

REPORT TO COUNCIL



Date: February 8, 2022

To: Council

From: City Manager

Department: Development Planning

Application: DP19-0146 & DVP19-0147 **Owner:** Speer Street Developments LTD., Inc. No. BC1280555

Address: 2257 Speer Street **Applicant:** Urban Options Planning & Permits

Subject: Development Permit and Development Variance Permit Applications

Existing OCP Designation: C-HTH – Core Area - Health District

Existing Zone: HD2 – Hospital and Health Support Services

1.0 Recommendation

THAT Rezoning Bylaw No. 11974 be amended at third reading to revise the legal description of the subject property from Lot 34 District Lot 14 ODYD Plan 413, located at 2257 Speer Street, Kelowna, BC and Lot 35 District Lot 14 ODYD Plan 413, located at 2263 Speer Street, Kelowna, BC to Lot A District Lot 14 ODYD Plan EPP116552, located at 2257 Speer Street, Kelowna, BC;

AND THAT final adoption of Rezoning Bylaw No. 11974 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0146 & Development Variance Permit DVP19-0147 for Lot A District Lot 14 ODYD Plan EPP116552, located at 2257 Speer 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 variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 17.2.5.1(b): HD2 – Hospital and Health Support Services, Development Regulations

To vary the maximum site coverage from 55% permitted to 67.36% proposed.

Section 17.2.5.1(d): HD2 – Hospital and Health Support Services, Development Regulations

To vary the front yard setback from 4.5m required to 3.0m proposed.

Section 17.2.5.1(e): HD2 – Hospital and Health Support Services, Development Regulations

To vary the north side yard setback from 4.5m required to 1.5m proposed and south side yard setback from 4.5m required to 1.5m proposed for a 7.6m portion of the side yard.

Section 17.2.5.1(e): HD2 – Hospital and Health Support Services, Development Regulations

To vary the north and south side yard setbacks for portions of the building above 12.0m in height from 6.0m required to 4.4m proposed.

Section 17.2.5.1(f): HD2 – Hospital and Health Support Services, Development Regulations

To vary the rear yard setback from 3.0m required to 1.52m 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 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 approve a Development Permit for the form and character of multiple dwelling housing with variances to site coverage, required setbacks (front, side and rear yard) and for portions of the building above 12.0m in height.

3.0 Development Planning

Development Planning Staff are supportive of the proposed Development Permit for the form and character of the 22-unit apartment project on the subject property with variances to site coverage and required building setbacks. The development meets the majority of the Official Community Plan (OCP) Form and Character Development Permit Guidelines including selected building finishes, facade articulation and complimentary landscaping.

The subject property is located within the Permanent Growth Boundary and is in close proximity to the Kelowna General Hospital (KGH). The subject site is located mid-block on the east side of Speer Street with Rose Avenue to the south and Royal Avenue to the north. The increase in density at this location is supported by local amenities such as parks, schools, transit and recreational opportunities in the immediate area.

4.0 Proposal

4.1 Background

The subject properties were previously developed in the early to mid-70's when homes were constructed on the two sites which have remained intact since their initial construction. The sites have been formally consolidated to allow the proposed development to be considered. Should Council support the proposal, the existing dwellings will be demolished to facilitate the development.

4.2 Project Description

The proposed development is for the construction of a 5-storey 22-unit apartment building consisting of 4 storeys of residential, 1 storey of structured parking with 2 ground-oriented units fronting onto Speer St to the west. The project will include 12 one-bedroom and 10 two-bedroom units in total. A majority of required on-site parking will be located within the parkade with 6 additional surface parking stalls at the rear of the site for residents and visitors alike, with all site access coming from the lane. The modern building design will include a mix of high-quality exterior materials which includes brick, hardipanel and concrete with black aluminium accents.

The main building entrance/lobby faces Speer Street with a ground-oriented unit flanking each side of the lobby entrance. Each ground-oriented unit will include a raised patio with a direct walkway connection to Speer St. The lobby entrance and ground-oriented units at the front of the development will effectively screen the parkade from Speer St. The parkade will be visible along the side and rear yards, however, the applicant is proposing a planted landscape berm on the south side of the building to screen the parkade wall from the neighbour to the south. The parkade will be closer to the neighbour to the north, however, the area in between the parkade and side property line to the north (1.5 m) will be heavily planted using coniferous and deciduous plantings which will effectively screen the parkade wall once mature growth is achieved.

The applicant has provided more than the required minimum amount of private open space for the future residents on-site by utilizing a combination of patios, balconies, and at-grade spaces in the design of the development. Should the development be approved it would represent the first major redevelopment along Speer St in the HD2 zone. The development is proposed mid-block and has been designed to integrate within the existing streetscape while being sensitive and compatible with the massing of the future streetscape.

Variances

When the project was submitted to the City, initially Staff were tracking 2 variances. The first variance proposes to reduce the front yard setback along Speer St from 4.5 m required to 3.0 m proposed, and the second variance proposes to reduce the rear yard setback from 3.0 m required to 1.52 m proposed.

The initial proposal was for a 4.5 storey residential building with a partial below-grade parkade. Staff requested the applicant determine the feasibility of constructing a partially sunken parkade on the property prior to moving forward with the DP/DVP. Following a geotechnical study of the site it was determined that the water table was too high to allow any below grade parking. This triggered a site re-design which has resulted in three additional variances.

The first additional variance is for site coverage from 55% allowed to 67.36% proposed due to the structured parking located at-grade. Ground-oriented units fronting onto Speer Street serve to screen the parkade from view and provide an enhanced streetscape which allows for pedestrian connectivity.

In raising the elevation of the finished height of the parkade to be more than 2.0m above grade, increased building setbacks are required for the development. When a parkade is located partially below-grade, the side yard setbacks are reduced to 1.5m. However, when the parkade finished height is 2.0 m or more, the side yard setbacks increase from 1.5 to 4.5m required. The proposal seeks to maintain the reduced setback of 1.5 m for both the north and south side yard setbacks.

The additional setback variance is proposing to reduce the required building setback above 12.0m in height from 6.0m required to 4.4m proposed to maintain consistent deck sizing above 12.0m in height. The provision of the raised patios and outdoor amenity areas meets the Zoning Bylaw Regulations for private amenity space.

3 of the 5 variances proposed for this project were triggered when it was determined that the structured parkade was unable to be partially sunken into the grade of the site due to a higher than anticipated water table. Despite the additional variances required to the HD2 to support this project, the design of the building has not changed significantly, and the applicant has worked with their landscaping consultant to mitigate the variances being proposed using landscaping as well as in the way the building has been designed to break up the massing using materials, building form and building articulation.

Overall, Staff are not anticipating any negative impacts associated with the site coverage and setback variances proposed and consider the requests to be reasonable.

4.3 Site Context

The subject properties are located between the City Centre Urban Centre and the South Pandosy Urban Centre in the Central City Sector of Kelowna. The properties are one block east of Pandosy Street and KGH, north of Rose Avenue. Currently Speer Street is predominately residential with single family dwellings as the main building form. The properties are located mid-block and this application is one of the first on this block to propose development under the Health District Future Land Use Designation. The surrounding properties are also designated as Health District and are expected to develop over time in accordance with uses that support the hospital as indicated in OCP policy. Adjacent land uses are as follows

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Single Dwelling Housing with Carriage House
East	RU6 – Two Dwelling Housing	Single Dwelling Housing
South	RU6 – Two Dwelling Housing	Single Dwelling Housing
West	RU6 – Two Dwelling Housing	Single Dwelling Housing

Subject Property Map: 2257 & 2263 Speer St



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	HD ₂ ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Floor Area Ratio	1.28	1.28
Max. Site Coverage (including parkade)	55%	① 67.36%
Max. Height	16.5 m	16.4 m
Min. Front Yard	4.5 m	② 3.0 m
Min. Side Yard (south)	4.5 m	③ 1.5 m
Min. Side Yard (north)	4.5 m	③ 1.5 m
Min. Side Yard (north) above 12.0 m in Height	6.0 m	④ 4.4 m
Min. Rear Yard	3.0 m	⑤ 1.52 m
Other Regulations		
Min. Parking Requirements	25 stalls	25 stalls
Min. Short-term Bicycle Parking	2 stalls	2 stalls
Min. Long-term Bicycle Parking	11 stalls	12 stalls
Min. Private Open Space	430 m ²	539.3 m ²
<p>① Indicates a requested variance to site coverage from 55% permitted to 67.36% proposed.</p> <p>② Indicates a requested variance to the front yard setback from 4.5m required to 3.0m proposed.</p> <p>③ Indicates a requested variance to the minimum north side yard setback from 4.5m required to 1.5m proposed</p> <p>④ Indicates a requested variance to the minimum south side yard setback from 4.5m required to 1.5m proposed</p> <p>⑤ Indicates a requested variance to the minimum north side yard building setback for portions of the building above 12.0 in height from 6.0m required to 4.4m proposed.</p> <p>⑥ Indicates a requested variance to the minimum rear yard setback from 3.0m required to 1.52m proposed.</p>		

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

Objective 5.2 Focus residential density along Transit Supportive Corridors	
Policy 5.2.1. Transit Supportive Corridor Densities	Encourage development that works toward a long-term population density of between 50 – 100 people per hectare within 200 metres of each corridor to achieve densities that support improved transit service and local services and amenities. Discourage underdevelopment of properties along Transit Supportive Corridors.
	<i>Adjacent Transit Supportive Corridors are located within 200m of the subject property; Richter St to the east of the site, Rose Ave to the south and Pandosy St to the west.</i>
Objective 5.3 Design residential infill to be sensitive to neighbourhood context	
Policy 5.3.2. Transition from Transit Supportive Corridors	Provide a transition area allowing for 3-4 storeys in height, as outlined in Figure 5.3, serving as a transition from the medium density development along the Transit Supportive Corridors and lower density residential areas in the Core Area. Encourage ground-oriented residential such as stacked townhouses and bungalow courts with setbacks that respect adjacent lower density residential areas. Discourage commercial uses in the transition zone.

	<i>The subject site does not front directly onto any of the adjacent Transit Supportive Corridors surrounding the property, however, it is located in a transition area.</i>
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Figure 5.3: Core Area Neighbourhood Cross Section



Objective 5.7 Support the strategic and planned growth of the Kelowna General Hospital campus as the region's most critical health facility	
Policy 5.7.2. Hospital Area Plan	Use the Hospital Area Plan for planning guidance in the Core Area Health District <i>The proposed development is located within the Hospital Area Plan adjacent to KGH. The density and uses proposed are consistent with the planning direction outlined in the Hospital Area Plan.</i>
Objective 5.11 Increase the diversity of housing forms and tenure to create an inclusive, affordable and complete Core Area	
Policy 5.11.3. Family-Friendly Housing	Incorporate ground-oriented units in the design of multi-family developments to support family-friendly housing types. Ensure that multi-family developments include a variety of unit sizes, encouraging 10 per cent of units to be three or more bedrooms. <i>The development does not include any 3-bedroom units, however, it does include 2 ground-oriented units fronting Speer St to the west along with a range of unit's sizes and types (one and two bedroom).</i>
Objective 5.14 Provide safe, walkable Core Area neighbourhoods that are connected to key destinations	
Policy 5.14.7 Bicycle-oriented Development	Prioritize bicycle parking and end-of-trip facilities through site planning and design of new development to ensure biking is an attractive and convenient transportation option. <i>The development will incorporate a sizable bike storage area with accessible, secure, and convenient bike parking options to further support active transportation alternatives and transportation modes.</i>
Objective 5.21 Develop and maintain cultural infrastructure to support a vibrant Core Area	
Policy 5.21.3. Live/Work Space	Consider innovative ways to increase the supply of live/work space that is affordable for artists, and work/live space for industrial design and related activities. <i>The development has been designed to include two ground-oriented units adjacent to Speer St which have also been designed to be utilized as live/work units.</i>

6.o Application Chronology

Date of Application Accepted: June 28, 2019
Date of Initial Consideration January 20, 2020
Date of Public Hearing February 4, 2020
Date Public Consultation Completed: December 16, 2021

Report prepared by: Andrew Ferguson, Planner II

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 DP19-0146 & Development Variance Permit DVP19-0147

Schedule A: Site and Floor Plans

Schedule B: Elevation Drawings, Renderings and Material and Colour Board

Schedule C: Landscape Plan

Attachment B: Applicant's Letter of Rationale