

# REPORT TO COUNCIL



**Date:** August 10, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** DP21-0005 & DVP21-0006

**Owner:** 417 Cedar Developments Ltd.,  
Inc. No. BC1283948

**Address:** 417 Cedar Avenue

**Applicant:** Live Edge Okanagan  
Enterprises Inc.

**Subject:** Development Permit and Development Variance Permit

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

**Existing Zone:** RU1 – Large Lot Housing

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## 1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 12209 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP21-0005 for Lot 2 District Lot 14 ODYD District Plan 4135 located at 417 Cedar 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 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 THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0006 for Lot 2 District Lot 14 ODYD District Plan 4135 located at 417 Cedar Avenue, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

**Section 14.4.5(b): C4 – Urban Centre Commercial, Development Regulations**

To vary the maximum site coverage allowed from 75% permitted to 91.5% proposed.

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

To vary the maximum height from 15.0 m or 4 storeys permitted to 19.5 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 where the site abuts a residential zone to 0.0 m proposed for the east and west sides.

**Section 14.4.5(f): C4 – Urban Centre Commercial, Development Regulations**

To vary the required minimum rear yard from 6.0 m permitted where the site abuts a residential zone to 0.0 m proposed.

**Section 14.4.6(e): C4 – Urban Centre Commercial, Other Regulations**

To vary the required functional commercial frontage for any building located on streets classified as a collector or arterial as identified in the OCP Map 7.3 – 20 Year Major Road Network and Road Classification Plan from 90% required to 27% proposed.

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 form and character Development Permit and variances to facilitate a mixed-use development on the subject property.

**3.0 Development Planning**

Staff are recommending support of the proposed Development Permit and associated variances to facilitate the construction of a mixed-use project on the subject property. The form and character of the proposal is well-aligned with the Official Community Plan (OCP) Urban Design Guidelines and supports the goal of achieving residential density in Urban Centres. The proposal is for a 6-storey 17-unit condo building with one live-work unit to provide a small amount of commercial frontage along Cedar Avenue.

Some of the Urban Design Guidelines the proposal meets are:

- 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
- Provide outdoor spaces, including rooftops, balconies, patios and courtyards, to allow residents to benefit from the favourable Okanagan weather;

The proposed residential density will be supported by the nearby amenities within the Pandosy Urban Centre including Okanagan Lake, parks, restaurants, and shopping opportunities in the immediate area. The parcel has a Walk Score of 71 – Very Walkable meaning that most errands can be accomplished on foot and a Bike Score of 93 - Biker's Paradise as the site provides easy access to the Abbott Street active transportation corridor and the KLO and Richter Street bike lanes.

The development proposal includes variances to both side setbacks, rear setback, site coverage, building height and functional commercial frontage. It is challenging to eliminate and/or reduce the impacts of some of these variances as this proposal is a single property redevelopment and it is the first site to redevelop on the street.

#### **4.0 Proposal**

##### **4.1 Background**

In 2004, the Cedar Avenue Land Use Review was completed by Staff and endorsed by Council. This resulted in the Cedar Ave corridor being redesignated as MXR – Mixed Use (Residential/Commercial) in the Official Community Plan (OCP). In the 15+ years since the changes to the OCP, redevelopment in this area has not occurred.

Public Hearing, 2<sup>nd</sup> & 3<sup>rd</sup> readings of the Zoning Bylaw were considered by Council on May 11, 2021. The applicant has worked to meet Development Engineering requirements which included entering into a service agreement and providing security for the completion of frontage upgrades extending east to Pandosy Street.

##### **4.2 Project Description**

The applicant is proposing to construct a 6-storey 17-unit condo building on the subject property. The unit mix includes 10 one-bedroom units and 7 two-bedroom units. One unit is live-work to add an at-grade commercial element along Cedar Avenue. Site access is taken from Cedar Avenue as there is no rear lane access available due to the mid-block location of the property. The site provides 20 bike storage spaces, which allows the development to benefit from a 20% parking reduction. With the reduction, the parking regulations require 16 parking stalls for the development. The proposal meets this requirement through the provision of 14 stalls allocated for residential use and 3 visitor stalls for a total of 17 parking stalls provided.

##### **Form and Character**

The building form proposes a flat-roof modern design with articulation and varied material textures to add visual interest. Each unit has generous balconies with large overhangs to provide shade from the Okanagan sun. The building is clad with a combination of stucco and composite hardi-panel siding with brick veneer to add warmth to the street level.

The development faces several design challenges due to the single parcel proposal due to the property being situated mid-block on Cedar Avenue between Pandosy Street and Abbott Street. The property does not have rear-lane access and provides limited commercial frontage. The variances proposed are in response to these constraints.

##### **Variances**

**Building Height** – the first variance is to increase the maximum building height from 15.0 m or 4 storeys permitted to 19.5 m and 6 storeys proposed. With the intent to densify our Urban Centres, additional height at this location can be supported. To reduce impacts to the adjacent parcels the building footprint steps back above the parkade podium and further reduces the building footprint for the top level. This along with the

oversized balconies provides a less imposing building mass to the adjacent properties. The project site will dominate the streetscape until further redevelop in the area begins to occur.

Site Coverage and Setbacks - the variance to site coverage proposes to increase the maximum from 75% allowed to 91.5% proposed. Both the east and west (side) setbacks propose variances from 2.0 m required to 0.0 m provided and the south (rear) setback from 6.0 m required to 0.0 m provided when a site abuts residentially zoned properties. The lack of parcel assembly has resulted in a smaller land base with a site area of 697 m<sup>2</sup>. This necessitates maximizing the building footprint to accommodate the parkade and ensure maneuverability and usability of it.

Functional Commercial Frontage – the final variance is to reduce the functional commercial frontage from 90% required to 34% provided. This is due to the property not having a rear lane and parkade access being from Cedar Avenue. The existing parcel has a width of 18.27 m fronting onto Cedar Avenue. The proposed development divides this frontage into three sections of approximately 6.0 m each. The three sections provide: 1) a two-way parkade entry, 2) the residential foyer and 3) the commercial component (live/work unit).

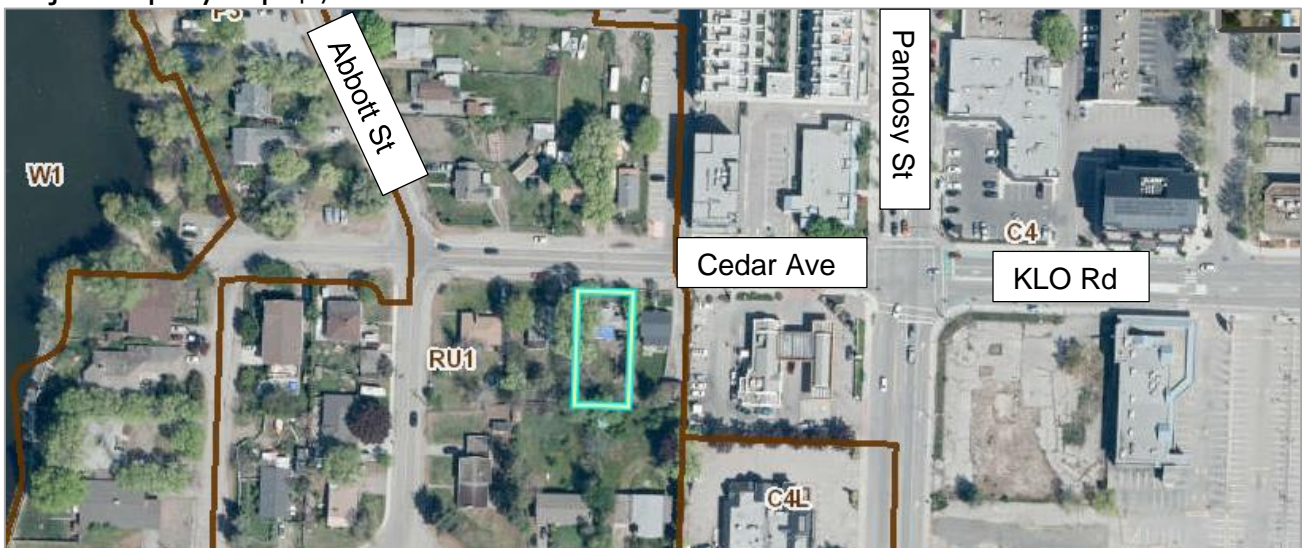
#### 4.3 Site Context

The subject property is located within the Pandosy Urban Centre on the south side of Cedar Avenue between Pandosy Street and Abbott Street. The site is ½ block east of the Okanagan Lake Cedar Avenue Beach Access.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot housing C4 – Urban Centre Commercial	Single Family Residential Financial Institution
East	RU1 – Large Lot housing C4 – Urban Centre Commercial	Single Family Residential Gas Station
South	RU1 – Large Lot housing	Single Family Residential
West	RU1 – Large Lot housing P3 – Parks and Open Space	Single Family Residential Paddle Centre / Future Waterfront Park

**Subject Property Map: 417 Cedar Avenue**



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C4 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Floor Area Ratio	1.7 FAR	1.7 FAR
Max. Site Coverage (buildings, parking, driveways)	75%	91.5% ❶
Max. Height (lessor of)	15.0 m or 4 storeys	19.5 m and 6 storeys ❷
Min. Front Yard	0.0 m	0.49 m
Min. Side Yard (east)	2.0 m	0.0 m ❸
Min. Side Yard (west)	2.0 m	0.0 m ❸
Min. Rear Yard (south)	6.0 m	0.0 m ❹
Other Regulations		
Min. Parking Requirements	16 stalls	17 stalls
Min. Bicycle Parking	20 long term spaces	20 long term spaces
Min. Private Open Space	205 m <sup>2</sup>	584 m <sup>2</sup>
Min. Commercial Frontage	90%	27% ❺
❶ Indicates a requested variance to Section 14.4.5(b) Development Regulations – maximum site coverage. ❷ Indicates a requested variance to Section 14.4.5(c) Development Regulations – maximum building height. ❸ Indicates a requested variance to Section 14.4.5(e) Development Regulations – minimum side yard. ❹ Indicates a requested variance to Section 14.4.5(f) Development Regulations – minimum rear yard. ❺ Indicates a requested variance to Section 14.4.6(e) Development Regulations – minimum functional commercial space.		

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.

Address Housing Needs of All Residents – Address housing needs of all residents by working towards an adequate supply of a variety of housing.

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas.

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 5.8 Achieve high quality urban design.

Streetscaping. Urban Centre roads should be considered as part of the public space and streetscaped with full amenities (i.e. sidewalks, trees and other planting, furniture, bike facilities, boulevards, etc.).

Objective 5.22 Ensure context sensitive housing development.

Housing Mix. Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed-use developments.

**6.o Application Chronology**

Date of Application Accepted: January 14, 2021

Date Public Consultation Completed: May 19, 2021

Date of Rezoning Bylaw PH: May 11, 2021

**Report prepared by:** Lydia Korolchuk, Planner Specialist

**Reviewed by:** Jocelyn Black, Urban Planning Manager

**Reviewed by:** Terry Barton, Development Planning Department Manager

**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services

**Attachments:**

Attachment A: Draft Development Permit DP21-0005 DVP21-0006

Schedule A: Site Plan

Schedule B: Elevations and Colour Board

Schedule C: Landscape Plan

Attachment B: Project Rationale