

REPORT TO COUNCIL



Date: January 19, 2021

To: Council

From: City Manager

Department: Development Planning

Application: DP19-0094 & DVP20-0195

Owner: 1094 Lawson Avenue Ltd.,
Inc.No. BC1176688

Address: 1094 Lawson Ave

Applicant: Jesse Alexander – New Town
Services

Subject: Development Permit & Development Variance Permit Application

Existing OCP Designation: MRM – Multiple Unit Residential Medium Density

Existing Zone: RM5 – Medium Density Multiple Housing

1.0 Recommendation

THAT Rezoning Bylaw No. 11916 be amended at third reading to revise the legal description of the subject properties from Lot 1 District Lot 138 ODYD Plan 3809 and Lot 2 District Lot 138 ODYD Plan 3809 to Lot A District Lot 138 ODYD Plan EPP95336;

AND THAT final adoption of Rezoning Bylaw No. 11916 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0094 and Development Variance Permit No. DVP20-0195 for Lot A District Lot 138 ODYD Plan EPP95336, located at 1094 Lawson 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 variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 7.6.1(c): Landscaping and Screening, Minimum Landscape Buffers – Level 3

To vary the minimum landscape buffer for the rear yard (north lot line) from 3.0m required to 0.0m proposed.

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 the form and character of a 4 ½ storey apartment building; and to consider a variance to the minimum landscape buffer at the rear yard.

3.0 Development Planning

Development Planning supports the Development Permit for the form and character of the 4 ½ storey apartment building and supports the proposed variance to the minimum landscape buffer at the rear yard.

The proposed building incorporates a high degree of architectural articulation as well as varied materials and colors to provide visual interest. Also, the first storey units along both Gordon Dr and Lawson Ave are ground-oriented, activating the street in these areas and providing a sense of safety to passersby. At the same time, the ground-oriented units are raised above street-level (being located above the half-submerged parkade) preserving privacy for the units themselves. Generous balconies for each of the units as well as an amenity area with the communal garden at grade along the west lot line allow the development to achieve an amount of private open space over 50% greater than the required amount. Overall, the proposal substantially meets the Comprehensive Development Permit Guidelines.

The proposed variance is to eliminate the minimum 3.0m wide landscape buffer at the rear yard. The space is being used instead to provide parking accessed from the lane to the north of the lot. Since this lot line abuts a lane, the landscape buffer here is not as crucial as for lot lines facing a street or another private lot. Also, the proposal does include a large amount of green space and landscaping in other areas, including along both Gordon Dr. and Lawson Ave., and on the west side of the lot where we find a landscaped amenity area with communal garden. For these reasons Staff deem the proposed variance to be acceptable.

4.0 Proposal

4.1 Background

On August 13, 2019, Council gave 2nd and 3rd reading to a bylaw that would rezone the lot to the RM5 – Medium Density Multiple Housing zone. On August 17th, 2020 the zoning bylaw was given a 6 month extension. One of the conditions for final adoption of the zoning bylaw is that it be considered in conjunction with a Development Permit and Development Variance Permit on the subject lot.

In 2007 a Housing Agreement was signed between the City of Kelowna and the former owner of 1094 Lawson Ave (one of the two lots that was consolidated to form the subject lot). The Housing Agreement stipulates that a maximum of 13 units will be allowed on the lot, and that 2 of these units must be Affordable Ownership Dwelling Units, as defined by the City. The Housing Agreement was registered on Title as a Covenant (LB121610). The ownership of the lot has now changed hands, and the current owner wishes to proceed with a development separate from that permitted under the Housing Agreement. A request to rescind the Housing Agreement Bylaw and strike the Covenant from Title was considered by Council on January 11, 2021.

4.2 Project Description

The applicant proposes a 4 ½ storey apartment building with 40 units in total and ground-oriented units along both Gordon Dr and Lawson Ave, and a half-submerged parkade accessible from the lane to the north of the lot. The development also includes an outdoor amenity area with communal garden along the western edge of the lot.

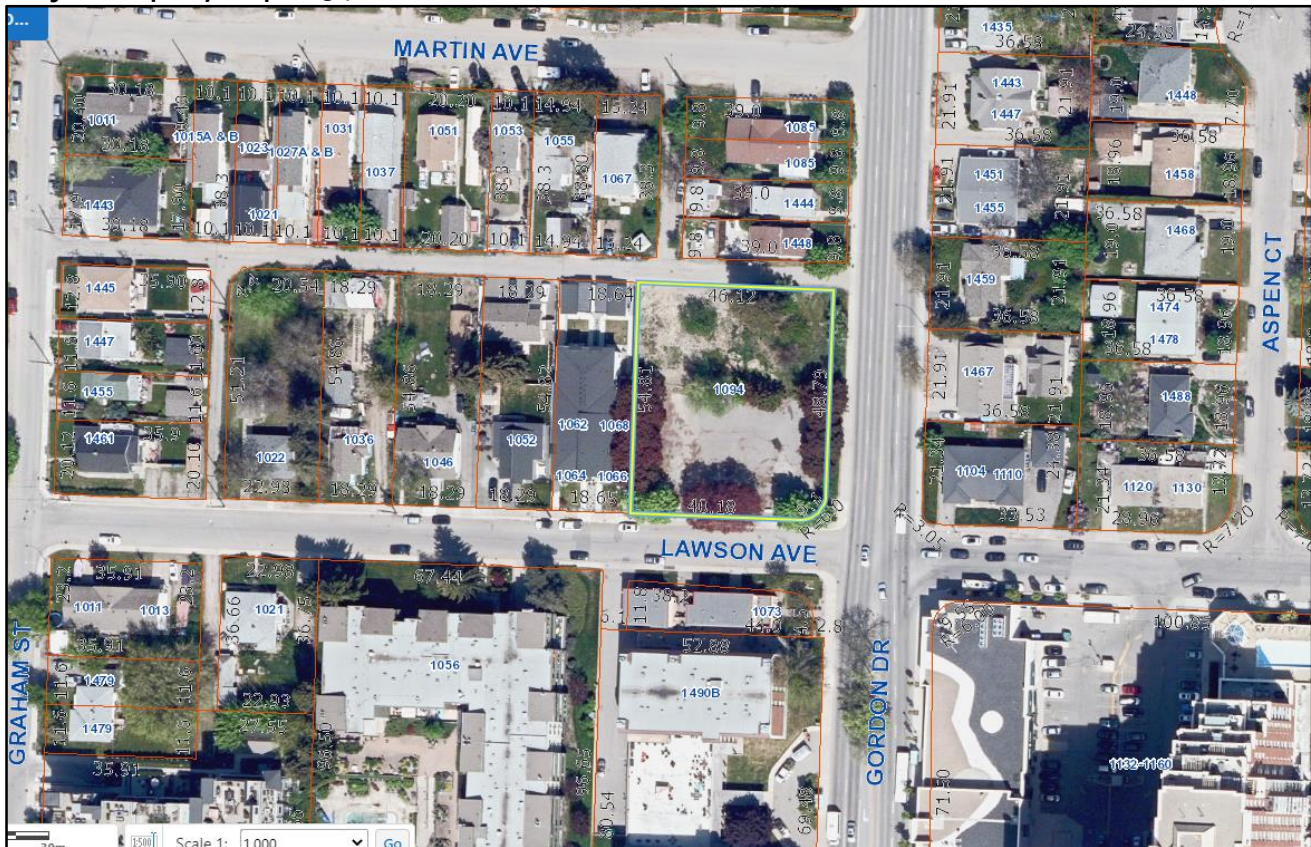
4.3 Site Context

The lot is located on the arterial Gordon Dr in the Central City Sector, 3 blocks east of the City Centre and 4 blocks north of the Capri Landmark Urban Centre. The lot has a walkscore of 78, considered 'Very Walkable' as most errands can be accomplished on foot.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Single Family Housing
East	RU6 – Two Dwelling Housing	Single Family Housing
South	RU6 – Two Dwelling Housing	Single Family Housing
West	RU7 – Infill Housing	4-Plex

Subject Property Map: 1094 Lawson Ave.



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM5 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	1,400m ²	2,687m ²
Min. Lot Width	30m	49m
Min. Lot Depth	35m	54m
Development Regulations		
Max. Floor Area Ratio	1.2	1.15
Max. Site Coverage (buildings)	50%	43%
Max. Site Coverage (buildings, parking, driveways)	65%	62.1%
Max. Height	18m / 4.5 storeys	15.4m / 4.5 storeys
Min. Front Yard	6.0m	6.0m
Min. Side Yard (west)	4.5m / 7.0m	4.5m / 7.0m
Min. Side Yard (east)	4.5m / 6m (Existing PL)	4.5m / 6m (Existing PL)
Min. Rear Yard	7.0m	7.0m
Other Regulations		
Min. Parking Requirements	57	57
Min. Private Open Space	660m ²	998m ²

5.0 **Current Development Policies**

5.1 Kelowna Official Community Plan (OCP)

Chapter 14: Urban Design DP Guidelines

A. Comprehensive Development Permit Area

Objectives:

- Convey a strong sense of authenticity through urban design that is distinctive for Kelowna;
- Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures;
- Integrate new development with existing site conditions and preserve the character amenities of the surrounding area;
- Provide for a scale and massing of commercial buildings that promotes a safe, enjoyable living, pedestrian, working, shopping and service experience;
- Incorporate architectural features and detailing of buildings and landscapes that define an area's character;

6.o Application Chronology

Date of Application Received: April 15, 2019

Date Public Consultation Completed: July 5, 2019

Report prepared by: Aaron Thibeault, Planner II

Reviewed by: Jocelyn Black, Urban Planning Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Draft Development Permit DP19-0094 & Development Variance Permit DVP20-0195

Schedule A: Site Plan and Parking Plan

Schedule B: Elevations and Materials and Color Board

Schedule C: Landscape Plan and Estimate

Attachment B: Applicant's Rationale