

# REPORT TO COUNCIL



**Date:** October 9, 2018

**RIM No.** 0940-50

**To:** City Manager

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

**Application:** DP18-0031 & DVP18-0032      **Owner:** 1110720 BC LTD., INC No. BC1110720

**Address:** 191 Hollywood Road South      **Applicant:** BlueGreen Architecture Inc.

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

Existing OCP Designation: MXR – Mixed Use (Commercial/Residential)

Existing Zone: C4 – Urban Centre Commercial

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP18-0031 for Lot 2 Section 22 Township 26 ODYD Plan EPP76208, located at 191 Hollywood Road South, 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 Council authorizes the issuance of Development Variance Permit No. DVP18-0032 for Lot 2 Section 22 Township 26 ODYD Plan EPP76208, located at 191 Hollywood Road South, Kelowna, BC;

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

**Section 14.4.5(c): C4 – Urban Centre Commercial Development Regulations**

To vary the required maximum height from the lessor of 15.0 m or 4 storeys permitted to 18.1 m or 5 storeys proposed;

**Section 14.4.5(e): C4 – Urban Centre Commercial Development Regulations**

To vary the required minimum side yard from the greater of 4.5 m or half the height of the building permitted to 4.5 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 five-storey, mixed use building and to consider variances to the maximum building height and minimum side setback.

## **3.0 Community Planning**

Community Planning staff supports the proposed five-storey, mixed use, 88-unit condo building on the subject property and the associated variances. The application meets the Official Community Plan (OCP) Urban Design Guidelines with the design appropriate for the context of the site. The proposal also meets many of the OCP's Urban Infill Objectives and it meets the majority of the Zoning Bylaw Regulations for C4 – Urban Centre Commercial.

The property is located within the Permanent Growth Boundary and the Rutland Urban Centre. The increase in density at this location is supported by the local amenities such as parks, schools, transit, shopping and work opportunities in the immediate area. The proposed project will help in fulfilling the City's policy of 'Complete Communities' by increasing the diversity of housing types through the provision of condos in the neighbourhood. The project is also consistent with several other OCP Urban Infill policies including 'Compact Urban Form' and 'Sensitive Infill'.

## **4.0 Proposal**

### **4.1 Background**

The subject site has been vacant for many years. It was recently created through a subdivision application which saw the parcel as part of the larger 171 Hollywood Road 'Rexall' site. Through the subdivision, the parcel retained the existing C4- Urban Centre Commercial Zoning.

The site is unique as it fronts onto both Hollywood Road and Petch Road. While the streetscape along Hollywood Road is primarily commercial, Petch Road is a local road that is residential in nature and is dominated by single family housing.

### **4.2 Project Description**

The proposed mixed use development includes 88-units (bachelor suites up to 3-bedroom units) varying in size from 425 sq ft up to 1200 sq ft. The building is five storeys with one level of underground parking and main floor covered parking. Parking for the commercial units is along the Hollywood Road frontage and visitor parking stalls for the residential portion of the development is along the north property line. The project provides seven commercial bays totalling 790 m<sup>2</sup> of leasable area.

The commercial bays fronting onto Hollywood Road and the Ground Oriented units facing onto Petch Road disguise the parking contained behind them, which aides in providing more appealing elevations. The ground oriented units along the Petch Road frontage have a 3.0 m setback to promote a human scaled interface that aligns with the existing context of single family dwellings in the immediate area.

The floor plates are designed in a C-shape with a landscaped courtyard on the second floor level. The orientation of the building aides in reducing the massing to the adjacent parcels to the south. The 9.05 m

side setback for the upper floors provides a stepped façade which transitions down in height to the residential parcels.

The residential underground parkade is accessed from Petch Road, while the primary site access to the commercial units and the at-grade parking will be from Hollywood Road.

The development regulations have a requirement in regards to the amount of commercial frontage on a secondary street. This regulation is to ensure that the retail area of buildings provide a transparent façade to the adjacent streets. This parcel has two street facing facades, with Hollywood providing the primary commercial frontage. Petch Road is a local road with a residential context, therefore, staff have not considered it a secondary street frontage as it would not be appropriate to have commercial uses in this location. Ground-oriented units have been designed to provide pedestrian linkages to the residential street.

The applicant is requesting two variances to facilitate the development of the multi-unit market condo project. The first variance is to increase the maximum height allowed from 4 storeys and 15 m to 5 storeys and 18.1 m. The Official Community Plan states that building heights for C4 zoned properties that are within the Rutland Urban Centre should be limited to 6 storeys for C4 or C9 zoned areas. Staff are generally supportive of this variance within an urban centre. Further, Staff are working to align the desired policy objectives of the Official Community Plan with the Zoning Bylaw's regulations, which will be forthcoming to Council.

The second variance is to reduce the side setback along the south property line from 9.05 m required (half the building height) to 4.5 m proposed for the first two levels of the building. The zoning bylaw has a minimum 4.5 m side setback requirement when a property is adjacent to residentially zoned parcels. This setback regulation has a second portion to it which increases the side setback to half of the building height. The variance would apply to the first and second floors only, as the building steps back to provide the 9.05 m setback for the upper floors. What the regulation does not take into account is the Future Land Use (FLU) of the adjacent parcel which is MRL – Multi Residential Low Density. If the parcels were rezoned to the RM2 or RM3 zones as the FLU projects, the subject property would have a setback requirement of 0.0 m to the south adjacent parcels.

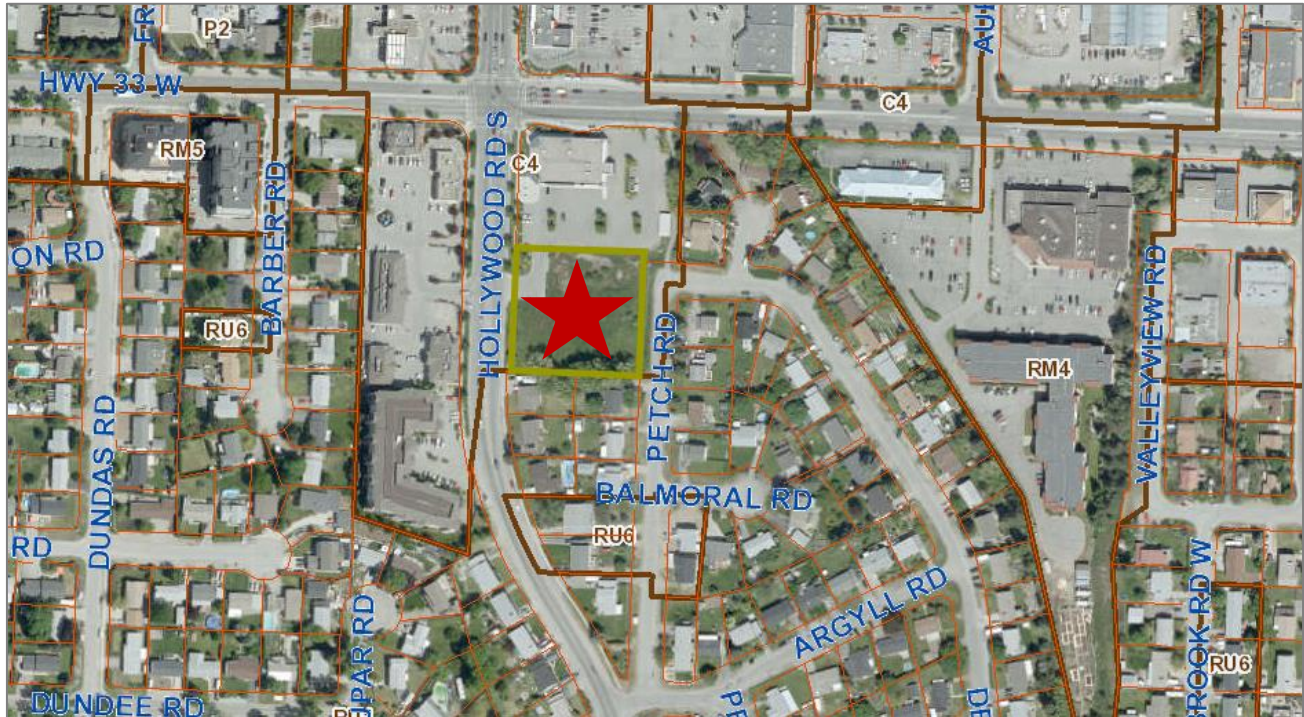
#### 4.3 Site Context

The subject property is located on Hollywood Road south of Hwy 33. It is beside the 'Rexall' site and is within the Rutland Urban Centre. The site is designate C4 – Urban Centre Commercial and is within the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4 – Urban Centre Commercial	Commercial
East	RU1 – Large Lot Housing	Single Dwelling Housing
South	RU1 – Large Lot Housing	Single Dwelling Housing
West	C4 – Urban Centre Commercial	Mixed Use Development

## Subject Property Map: 191 Hollywood Road



## 4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C4 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Floor Area Ratio	1.45 (with bonusing)	1.43
Site Coverage (max.)	75%	50%
Height	15.0 m or 4.0 storeys	18.1 m & 5 storeys ❶
Front Yard	0.0 m	17.0 m
Side Yard (south)	9.05 m (1/2 the ht of the building)	4.5 m (floors 1 & 2) ❷
Side Yard (north)	0.0 m	14.8 m
Rear Yard	0.0 m	3.0 m
Other Regulations		
Minimum Parking Requirements	102 stalls (88 res./ 14 comm.)	102 stalls
Visitor Parking Stalls	13 stalls	13 stalls
Bicycle Parking	46 Class I stalls	46 Class I stalls
	14 Class II stalls	14 Class II stalls
Private Open Space	1055 m <sup>2</sup>	1786 m <sup>2</sup>
Loading Space	1 space	1 space
❶ Indicates a requested variance to the maximum building height from 15.0m required to 18.1 m proposed.		
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## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Complete Communities.**<sup>1</sup> 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. 114 people / hectare proposed).

**Compact Urban Form.**<sup>2</sup> 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.**<sup>3</sup> 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.

**Healthy Communities.**<sup>4</sup> 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

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- Building and Permitting has reviewed and provided feedback that must be addressed for the Building Permit application.

### 6.2 Development Engineering Department

- Refer to Attachment 'A' (no outstanding concerns) dated February 8, 2018.

### 6.3 Fortis BC Inc - Electric

- Concerns have been addressed through Subdivision application S17-0031.

### 6.4 Fire Department

- KFD has reviewed the project and submitted requirements that are to be addressed with the Building Permit application.

### 6.5 Rutland Water District

- Refer to Attachment 'B' dated June 15, 2018.

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.2.4 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

<sup>3</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

<sup>4</sup> City of Kelowna Official Community Plan, Policy 5.22.7 (Development Process Chapter).

## **7.0 Application Chronology**

Date of Application Received: February 8, 2018

Date Public Consultation Completed: May 24, 2018

**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

Attachment B: Rutland Water Works Letter

Draft Development Permit: DP18-0031 DVP18-0032

Schedule A: Site Plan

Schedule B: Conceptual Elevations

Schedule C: Landscape Plan