

# REPORT TO COUNCIL



**Date:** April 17, 2018

**RIM No.** 0940-00

**To:** City Manager

**From:** Community Planning Department (KB)

**Application:** DP17-0259 & DVP17-0260      **Owner:** Greencorp Ventures Inc.,  
Inc.No. BCo987730

**Address:** 2630 Bath Street      **Applicant:** Worman Commercial

**Subject:** Development Permit and Development Variance Permit Application

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

Existing Zone: RM<sub>3</sub> – Low Density Multiple Housing

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## 1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11550 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0259 and Development Variance Permit No. DVP17-0260 for Lot 1 District Lot 14 Osoyoos Division Yale District Plan 3785, located at 2630 Bath Street, 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";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

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

### **Section 13.9.6(b): RM<sub>3</sub> – Low Density Multiple Housing Development Regulations**

To vary the required maximum building site coverage from 50 % permitted to 53.7 % proposed.

### **Section 13.9.6(b): RM<sub>3</sub> – Low Density Multiple Housing Development Regulations**

To vary the required maximum site coverage of buildings, driveways and parking areas from 60 % permitted to 65.3 % proposed.

**Section 13.9.6(e): RM3 – Low Density Multiple Housing Development Regulations**

To vary the required minimum side yard from 4.0 m permitted to 2.79 m proposed.

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

**2.0 Purpose**

To consider the form and character of a multiple dwelling housing project in the RM3- Low Density Multiple Housing zone and to consider variances for site coverage and to the side yard setback.

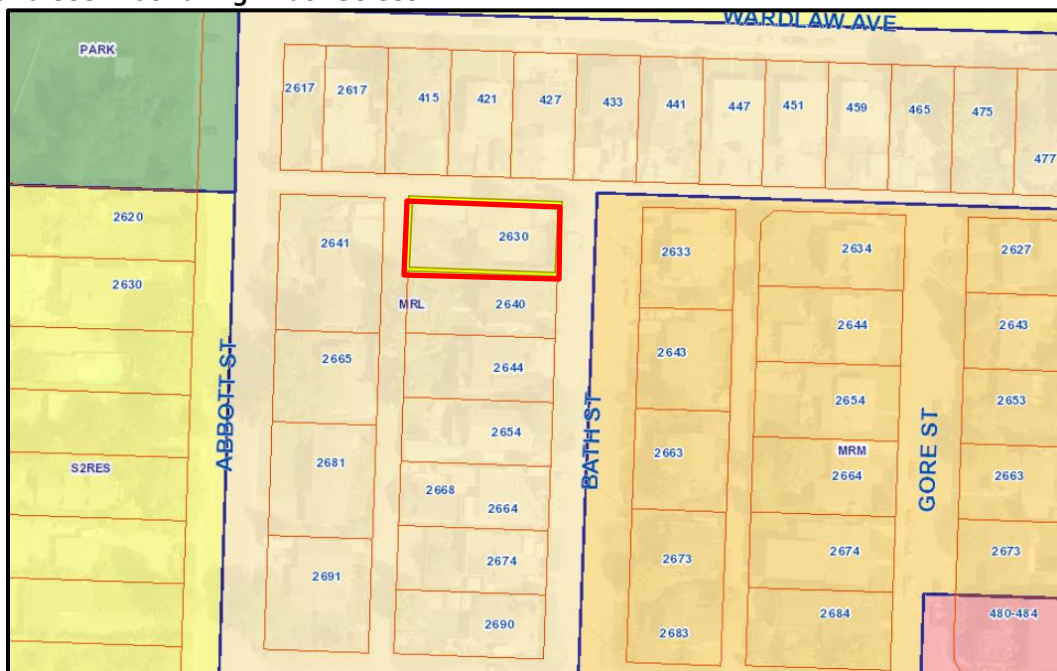
**3.0 Community Planning**

Community Planning Staff support the Development Permit and associated Development Variance Permit for the proposed three unit stacked row housing development. The form and character is in general accordance with the relevant Development Permit objectives and guidelines as specified in the Official Community Plan (OCP), including providing visually prominent and recognizable entrances, generous outdoor space, as well as the variation in both materials and building form. Architectural elements are used to create visual interest while adding to the diverse nature of urban design in the developing South Pandosy Urban Centre.

OCP Policy 5.22.6 (Sensitive Infill) is achieved by keeping the height of the proposed development at 3 stories with rooftop access for private open space, which provides a sensitive transition from the existing single family dwelling to the south. The applicant has proposed three bedroom units, and the property is located in close proximity to parks and schools, which aligns with OCP Policy 5.22.13 (Family Housing).

While the form and character is not in keeping with the existing architectural character of the neighbourhood, it is an area in transition. The Future Land Use in the area is designated as MRL – Multiple Unit Residential (Low Density) on the west side of Bath Street and MRM – Multiple Unit Residential (Medium Density) on the east side, as shown in the image below.

**Future Land Use Around 2630 Bath Street**



The applicant is seeking variances for site coverage and to the south side yard setback. Staff recommends support for the variances as the building achieves many of the OCP's design guidelines and the application provides a creative solution to achieving density on a smaller lot. The majority of the building conforms within the required side yard setback on the south elevation, however there is a 9.0 metre portion which projects into the required setback area, thus triggering a variance. The setback to the south side yard in this area is 2.79 metres, which would be a reduction from the required 4.0 metres. The applicant has proposed a landscape plan (see Schedule C), to help mitigate the effect of this side yard variance to the adjacent property.

In fulfilment of Council Policy No. 367, the applicant completed public notification and consultation with property owners within 50 metres of the subject property at the time of rezoning.

#### **4.0 Proposal**

##### **4.1 Background**

The applicant applied for rezoning of the subject property in November 2017, and received second and third readings in February 2018. The applicant has met the engineering requirements associated with the rezoning in order to receive final adoption of the Rezoning Bylaw No. 11550.

##### **4.2 Project Description**

The proposed development features three single storey condominium style homes stacked on top of each other. The three-bedroom ground floor unit has direct access from the street, as well as from an attached garage, and features a large, private yard. The second and third floors each feature three bedroom units, with private, at grade entrances, private lifts and direct access to a double car garage. Each of the upper floor homes have an outdoor living space on large decks with landscape features. The exterior finishes of the development are proposed to consist of white stucco walls and soffits, concrete panels and high polish stainless steel custom details.

All vehicular access for the development would come from the lane that fronts this development on the north property line. The laneways will be upgraded along the property's lane frontage and applicant has proposed the relocation of the concrete bollards, that are currently located in the north lane, approximately 20 metres west of their current location. This proposed relocation was to address concerns raised by neighbours relating to traffic in the area if they were completely removed.

**Proposal Rendering:** *Note that the design of the rooftop patio has changed from the rendering below, and the most accurate exterior elevations are reflected in Schedule B. To not exceed the maximum height established under Zoning Bylaw No. 8000, the roof stairway entrances have been revised to meet the exemption under Section 6.6.1.*



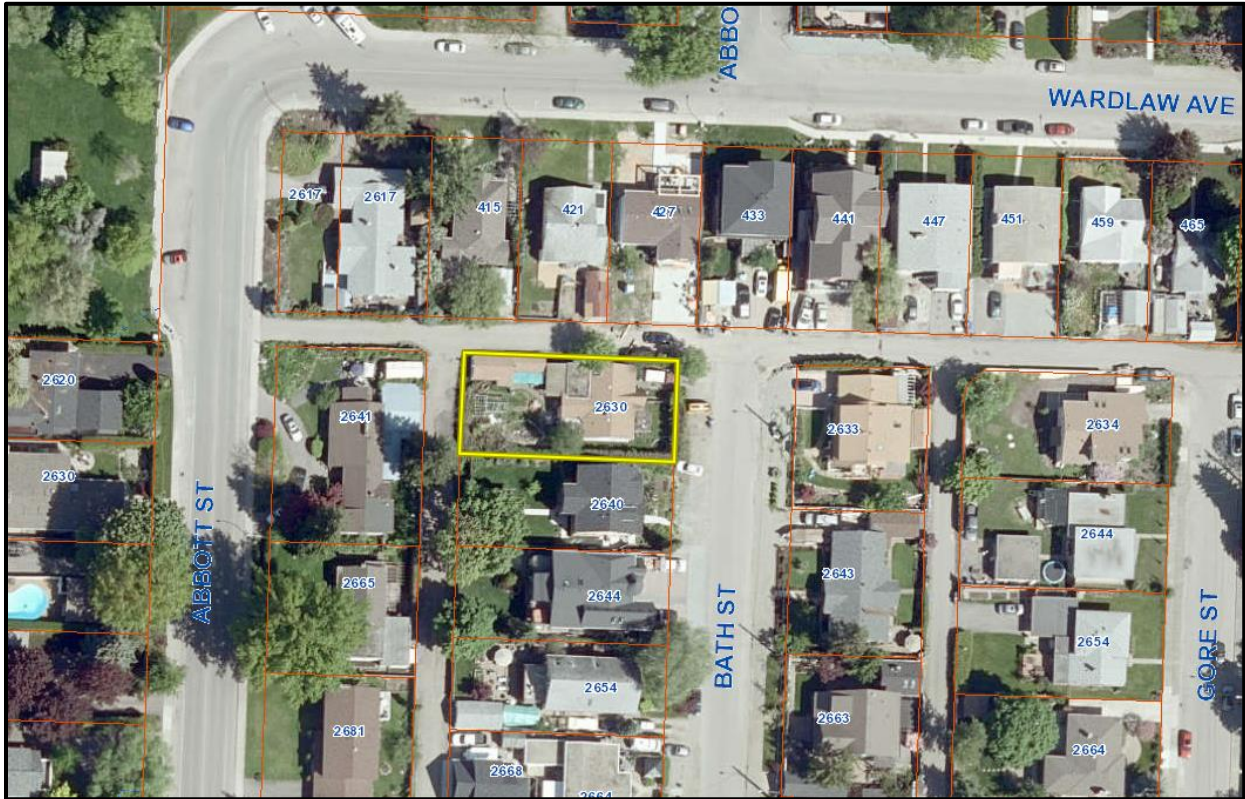
4.3 Site Context

The subject property is located on Bath Street, north of Osprey Avenue. The property lies within the South Pandosy Urban Centre Area, in the City’s South Pandosy – KLO Sector. It is in close proximity to the Pandosy Village Centre and it is located within the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Single Dwelling Housing
East	RU6 – Two Dwelling Housing	Single Dwelling Housing
South	RU6 – Two Dwelling Housing	Single Dwelling Housing
West	RU6 – Two Dwelling Housing	Single Dwelling Housing

Subject Property Map: 2630 Bath Street



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM <sub>3</sub> ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Floor Area Ratio	0.9	0.9
Maximum Building Site Coverage (with bonus for Private Open Space)	50 %	53.7 % ❶
Maximum Site Coverage of Buildings, Driveways, and Parking Areas	60 %	65.3 % ❷
Height	10.0 m / 3 storeys	10.0 m / 3 storeys
Front Yard (east)	1.5 m	1.53 m
Side Yard from a public lane (north)	1.2 m	1.22 m
Side Yard (south)	4.0 m	2.79 m ❸
Rear Yard from a public lane (west)	3.0 m	3.35 m
Other Regulations		
Minimum Parking Requirements	2 stalls x 3 units = 6 stalls	6 stalls
Private Open Space	25 m <sup>2</sup> x 3 units = 75 m <sup>2</sup>	> 75 m <sup>2</sup>
❶ Indicates a requested variance to reduce the maximum building site coverage ❷ Indicates a requested variance to reduce the maximum site coverage of buildings, driveways and parking areas ❸ Indicates a requested variance to reduce the side yard setback (south)		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 14 – Urban Design DP Guidelines

##### Comprehensive Development Permit Area Guidelines – Objectives:

- Convey a strong sense of authenticity through urban design that is distinctive for Kelowna;
- Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures;
- Integrate new development with existing site conditions and preserve the character amenities of the surrounding area;
- Promote interesting, pedestrian friendly streetscape design and pedestrian linkages;
- Provide for a scale and massing of commercial buildings that promotes a safe, enjoyable living, pedestrian, working, shopping and service experience;
- Incorporate architectural features and detailing of buildings and landscapes that define an area's character;
- Promote alternative transportation with enhanced streetscapes and multimodal linkages;
- Highlight the significance of community institutional and heritage buildings; and
- Protect and restore the urban ecology (i.e. architectural and site consideration with respect to the ecological impact on urban design).
- Moderate urban water demand in the City so that adequate water supply is reserved for agriculture and for natural ecosystem processes.
- Reduce outdoor water use in new or renovated landscape areas in the City by a target of 30%, when compared to 2007

#### Chapter 5 - Development Process

##### Objective 5.3 Focus development to designated growth areas

**Policy .2 - Compact Urban Form.** 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.

##### Objective 5.22 Ensure context sensitive housing development

**Policy .6 Sensitive Infill.** 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.

**Policy .7 Healthy Communities.** Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

**Policy .13 Family Housing.** Support housing alternatives for families when single detached housing is too costly, including features that are important to families such as: outdoor space, direct access to grade, workshop space, larger units, safe design, and neighbourhood characteristics (e.g.: location and amenities).

**Objective 5.23 Address the needs of families with children through the provision of appropriate family-oriented housing**

**Policy .1 Ground-Oriented Housing.** 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 Development Engineering Department**

All the offsite infrastructure and service upgrades are addressed in the Rezoning Engineering Report under file Z17-0108. The Development Variance Permit application does not compromise any municipal services.

**7.0 Application Chronology**

Date of Application Received:	November 10, 2017
Date Public Consultation Completed:	January 18, 2018
Date of Initial Consideration:	February 5, 2018
Date of Public Hearing:	February 20, 2018

<b>Report prepared by:</b>	Kimberly Brunet, Planner
<b>Approved for Inclusion:</b>	Ryan Smith, Community Planning Department Manager

**Attachments:**

Draft Development Permit and Development Variance Permit No. DP17-0259/DVP17-0260  
Development Permit Guidelines Checklists (Comprehensive and Revitalization)  
Schedule A – Site Plan  
Schedule B – Floor Plans, Conceptual Elevations, Exterior Design and Finish  
Schedule C – Landscape and Irrigation Plan