

REPORT TO COUNCIL



Date: November 29, 2022

To: Council

From: City Manager

Department: Development Planning

Application: DP21-0150 & DVP22-0042

Owner: Madison Avenue Clement GP Inc., Inc. No. A0117433

Address: 647 Clement Ave

Applicant: BlueGreen Architecture Inc. – Mark Aquilon

Subject: Development Permit & Development Variance Permit Application

Existing OCP Designation: UC – Urban Centre

Existing Zone: UC1 – Downtown Urban Centre

1.0 Recommendation

THAT Bylaw No. 12336 be forwarded for rescindment consideration and the file be closed;

AND THAT Council authorizes the issuance of Development Permit No. DP21-0150 for Lot 1, District Lot 1039, ODYD, Plan EPP121801, located at 647 Clement 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. DVP22-0042 for Lot 1, District Lot 1039, ODYD, Plan EPP121801, located at 647 Clement Avenue, Kelowna, BC:

AND THAT variances to the following sections of Zoning Bylaw No. 12375 be granted:

Section 14.11.2: UC1 – Core Area & Other Zones, Commercial and Urban Centre Zone Development Regulations

To vary the required minimum upper floor setback for a portion of the building above 16.0 m abutting the east property line from 4.0 m permitted to 0.0 m proposed.

Section 14.11.2: UC1 – Core Area & Other Zones, Commercial and Urban Centre Zone Development Regulations

To vary the required minimum upper floor setback for a portion of the building above 16.0 m abutting the west property line from 4.0 m permitted to 3.0 m 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.

Purpose

To issue a Development Permit for the form and character of a 6-storey residential development and to issue a Development Variance Permit to vary the minimum upper floor setbacks on the east and west side of the building.

2.0 Development Planning

Staff support the proposed Development Permit and associated variances for the form and character of a 6-storey residential building. The proposal generally complies with the Official Community Plan (OCP) Policies for the Downtown Urban Centre by providing medium density residential development which is in conformance with the Building Heights and Street Character mapping. The proposal generally conforms to the OCP Form and Character Development Permit Area Design Guidelines for Low & Mid-Rise Residential Development. Key guidelines that are met include:

- Orienting the primary building façade and entry to the fronting street to create street edge definition
- Accommodating off-street parking underground and “back-of-house” uses way from public view
- Providing ground floor residential units which have direct, individual access to the street and a semi-private entry with an elevated front patio.
- Expressing a unified architectural concept that incorporates variation in façade treatments including articulating facades, providing patios and balconies, recessing balconies, stepping back upper storeys, and incorporating natural building materials such as brick and wood.
- Providing shared rooftop amenity spaces to be accessible to residents.

Variances

The applicant has requested to reduce the required upper floor setback (above 16.0 m) from 4.0 m permitted to 3.0 m proposed abutting the west property line and 0.0 m proposed abutting the east property line. The setback only applies to the sixth storey of the building as it is the only portion above 16.0 m height. The requested variance on the west side of the building is considered minor in nature and allows for balconies and a roof overhang on the sixth storey. The requested variance on the east side is to extend the firewall above the fifth storey. The firewall has been patterned and textured to provide visual interest. The adjacent properties to the east are within the Urban Centre. Future development of these lots is expected to eventually conceal the firewall.

3.0 Proposal

3.1 Background

Council considered a rezoning application to rezone the subject property to the C7 – Central Business Commercial zone in April 2022 and gave the bylaw First, Second and Third readings. As the new Zoning

Bylaw No. 12375 rezoned the subject property to UC1 – Downtown Urban Centre, final adoption of the Rezoning Bylaw under Zoning Bylaw No. 8000 is no longer required.

Council adopted a road closure bylaw on September 26, 2022 to close a portion of the lane adjacent to Clement Ave, which has been consolidated as part of the development site.

3.2 Project Description

The applicant proposes a 6-storey apartment building on the subject property containing 20 bachelor units, 29 one-bedroom units, and 17 two-bedroom units. Six of the units are ground-oriented townhomes with direct access onto Clement Avenue. A large amenity deck is provided on the roof of the structured parkade which includes seating, a firepit, landscape planters, an outdoor kitchen, and dog run.

Two levels of structured parking are provided. One level is below-grade and one level is at-grade and screened by the townhome units. Access to parking is provided from the rear lane. Two surface parking stalls are also provided at the rear of the building accessed from the lane. One of the surface stalls will be dedicated to a Modo car share vehicle. The applicant has a signed Car Share Agreement with Modo which requires them to provide the car share vehicle and designate the parking stall for the exclusive use of Modo.

Exterior building materials include red brick veneer, Scandinavian fir wood siding, charcoal grey metal siding, and grey hardie board. Decorative shrub, perennial, and ornamental grass plantings are proposed along the townhouse patios to screen exposed concrete. Snowbird Hawthorn and Ivory Silk Lilac Trees are proposed on the rooftop amenity deck.

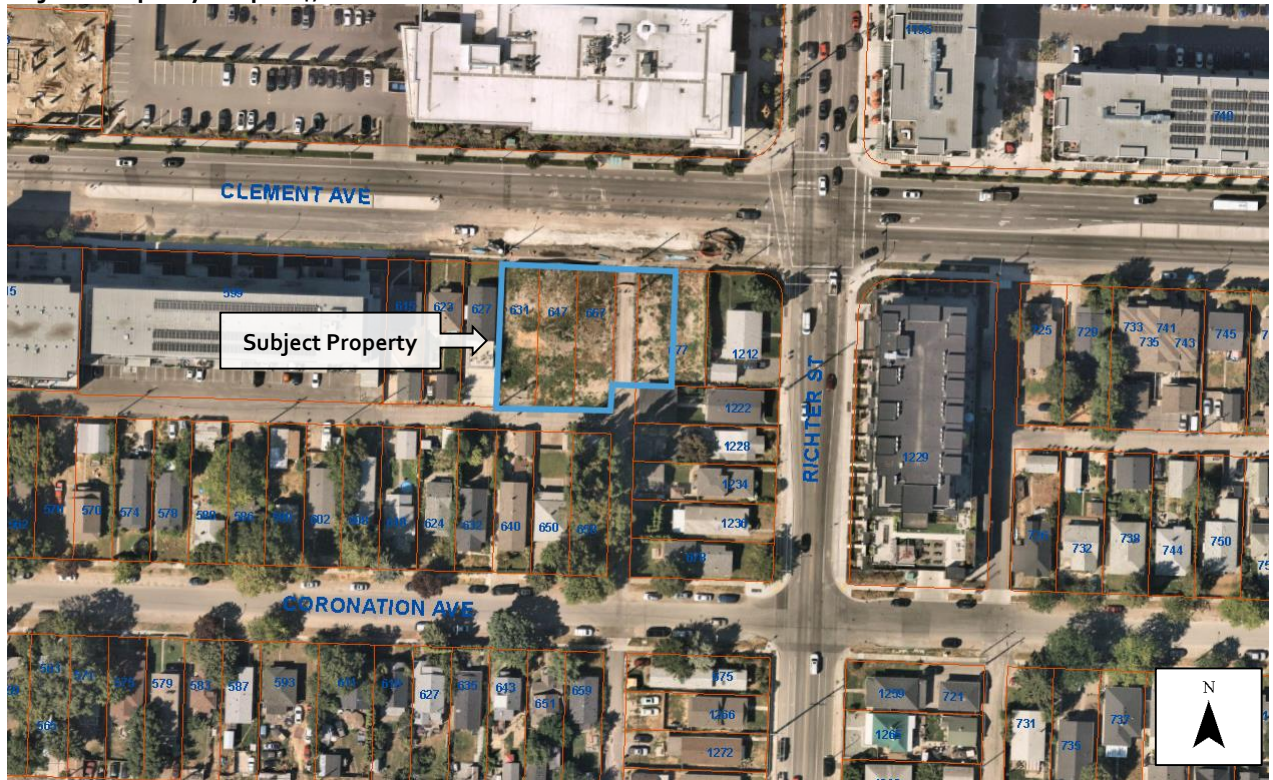
3.3 Site Context

The subject property is located at the boundary of the Downtown Urban Centre on the south side of Clement Ave between St Paul St. and Richter St. The surrounding neighbourhood is in the process of transitioning from single family dwellings to multi-dwelling housing. Nearby properties to the east and west have recently been redeveloped and other properties in the nearby vicinity have in-stream development applications. The surrounding area to the west, east, and south is designated Urban Centre and zoned UC1 – Downtown Urban Centre. The Kelowna Police Services Building is directly across Clement Ave, is designated EDINST – Educational/Institutional and is zoned P1 – Major Institutional.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P1 – Major Institutional	RCMP Detachment
East	UC1 – Downtown Urban Centre	Single Family Dwellings
South	UC1 – Downtown Urban Centre	Single Family Dwellings
West	UC1 - Downtown Urban Centre	Single Family Dwellings

Subject Property Map: 647 Clement Ave



3.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	UC1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	200 m ²	1668 m ²
Min. Lot Width	6.0 m	45.3 m
Min. Lot Depth	30.0 m	37.1 m
Development Regulations		
Max. Site Coverage (buildings)	100 %	91%
Min. Front Yard	0.0 m	3.8 m
Min. Side Yard (west)	0.0 m	0.3 m
Min. Side Yard (east)	0.0 m	0.2 m
Min. Rear Yard	0.0 m	0.0 m
Min. Upper Floor Setback (above 6.0 m or 4 storeys)	3.0 m (abutting street) 4.0 m (abutting adjacent property)	3.96 m (abutting street) 0.0 m (abutting east property) ① 3.0 m (abutting west property) ②
Min. Common and Private Amenity Space	1010 m ²	1113 m ²
Min. Parking Requirements	59 stalls	59 stalls
Min. Bicycle Parking	75 stalls	75 stalls
Density & Height		
Max. Floor Area Ratio	3.3	2.7
Max. Height	12 storeys & 44 m	6 storeys & 20.73 m
① Indicates a requested variance to the upper floor setback on the east side of the building. ② Indicates a requested variance to the upper floor setback on the west side of the building.		

4.0 Current Development Policies

Objective 4.1 Strengthen the Urban Centres as Kelowna’s primary hubs of activity.	
Policy 4.1.6 High Density Residential Development	Direct medium and high-density residential development to Urban Centres to provide a greater mix of housing near employment and to maximize the use of existing and new infrastructure, services and amenities. <i>The proposal is a medium density residential development within the Downtown Urban Centre</i>
Objective 4.4 Reinforce Downtown as the Urban Centre with the greatest diversity and intensity of uses in the City.	
Policy 4.4.2 Downtown Skyline	Support development downtown that is generally consistent with Map 4.1 to accomplish the following: <ul style="list-style-type: none"> • Tapering of heights from taller buildings in the centre of Downtown to lower buildings towards Okanagan Lake and adjacent Core Area Neighbourhoods; • Preservation of the existing form and character of historic Bernard Avenue and other heritage sites; • Consistency with the objectives of the Civic Precinct Plan; and • The development of taller buildings that incorporate distinct architectural features in strategic locations near Okanagan Lake. <i>The subject properties are identified as 12 storeys in height on the Building Heights Map. The proposed building is 6 storeys in height.</i>
Policy 4.4.5 Downtown Street Character	Support development in the Downtown Urban Centre that includes the following characteristics at grade, as outlined in Map 4.2: <ul style="list-style-type: none"> • Retail space along Bernard Ave integrated with a high-quality urban streetscape experience, reinforcing the Downtown’s high street; • Retail space along designated retail streets to create more dynamic spaces with high levels of pedestrian activity; and • Civic and cultural uses, with supporting retail uses along the Art Walk and portions of Water Street designated as civic streets, in keeping with the directions of the Civic Precinct Plan. <i>Clement Ave adjacent to the subject property is designated as a Mixed Street where either commercial or residential uses are supported at grade. The proposed development includes 100% residential uses at grade.</i>

5.0 Application Chronology

Date of Application Received: June 11, 2021
 Date Public Consultation Completed: January 31, 2022

Report prepared by: Mark Tanner, Planner II
Reviewed by: Lydia Korolchuk, 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 DP21-0150 & DVP22-0042

Schedule A: Site Plan and Floor Plans

Schedule B: Elevations

Schedule C: Landscape Plan

Attachment B: Project Renderings

Attachment C: OCP Form and Character Development Permit Guidelines