

REPORT TO COUNCIL



Date: July 14, 2020

To: Council

From: City Manager

Department: Development Planning

Application: DP20-0007, DVP20-0008

Owner: 650 Developments Inc., Inc.No.
BC1145287

Address: 660 Cawston Ave

Applicant: Paul Pasutto; Innocept

Subject: Development Permit and Development Variance Permit Application

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

Existing Zone: C7 – Central Business Commercial

1.0 Recommendation

THAT Official Community Plan Amending Bylaw No. 11982 be amended at third reading to revise the legal description of the subject properties from The East ½ of Lot 19 District Lot 139 ODYD Plan 1037; Lot 18 District Lot 139 ODYD Plan 1037; Lot 17 District lot 139 ODYD Plan 1037; Lot A District Lot 139 ODYD Plan KAP68057; Lot 16 District Lot 139 ODYD Plan 1037, The South ½ of Lot 15 District Lot 139 ODYD Plan 1037; and Road Plan 1037 EPP99502 to Lot 1 District Lot 139 ODYD Plan EPP99969.

AND THAT Rezoning Bylaw No. 11984 be amended at third reading to revise the legal description of the subject properties from The East ½ of Lot 19 District Lot 139 ODYD Plan 1037; Lot 18 District Lot 139 ODYD Plan 1037; Lot 17 District lot 139 ODYD Plan 1037; Lot A District Lot 139 ODYD Plan KAP68057; Lot 16 District Lot 139 ODYD Plan 1037, The South ½ of Lot 15 District Lot 139 ODYD Plan 1037; and Road Plan 1037 EPP99502 to Lot 1 District Lot 139 ODYD Plan EPP99969.

AND THAT final adoption of Official Community Plan Amending Bylaw No. 11982 and Rezoning Bylaw No. 11984 be considered by Council.

AND THAT Council authorizes the issuance of Development Permit No. DP20-0007 and Development Variance Permit No. DVP20-0008 for Lot 1 District Lot 139 ODYD Plan EPP99969 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 14.7.5(h)ii: C7 – Central Business Commercial, Development Regulations

To vary the minimum setback above 16.0m for a property line abutting another property from 4.0m required to 3.8m.

Section 14.7.5(g): C7 – Central Business Commercial, Development Regulations

To vary the requirement for a triangular setback for the first storey at the corner of an intersection from 4.5m required to 3.0m.

Section 14.7.5: C7 Map A – Downtown Building Heights Plan, Development Regulations

To vary the height on the portion of the building between Richter St. and the former laneway to the west of Richter St. (Road Plan 1037 EPP99502) from 15m permitted to 24m and 6 ½ storeys.

Table 8.2.7(b): Parking and Loading, Size and Ratio

To vary the ratio of regular size vehicle parking stalls from 50% required to 29%.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Variance 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 a Development Permit for the form and character of a 6 ½ storey apartment building; and to consider a Development Variance Permit to vary the following: 1) The side yard setback above 16m; 2) The required triangular setback on the first storey at intersection; 3) The height restriction shown on C7 Map A – Downtown Building Heights Plan for the eastern-most part of the building; and 4) The proportion of regular size parking stalls.

3.0 Development Planning

Development Planning supports the Development Permit for the form and character of the proposed 6 ½ storey apartment building. Development Planning also supports the requested variances.

The proposed apartment building has a high degree of architectural articulation, both horizontally and vertically, and a unique roofline which, though flat, integrates well with the proposed design. High quality materials are used throughout, and the colour scheme is both appropriate and varied. The units at grade are ground-oriented, offering a pedestrian-friendly environment fronting both Richter St. and Cawston Ave. with its multi-use pathway. To elaborate, the at-grade units feature front yards which activate the space and offer visual interest to passersby, while also increasing the surveillance over the sidewalk and street thus contributing to a sense of safety. Also, because these units are raised off the ground above the half-submerged parking level, they offer a pedestrian-friendly environment while preserving privacy for residents. Altogether, the proposed development substantially meets the Revitalization Development Permit Guidelines.

With regards to the proposed variance to the side yard setback above 16m, the proposal is to reduce the setback from 4m required to 3.8m on the west elevation for the stairwell shaft only. As this variance is relatively minor and includes only a small portion of the building, it is deemed acceptable by Staff.

With regards to the proposed variance to the triangular setback at the first storey at intersection, the proposal is to reduce the setback from 4.5m required to 3m at the corner of Richter St. and Cawston Ave. Staff support the variance for the following reason: The 4.5m setback is intended primarily for mixed-use buildings in the heart of the downtown core where pedestrian traffic is at its highest, and where an extended corner cut is thought to be beneficial to provide people a place to congregate. In this case, the proposal is for an apartment building at the very edge of downtown, and thus the full 4.5m triangular setback is deemed to be less necessary in this scenario.

With regards to the proposed variance to the height restriction shown on Map A – Downtown Building Heights Plan, the proposal is to vary the height on the eastern-most portion of the building from 15m maximum to 24m and 6 ½ storeys. Staff support the proposed variance as this an appropriate location for a mid-rise apartment building of this size and scale.

With regards to the proposed variance to the proportion of full size parking stalls, the proposal is to reduce the proportion from 50% required to 29%. As this variance is relatively minor, and is anticipated to be manageable without adversely affecting the parking situation, it is considered acceptable by Staff.

4.0 Proposal

4.1 Background

At the time of application, the subject property was zoned RU2 – Medium Dwelling Housing, and had a future land use designation of MRM – Multiple Unit Residential (Medium Density). As such, the proposed development required both an OCP Amendment to change the future land use designation to MXR – Mixed Use (Residential / Commercial), and a rezoning to C7 – Central Business Commercial.

Both the OCP Amendment (OCP20-0002), and rezoning (Z19-0126) were given 1st Reading by Council on February 3, 2020 and forwarded to Public Hearing on February 25, 2020. At the February 25th Regular Council Meeting both bylaws were given 2nd and 3rd Reading. The OCP Amendment and rezoning were supported on the condition that a height covenant would be placed on Title limiting development to 6 ½ storeys and 24m. The bylaw amendments were also supported on the further condition that a covenant be placed on Title limiting development to residential use, with the opportunity for live-work units on the ground floor. These covenants have now been placed on Title.

4.2 Project Description

The applicant proposes a 6 ½ storey apartment building on the subject lot. The applicant also proposes to vary the following: The side yard setback above 16m from 4m required to 3.8m for a portion of the building on the west elevation; reducing the required 4.5m triangular setback at the intersection of Richter St. and Cawston Ave down to 3m; relaxing the height restriction shown on Map A – Downtown Building Heights Plan from 15m maximum to 24m and 6 ½ storeys; and reducing the proportion of regular size vehicle parking stalls from 50% required to 29%.

4.3 Site Context

The subject properties are located at the northwest corner of Cawston Ave. and Richter St. on the eastern edge of the City Centre Urban Centre. As a property in the City Centre Urban Centre, the site is within walking distance of a wide range of amenities and destinations, including retail and dining opportunities;

employment opportunities; and cultural and recreational facilities. Related to this, the lot has a walkscore of 92, and is considered to be a Walker's Paradise, where "daily errands do not require a car". In addition, the lot has direct access to the Cawston Ave. multi-use pathway and is within 400m of the Ethel St. multi-use pathway, and thus has excellent access for all forms of active transportation.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU2 – Medium Lot Housing	Single Family Housing
East	RU6 – Two Dwelling Housing	Single Family Housing
South	RM5 – Medium Density Multiple Housing	Stacked Row Housing
West	RU2 – Medium Lot Housing	Single Family Housing

Subject Property Map: 660 Cawston Ave.



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C7 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Floor Area Ratio	9.0	2.2
Max. Height	15m (east of former laneway) / 37m (west of former laneway)	6 ½ storeys & 24m ①

Min. Front Yard	0.0m	0.0m
Min. Side Yard (west)	0.0m & 4.0m above 16.0m height abutting a property	0.0m & 3.8m above 16.0m height abutting a property ❷
Min. Side Yard (east)	0.0m	0.0m
Min. Rear Yard	0.0m	0.0m
Triangular Setback at Intersection	4.5m	3.0m ❸
Other Regulations		
Min. Parking Requirements	76	80
Ratio of Regular Sized Vehicle Parking Stalls	50%	29% ❹
Min. Bicycle Parking	41	41
Min. Private Open Space	5,840m ²	19,264m ²
❶ Indicates a requested variance to height. ❷ Indicates a requested variance to a setback above 16.0m height. ❸ Indicates a requested variance to the triangular setback at the first storey at intersection. ❹ Indicates a requested variance to the ratio of regular size vehicle parking stalls.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Urban Design Development Permit Guidelines

- Revitalization Development Permit Area Guideline Objectives:
 - Use appropriate architectural features and detailing of buildings and landscapes to define area character;
 - Convey a strong sense of authenticity through high quality urban design that is distinctive of Kelowna;
 - Provide for a scale and massing of buildings that promotes an enjoyable living, pedestrian, working, shopping and service experience;
 - Encourage an appropriate mix of uses and housing types and sizes;
 - Design and facilitate beautiful public open spaces that encourage year-round enjoyment;
 - Create open, architecturally-pleasing and accessible building facades to the street; and
 - Improve existing streets and sidewalks to promote alternative transportation.

6.o Application Chronology

Date of Application Received: November 13, 2019

Date Public Consultation Completed: January 14, 2020

Report prepared by: Aaron Thibeault, Planner II

Reviewed by: James Moore, Acting Development Planning Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Draft Development Permit and Development Variance Permit DP20-0007 & DVP20-0008

Attachment B: Revitalization Development Permit Area Guidelines Checklist

Attachment C: Applicant Rationale