

REPORT TO COUNCIL



Date: April 24th 2017

RIM No. 0940-00

To: City Manager

From: Community Planning Department (AC)

Application: DP17-0041

Owner: 666344 BC Ltd Inc. No. 66344

Address: 205 Hwy 33

Applicant: Architecturally Distinct Solutions

Subject: Development Permit

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

Existing Zone: RM₃ – Low Density Multiple Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No DP17-0041 for Lots 1, Section 23, Township 26, ODYD Plan KAP76191, located at 205 Hwy 33, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit application in order for the permit to be issued;

AND THAT the Development Permit conditions outlined in Attachment "A" attached to the Report from the Community Planning Department dated April 24th 2017 be completed prior to Building Permit issuance;

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To review the Form & Character Development Permit of a third storey addition to an existing apartment building known as 'The Garden House'.

3.0 Community Planning

3.1 Development Permit

Staff are recommending support for the proposed Development Permit due to the proposal's consistency with the Official Community Plan's (OCP) design guidelines. See Section 5.0 to review a sample of relevant OCP design guidelines and associated OCP policy.

The renovation project and addition of a third storey will update and enhance the overall aesthetic of the existing building. The surface parking lot will be expanded to accommodate the extra units and the remainder of the site will retain the existing landscaping. For this reason, there is no landscape bonding associated with this Development Permit. Further, the applicant has added the necessary bike storage in a secure weather protected enclosure located adjacent to the building.

The OCP encourages infill urban growth that more efficiently utilizes existing land within Urban Centres. The project modestly increases residential density within the Rutland Urban Centre and is located near commercial services and schools. All the units (including the 11 new units) will remain as rental units. A net increase in the supply of rental residential units is greatly needed within Kelowna's Urban Centres. The vacancy rate stated within the 2016 Fall Rental Market Report done by the Canadian Mortgage and Housing Corporation (CMHC) was 0.6% within the Kelowna Central Metropolitan Area. However, within Zone 2 (Rutland) the overall vacancy rate was 0.1% with a 0.0% vacancy for both 1-bedroom & 3-bedroom units.

3.2 Notification

Development Permits do not require any notification.

4.0 Proposal

4.1 Project Description

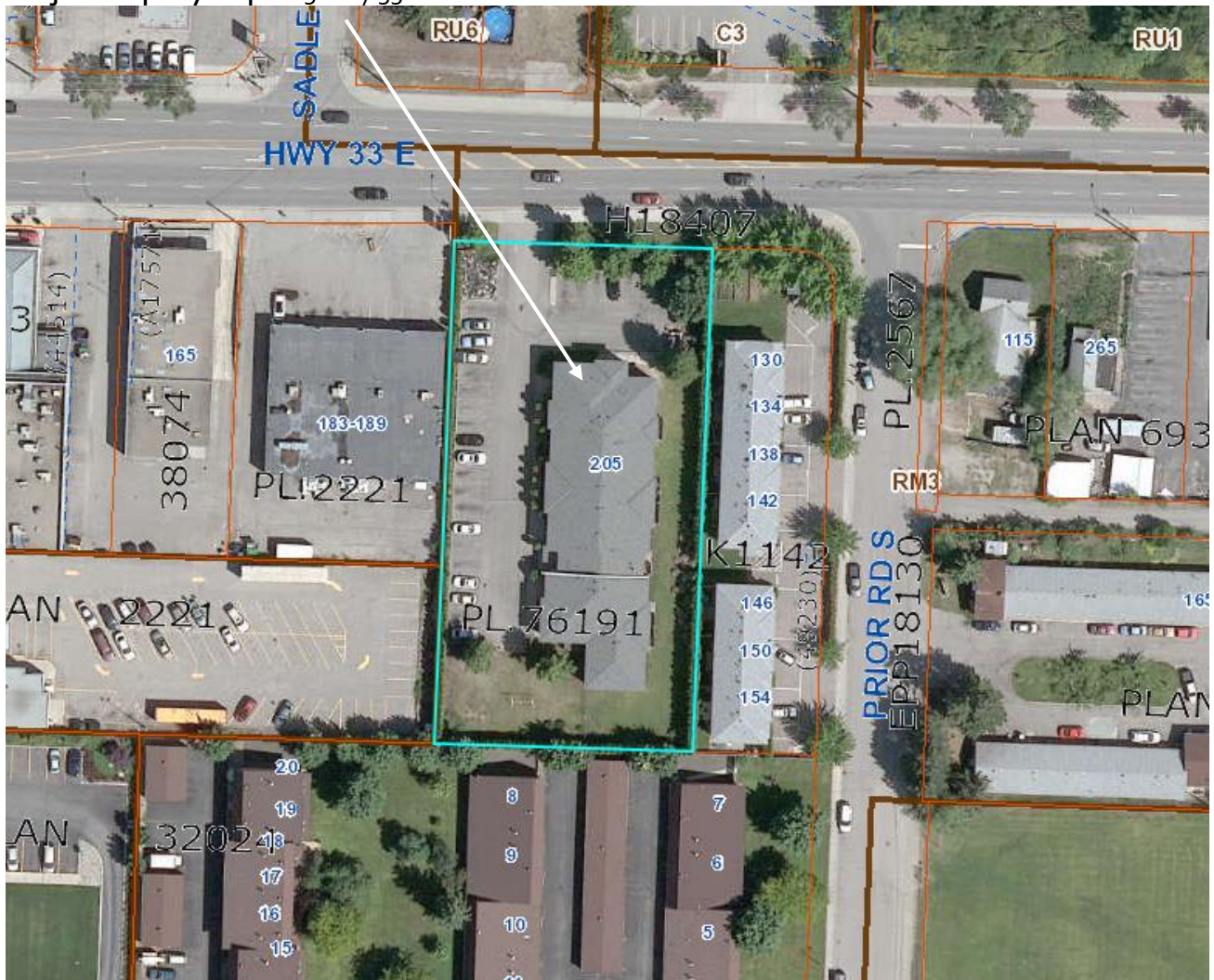
The scope of the project is to add 11 rental units to an existing 2-storey apartment building by adding a third storey and expanding the surface parking lot.

4.2 Site Context

The site is located at the east end of the Rutland Urban Centre. Specifically, the adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C ₄ – Urban Centre Commercial RU ₆ – Two Dwelling Housing C ₃ – Community Commercial	Commercial Residential Commercial
East	RM ₃ – Low Density Multiple Housing	Residential
South	RM ₃ – Low Density Multiple Housing	Residential
West	C ₄ – Urban Centre Commercial	Commercial

Subject Property Map: 205 Hwy 33



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM3 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Height	10.0 m / 3 storeys	9.9 m / 3 storeys
Front Yard (north)	4.5m & 6.0m	19.8 m
Side Yard (east)	4.0 m	9.1 m
Side Yard (west)	4.0 m	18.5 m
Rear Yard (south)	7.5 m	10.9 m
Site coverage of buildings	40 %	21.5%

Zoning Analysis Table		
CRITERIA	RM3 ZONE REQUIREMENTS	PROPOSAL
Site coverage of buildings, driveways & parking	66 %	58.1%
FAR	0.75 Max	0.5
Parking Regulations		
Minimum Parking Requirements	9 (1-bed) x 1.25 = 11.5 17 (2-bed) x 1.5 = 25.5 1 (3-bed) x 2.0 = 2 <u>1 (micro) x 1 = 1</u> = 41 stalls	41 stalls
Ratio of Parking Stalls	Full size: 50% Min Medium Size: 40% Max Small Size: 10% Max	Full size: 66% (27 stalls) Medium Size: 34% (14 stalls) Small Size: 0% (stalls)
Minimum Drive Aisle Width	7.0 m	7.0 m
Setback (Parking)	1.5 m	1.5m or greater
Other Regulations		
Minimum Bicycle Parking Requirements	Class 1: 15 bikes Class 2: 3 bikes	Class 1: 15 bikes Class 2: 3 bikes
Private Open Space	825 m ²	>825 m ²

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: 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.

Contain Urban Growth.³ Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

Housing Mix.⁴ Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.

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, Goals for a Sustainable Future, Objective 1 (Chapter 1 Introduction)

⁴ City of Kelowna Official Community Plan, Policy 5.27.11 (Development Process Chapter)

Building Height⁵:

- **Rutland:** Generally, 4 storeys. Six storeys within C4 or C9 zoned areas. Potential for up to 44 m height (12-14 storeys) in the core of Rutland, as identified in the C7 zone of the Zoning Bylaw.

Context⁶:

- Respect and enhance the original character of an existing building when modifying its exterior.

Exterior elevations and materials⁷:

- Exterior building materials should be selected for their functional and aesthetic quality, and should exhibit qualities of workmanship, durability, longevity and ease of maintenance.

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)
- 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):
 - Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.
- Structural Engineer will be required for the existing building renovation at time of building permit application
- 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 are being applied to this structure.

6.2 Development Engineering Department

- See Memo (Attachment 'A') dated ? 2017

6.3 Fortis BC (Electric)

- There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities within Highway 33 E and within the boundary of the subject property. The existing infrastructure on the subject property should be protected by appropriate land rights in order to ensure proper delivery and maintenance of the service. 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.
- For more information, please refer to FBC(E)'s overhead and underground design requirements:
 - FortisBC Overhead Design Requirements (<http://fortisbc.com/ServiceMeterGuide>).
 - FortisBC Underground Design Specification (<http://www.fortisbc.com/InstallGuide>).

⁵ City of Kelowna Official Community Plan, Policy 5.8.1 (Development Process Chapter)

⁶ City of Kelowna Official Community Plan, Policy 14.2.5 (Urban Design Guidelines)

⁷ City of Kelowna Official Community Plan, Policy 14.6.1 (Urban Design Guidelines)

- Otherwise, FBC(E) has no concerns with this circulation.

6.4 Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required. Template at Kelowna.ca .
- An update to the 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
- Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- Dumpster/refuse container must be 3 meters from structures or overhangs.

7.0 **Application Chronology**

Date of Application Received (complete):

Feb 20th 2016

Date of Notification Letters:

n/a

Prepared by:

Adam Cseke, Urban Planner

Reviewed by:

Terry Barton, Urban Planning Manager

Approved for:

Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A - Development Engineering Memo

DP17-0041

DEVELOPMENT PERMIT



APPROVED ISSUANCE OF DEVELOPMENT PERMIT NO. DP17-0041

Issued To: 666344 BC Ltd Inc. No. 66344
Site Address: 205 Hwy 33
Legal Description: Lots 1, Section 23, Township 26, ODYD Plan KAP76191
Zoning Classification: RM₃ – Low Density Multiple Housing
Development Permit Area: Comprehensive Development Permit Area

SCOPE OF APPROVAL

This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.

The issuance of a Permit limits the Permit Holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

1. TERMS AND CONDITIONS

THAT Development Permit No. DP17-0041 for Lots 1, Section 23, Township 26, ODYD Plan KAP76191, located at 205 Hwy 33, Kelowna, BC to allow the construction of a RM₃ – Low Density Multiple Housing development to be approved subject to the following:

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
- c) Landscaping to be provided on the land be in accordance with Schedule "C";

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2. PERFORMANCE SECURITY

None required.

3. DEVELOPMENT

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit that shall form a part hereof.

If the Permit Holder does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

This Permit IS NOT a Building Permit.

4. Indemnification

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.
- b) All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

5. APPROVALS

Issued and approved by Council on the _____ day of _____, 2017 .

 Ryan Smith, Community Planning Department Manager
 Community Planning & Real Estate

 Date

**The PERMIT HOLDER is the CURRENT LAND OWNER.
 Security shall ONLY be returned to the signatory of the
 Landscape Agreement or his or her designates**

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