

Memo



Date: July 15, 2011

To: City Manager

From: Land Use Management, Community Sustainability (PMc)

Application: DVP10-0050

Owner: New Opportunities For Women (NOW) Canada Society Inc.

Address: 2609 Richter Street

Applicant: New Opportunities For Women (NOW) Canada Society Inc.

Subject: Development Variance Permit

Existing OCP Designation: Multiple Unit Residential - low density

Existing Zone: RU6 - Two Dwelling Housing

Proposed Zone: RM3 - Low Density Multiple Housing

1.0 Recommendation

THAT Final Adoption of Zone Amending Bylaw No. 10373 be considered by Council;

THAT Council authorize the issuance of Development Variance Permit No. DVP10-0050, Lot 2, for DL 135, O.D.Y.D., Plan 3929, located on Richter Street, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted;

Section 13.9.6(b): Development Regulation - to vary the maximum site coverage for buildings, driveways and parking areas from 50% permitted to 55% proposed,

Section 13.9.6(e): Development Regulation - to vary the minimum south side setback from 4.5m required to 1.45m proposed,

Section 13.9.6(e): Development Regulation - to vary minimum north side setback from 4.5m required to 0.65m proposed,

2.0 Purpose

The applicant has applied to rezone the subject property from the existing RU6 - Two Dwelling Housing zone to the proposed RM3 - Low Density Multiple Housing zone in order to legitimize the non-conforming uses that currently exist. As the siting of the building located on the subject property does not conform to the proposed RM3 - Low Density Multiple Housing zone, this

Development Variance Permit has been made to address the side yard setbacks and the total site coverage for buildings, driveways, and parking areas for the existing building.

3.0 Land Use Management

The New Opportunity for Women (NOW) Canada Society provides a valuable service to the community in providing homeless shelter housing for women and children at this location, as well to assist the clients with care and support to find housing and help in seeking employment.

The variances requested are the result of the existing building on site and it's historical approval under different zoning bylaw regulations. No neighbours have presented concern for the variance requests and therefore no additional impacts are anticipated on abutting neighbours.

The applicant is not proposing any exterior changes to the existing building at this time. However, in the future should any changes to the form and character of the building be contemplated, it will be necessary to apply for a form and character Development Permit.

4.0 Proposal

4.1 Background/Project Description

The building that is located on the subject property was constructed in the 1960's. In the 1970's, there were several additions constructed that converted the dwelling into a duplex building. The building was operated as a boarding home at that time, in compliance with Zoning Bylaw 4500.

In 2002, the New Opportunity for Women Canada Society (NOW) purchased the facility to operate as the Alexandra Gardner Women and Children Safe Centre to provide a low barrier shelter for women and children. The shelter provides free services, regardless of age, race or circumstance, and assisted clients to work on their next steps to help them plan for a safe future. It was noted at that time that the facility was a legal non-conforming boarding house.

In 2010, NOW made application to rezone the subject property to the RM3 - Low Density Multiple Housing zone to legalize the use of the site as a congregate housing facility, a principal use in the RM3 zone. The property has a Future Land Use designation of Multiple Unit Residential - Low Density in the Official Community Plan. The proposed RM3 zone is consistent with that designation.

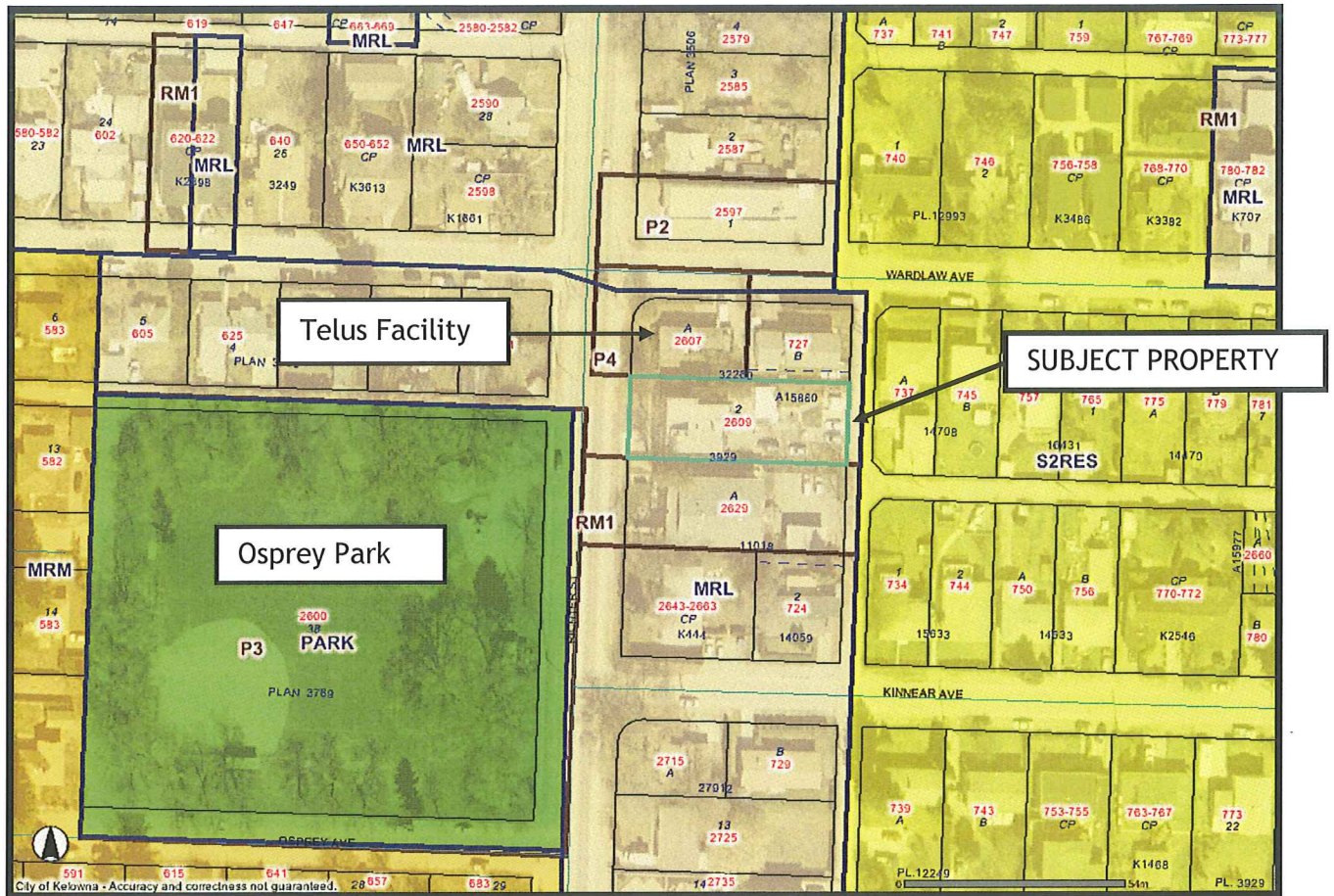
This Development Variance Permit application has been made to acknowledge several non-conforming building siting issues related to the change in zoning. More specifically, the applicant is seeking to vary the north side setback from 4.5m required to 0.65 m. proposed, to vary the south side setback from 4.5m required to 1.45 m. proposed, and to vary the maximum total site coverage for buildings, driveways and parking areas from 50% permitted to 55% proposed. The applicant is not anticipating any external changes to the building at this time, although there may be renovations in the future.

4.2 Site Context

The subject property is located on the east site of Richter Street, south of Wardlaw Avenue. The site is generally flat, and has access from both Richter Street and the lane. The site is occupied by a two storey building.

Site Location Map

2609 Richter Street



The adjacent land uses are as follows:

- North RU6 - Two Dwelling Housing (residential)
- P4 - Utilities (Telus equipment facility)
- West RU6 - Two Dwelling Housing (residential)
- P3 - Parks and Open Space (Park)
- East RU6 - Two Dwelling Housing (residential)
- South RM1 - Four Dwelling Housing (Residential)

4.3 Zone Analysis

The proposed application meets the requirements of RM3 - Low Density Multiple Housing zone as follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	1,052 m ²	900 m ²
Lot Width	19.8 m ①	30.0 m
Lot Depth	53.3 m	30.0 m
Development Regulations		
Site Coverage	33% buildings 55% bldg & parking ②	40% bldg 50% bldg & parking
Total Floor area	509 m ²	526 m ² max
F.A.R.	0.48	0.5 max
Building Height	2 storey/7.5 m	2½ Storey/9.5m max
Front Yard	6.1 m	4.5 m or 6.0 m to a garage
Side Yard (south)	1.45 m ③	4.5 m (2 - 2½ storey)
Side Yard (north)	0.70 m ④	4.5 m (2 - 2½ storey)
Rear Yard	19.2 m	7.5 m
Other Requirements		
Parking Stalls (#)	7 stalls provided	1 stall per dwelling 1 stall per staff 1 stall per 3 bedrooms 6 stalls required
Private Open Space	meets requirements	7.5 m ² of private open space per room

NOTE:

- ① Non-conforming lot width is existing
- ② Vary maximum site coverage for buildings, driveways and parking areas from 50% permitted to 55% proposed,
- ③ Vary minimum south side setback from 4.5m permitted to 1.45m proposed
- ④ Vary minimum north side setback from 4.5m permitted to 0.7m proposed

5.0 Technical Comments

5.1 Building & Permitting Department

Appears that no modification to the building is proposed, therefore no comment.

5.2 Development Engineering Department

The requested variances for setback and site coverage, do not compromise our servicing requirements.

5.3 Fire Department

No objections

6.0 Application Chronology

Date of Application Received: April 26, 2010

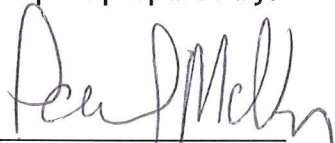
Servicing Agreement required for
Final adoption of the zone Paid: May 11, 2011

Advisory Planning Commission May 25, 2010

The above noted application was reviewed by the Advisory Planning Commission at the meeting on May 25, 2010 and the following recommendations were passed:

THAT the Advisory Planning Commission support Development Variance Application No. DVP10,0050, for 2609 Richter Street, to vary the north side yard from 4.5m to 0.65m; south side yard from 4.5m to 1.45m; site coverage of buildings driveways and parking areas from 50% permitted to 55% proposed.

Report prepared by:



Paul McVey, Urban Land Use Planner

Reviewed by:



Danielle Noble Manager, Urban Land Use Management

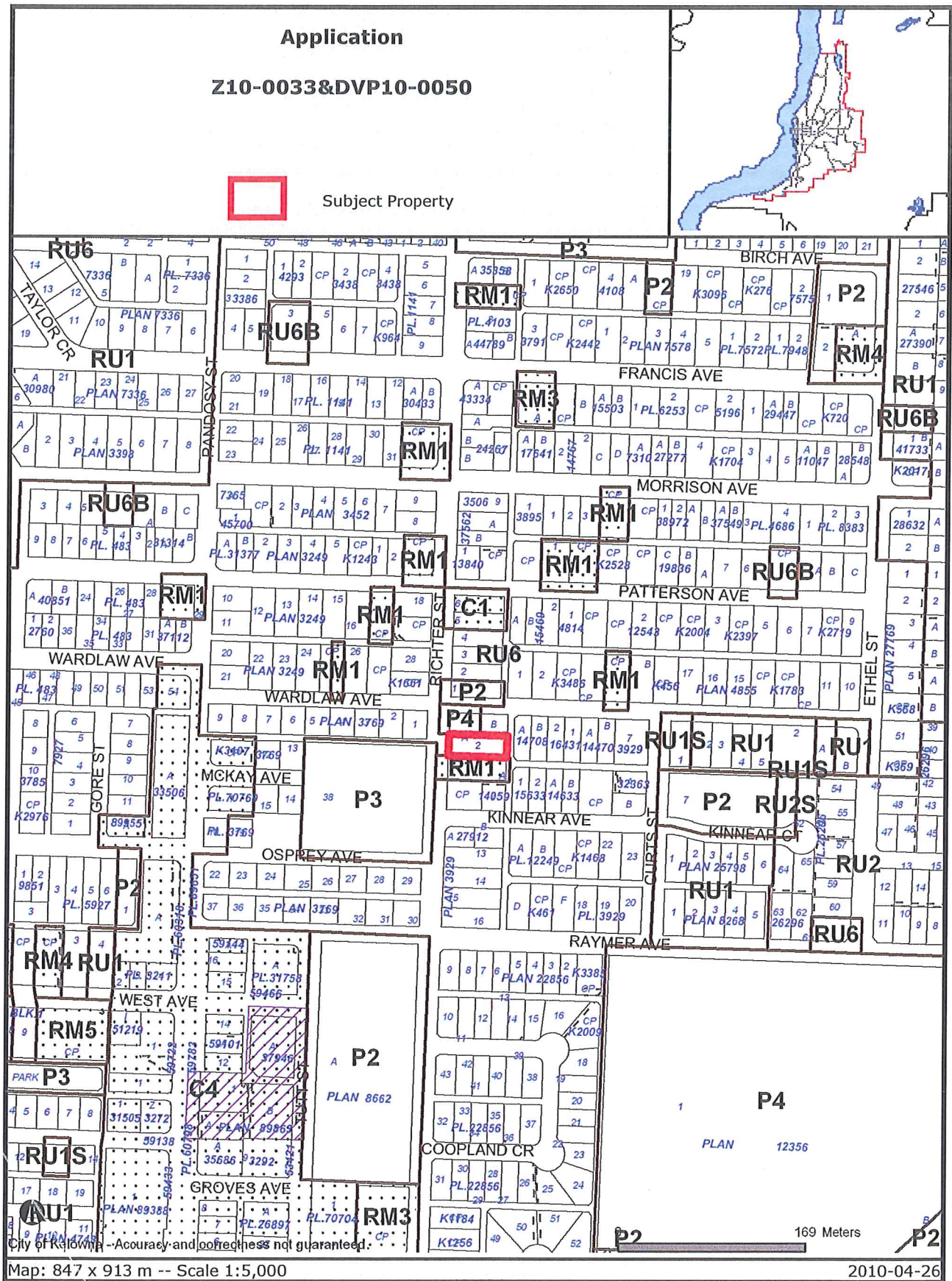
Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

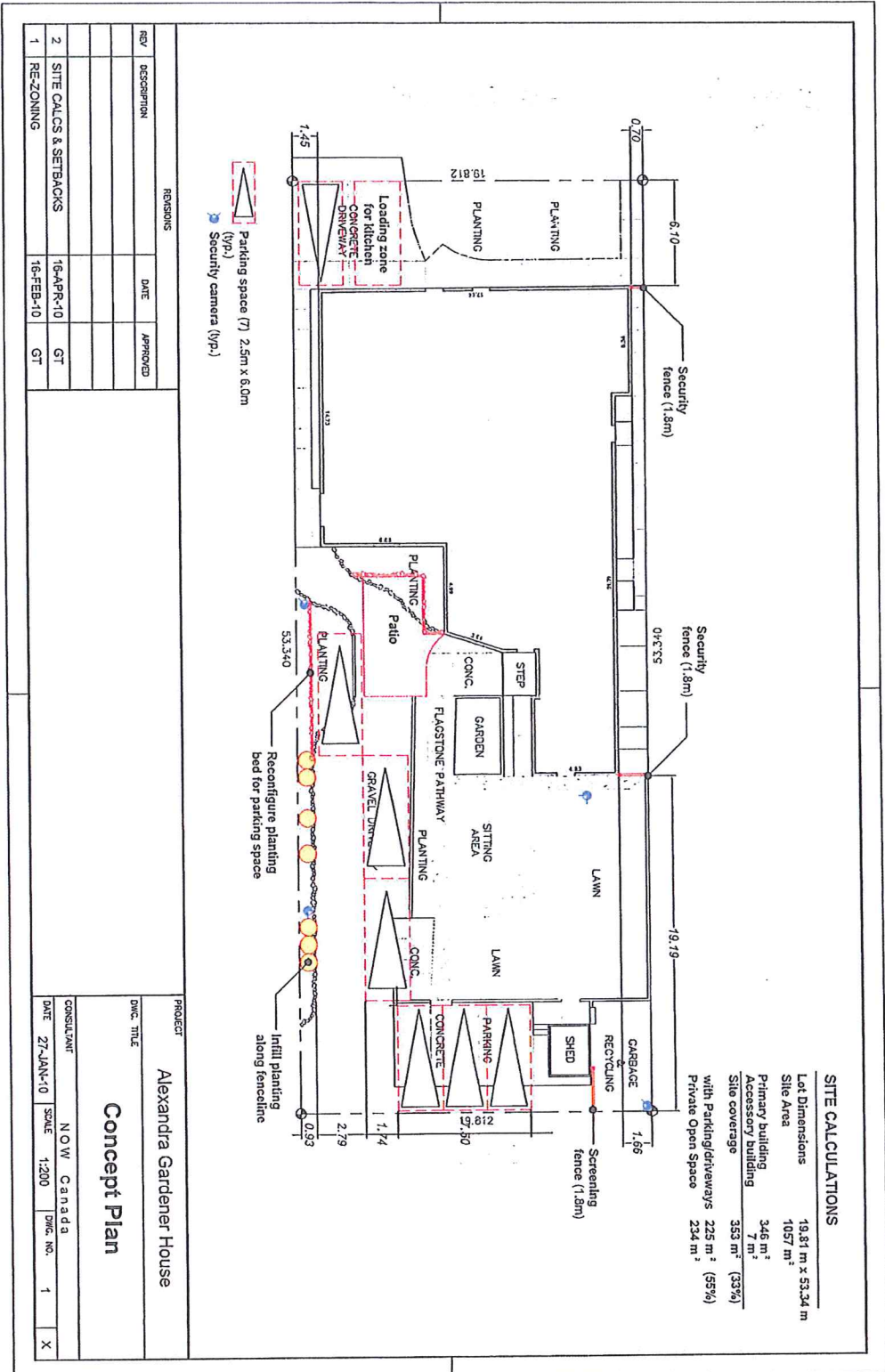
Attachments:

- Subject Property Map
- Site Plan
- Conceptual Building Elevations
- Context/Site Photos
- Applicant Rationale letter



Map: 847 x 913 m -- Scale 1:5,000 2010-04-26

Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



SITE CALCULATIONS

Lot Dimensions	19.81 m x 53.34 m
Site Area	1057 m ²
Primary building	346 m ²
Accessory building	7 m ²
Site coverage	353 m ² (33%)
with Parking/driveways	225 m ² (55%)
Private Open Space	234 m ²

REVISIONS

REV	DESCRIPTION	DATE	APPROVED
2	SITE CALCS & SETBACKS	16-APR-10	GT
1	RE-ZONING	16-FEB-10	GT

PROJECT: Alexandra Gardener House

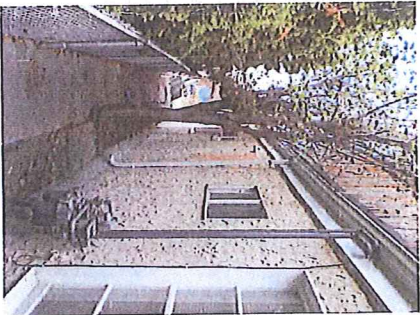
DATE: 27-JAN-10

Concept Plan

CONSULTANT:	NOV	CANADA
DATE:	27-JAN-10	SCALE: 1:200
DATE:	27-JAN-10	SCALE: 1:200
DATE:	27-JAN-10	SCALE: 1:200



FRONT ELEVATION



NORTH SIDE YARD



SOUTH SIDE YARD



REAR ELEVATION



REAR ELEVATION

B. C. LAND SURVEYOR'S CERTIFICATE

ON LOT 2, PLAN 3929,
D. L. 135, O.D.Y.D.

SCALE 1:300 All distances are in metres

CLIENT : DONNA & BILL WALKER
FILE No. 99-059
FB/PC 289/47

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED

THIS PLAN IS PROTECTED BY COPYRIGHT

NO PERSON MAY COPY OR ALTER THIS CERTIFICATE WITHOUT PRIOR CONSENT OF R. R. RUNNALLS AND ASSOCIATES
THE DIMENSIONS SHOWN ON THIS CERTIFICATE ARE NOT TO BE USED TO DEFINE PROPERTY BOUNDARIES

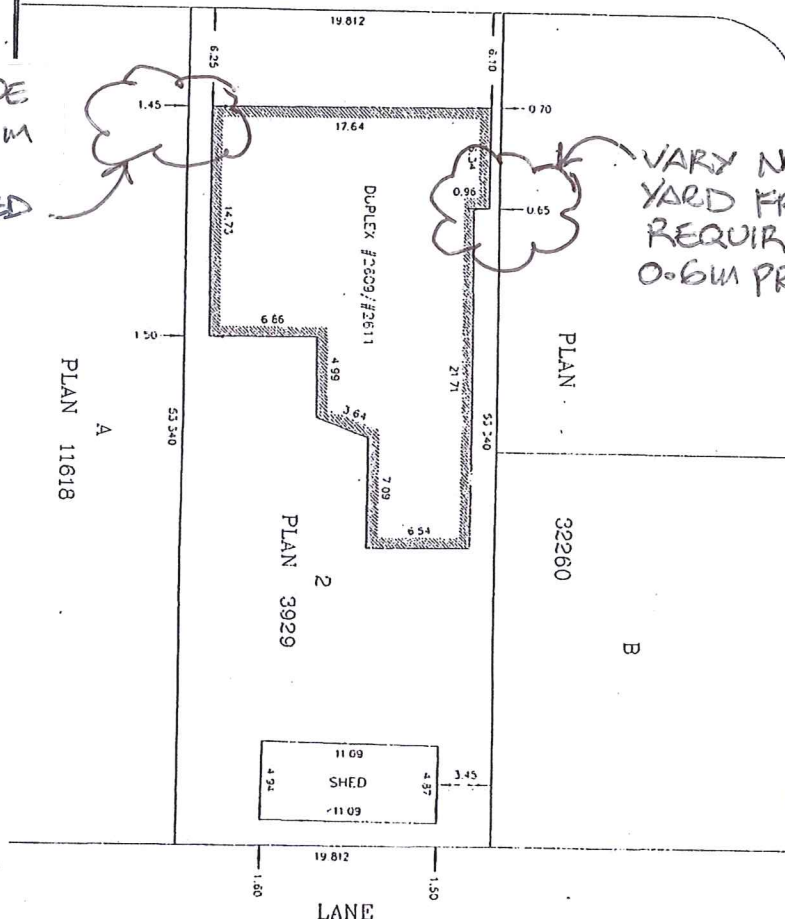
Certified correct this 27th day of July, 1999.

R. R. Runnalls
S.C.L.S.
R. R. RUNNALLS & ASSOCIATES
Land surveyors
#2 - 1470 Water Street Phone (250) 763-7322
Kelowna, B.C. V1Y 1Y5 Fax (250) 763-4413
Email: rrunnalls@bc.sympatico.ca

This information has been provided subject to the Federal Copyright Act and in accordance with the Freedom of Information and Protection of Privacy Act.

RICHTER STREET

WARDLAW AVENUE



VARY SOUTH SIDE YARD FROM 4.05m REQUIRED TO 1.45m PROPOSED

VARY NORTH SIDE YARD FROM 4.5m REQUIRED TO 0.65m PROPOSED

2609 Runnalls St



**New
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W
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Canada Society**

PO Box 22060, Capri Centre PO, Kelowna, BC, V1Y 9N9
Phone: (250) 763-3876 Fax: (250) 868-3876
Email: info@nowcanada.ca

Community Sustainability Division
City of Kelowna
1435 Water Street
Kelowna, B.C.

April 15, 2010

Attention: Ms. Shelley Gambacourt, Director of Land Use Management

Dear Ms. Gambacourt:

Re: Rezoning Application for Lot 2, Plan 3929, D.L. 135, ODYD (2609 Richter Street)

Please find enclosed an application and supporting documentation from Now Canada Society for the rezoning of the above noted legal lot from RU-6 (Two Dwelling Housing) to RM 3 (Low Density Multiple Housing). The purpose of this rezoning application and the accompanying development variance permit application is to bring into conformity an existing non conforming use .The RM 3 zone permits congregate housing which is the use which best describes the existing and proposed use of the above described lot.

The lot is presently occupied by the Alexandra Gardner Women and Children Safe Centre (AGSC) which is a twenty bed, low barrier homeless shelter for women and children. The shelter provides free services, regardless of age, race or circumstance and assists clients to work on their next steps to help them plan for a safe future. The AGSC also offers extra accommodation by providing sleeping mats during the winter months.

Various services are provided through the AGSC including:

- A warm, clean, safe and non judgmental environment.
- Three meals a day.
- 24 hour on –site support.
- Individualized case planning such as assistance in finding housing, help in seeking employment, help in accessing medical treatment.
- Laundry facilities.
- Referrals to NOW Canada programs and other community services.

The facility is staffed by a minimum two staff at all times.

The facility includes:

- Eight bedrooms.
- Six bathrooms.

- One primary kitchen and a 24 hour kitchen for use by clients.
- Dining room.
- Lounge area and family room.
- Offices for employees.
- One self contained dwelling unit.
- Laundry room and other support facilities.

The AGSC has been operating as a women's and children's safe centre since February 2002.

The facility was identified as a non conforming use by the City of Kelowna in 2003 (See attached letter from Andrew Bruce, Development Services Manager, dated October 6th, 2003). Now Canada Society Inc. wishes to apply for the rezoning at this time to bring the existing use into conformity with City of Kelowna Zoning By-law 8000 as recommended by the City of Kelowna in the above noted letter. Another factor prompting the rezoning at this time is that NOW Canada Society wishes to undertake various physical improvements to the AGSC in order to improve the quality of the services provided through the facility. The leadership of NOW Canada Society wishes to ensure that the use is a legally conforming use prior to undertaking the improvements.

The following is offered as rationale for the rezoning:

- The application follows a recommendation by the City of Kelowna's Development Services Manager in 2003 to apply for the rezoning of the site to bring the existing use into conformity with City of Kelowna Zoning By-law 8000.
- A review of the City of Kelowna Official Community Plan indicates that the lot containing the AGSC is designated as Multiple Unit Residential Low Density which permits an RM 3 (Low Density Multiple Housing) zone. The draft OCP now in preparation also proposes the retention of low density multiple housing on the lot.
- A precedent for non single and two family uses has been established on lots adjoining the lot occupied by the AGSC. The adjoining lots are zoned RM 1 (Four Dwelling Housing) to the south and P-1 (Major Institutional) to the north.
- The AGSC provides an essential service in addressing the emergency housing needs and associated services in the City and is an integral component of the City's social service network.

Should you have any questions concerning this application please contact the undersigned. NOW Canada Society appreciates the City's consideration of this application.

Yours truly,



Liz Talbott, Executive Director
NOW Canada Society

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP10-0050

EXISTING ZONING DESIGNATION:	RU2 - Medium Lot Housing
DEVELOPMENT VARIANCE PERMIT:	A Development Variance Permit to vary the maximum permitted site coverage and to vary building setbacks

ISSUED TO:	New Opportunities for Women (NOW) Canada Society
LOCATION OF SUBJECT SITE:	2609 Richter St.

	LOT	DISTRICT LOT	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	2	135	3929	18	26	ODYD

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.
- Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

- Section 13.9.6(b): Development Regulation - to vary the maximum site coverage for buildings, driveways and parking areas from 50% permitted to 55% proposed,
- Section 13.9.6(e): Development Regulation - to vary the minimum south side setback from 4.5m required to 1.45m proposed,
- Section 13.9.6(e): Development Regulation - to vary minimum north side setback from 4.5m required to 0.65m proposed,

2. The development shall commence by and in accordance with an approved Building Permit within ONE YEAR of the date of the Municipal Council authorization resolution.

3. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ N/A .
- (b) A Certified Cheque in the amount of \$ N/A .
- (c) An Irrevocable Letter of Credit in the amount of \$ N/A .

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

4. 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 which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferrable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

5. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree 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 granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of 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.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Director of Land Use Management.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

5. APPROVALS:

AUTHORIZING RESOLUTION PASSED BY THE MUNICIPAL COUNCIL THE ____ DAY OF JULY, 2011.

ISSUED BY THE DIRECTOR OF LAND USE MANAGEMENT OF THE CITY OF KELOWNA THE ____ DAY OF JULY, 2011.

Shelley Gambacort
Director of Land Use Management