

REPORT TO COUNCIL



Date: February 6, 2017

RIM No. 1250-30

To: City Manager

From: Community Planning Department (EW)

Application: Z15-0027 **Owner:** 1409493 Alberta Inc.

Address: 815, 823-825, 829 & 831 Leon Ave
and 814 & 822 Harvey Ave **Applicant:** Meiklejohn Architects 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. Z15-0027 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification from the RU6 – Two Dwelling Housing Zone to the RM5 – Medium Density Multiple Housing Zone, be considered by Council on the following parcels:

- Lot A District Lot 138 ODYD Plan 4974 Except Plan 36604, located at 814 Harvey Ave
- Lot 1 District Lot 138 ODYD Plan 8961 Except Plan 36604, located 822 Harvey Ave
- Lot B District Lot 138 ODYD Plan 4974, located at 815 Leon Ave
- Lot 1 District Lot 138 ODYD Plan 9710, located at 823-825 Leon Ave
- Lot 2 District Lot 138 ODYD Plan 9710, located at 829 Leon Ave
- Lot A District Lot 137 ODYD Plan 11329, located at 831 Leon Ave
- The lane that exists between 797 and 863 Leon Ave;

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

AND THAT Council considers the public processes to be appropriate consultation for the purpose of Council Policy No. 367, as outlined in the Report from the Community Planning Department dated February 6, 2017;

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 February 6, 2017;
2. The lane between 797 Leon Ave and 863 Leon Ave is closed and sold to the applicant;
3. The land and all subject properties are consolidated into one parcel;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development permit for the subject properties.

2.0 Purpose

To rezone the subject properties from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing Zone to facilitate the future development of an apartment complex.

3.0 Community Planning

Staff supports the proposed rezoning application to the RM5 – Medium Density Multiple Housing Zone as it is consistent with the existing MRM – Multiple Unit Residential (Medium Density) Future Land Use designation in the Official Community Plan (OCP). The proposed rezoning and lot consolidation allows a project to be built with a significant amount of residential density in close proximity to the downtown.

If the zoning application is advanced to third reading, a Development Permit will be necessary to approve the form and character of the proposed development. Currently, the proposed development permit drawings show a six storey, 93-unit rental apartment building.

The applicant submitted a public consultation summary report and notes all of the neighbours within a 50 metre radius were notified. Council Policy No. 367 states when an addition of 50 or more dwelling units are proposed the applicant is required to hold a developer run public information session. The public information session was advertised in the Daily Courier newspaper on June 9th and June 11th, 2016 and held at the Italian Club Hall on Lawrence Avenue on June 25, 2016 from 11am to 1pm.

4.0 Proposal

4.1 Project Description

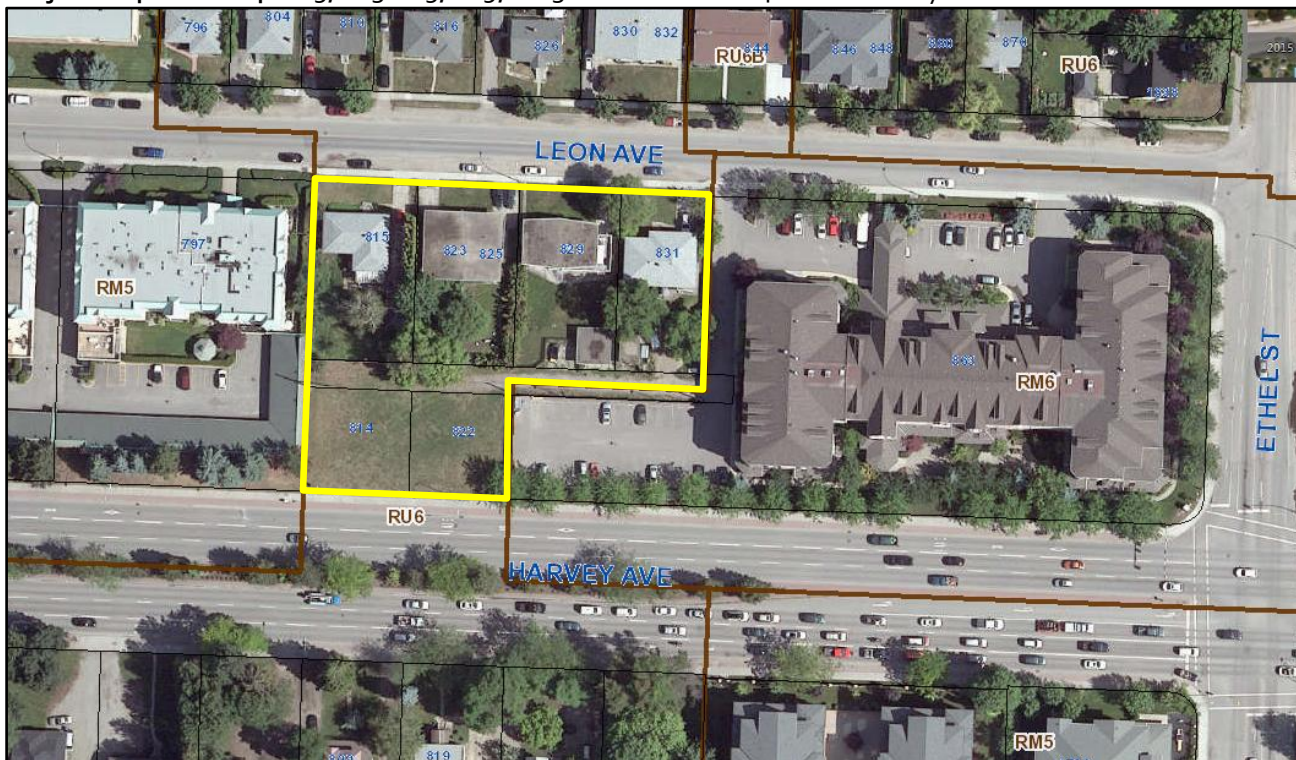
The proposal is for a land use change, to rezone the subject properties from the RU6 – Two Dwelling Housing Zone to the RM5 – Medium Density Multiple Housing Zone. The proposed rezoning and lot consolidation will facilitate the future development of an apartment complex. Drawings submitted for a future development permit show the potential construction of a six storey 93-unit rental apartment complex above a two level parkade structure. The primary access to the parkade would be from the north-west corner of the site along Leon Avenue. A secondary access is proposed from the existing shared easement with the neighbouring 'Dorchester' property. There are five proposed ground oriented units facing Leon Ave. At this time staff are tracking three variances for the project (see Section 4.3 Zoning Analysis Table). Further discussion of the apartment design will occur when a Development Permit and variance application goes to Council.

4.2 Site Context

The subject parcels are located near the downtown 'City Centre' Urban Centre Area, adjacent Harvey Ave and Leon Ave. 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, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Residential
East	RM6 – High Rise Apartment Housing	Residential
South	RU6 – Two Dwelling Housing	Residential
West	RM5 – Multiple Unit Residential (Medium Density)	Residential

Subject Properties Map: 815, 823-825, 829, & 831 Leon Ave & 814 & 822 Harvey Ave



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM5 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	1400 m ²	4,881m ²
Lot Width	30.0 m	87 m
Lot Depth	35.0 m	68 m
Development Regulations		
Site Coverage	40%	59.4% ❶
Site Coverage (Buildings + Driveways + Parking)	65%	60.1 %
Floor Area Ratio	1.2	1.09

Height	18.0 m/4.5 storeys	19.3m / 6 storeys ❷
Front Yard (north)	6.0 m	6.1 m
Side Yard (west)	7.0 m	9.1 m
Side Yard (east)	7.0 m	7.3 m
Rear Yard (south)	9.0 m	7.63 m (parkade)❸ 16.7 m (residential building)
Other Regulations		
Minimum Parking Requirements	116	128
Bicycle Parking	Class 1: 47 Class 2: 10	Class 1: 115 Class 2: 12
Private Open Space	m ²	1,519 m ²
❶ Indicates a requested variance to site coverage from 40% to 59.4% ❷ Indicates a requested variance to height from 18.0 m/ 4.5 storeys to 19.3 m/ 6 storeys ❸ Indicates a requested variance to setback from parkade structure from 9.0 m to 7.63 m		

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

- Demolition permits are required for any existing structures.
- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s).
- 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.
- 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):

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (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).

- Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
 - Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
 - Spatial Calculation required for windows on inside corner of upper floor units
- f) Mechanical Ventilation inlet and exhausts vents are not clearly defined in these drawings for the enclosed parking storey. The location and noise from these units should be addressed at time of Development Permit.
 - g) 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.
 - h) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. This property falls within the Mill Creek flood plain bylaw area and compliance is required. Minimum building elevations are required to be established prior to the release of the Development Permit. This minimum Geodetic elevation is required for all habitable spaces including parking garages. This building may be designed to low, which may affect the form and character of the building.
 - i) 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.
 - j) 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, accessibility etc.
 - k) 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.
 - l) 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.

6.2 Development Engineering

- See Memorandum dated July 6, 2015 (Attachment A).

6.3 Fire Department

- a) Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- b) Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900.
- c) A visible address must be posted as per City of Kelowna By-Laws - ensure the building is addressed as one address and suites numbers for the various units in the building.
- d) Sprinkler drawings are to be submitted to the Fire Dept. for review when available. Ensure the isolation valves are accessible as per Bylaw 10760.

- e) 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 or DVD to facilitate Fire Department pre-planning for this structure. The fire safety plan should clearly detail the unique requirements for this structure. A copy of the sprinkler system owner's certificate is to be included in the fire safety plan.
- f) Fire Department steel lock box acceptable to the fire dept. is required by the fire dept. entrance. Kurt's Lock & Safe at 100A – 1021 Ellis Street, Kelowna is the approved supplier for flush mount lock boxes.
- g) The standpipes connections are to be installed on the transitional landings of the stairwells as per NFPA 14. 3).
- h) Fire Stairwells to be marked clearly (including roof access) as per Fire Department requirements. This would be standardized and approved by the Kelowna Fire Department (KFD).
- i) All requirements of Bylaw 10760 for high buildings shall be followed.
- j) Fire alarm system is to be monitored by an agency meeting the CAN/ULC S562 Standard.
- k) Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- l) Fire department connection is to be within 45M of a fire hydrant – and that the FD connection is clearly marked and visible from the street.
- m) Do not issue BP unless all life safety issues are confirmed.

6.4 FortisBC Inc – Electric

- There are no primary distribution facilities adjacent to the subject properties. The current improvements appear to be serviced via secondary overhead facilities in the lane between these properties or via secondary underground in Leon Avenue. Based on the preceding information, the cost to extend service to the proposed multiple unit development may be significant. 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

- With regard to the above noted zoning file, the Ministry has reviewed and find no objection to the rezoning of the parcel at the above noted civic address on condition there remains no direct access to Highway 97, all access served by Leon Avenue.

7.0 Application Chronology

Date of Application Received: May 15, 2015
Date Public Consultation Completed: June 27, 2016

Report prepared by: Emily Williamson, 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 dated July 6, 2015
Attachment 'B' – Application Package