

REPORT TO COUNCIL



Date: November 30, 2021

To: Council

From: City Manager

Department: Development Planning

Application: DP20-0041 & DVP20-0042 **Owner:** 3031 & 3041 Abbott Street GP LTD., Inc. No. BC1176909

Address: 3031 Abbott Street **Applicant:** 514 Design Build Ltd.

Subject: Development Permit and Development Variance Permit Applications

Existing OCP Designation: MRM - Multiple Unit Residential (Medium Density)

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

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: C4 -Urban Centre Commercial

1.0 Recommendation

THAT Official Community Plan Map Amending Bylaw No. 12106 and Rezoning Bylaw No. 12107 be amended at third reading to revise the legal description of the subject property from Lots 7 & 8, Block 2, District Lot 14, ODYD, Plan 4743 to Lot 1 Block 2 District Lot 14 ODYD Plan EPP114842;

AND THAT final adoption of Official Community Plan Map Amending Bylaw No. 12106 and Rezoning Bylaw No. 12107 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP20-0041 for Lot 1 Block 2 District Lot 14 ODYD Plan EPP114842, located at 3031 Abbott Street, 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 a land use restriction covenant be registered on title to protect the provision of a food primary establishment use within the commercial space;

AND THAT a land use restriction covenant be registered on title to ensure the longevity of live/work units along the Newsom Avenue frontage;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0042 for Lot 1 Block 2 District Lot 14 ODYD Plan EPP114842, located at 3031 Abbott Street, Kelowna, BC;

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

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 15.75 m and 4 1/2 storeys proposed,

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

To vary the required minimum rear yard from 6.0 m permitted to 0.0 m proposed.

Table 8.2.7(a): Section 8 - Parking and Loading, Off-Street Parking Regulations, Dimensions of Parking Spaces and Drive Aisles

To vary the required minimum Van-Accessible Parking Space height clearance from 2.3 m permitted to 2.0 m proposed.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and 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 and the associated variances of a mixed-use multiple dwelling housing development on the subject property.

3.0 Development Planning

Staff are recommending support for the form and character development permit and the associated variances for the 4-1/2 storey, 24-unit mixed-use condo building on the subject property. The application meets many of the Official Community Plan (OCP) Urban Infill objectives with respect to Compact Urban Form and Housing Mix and a number of the OCP's Urban Design Guidelines including:

- Incorporate materials that relate to the character of the region and the context of the surrounding neighbourhood;
- Develop visual and physical connections between the public street and private buildings (e.g. patios and spill-out activity, views to and from active interior spaces, awnings and canopies);
- Design for human scale and visual interest in all building elevations. This can be achieved principally by giving emphasis to doors and windows and other signs of human habitation relative to walls and building structure;

- Provide an appropriate transition between public and private open space (e.g. landscaping, gathering places, architectural elements, varied building line) and orient building elements such as entrances, lobbies, windows, and balconies to face public parks, plazas and open spaces;

The property is located within the South Pandosy Urban Centre on the east side of Abbott Street. The site is located across from City owned land for future Pandosy Waterfront Park development. The proposed residential density will be supported by nearby amenities of the South Pandosy Urban Centre including Okanagan Lake, parks, restaurants, and shopping opportunities in the immediate area. The inclusion of a small commercial node across from the future waterpark will enhance and contribute to the vibrancy of the area. The properties have a Walk Score of 84 – Very Walkable, meaning that most errands can be accomplished on foot and a Bike Score of 95 - Biker's Paradise as the site is adjacent to one of the most used pedestrian and cycling routes within the city.

The development proposal requests three variances to: allow an increase to the maximum building height from 4 storeys or 15.0 m permitted to 4-1/2 storeys and 15.75 m proposed, reduce the rear yard from 6.0 m required to 0.0 m proposed and reduce the van-accessible stall height from 2.3 m required to 2.0 m proposed.

On July 27th Council endorsed the proposed OCP consideration and development application process. The dates indicated in this report were estimates with the last date for OCP and bylaw adoption being October 18th. Staff recognize this consideration is past the date of October 18th but recommend Council consideration as the application does not impact the 2040 OCP adoption or process.

4.0 Proposal

4.1 Background

Back in early 2017, a Rezoning Application came before Council for the single parcel (3031 Abbott Street). The Rezoning Bylaw had the Public Hearing and received 2nd & 3rd readings of the bylaw in January of 2017. The applicant was unable to fulfill the conditions for adoption and the Bylaw lapsed and subsequently all readings of the Bylaw were rescinded.

The current applicant was able to purchase both 3031 and 3041 Abbot Street. This lot assembly has allowed for a more significant development proposal to come forward. The OCP Amendment and Rezoning Bylaws had Public Hearing and received 2nd & 3rd readings of the bylaws on October 27, 2020. Since that time, the applicant has completed all conditions for adoption, which includes entering into a service agreement to address all off-site requirements. The City of Kelowna Real Estate Department has completed the closing and disposition of the north/south lane located between the subject property and 425 Newsom Avenue with each owner purchasing half of the laneway. A technical subdivision has been completed and registered to add the half lane to the development site and to consolidate the two subject properties into a single title lot and to dedicate land for road widening/corner rounding.

4.2 Project Description

The applicant is proposing to construct a 4- 1/2-storey, 24-unit condo building on the subject property. The project utilizes the maximum FAR of 1.5. The unit mix will include 6 one-bedroom units, 13 two-bedroom units, 2 three-bedroom units and 3 two-bedroom live/work units. The live/work units provide ground-oriented entrances fronting onto Newsom Avenue. This allows for a stronger pedestrian realm and respects the existing single-family dwellings across the street. The live/work units provide a positive contribution to the neighbourhood by allowing for small-scale commercial uses without negative impacts to the neighbours. These businesses are intended to service the Abbott Street Active Transportation Corridor users and the future waterfront park.

The development proposal also contains 3 commercial retail units (CRU), with the largest CRU located at-grade, providing an anchor for the Newsom-Abbott Street corner. The space is intended to provide a food service use that allows for a strong connection to the sidewalk and activates the public streetscape. This will lend itself to further enhancing and animating the pedestrian realm.

The remaining two CRU's are accessed from the Abbott Street building entrance with a secondary stair access provided via the south facing outdoor patio area. The patio is shared with the building's common amenity room which is intended for the use of the building occupants. A second common amenity space is provided in the form of a rooftop patio. This space provides a private area for the building occupants to enjoy the Okanagan weather and the views.

Site access to parking and waste collection is from the south laneway. The garbage and recycling area is visually screened with decorative wood slat fencing. The Zoning Bylaw parking regulations are satisfied through the provision of 30 parking stalls and 1 stall cash in lieu payment. The allocation of parking is 23 residential, 3 visitors, 4 commercial, 1 van-accessible stall and 31 bicycle spaces (19 Long-term and 12 Short-term). As the property is located within an Urban Centre, the Payment in Lieu of Parking Bylaw No. 8125 allows for a cash in lieu payment equal to the required stalls. Payment would be required for one parking stall and is payable prior to issuance of the Building Permit.

Form and Character

The 4-1/2-storey mixed-use building proposes a modern design which integrates sloping rooflines to add visual interest to the primarily flat roof design. Hardie-panel of various textures is proposed as the main building cladding in three shades of grey and fern green. The window placement and balconies along with the varied building material colours creates a rhythm and provides visual interest to aid in articulating the building facades. This combination helps to create an aesthetically pleasing streetscape. Black hardie-panel is used as an accent colour and brick veneer hi-lights and grounds both the commercial and live/work units at the street level. The height of the extended canopy and the inclusion of timber post and beam provides a focal point for the main building entrance.

Variances

The application proposes three variances. The first is to increase the maximum building height from 4 storeys and 15.0 m permitted to 4-1/2 storeys and 15.75 m proposed. This request is due to the parkade being partially above ground due to the high-water table at this location and the incorporation of roof projections intended to add visual interest to the overall building design. With the aim to densify our Urban Centres and proximity to amenities, the additional height at this location can be supported.

The second variance proposes to reduce the rear yard setback from 6.0 m proposed to 0.0 m provided when a site abuts residentially zoned properties. This is a supportable variance as the parcels situated between the subject property and SOPA Square is anticipated to redevelop in the future to mixed-use and will provide a consistent streetscape pattern along Newsom Avenue.

The third and final variance is a technical variance to reduce the height of the van-accessible parking stall from 2.3 m required to 2.0 m proposed. The parking regulations were amended to provide much more generous dimensions for accessible parking stalls with the stall height increased from 2.0 m to 2.3 m. This request is intended to limit a further increase to the building height, yet still accommodate an accessible sized vehicle and will not negatively impact the parking.

Covenants

Should Council support the Development Permit and associated variances, the applicant would need to register on title two covenants. The first would ensure the 3 dwelling units fronting onto Newsom Avenue

are maintained as Live/Work units and do not become fully commercial units. This is to preserve space for small-scale/start-up businesses and to ensure a more seamless integration into the existing neighbourhood.

The second covenant is to restrict the C₄ -Urban Centre Commercial uses to those that are appropriate and provide a food service focus at the street level. The intent is to ensure the ground level commercial activates, interacts and services the future waterfront park and the users of the Abbott Street Active Transportation Corridor.

4.3 Site Context

The subject property is located within the South Pandosy Urban Centre on Abbott Street at the intersection with Newsom Avenue. KLO Road is situated one block to the south and the subject property is directly across from the future Pandosy Waterfront Park extension.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU ₁ – Large Lot Housing	Single Family Dwellings
East	RU ₁ – Large Lot Housing C ₄ – Urban Centre Commercial	Single Family Dwellings Mixed-Use Multi-Family Residential
South	RU ₁ – Large Lot Housing	Single Family Dwellings
West	P ₃ – Parks and Open Space	Single Family Dwellings (Future Pandosy Waterfront Park)

Subject Property Map: 3031 Abbott Street (consolidation of 3031 & 3041 Abbott Street and ½ lane)



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C ₄ ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	460 m ²	1397 m ²
Min. Lot Width	13 m	32.6 m
Min. Lot Depth	30 m	49.9 m

Development Regulations		
Max. Floor Area Ratio	1.5	1.5
Max. Site Coverage (buildings)	75%	71.3%
Max. Height	15 m or 4 storeys	15.75 m & 4-1/2 storeys ^①
Min. Front Yard	0 m	0 m
Min. Side Yard (south)	0 m	0 m
Min. Side Yard (north)	0 m	0 m
Min. Rear Yard	6.0 m	0 m ^②
Other Regulations		
Min. Parking Requirements	31 stalls required	30 stalls provided*
Min. Bicycle Parking	19 Long term 12 Short Term	19 Long term 12 Short Term
Min. Private Open Space	330 m ²	408 m ²
Van-Accessible Stall Height	2.3 m	2.0 m ^③
^① Indicates a requested variance to the building height from 4 storeys and 15.0 m allowed to 4-1/2 storeys and 15.75 m proposed. ^② Indicates a requested variance to the rear yard setback from 6.0 m required to 0.0 m proposed. ^③ Indicates a requested variance to van-accessible parking stall height from 2.3 m required to 2.0 m proposed. * Payment in Lieu of Parking Bylaw No. 8125 allows for properties located within an Urban Centre to provide a payment equal to each parking stall not provided. (Payment required for 1 stall equals \$33,000.00).		

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 5.22 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.

6.0 Application Chronology

Date of Application Accepted: January 29, 2020
Date Public Consultation Completed: April 29, 2020
Date of Amended Plans Received: September 7, 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 DP20-0041 & DVP20-0042

Attachment B: Applicant's Project Rationale

Schedule A: Site Plan & Floor Plans

Schedule B: Elevations

Schedule C: Landscape Plan