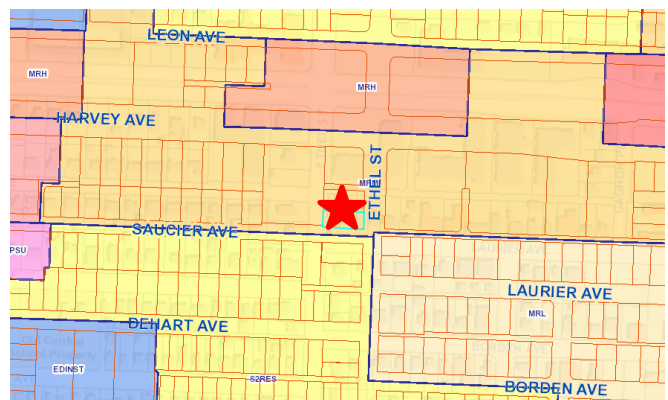
Specifically, adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|-------------|---------------------------------------|--------------------------------|
| North | RM5 – Medium Density Multiple Housing | Multi-Family (Women's Housing) |
| East | RM5 – Medium Density Multiple Housing | Multi-Family Condo Building |
| South | RU6 – Two Dwelling Housing | Single Family Dwelling |
| West | RM5 – Medium Density Multiple Housing | Multi-Family Condo Building |

Context Map



Future Land Use



Subject Property Map: 1730 & 1740 Ethel Street



4.3 Zoning Analysis Table

| Zoning Analysis Table | | |
|---|---|---|
| CRITERIA | RM ₅ ZONE REQUIREMENTS | PROPOSAL |
| Development Regulations | | |
| Floor Area Ratio | 1.4 | 1.17 |
| Site Coverage (Building) (incl. Building, parking & driveway) | 40 % 65 % | 45 % ^❶ 73 % ^❶ |
| Height | 18 m or 4.5 storeys | 14.7 m & 4 storeys |
| Front Yard (Ethel Street) | 1.5 m (Ground Oriented) 6.0 m | 5.72m (to units) 1.5 m (to parkade) ^❷ |
| Side Yard (Saucier Ave) | 1.5 m (Ground Oriented) 6.0 m | 5.72m (to units) 1.5 m (to parkade) ^❸ |
| Side Yard (north) | 4.5 m (under 2.5 storeys) 7.0 m (over 2.5 storeys) | 7.0 m |
| Rear Yard | 9.0 m (no lane access) | 7.0 m ^❹ |
| Other Regulations | | |
| Minimum Parking Requirements | 35 stalls | 36 stalls |
| Bicycle Parking | Class I – 13 stalls Class II – 3 stalls | 40 stalls 3 stalls |
| Private Open Space | 503 m ² | 750 m ² |
| ^❶ Indicates a requested variance to the site coverage (building only) from 40% maximum to 75% proposed and site coverage, (building, parking & driveway) from 65% maximum to 73% proposed. ^❷ Indicates a requested variance to the front setback from 6.0 m required to 1.5 m proposed. ^❸ Indicates a requested variance to the side yard setback from 6.0 m required to 1.5 m proposed. ^❹ Indicates a requested variance to the rear yard setback from 9.0m (no lane access) to 7.0 m proposed. | | |

Setback and site coverage variances to the Zoning Bylaw Regulations for RM5 – Medium Density Multiple Housing will be requested as part of the Development Variance Permit. The applicant's interpretation of ground-oriented housing brings about the requested setback variances with the fourth variance being a request to increase the allowable site coverage.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Complete Communities.¹ 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. (approx. 206 people / hectare proposed)

Compact Urban Form.² 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.³ 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.

Healthy Communities.⁴ 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.

Ground-Oriented Housing.⁵ 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

- 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.
- 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.

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

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

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

⁴ City of Kelowna Official Community Plan, Policy 5.22.7 (Development Process Chapter).

⁵ City of Kelowna Official Community Plan, Policy 5.23.1 (Development Process Chapter).

- A Building Code analysis is required for the structure at time of building permit applications.
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building 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. 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 neighbour roofs, excessive noise from mechanical units, vibration damage during foundation preparation work etc.
- 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.
- 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 and all corridors, number of required exits per area, door swing direction, handrails on each side of exit stairs, width of exits, spatial calculation for any windows in exit stairs, etc.
- 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.
- 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.

6.2 Development Engineering Department

- Refer to Attachment 'A' dated December 22, 2016.

6.3 Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900.
- 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.
- Sprinkler drawings are to be submitted to the Fire Dept. for review when available.
- Fire Department access is to be met as per BCBC 3.2.5. It appears access to the building is on Saucier - the building shall be addressed off of Saucier.
- Approved Fire Department steel lock box acceptable to the fire dept. is required by the fire dept. entrance and shall be flush mounted.
- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met.
- Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.
- Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- Fire department connection is to be within 45M of a fire hydrant - unobstructed. It shall be clearly marked and visible.
 - standpipes to be located on intermediate landings.
 - sprinkler zone valves shall be accessible as per fire prevention bylaw -no higher than 7 ft.

- dumpster/refuse container must be 3 meters from structures or overhangs or in a rated room in the parking garage.
- Include a copy of the sprinkler system owner's certificate with fire safety plan.
- copy of referenced NFPA 25 document to be on site

6.4 Ministry of Transportation

- No concerns

7.0 **Application Chronology**

Date of Application Received: November 16, 2016
Date of ADT Review: December 15, 2016
Date of Amended Plans Received: November 29, 2016
Date Public Consultation Completed: January 17, 2017

Report prepared by: Lydia Korolchuk, Planner

Reviewed by: Terry Barton, A/ Community Planning Manager

Approved for Inclusion: Doug Gilchrist, Community Planning & Real Estate Director

Attachments:

Attachment A: Development Engineering Memorandum
Site Plan
Conceptual Elevations
Landscape Plan