

REPORT TO COUNCIL



Date: April 3, 2017

RIM No. 1250-20

To: City Manager

From: Community Planning Department (LK)

Application: OCP16-0003 & Z16-0028 **Owner:** Patricia Seoane

Address: 3989 – 3991 Bluebird Road **Applicant:** Urban Options

Subject: Official Community Plan Amendment and Rezoning Application

Existing OCP Designation: S2RES – Single / Two Unit Residential

Proposed OCP Designation: MRL – Multiple Unit Residential (Low Density)

Existing Zone: RU6 – Two Dwelling Housing

Proposed Zone: RM1 – Four Dwelling housing

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP16-0003 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot A Section 1 Township 25 ODYD Plan KAP54767, located at 3989 – 3991 Bluebird Road, Kelowna, BC from the S2RES – Single /Two Unit Residential designation to the MRL – Multiple Unit Residential (Low Density) designation, NOT be considered by Council;

AND THAT Rezoning Application No. Z16-0028 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Section 1 Township 25 ODYD Plan KAP54767, located at 3989 - 3991 Bluebird Road, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM1 – Four Dwelling Housing zone NOT be considered by Council.

AND THAT Council directs the applicant to apply for a decommissioning Building Permit for the removal of the two illegal secondary suites from the existing primary dwelling to return the building to the approved Two Dwelling Housing use;

AND FURTHER THAT Council directs the applicant to apply for a decommissioning Building Permit to remove the dwelling unit from the secondary building to return the building to the approved Accessory Residential building use.

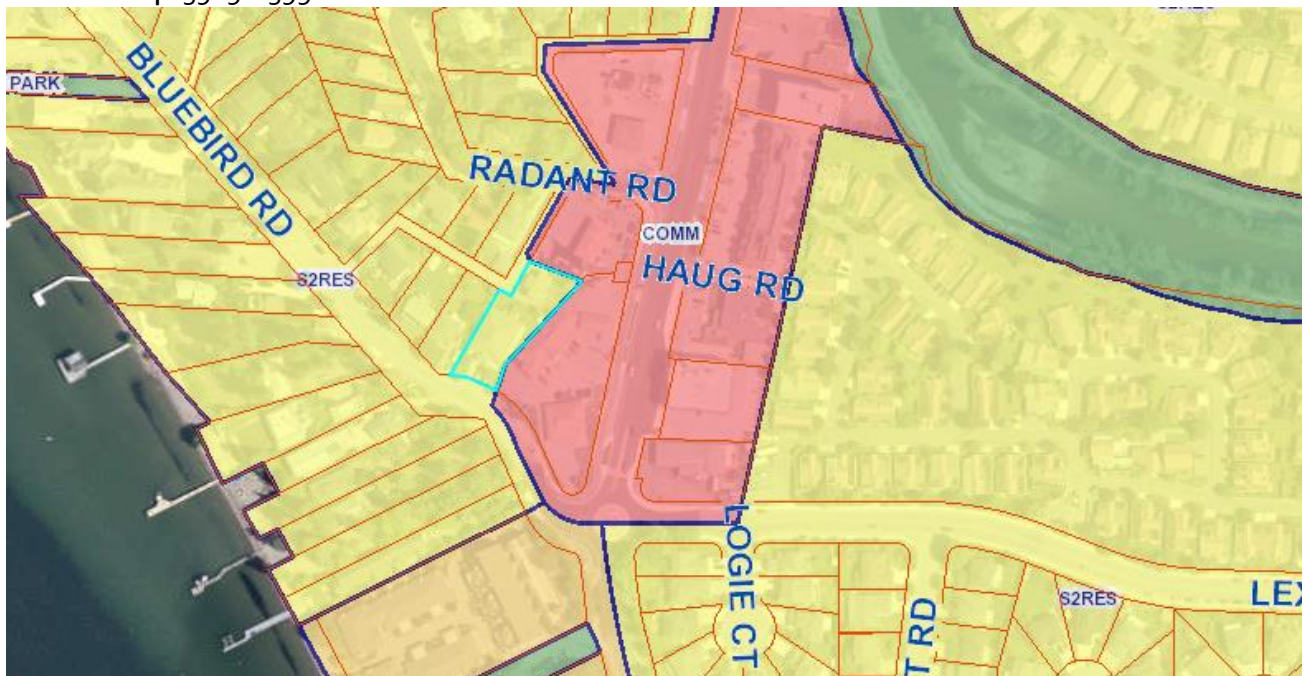
2.0 Purpose

To consider a Staff recommendation to NOT amend the Official Community Plan and to NOT rezone the subject property to facilitate the development of four dwelling housing on the parcel.

3.0 Community Planning

The subject property has had over a decade of re-occurring bylaw complaints and investigations. In that time, it has never operated in accordance with the City's Zoning Bylaw. In that timeframe, the City has granted a number of permits in order to grant RU6 – Two Dwelling Housing as well as facilitate the construction of an accessory building. Both permits have been abused as the property contains 5 dwelling units for revenue purposes – all of which are currently in operation. These rental units have created issues within the residential neighborhood creating on-going and persistent conflicts. Based upon this track record of non-conformance, Community Planning is not supportive of granting multi-family zoning and legalizing the over-development of the site.

Land Use Map: 3989 – 3991 Bluebird Road



4.0 Proposal

4.1 Background

In 1993, an application was made to rezone the subject property to accommodate the development of four units. Council turned down the application due to concerns from the surrounding neighbours (i.e. traffic, noise, increase in density).

Several years later, in 1999, application Z99-1052 to rezone the parcel from RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone was approved by Council. DVP99-10073 & BP20320 allowed the construction of a semi-detached dwelling with driveway access from Bluebird Road. As this building is located in the floodplain, a restrictive covenant was registered on title indicating the basement area be non-habitable space. Neighbours provided support to the two dwelling development under the stipulation that the site not be developed to include additional dwelling units.

A year later, BP23298 approved the construction of a two-storey accessory building in the rear yard of the parcel. One of the conditions of the issued permit was that a secondary suite was not allowed within the building and the second storey space was to be for storage purposes only.

4.2 Project Description

The subject property currently has a semi-detached dwelling and an accessory building approved on the site. Since the original construction of both buildings, the site has operated with five dwelling units. The main building has been developed with two dwellings on the main floor and a further two dwellings on the lower level. The accessory building has morphed into another dwelling unit with the garage door access completely removed and parking provided beside the building and accessed from the rear lane. (See Figure 1)



Figure 1 – Accessory building converted to a dwelling with garage door access removed.

Bylaw Services have had recurring complaints for the parcel since the original application approvals in 1999. This has proven difficult to enforce as the property has had multiple out-of-province owners over the years. Figure 2 below is a sample of one of the real estate listings which has been promoting the on-going illegal use of the subject property.

 A photograph of a large, two-story house with a white exterior and a brown roof. It has multiple gables and a balcony. A white pickup truck is parked in the driveway, and a red car and a blue car are parked on the street in front of the house.

PRESTIGIOUS AREA
-A RARE FIND
 5 Duplex suites w/ detached garage located in the BEST LOWER MISSION AREA
 Steps from the BEACH, SHOPPING, GROWTH.
 Total of 8 bedrooms, 7 bathrooms, 6200 Sqft.

Figure 2 – Real Estate listing for subject property (the listing has since been removed from MLS).

Currently, all properties on Bluebird Road are designated and zoned to support single-detached dwellings. The setbacks, lot sizes, and parking in the area all reflect this single-family character. The subject site is the only property on the street with the RU6 – Two Dwelling Housing zone which provides a transition from the commercial activity on Lakeshore Road to the adjacent single family dwellings. The RU6 zoning already provides for greater density than what is allowed under the RU1 – Large Lot Housing zone, while still respecting the single family architectural character of this established residential area.

Community Planning staff recommend that the buildings on site be decommissioned and returned to their approved uses. After a period of time in conforming with the Zoning Regulations and the avoidance of Bylaw infractions, Staffs may review additional density in this area. This could be part of the upcoming Official Community Plan update.

4.3 Site Context

The subject property is located on Bluebird Road just off of Lakeshore Road within the North Mission /Crawford area of Kelowna.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing C2 – Neighbourhood Commercial	Single Family Dwelling Car Wash
East	C2 – Neighbourhood Commercial	Commercial strip mall with gas station
South	RU1 – Large Lot Housing RU1c - Large Lot Housing with Carriage House	Single Family Dwelling Single Family Dwelling with Carriage House
West	RU1 – Large Lot Housing	Single Family Dwelling

Subject Property Map: 3989 – 3991 Bluebird Road



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	700 m ²	1525 m ²
Lot Width	20 m	23.19 m
Lot Depth	30 m	66.54 m
Development Regulations		
Maximum Floor Area Ratio	0.60	0.58
Maximum Site Coverage (buildings)	40%	30%
Maximum Site Coverage (buildings, driveways and parking)	50%	41%
Maximum Height	9.5 m or 2 ½ storeys	Bldg. 1 - 8.1 m Bldg. 2 - 6.41 m
Minimum Front Yard	6.0 m	Bldg. 1 - 9.29 m
Minimum Side Yard (east)	Bldg. 1 – 2.5 m Bldg. 2 – 2.5 m	Bldg. 1 – 2.4 m ^❶ Bldg. 2 – 11.4 m
Minimum Side Yard (west)	Bldg. 1 – 2.5 m Bldg. 2 – 2.5 m	Bldg. 1 – 2.3 m ^❷ Bldg. 2 – 3.2 m
Rear Yard	7.5 m	Bldg. 2 - 2.9 m ^❸
Minimum distance between buildings	3.0 m	4.2 m
Other Regulations		
Minimum Parking Requirements	8 stalls	9 stalls
If Rear Lane Access (no vehicular access from street)	Has a rear lane	Has 2 driveways to existing front attached garages ^❹
Private Open Space	25 m ² /dwelling = 125 m ² req.	m ²
If Rear Lane Access (no vehicular access from street)	Has a rear lane	Has 2 driveways to existing garages
^❶ Indicates a requested variance to the east side setback from 2.5 m required to 2.4 m proposed. ^❷ Indicates a requested variance to the west side setback from 2.5 m required to 2.3 m proposed. ^❸ Indicates a requested variance to the rear yard setback from 7.5 m required to 2.9 m proposed. ^❹ Indicates a requested variance to allow additional access from the street when the parcel has lane access.		

Under the RM1 zone, four (4) variances would be triggered to the side yards, rear yard as well as access to the street when a rear lane is located in the rear.

5.0 **Current Development Policies**5.1 Kelowna Official Community Plan (OCP)**Development Process**

Area Specific Considerations.¹ Ensure the development is compatible with surrounding land uses.

Neighbourhood Impact.² When considering an OCP Amendment, the City will seek information with respect to the impact on land values related to the likelihood that other properties in the immediate neighbourhood will remain or develop as indicated in the OCP.

¹ City of Kelowna Official Community Plan, Objective 5.19 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.22.9 (Development Process Chapter).

6.0 Technical Comments

6.1 Building & Permitting Department

- Full Plan check for Building Code related issues will be done at time of Building Permit applications.
- Full DCC's required for 4 dwelling units with credits for 2 existing units.

6.2 Development Engineering Department

- Refer to Attachment A.

6.3 Fire Department

- Emergency access to the laneway unit must be maintained via Bluebird- a laneway is not adequate for emergency access.
- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.
- If a fence is ever constructed between the dwellings a gate with a clear width of 1100mm is required.
- All units shall have a posted address on Bluebird Rd. for emergency response

6.4 School District No. 23

- If approved and moves forward to building permit phase, it will trigger the School Site Acquisition Charge which applies to residential development where new (additional) residential lots or dwellings are created through subdivision or new construction. Further details on the charge can be found in Division 10.1 of the Local Government Act

7.0 Application Chronology

Date of Application Received: May 17, 2016

Date Public Consultation Completed: June 16, 2016

8.0 Alternate Recommendation

THAT Official Community Plan Map Amendment Application No. OCP16-0003 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot A Section 1 Township 25 ODYD Plan KAP54767, located at 3989 – 3991 Bluebird Road, Kelowna, BC from the S2RES – Single /Two Unit Residential designation to the MRL – Multiple Unit Residential (Low Density) designation, be considered by Council;

AND THAT the Official Community Plan Map Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Rezoning Application No. Z16-0028 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Section 1 Township 25 ODYD Plan KAP54767, located at 3989 - 3991 Bluebird Road, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM1 – Four Dwelling 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 June 19, 2016;

AND FURTHER 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.

Report prepared by: Lydia Korolchuk, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A: Development Engineering Memorandum

Schedule A: Site Plan

Schedule B: Elevations