

REPORT TO COUNCIL



Date: July 24, 2017

RIM No. 1250-30

To: City Manager

From: Community Planning Department (LK)

Application: Z17-0035 **Owner:** J.D. Nelson & Associates Ltd.,
Inc. No. BC0342193

Address: 2240, 2250 & 2260 Ethel Street **Applicant:** Faction Architecture Inc.

Subject: Rezoning Application

Existing OCP Designation: HLTH – Health District

Existing Zone: RU6 – Two Dwelling Housing

Proposed Zone: HD2 – Hospital and Health Support Services

1.0 Recommendation

THAT Rezoning Application No. Z17-0035 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 22, 23 and 24 District Lot 136 ODYD Plan 11811, located at 2240, 2250 and 2260 Ethel Street, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the HD2 – Hospital and Health Support Services 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 May 24, 2017;

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.

2.0 Purpose

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

3.0 Community Planning

Community Planning Staff supports the proposed rezoning application to the HD2 zone in order to accommodate a 50-unit multiple dwelling housing project on the three subject parcels. The application is consistent with the Official Community Plan (OCP) Future Land Use Designation of HLTH – Health District.

The proposal consists of three parcels that are located mid-block between Glenwood Avenue and Rose Avenue in the Central City Sector. It is two blocks west of the Guishacan Village Centre and directly across from the Cottonwoods Care Centre. Adding density at this location will be supported by nearby parks, schools, transit, bike routes and proximity to the Guishacan Village Shopping Area. The site is within walking distance to Kelowna General Hospital (KGH) and the project benefits from the Ethel Street Cycling routes with good commuting connections to the Downtown and central parts of the city. The proposed apartment building will help contribute to fulfilling the City's policy of 'Complete Communities' by increasing the residential density of the properties and neighbourhood.

The HD2 zone facilitates the development of multi-family residential buildings in order to provide this type of housing within close proximity to the Kelowna General Hospital and the Cottonwoods Care Centre for potential employees to live in the area, thus reducing reliance on vehicles.

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 Project Description

This project will be the first significant development within the HD2 designated area located along Ethel Street. The proposed development is a 50-unit 4-storey apartment building. The intent is to create a strata development, thus allowing the units to be sold individually. The proposal has 6 ground-oriented 2-storey townhouses with direct access onto Ethel Street. Located behind the townhouses are 44 condo units. The unit breakdown comprises of six three-bedroom units, six two-bedroom + den units, 14 two-bedroom units, eight one-bedroom +den units, four one-bedroom units and 12 studio units. The unit sizes range from 313 ft² (29 m²) up to 1300 ft² (120.77 m²), with private exterior patios or decks.



The Zoning Bylaw Regulations for parking stall requirements have been met with 50 parking stalls provided within an underground parkade and private garages, which are all accessed from the rear laneway. Secure class 1 bicycle parking stalls are located in a designated room within the parkade. The class 2 visitor bike stalls are located adjacent to the main entry at-grade.

Rental Housing Agreement

The HD2 – Health District zone has a provision for a density increase of 0.1 to allow a maximum FAR of 1.4 with a Housing Agreement. The density bump equates to approximately an additional 245 m² of building area. The owner in turn must enter into a Housing Agreement with the City of Kelowna, which will be registered on title. The agreement commits a number of units, equal to the density bump gained (245 m²

minimum) be designated as rental units for a period of not less than 10 years and these units may not be owner occupied or utilized for short-term rentals.

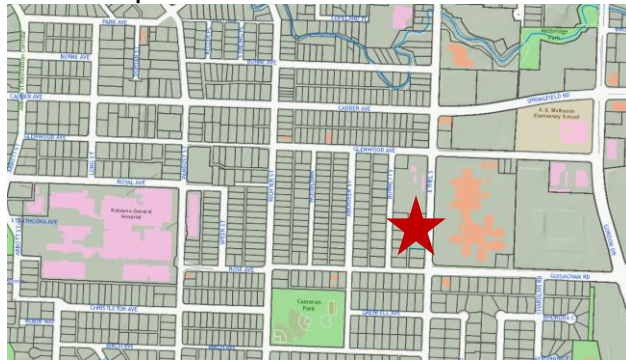
4.2 Site Context

The project consists of 3 parcels that are located along Ethel Street between Rose Avenue and Glenwood Avenue, and is 2 blocks south of Springfield Road. The parcels are bordered by P1- Public & Institutional Zone and RU6 – Two Dwelling Housing to the north, P2 – Education & Minor Institutional to the east and RU6 – Two Dwelling Housing to the south and west. The parcels are designated HLTH – Health District and are within the Permanent Growth Boundary.

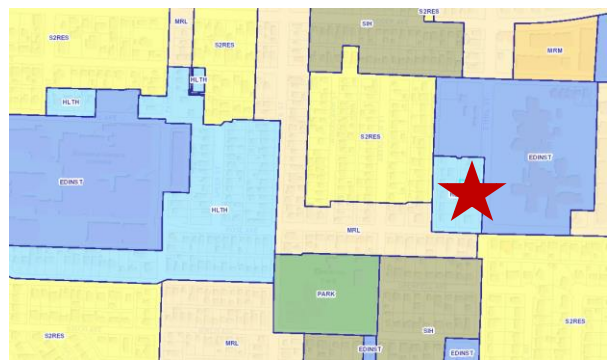
Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing P1 – Major Institutional	Single Dwelling House Interior Health Offices
East	P2 – Education & Minor Institutional	Supportive Housing (Cottonwoods)
South	RU6 – Two Dwelling Housing	Single & Two Dwelling Housing
West	RU6 – Two Dwelling Housing	Single & Two Dwelling Housing

Context Map:



Future Land Use:



Subject Property Map: 2240, 2250 & 2260 Ethel Street



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	HD ₂ ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	900 m ²	2450 m ²
Lot Width	30 m	65.85 m
Lot Depth	30 m	37.22 m
Development Regulations		
Floor Area Ratio	1.4	1.38
Site Coverage	55%	64% ^❶
Height	16.50 m	15.24 m
Front Yard	4.5 m	3.5 m ^❷
Side Yard (south)	1.5 m to parking structure	4.5 m
Side Yard (north)	1.5 m to parking structure	4.5 m
Rear Yard	3.0 m	0.20 m ^❸
Other Regulations		
Minimum Parking Requirements	50 stalls	50 stalls
Bicycle Parking	Class I - 25 Class II - 5	Class I - 25 Class II - 5
Private Open Space	920 m ²	1115 m ²
^❶ Indicates a requested variance to the site coverage of 55% maximum to 64% proposed. ^❷ Indicates a requested variance to the front yard setback from 4.5 m required to 3.5 m proposed. ^❸ Indicates a requested variance to the rear yard setback from 3.0m required to 0.20m proposed.		

Variances

As indicated in the above Zoning Analysis Table, should the Rezoning application be supported, the current proposal would require three variances. The variances would be to the maximum site coverage, along with the required front and rear yard setbacks and would be requested as part of a separate Development Variance Permit application.

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.

Housing Mix.³ Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.

Ground-Oriented Housing.⁴ 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

- 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):
 - a. Any alternative solution must be accepted by the Chief Building Inspector prior to the release of the Building Permit
 - b. Location, Heights, Colors of mechanical systems and the required screening are to be determined 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 5.2.3 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Policy 5.22.11 (Development Process Chapter).

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

- c. Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
 - d. Handicap Accessibility to the main floor levels to be provided, ramps may be required. Handicap parking stall(s) to be closest to the main lobby access
 - e. Access to the roofs are required per NFPA and guard rails may be required and should be reflected in the plans if required
 - f. Vestibule(s) required at access to parkade from units
 - g. Door swings can't reduce exit path(s) minimum widths from upper floors. Doors to open in direction of exit when connected to public corridors. Refer to areas along gridline A of the Parking plan and Level 1 plan.
 - h. Access to patio roofs are not clearly defined on the drawings. The Development permit drawings to clearly define these accesses. Please revise the drawings and provide a section thru this area as it accesses the lower roof top patios
 - i. Floor elevations appear to be confusing near grid B8 of level 1 where additional stairs are required or some stairs are not needed.
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. If a soil removal or deposit permit is required, this must be requested at time of Development 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, undermining & underpinning of existing foundation, additional snow drift on neighbour roofs, excessive noise from mechanical units, vibration damage during foundation preparation work, water infiltration systems, dewatering, etc.
 - Mechanical Ventilation inlet and exhausts vents are not clearly defined in these drawings for the enclosed parking level. The location and noise from these units should be addressed at time of Development Permit.
 - 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.

6.2 Development Engineering Department

Refer to Attachment 'A' dated May 24, 2017.

6.3 Fire Department

- Kelowna Fire Department has no issues with the zoning change.
- Ensure appropriate fire flow as per the subdivision bylaw.
- 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 as well as a fire pre-plan as per bylaw 10760.
- Fire Department access is to be met as per BCBC 3.2.5. - the lane cannot be deemed reliable for access.

- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met for communications.
- Fire department connection is to be within 4.5M of a fire hydrant - unobstructed.

6.4 Fortis BC -Electric

- There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Ethel Street and within the lane adjacent the subject's west property line. Based on the plans submitted, it is unclear whether adequate space has been provided to accommodate the transformation required to service the proposed development. Furthermore, FBC(E) has concerns regarding setback requirements around the existing overhead line in the lane. It is recommended that FBC(E) be contacted as soon as possible to determine servicing and land rights requirements for the proposed design. 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.
 1. For more information, please refer to FBC(E)'s overhead and underground design requirements:
 2. FortisBC Overhead Design Requirements <http://fortisbc.com/ServiceMeterGuide>
 3. FortisBC Underground Design Specification <http://www.fortisbc.com/InstallGuide>

7.0 **Application Chronology**

Date of Application Received: April 5, 2017
Date Public Consultation Completed: May 18, 2017
Date of Amended Plans Received: June 7, 2017

Report prepared by: Lydia Korolchuk, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Reviewed by: Ryan Smith, Community Planning Department Manager

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

Attachments:

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