

REPORT TO COUNCIL



Date: September 10, 2019

To: Council

From: City Manager

Department: Development Planning - Urban

Application: DP19-0105 & DVP19-0106 **Owner:** West Avenue – Mission Group Rentals Ltd., Inc. No. BC1151526

Address: 454-464 West Avenue **Applicant:** Mission Group Enterprises

Subject: Development Permit and Development Variance Permit

1.0 Recommendation

THAT Official Community Plan Map Amendment Bylaw No. 11826 and Rezoning Bylaw No. 11827 be amended at third reading to revise the legal description of the subject properties from Amended Lot 3 (DD 138121F) and Amended Lot 4(DD 138122F) District Lot 14 ODYD Plan 3056 to Lot A District Lot 14 ODYD Plan EPP92146;

AND THAT final adoption of Official Community Plan Map Amendment Bylaw No. 11826 and Rezoning Bylaw No. 11827 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0105 for Lot A District Lot 14 ODYD Plan EPP92146, located at 454-464 West Avenue, 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. DVP19-0106 for Lot A District Lot 14 ODYD Plan EPP92146, located at 454-464 West Avenue, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted, as per Schedule "A":

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

To vary the required maximum height from 15.0 m or 4 storeys permitted to 18.3 m and 6 storeys proposed;

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

To vary the required minimum side yard from 2.0 m permitted to 0.30 m proposed;

AND THAT Council's consideration of this Development Permit and Development Variance Permit 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 September 10, 2019;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit Applications in order for the permits to be issued;

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 proposed 6-storey mixed-use purpose build rental building with variances to the maximum building height and to the west side setback.

3.0 Development Planning

Community Planning Staff are supportive of the Development Permit and associated variances as the proposal meets many of the objectives and supporting policies of the Official Community Plan (OCP), as well as the applicable Urban Design Guidelines. Some of these include:

- Promote interesting, pedestrian friendly streetscape design and pedestrian linkages;
- Provide for a scale and massing of buildings that promotes a safe, enjoyable living, pedestrian and working experience;
- Incorporate architectural features and detailing of buildings and landscapes that define an area's character;
- Provide outdoor spaces, including rooftops, balconies, patios and courtyards;
- Mitigate the actual and perceived bulk of buildings by utilizing appropriate massing, including:
 - Architectural elements (e.g. balconies, bay windows, cantilevered floors, cupolas, dormers);
 - Step back upper floors to reduce visual impact;
 - Detailing that creates a rhythm and visual interest along the line of the building;
 - Wall projections and indentations, windows and siding treatments as well as varied material textures should be utilized to create visual interest and to articulate building facades.

The ground-oriented commercial along West Avenue will contribute to the South Pandosy shopping and retail experience. To ensure that commercial development is limited to the main floor only and that the remainder of the building is residential in nature, the applicant has registered on title a Section 219 Covenant

4.0 Proposal

4.1 Project Description

The applicant is proposing to construct a 6-storey 48-unit purpose built rental housing project on the subject property. The units will vary in size to include 25 one-bedroom units, 21 two-bedroom units and 2 three-bedroom units. The development fronts onto West Avenue and would incorporate street level commercial retail uses to provide a stronger, contiguous urban interface to the street along with the existing commercial on the north side of West Avenue. To ensure that commercial development is limited to the main floor only and that the remainder of the building is residential in nature, the applicant has registered on title a Section 219 Covenant.

One level of at-grade structured parking is provided with access from the rear laneway. Additional visitor and commercial at-grade parking stalls are provided along the laneway. The Zoning Bylaw requires 58 parking stalls. The project will provide 53 parking stalls with the remaining 5 stalls being a Payment in Lieu of Parking fee that is payable at time of Building Permit application. There are five floors of dwelling units above the retail/parking podium. Each unit provides balconies to meet the amenity space requirements.

Form and Character

The buildings' architectural design has strong modern lines with a flat roof design. The main floor has ground-oriented commercial units with entry doors facing the West Avenue street frontage. The 6-storey building massing is oriented toward the east side of the parcel to have the massing located closer to Pandosy Street and away from the residential uses to the west. The building design provides for a large landscaped rooftop amenity area at the second-floor level.

With the smaller building footprint, the over-all scale and mass of the building is reduced. This also provides a height transition to the single-family dwellings located to the north and multi-family to the west. The building utilizes vertical elements along with articulation



and colour variation to provide visual interest to the facades. The provision of generous balconies with large roof overhangs, along with a second floor common outdoor amenity area meets and exceeds the amenity space requirements as well as providing visual interest to the overall streetscape.

The building utilizes a natural colour palette for the exterior finishes. This includes a combination of white and grey hardi-panel and fibre-cement siding. Brick has been used along the commercial frontage and residential to anchor the building and to provide warmth to the modern design.

Variances

The applicant is requesting two variances to facilitate the development. The first variance is to increase the maximum building height from 15.0 m and 4 storeys to 18.3 m and 6 storeys. The additional two storeys of building height allow for a reduced building footprint above the main floor which also reduces the amount of shadowing cast on adjacent parcels. This has enabled the building design to incorporate a large amenity space above the commercial units for the use of building residents.

The development proposal included an OCP amendment from MRM – Multiple Unit Residential (Medium Density) to MXR – Mixed Use (Residential/Commercial) and rezoning from RU1 – Large Lot Housing and RU6 – Two Dwelling Housing zone to the C4 – Urban Centre Commercial zone in order to allow for the incorporation of some small-scale commercial along the street frontage. The proposed C4 – Urban Centre Commercial zone has a more restrictive 15.0 m maximum building height allowed. Within the MRM Future Land Use, the site could have been developed within the RM5 – Medium Density Multiple Housing zone which would have allowed the maximum building height to be 18.0 m. The current proposal is to increase the building height to 18.3 m.

The second variance proposed is to reduce the west side setback from 2.0 m required to 0.30m. The variance applies to the extent of the single storey parkade adjacent to the west property line. The side setback increases to 2.81 m for the extent of the commercial unit on the west side. The mass of the building is oriented to the opposite side of the site in order to reduce any negative impacts to the adjacent site.

4.2 Site Context

The subject property is located within the South Pandosy Urban Centre and is half a block west of Pandosy Street on West Avenue.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Single & Two Dwelling Housing
East	C4 – Urban Centre Commercial	Office, Commercial Uses
South	RM5 – Medium Density Multiple Housing	Multiple Dwelling Housing
West	RM4 – Transitional Low Density Housing	Multiple Dwelling Housing

Subject Property Map: 454-464 West Avenue



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM5 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	460 m ²	2330 m ²
Min. Lot Width	13 m	45.72 m
Min. Lot Depth	30 m	50.90 m
Development Regulations		
Max. Floor Area Ratio	2.35	1.31
Max. Site Coverage (buildings)	75%	75%
Max. Height	15 m or 4 storeys	18.3 m & 6 storeys ^❶
Min. Front Yard	0 m	1.1 m
Min. Side Yard (east)	0 m	3.0 m
Min. Side Yard (west)	2.0 m	0.30 m ^❷
Min. Rear Yard	0 m	5.1 m
Other Regulations		
Min. Parking Requirements	58 stalls required	53 stalls provided*
Min. Bicycle Parking	Class I Stalls – 24 required Class II Stalls – 5 required	Class I Stalls – 24 provided Class II Stalls – 5 provided
Min. Private Open Space	595 m ²	1152 m ²
^❶ Indicates a requested variance to increase the building height from 15.0 m or 4 storeys to 18.3 m and 6 storeys proposed. ^❷ Indicates a requested variance to the west side setback from 2.0 m required to 0.30 m proposed. *Additional 5 parking stalls will be a Cash In Lieu Payment as per Bylaw No. 8125 Payment in Lieu of Parking Bylaw.		

5.0 **Current Development Policies**5.1 Kelowna Official Community Plan (OCP)Chapter 1: Introduction*Goals for a Sustainable Future:*

Contain Urban Growth – Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

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 efficiency settlement patterns. This will be done by increasing densities (approximately 78-5 – 100 people and/or jobs per ha 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.

6.o Application Chronology

Date of Application Received: December 11, 2019
Date Public Consultation Completed: April 2, 2019
Date of OCP & Rezoning Public Hearing: June 4, 2019

Report prepared by: Lydia Korolchuk, Planner II

Reviewed by: Dean Strachan, Community Planning and Development Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Commented [CM1]: Major Application (requires Director signoff)

Attachments:

Attachment A: Draft Development Permit DP19-0105 & DVP19-0106

Attachment B: Comprehensive Design Guidelines