

REPORT TO COUNCIL



Date: January 17, 2023

To: Council

From: City Manager

Department: Development Planning

Application: DP22-0032 & DVP22-0033 **Owner:** Cellar Door Developments Ltd., Inc. No. BC1292607

Address: 727 Wardlaw Ave **Applicant:** Lime Architecture Inc.

Subject: Development Permit and Development Variance Permit

Existing OCP Designation: UC – Urban Centre

Existing Zone: UC5 – Pandosy Urban Centre

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP22-0032 and Development Variance Permit No. DVP22-0033 for Lot B District Lot 135 ODYD Plan 32260, located at 727 Wardlaw 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 a variance to the following section of Zoning Bylaw No. 12375 be granted:

Table 14.11: UC5 - Commercial and Urban Centre Zone Development Regulations

To vary the minimum front yard setback for ground-oriented housing from 2.0m permitted for to 1.5m 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 and Development Variance Permit for the form and character of townhouses with a variance to the permitted front yard setback.

2.0 Development Planning

Staff supports the Development Permit for the form and character of townhouses and the variance to reduce the front yard setback. The proposed development meets zoning regulations for parking, building height and landscaping and is in general accordance with the Official Community Plan (OCP) Form and Character Design Guidelines for Townhouses. Key guidelines that are met include:

- Orient building entries, windows and patios to face the fronting street with direct access to the sidewalk
- Provide generous usable outdoor amenity space that is well designed to create privacy for the units and an attractive street interface
- Utilize building articulation, scaling, and setbacks to define individual units or intervals and to contribute to a consistent frontage pattern, pedestrian scale and rhythm along the fronting street
- Locate and design buildings to maximize access to sunlight, increase privacy and reinforce neighbourhood character
- Provide access to parking from a secondary street or lane

Variance

The application proposes to reduce the permitted front yard setback from 2.0m to 1.5m. When the application was received in February 2022, the proposed front yard setback was compliant with Zoning Bylaw No. 8000. The new Zoning Bylaw No. 12375 was adopted in September 2022 and it increased the permitted front yard setback for ground-oriented housing by 0.5m.

The subject property has development constraints that include a 3.0m sewer easement along the south property line for a sewer main connection to the adjacent property, lot consolidation is not achievable as the property to the west is an existing utility building and the property to the south is proposed to develop separately. Additionally, the property is wider than it is deep, and is located adjacent to Wardlaw Ave to the north and lane to the east.

3.0 Proposal

3.1 Project Description

The applicant is proposing a four-unit townhouse development with two ground-oriented units fronting onto Wardlaw Ave. All vehicle access will come from the east lane. The proposed building is 3 storeys in height with private open space for each unit being provided through a combination of at-grade patios and individual balconies to exceed the minimum private and common amenity space requirements.

The building proposes modern exterior finishes and includes white and black stucco, beige and grey hardi panels, faux wood siding and black trim. The landscape plan proposes 10 on-site deciduous trees, flowering shrubs and perennials that will complement the building and help to integrate the development within an established residential neighbourhood.

3.2 Site Context

The subject site is located at the northeast corner of the Pandosy Urban Centre nearest to the intersection of Richter St and Wardlaw Ave. Surrounding properties include a mix of residential, institutional, and utility.

The site has a walk score of 77, indicating it is very walkable. The transit score is 47, with some nearby transit options available and a bike score of 93, meaning daily errands can be accomplished on bike.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P2 – Education and Minor Institutional	Institutional
East	MF1 – Infill Housing	Residential
South	UC5 – Pandosy Urban Centre	Residential
West	P4 – Utilities	Utility

Subject Property Map: 727 Wardlaw Avenue



3.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	Uc5 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Floor Area Ratio	1.8	0.85
Max. Site Coverage (buildings)	85%	45%
Max. Site Coverage (buildings, parking, driveways)	90%	59%
Max. Height	6 storeys / 22 m	3 storeys / 10 m
Min. Front Yard	2.0 m	1.5 m ●
Min. Side Yard (west)	0.0 m	5.17 m
Min. Side Yard (east)	0.0 m	0.9 m
Min. Rear Yard	0.0 m	3.5 m
Other Regulations		
Min. Parking Requirements	4 stalls	4 stalls
Min. Bicycle Parking	n/a	4
Min. Private Amenity Space	84 m ²	116 m ²
Min. Common Amenity Space	16 m ²	90 m ²
● Indicates a requested variance to the permitted front yard setback from 2.0m to 1.5m proposed to accommodate the building location.		

4.0 **Current Development Policies**

Objective 4.9. Transition sensitively to adjacent neighbourhoods and public spaces	
Policy 4.9.2. Transitioning to Core Area Neighbourhoods	Use height and scale to ensure that buildings avoid height cliffs and shadowing, transitioning gradually to adjacent Core Area Neighbourhoods <i>The site is located at the northeastern boundary of the Pandosy Urban Centre. A 3-storey building in this location will provide a sensitive transition to adjacent Core Area neighbourhoods to the north and east.</i>
Objective 4.12 Increase the diversity of housing types and tenures to create inclusive, affordable and complete Urban Centres	
Policy 4.12.2. Family-friendly Housing	Incorporate ground-oriented units in the design of multi-family developments to support family-friendly housing types. Ensure that multi-unit developments include a variety of unit sizes, encouraging 10 per cent of new units to be three or more bedrooms. <i>50% of the units are three-bedroom. The development will contain 2 two-bedroom and 2 three-bedroom units with two units fronting directly onto Wardlaw to provide ground-oriented housing.</i>

5.0 **Application Chronology**

Date of Application Received: February 7, 2022
 Date Public Consultation Completed: November 22, 2022

Report prepared by: Andrew Ferguson, 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 DP22-0032 and Draft Development Variance Permit DVP22-0033

Schedule A: Site Plan and Floor Plans

Schedule B: Elevations

Schedule C: Landscape Plan

Attachment B: OCP Form and Character Development Permit Guidelines

Attachment C: Applicant's Letter of Rationale