

REPORT TO COUNCIL



Date: January 15, 2019

RIM No. 0940-00

To: City Manager

From: Community Planning Department (KB)

Application: DP18-0188 DVP18-0189

Owner: Watermark Developments Ltd.,
Inc.No. BCo642787

Address: 625 Academy Way

Applicant: Meiklejohn Architects

Subject: Development Permit and Development Variance Permit

Existing OCP Designation: MRM – Multiple Unit Residential (Medium Density)

Existing Zone: RM4 – Transitional Low Density Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP18-0188 and Development Variance Permit No. DVP18-0189 for Lot 6 Section 3 Township 23 Osoyoos Division Yale District Plan EPP53793, located at 625 Academy Way, 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 in general accordance with Schedule "A":

Section 7.5.9: Fencing and Retaining Walls

To vary the required maximum height of a retaining wall from 1.2 m (permitted) to 2.5 m (proposed).

Table 8.1 – Parking Schedule

To vary the required number of parking stalls from 132 (required) to 119 (proposed).

Section 13.10.6(c): RM4 – Transitional Low Density Housing Development Regulations

To vary the required maximum height from 13.0 m or 3 storeys (permitted) to 13.0 m or 4 storeys (proposed).

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 permits to be issued;

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 consider the form and character of a four storey apartment building on Academy Way known as "U eight" and to consider a Development Variance Permit to vary the maximum height of a retaining wall from 1.2 m (permitted) to 2.5 m (proposed), the required number of parking stalls from 132 (required) to 119 (proposed), and the maximum height from 3 storeys (permitted) to 4 storeys (proposed).

3.0 Community Planning

Community Planning Staff are recommending support for the Development Permit and Development Variance Permit application due to the proposal's consistency with the Official Community Plan's (OCP) design guidelines and the vision of the University Village Master Plan.

3.1 Form and Character

The key form and character design features are:

1. 'U Eight' emulates the desirable form and character of nearby buildings by designing a sense of architectural cohesiveness along Academy Way with the 'U' building design theme.
2. Consistent with the University Village Master Plan, the narrow face of the building has been developed facing Academy Way, and the long articulated building form follows the site contours. There is an entrance to the building along Academy Way, which, together with landscaping, helps to create a defined street edge and promote a pedestrian-friendly streetscape.
3. The University Village Master Plan states all multiple family residential and mixed-use buildings should contain understructure (beneath habitable or commercial space) parking. 'U Eight' meets this guideline by providing an enclosed parkade that accommodates 81 vehicles, 12 of which are located in the tandem configuration. Further, the parkade entrance is located to avoid pedestrian-vehicle conflicts on Academy Way.

Figure 1 – Rendering of the Academy Way (west) elevation of 'U Eight'.



3.2 Variances

Height

Staff would not be supportive of a variance to absolute height as it would increase the building profile on this prominent hillside. However, staff note that the application is under the absolute maximum height permitted under Zoning Bylaw No. 8000 (13.0 m permitted, 13.0 m proposed), and the variance is for the number of storeys (three storeys permitted, four storeys proposed), which results from positioning the building on the sloped subject property. Areas of four storeys are visible from the south and east elevations.

Parking

The applicant has requested a variance to the required number of parking stalls. Due to the location of the property in close proximity to UBCO, and the applicant's intent to market the project to 'students', Staff feel comfortable with a lower amount of parking than the Zoning Bylaw requires. The developer is still providing one stall per unit parking ratio, plus the provision of visitor stalls. Where tandem stalls are provided, the two stalls will need to be paired together when they are sold by the developer.

Staff did explore adding additional parking stalls on site, with the developer, but it came at the detriment to landscaping and the amount of private open space, and so staff are recommending not adding anymore.

Retaining Walls

Due to the slope of the property, there are retaining walls on the south side that are over height. The applicant has included landscaping to help soften the overall height and massing of the wall, which includes a row of native deciduous and coniferous restoration trees in the area between the retaining wall and the property line.

3.3 Neighbourhood Notification

The applicant has confirmed the completion of public notification in accordance with Council Policy No. 367.

4.0 Proposal

4.1 Background

The subject property is located within the University Village Neighbourhood, a comprehensive planned community under the University Village Master Plan (October 2009). Nearby buildings include 'U7', 'U6', 'U5B', 'U5A', 'U3B' and 'U3A'. This will be the final 'U-series' building along the east side of Academy Way.

4.2 Project Description

The 'U Eight' project is a 90 unit condo development. The proposed four storey wood frame building is located on the north side of the subject property, perpendicular to Academy Way. The driveway would be located directly off Academy Way. This access connects to a 38 stall surface parking lot and an 81 stall parkade proposed to be located under the 'U Eight' building.

The applicant meets the minimum private open space requirements. In addition to balconies and general outdoor landscaped areas, they have proposed an outdoor badminton court, for the recreational use of the residents of the development. There are also common amenity rooms on each of the residential floors, for use by the residents as possible study space. A breakdown of the private open space is provided in Attachment "B".

The overall site planning for 'U Eight' is consistent with the pedestrian circulation patterns established in the neighbourhood. The site has a trail at the rear of the property and has a direct connection to the main pedestrian pathway along Academy Way. This trail connectivity provides connections to both University of British Columbia Okanagan (UBCO) Campus and the directly adjacent 'U7' building to the north. There is a stairway connection from 'U Eight' to this pathway system, which is located across from the lobby entrance.

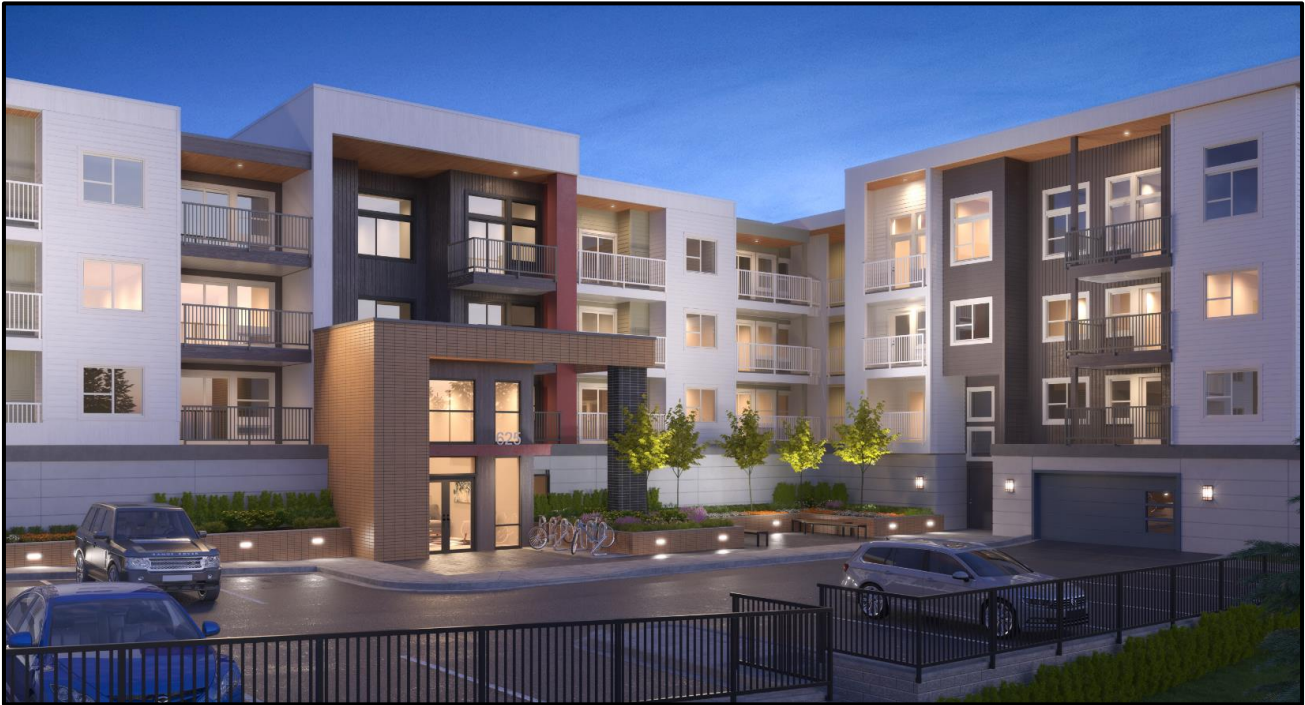
An area of steep slopes on the eastern portion of the subject property is not suitable for development and has been protected through a no-disturbance agreement.

4.3 Character and Materials

The architectural form and character of the buildings is designed in a "campus modern" style and reflects similar architectural styles along the east side of Academy Way. The 'U Eight' building has a complementary form, image and colour to the previous approved 'U7', 'U6', 'U5B', 'U5A' and additional buildings along Academy Way.

The brick and Hardie exterior is reflective of recent 'U7', 'U6' and 'U5' buildings. As the building is built into the hill, the north side of the building has ground oriented units at grade. The south side, one of the elevations where the variance is requested from 3 to 4 storeys, has raised planters and landscaping along the front facade which helps to add visual interest to the building and help to soften the building mass.

Figure 2 – Rendering of the main entrance to 'U Eight' on the south elevation. The central entryway has been emphasized with a two storey glass feature with a brick framework. There is also a secondary entrance for the building on the west elevation on Academy Way, as seen in Figure 1.



4.4 Site Context

The 'U Eight development project is located on the east side of Academy Way, near the UBCO Campus. The property has a Future Land Use Designation of MRM – Multiple Unit Residential (Medium Density) in the Official Community Plan and it is located within the Permanent Growth Boundary. It has a walk score of 16 which indicates that almost all errands require a car and a transit score of 31, indicating there are a few nearby public transportation options.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM ₄ – Transitional Low Density Housing	Multiple Dwelling Housing
East	A ₁ – Agriculture 1	Park & Potential S ₂ RES
South	P ₃ – Parks and Open Space	Current Vacant Land
West	RM ₃ – Low Density Multiple Housing P ₃ – Parks and Open Space	Current Vacant Land

Subject Property Map: 625 Academy Way**4.5 Zoning Analysis Table**

Zoning Analysis Table		
CRITERIA	RM4 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Site Coverage (buildings)	50 %	33 %
Site Coverage (buildings, driveways and parking areas)	60 %	46 %
Floor Area Ratio	0.77	0.70
Height	13.0 m / 3 storeys	13.0 m / 4 storeys ❶
Front Yard (west – Academy Way)	6.0 m	6.0 m
Side Yard (north)	4.5 m	4.5 m
Side Yard (south)	4.5 m	13.7 m
Rear Yard (east)	9.0 m	29.2 m
Other Regulations		
Minimum Parking Requirements	132 stalls	119 stalls ❷ (81 stalls within parkade) (38 surface stalls at grade)
Minimum Distance of Parking Stalls from Side Property Lines (south)	1.5 m	1.5 m
Minimum Distance of Parking Stalls from Front Property Lines (west)	4.5 m	> 4.5 m
Bicycle Parking	45 Class I spaces 9 Class II spaces	45 Class I spaces 9 Class II spaces
Private Open Space	1,903 m ²	1,903 m ²
Maximum Retaining Wall Height	1.2 m	2.5 m ❸
❶ Indicates a requested variance to the maximum height of the building ❷ Indicates a requested variance to the required number of parking stalls ❸ Indicates a requested variance to the maximum height of a retaining wall		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5 - Development Process

Policy 5.2.3 - **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.

Policy 5.5.1 – **For all areas of the City outside the Urban Centres**. Buildings heights shall be a maximum of four storeys for residential and six storeys for apartment hotels and hotels. Additional height restrictions may be imposed as a result of airport-related zoning regulations.

Policy 5.10.1 - **Maximize Pedestrian / Cycling Connectivity**. Require that pedestrian and cyclist movement and infrastructure be addressed in the review and approval of all City and private sector developments, including provision of sidewalks and trails and recognition of frequently used connections and informal pedestrian routes. With new developments, require dedication of on-site walking and cycling paths where necessary to provide links to adjacent parks, schools, transit stops, recreation facilities, employment nodes, cul-de-sacs and large activity areas.

Policy 5.22.1 - **Cluster Housing**. Require new residential development to be in the form of cluster housing on / or near environmentally sensitive areas and areas of steeper slopes to lessen site disturbance and environmental impact on those areas identified on the Future Land Use Map 4.1 as single-two unit residential hillside. Steeply sloped areas should be retained as natural open space, public or private. The intent of the clustering would be to preserve features identified through the Development Permit process that otherwise might be developed and to maximize open space in order to:

- a) Protect environmentally sensitive areas of a development site and preserve them on a permanent basis utilizing the most appropriate tools available;
- b) Facilitate creative and flexible site design that is sensitive to the land's natural features and adaptive to the natural topography;
- c) Decrease or minimize non-point source (i.e. asphalt roofs, driveways and parking) pollution impacts by reducing the amount of impervious surfaces in site development;
- d) Promote overall cost savings on infrastructure installation and maintenance; and
- e) Provide opportunities for social interaction, walking and hiking in open space areas.

6.0 Technical Comments

6.1 Development Engineering Department

See Attachment "A" – City of Kelowna Memorandum.

7.0 Application Chronology

Date Application Accepted as Complete:	September 13, 2018
Date Public Consultation Completed:	December 10, 2018

Report prepared by:	Kimberly Brunet, Planner
Reviewed by:	Terry Barton, Urban Planning Manager
Approved for Inclusion:	Ryan Smith, Community Planning Department Manager

Attachments:

Draft Development Permit and Development Variance Permit No. DP18-0188 & DVP18-0189

Schedule "A" – Site Plan

Schedule "B" – Exterior Elevations

Schedule "C" – Landscape Plan

Attachment "A" – City of Kelowna Memorandums

Attachment "B" – Private Open Space Breakdown