

REPORT TO COUNCIL



Date: January 21, 2020

To: Council

From: City Manager

Department: Development Planning - Urban

Application: DP17-0075 and DVP17-0076 **Owner:** Abbott Park Holdings Inc., Inc.
No. B1096096

Address: 450 Groves Ave **Applicant:** Zeidler Architecture

Subject: Development Permit and Development Variance Permit Application

1.0 Recommendation

THAT OCP Amendment Bylaw No. BL11801 (OCP18-0019) and Rezoning Bylaw No. BL11802 (Z17-0032) be amended at third reading to revise the legal description of the subject properties from: Lot 6, District Lot 14, ODYD Plan 3856, located at 448 Groves Ave; Lot 7, District Lot 14, ODYD Plan 3856, located at 458 Groves Ave; and Lot 8, District Lot 14, ODYD Plan 3856, located at 460 Groves Ave to Lot 1, District Lot 14, Osoyoos Division Yale District Plan EPP89203;

AND THAT final adoption of OCP Amending Bylaw No. BL11801 and Rezoning Bylaw No. BL11802 be considered by Council;

AND THAT restrictive covenant CA7867247 be amended to allow for a maximum height restriction of 6.5 storeys or 24.0m;

And THAT Council authorizes the issuance of Development Permit No. DP17-0075 for Lot 1, District Lot 14, Osoyoos Division Yale District Plan EPP89203 located at 450 Groves Ave, 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 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 authorize the issuance of Development Variance Permit DVP17-0076 for Lot 1, District Lot 14, Osoyoos Division Yale District Plan EPP89203 at 450 Groves Ave, Kelowna, BC;

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

Section 13.12.6 RM6 High Rise Apartment Housing Development Regulations

(b) to vary the maximum site coverage for principal buildings, accessory structures, and parking areas and driveways from 50% permitted to 83% proposed.

(d) to vary the minimum site front yard from 6.0m permitted to 0.97m proposed.

(e) to vary the minimum site side yards (east and west) from 4.5m permitted to 1.53m proposed.

(f) to vary the minimum site rear yard from 9.0m permitted to 0.0m proposed.

Section 6.1.2 (c)- Daylighting Standards

To vary the points along the side lot line of the lot from an angle of 65 degrees to the horizontal permitted to 72.5 degrees proposed for the west building section.

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 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 multi-family residential building, and to consider associated variances to the front, side and rear yard setbacks, site coverage, and daylight building angle.

3.0 Development Planning

Staff are recommending support for the proposed Development Permit and Development Variance Permit. The form and character of the 22-unit residential building is well-aligned with the Official Community Plan (OCP) urban design guidelines and supports the underlying goal of achieving residential density in Urban Centres. The proposed building encompasses a half storey of a semi-underground parking structure with 6 storeys of residential above. Urban design guidelines achieved in the proposal include:

- Utilize landscaping treatments to further soften the mass of building form (e.g strategic placement of trees, shades and vines, trellis and arbours, along with surface materials such as pavers)
- Distinguish key building elements through the use of setbacks, projections, textures, materials, and detailing
- Incorporate landscaping that compliments and softens the architectural features and edges of buildings
- 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; and
 - 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 proposed residential density will be well supported by nearby local amenities and services with a walk score of 86, meaning most errands can be accomplished on foot.

The proposal includes variances to three setbacks, site coverage, and daylighting to facilitate the proposed condo building. The variances are largely in response to the high-water table, causing the parkade design to be exposed above ground by 1.9m. The impacts of the setback variances and site coverage are mitigated through a desirable ground floor design that features terraced landscaping, two prominent entryways and raised balconies facing the street. The rear yard variance backs onto a laneway, which is closed to vehicular traffic, and adjacent to Abbott Park. The proposed daylighting variance is caused by the minor extension of two balconies and does not negatively impact adjacent properties.

4.0 Proposal

4.1 Background

An OCP amendment from MRM-Multiple Unit Residential (Medium Density) to MRH-Multiple Unit Residential (High Density) and rezoning application from RU1- Large Lot Housing to RM6-High Rise Apartment Housing received second and third reading on May 13, 2019. The OCP amendment and rezoning application included a recommendation to Council to restrict the height of the building to 6 storeys through a restrictive covenant. Following second and third reading of the bylaw, it was determined that the proposed height, as defined by the Zoning Bylaw, is 6.5 storeys. The applicant completed neighbourhood consultation and confirmed the height and proposed variances through an additional open house and mailouts.

The developer has funded the closing of an existing laneway at the rear of the property with the intention of providing significant landscape improvements adjacent to the subject property that will create a sensitive transition to Abbott Park. The laneway will be permanently closed to vehicles and a 3.0m right of way will be registered over the portion of the laneway backing onto the subject property to allow for landscape treatment. A significant portion of the laneway purchase will go back into the surrounding community through improvements to the Abbott Park playground structure, and public space.

Public engagement occurred at multiple stages throughout the project. Most recently, the applicant provided notification to neighbouring properties within 50m on the final proposed building height and associated variances.

4.2 Project Description

The proposed development is a 22-unit, 6.5 storey residential building with a mix of two- and three-bedroom units. The building features two at-grade entrances on Groves Ave. Due to the high-water table in the South Pandosy area, the building design incorporates a semi-underground parkade, which is accessed off the existing lane to the east. The proposed parking allocates 38 stalls for residents and 3 stalls for visitors. Large balconies provide private open space for the residential units.

Form and Character

The architecture includes high end materials, including red brick veneer, large historical-style windows, and traditional cornices. The building design blends contemporary elements with an overall historic feeling to fit in with the form and character of the surrounding neighbourhood. Ground-oriented units provide eyes on the street towards both Groves Ave and the park. The terraced landscape design breaks up the massing of the development, mitigates the design constraints associated with the parkade, and creates a human-scale interface. The proposed building is set back at 4.5 storeys to reduce massing and improve privacy.

Variances

The applicant is proposing several variances: increasing site coverage from 55% permitted to 83% proposed, reducing the front yard from 6.0m permitted to 0.97m proposed, reducing the side yards from 4.5m permitted to 1.53m proposed, reducing a portion of the rear yard from 9.0m permitted to 0.0m proposed, and increasing the daylighting standards from 65 degrees permitted to 72.5 degrees for the west portion of the building. The site coverage and setback variances are associated with the parkade that is partially above grade due to the high water table. If the parking could be accommodated entirely below grade, the site coverage of the habitable building area would be 44% and the setback variances would be significantly reduced. The daylighting variance only impacts a small portion of the west façade where part of the balconies on the fourth and fifth floors extend beyond 65 degrees.

4.3 Site Context

The subject property is located within the South Pandosy Urban Centre on Groves Ave. The site is bordered by Abbott Park to the north, commercial development to the east along Pandosy St, and single-family residential to the south and west. Sopa Square is located southeast of the site. This area of the South Pandosy Urban Centre has experienced land assembly of single-family housing to accommodate multi-family development projects and the two properties to the west are designated MRM – Multi-Unit Residential (Medium Density).

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3- Parks and Open Space	Public Park
East	C4- Urban Centre Commercial	Health Service
South	RU1- Large Lot Housing & C4- Urban Centre Commercial	Single family dwellings & Commercial
West	RM5- Medium Density Multiple Housing	Multiple dwelling housing

Subject Property Map:



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	1700m ²	1716m ²
Min. Lot Width	30.0m	54.54m
Min. Lot Depth	35.0m	26.85m
Development Regulations		
Max. Floor Area Ratio	2.0	1.8
Max. Site Coverage (buildings, parking, driveways)	55%	83% ❶
Max. Height	55.0m or 16.0 storeys	20.8m or 6.5 storeys
Min. Front Yard	6.0m	0.97m ❷
Min. Side Yard (east)	4.5m	1.53m ❸
Min. Side Yard (west)	4.5m	1.53m ❸
Min. Rear Yard	9.0m	0.0m ❹
Other Regulations		
Min. Parking Requirements	1.5 stalls per 2-bedroom unit 2.0 stalls per 3-bedroom unit 1.0 visitor stall per 7 unit	38 resident stalls 3 visitor stalls provided
Min. Bicycle Parking	0.5 class 1 bicycle stalls per unit 0.1 class 2 bicycle parking stalls per unit	11 class 1 stalls provided in underground 2 class 2 stalls provided at main entry
Min. Private Open Space	18.0m ² per dwelling with more than one bedroom	18.0m ² per unit
Min. Daylighting Standards	65 degrees along a side lot line	72.5 degrees ❺
❶ Indicates a requested variance to maximum site coverage from 55% to 83% ❷ Indicates a requested variance to reduce the minimum front yard setback from 6.0m to 0.97m ❸ Indicates a requested variance to the east and west side yard setbacks from 4.5m to 1.53m ❹ Indicates a requested variance to the rear yard setback from 9.0m to 0.0m for a portion of the rear yard ❺ Indicates a requested variance to the daylighting standards for a side lot line from 65 degrees to 72.5 degrees for a portion of the west lot line		

5.0 **Current Development Policies**5.1 Kelowna Official Community Plan (OCP)

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 5.5 Ensure appropriate and context sensitive built form.

Policy .1 Building Height. In determining appropriate building height, the City will take into account such factors as:

- Contextual fit into the surrounding urban fabric
- Shadowing of the public realm
- View impacts
- Overlook and privacy impacts on neighbouring buildings
- Impacts on the overall skyline

6.o Application Chronology

Date of Application Received: March 23, 2017
Date of amended plans received: September 21, 2018
Date Public Consultation Completed: November 24-26, 2018
June 25, 2019
September 11-12, 2019

Report prepared by: Jocelyn Black, Planner Specialist

Reviewed by: Laura Bentley, Urban Planning & Development Policy Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Draft Development Permit DP17-0075 & DVP17-0076

Schedule A: Site Plan

Schedule B: Elevations

Schedule C: Landscape Plan

Attachment B: Applicant Design Rationale