

REPORT TO COUNCIL



Date: March 21, 2023

To: Council

From: City Manager

Department: Development Planning

Application: DP22-0063 & DVP22-0064 **Owner:** PC Urban (1605 Gordon Drive)
Holdings Corp. Inc. No.
BC1316531

Address: 1603 – 1615 Gordon Dr **Applicant:** PC Urban (1605 Gordon Drive)
Holdings Corp. Inc. No.
BC1316531

Subject: Development Permit & Development Variance Permit

Existing OCP Designation: C-NHD – Core Area Neighbourhood

Existing Zone: CA1r – Core Area Mixed Use Rental Only

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 12430 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP22-0063 and Development Variance Permit DVP22-0064 for Lot 1 DL 137 ODYD Plan 8837 Except Plan H16278, located at 1603-1615 Gordon Dr, 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 amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;
5. The applicant be required to make a payment into the Public Amenity & Streetscape Capital Reserve Fund as established by Bylaw No. 12386 in accordance with Table 6.8.a. in Zoning Bylaw No. 12375;

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

- a. **Section 14.11: CA1- Commercial and Urban Centre Zone Development Regulations**
To vary the required maximum site coverage of all buildings from 75% required to 83.9% proposed;
- b. **Section 14.11: CA1- Commercial and Urban Centre Zone Development Regulations**
To vary the required maximum site coverage of all buildings, structures, and impermeable surfaces from 85% required to 86.4% proposed;
- c. **Section 14.11: CA1- Commercial and Urban Centre Zone Development Regulations**
To vary the minimum front yard setback (west) from 2.0 m required to 0.0 m proposed;
- d. **Section 14.11: CA1- Commercial and Urban Centre Zone Development Regulations**
To vary the minimum flanking side yard setback (north) from 2.0 m required to 0.0 m proposed;
- e. **Section 14.11: CA1- Commercial and Urban Centre Zone Development Regulations**
To vary the minimum building setback from front yard (west) from 3.0 m required to 1.1 m proposed;
- f. **Section 14.11: CA1- Commercial and Urban Centre Zone Development Regulations**
To vary the minimum side yard setback (south) from 3.0 m required to 0.2 m proposed;
- g. **Section 14.11: CA1- Commercial and Urban Centre Zone Development Regulations**
To vary the minimum rear yard setback (east) from 6.0 m required abutting an RU1 property to 3.0 m proposed;
- h. **Section 14.11: CA1- Commercial and Urban Centre Zone Development Regulations**
To vary the corner lot setback from a 4.5 m triangle to 0.0 m.

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

Purpose

To issue a Development Permit and Development Variance Permit for the form and character of Multiple Dwelling Housing and a Child Care Centre Major; with variances to minimum setbacks, minimum setback, and site coverage.

2.0 Development Planning

The proposed project is a 192-unit purpose-built rental building that includes 27 three-bedroom units and a 353 m² Child Care Centre Major (daycare) with outdoor space. Staff recommend support for the Development Permit and the Development Variance Permit. The project meets the majority of the 2040 Official Community Plan (OCP) Design Guidelines including:

- Relationship to the street: ground-oriented units with entries at street level have been provided to activate the frontage, the main entrances to the daycare and residential building are prominent and weather protected;
- Building articulation: the building is well articulated with façade modulation, repeating window patterns, individual balconies, and changes in the roofline;
- Building mass: the building has a well-defined base, middle, and top, and incorporates distinct architectural treatments for corner prominence; vertical break along Lawrence Ave to interrupt long horizontal building;

- Private open space: ample open space is achieved through balconies and an outdoor amenity area located on the second storey facing south to maximize sunlight; the outdoor space provides a variety of amenities for the daycare and the tenants of the building;
- Signage: attractive signage is scaled to the pedestrian rather than the motorist and the materials and lighting is consistent with the design of the building.

The project also meets several OCP Policies for Core Area Neighbourhoods including strategically locating community services such as a daycare in the Core Area, and ensuring family-friendly housing three-bedroom units representing 14% of the project. Kelowna's vacancy rate is below 1% as per the 2021 Census Data, and three-bedroom family-oriented units are particularly scarce.

Variances

The proposed project triggers multiple minor variances related to site coverage and setbacks. This is due to a variety of reasons including new regulations in Zoning Bylaw No. 12375 which came into effect while this application was in-stream. Variances to the front yard (Gordon Dr) and flanking side yard (Lawrence Ave) are triggered by two structural columns placed at 0.0 m setback, while the majority of the building is setback at ground level meeting the Zoning Bylaw Regulations.



Fig 1: Setback variances shown in red for structural columns supporting roof canopy above the daycare.

The townhomes that flank both streets provide an animated pedestrian streetscape to help mitigate the setback variances and create interaction between public and private spaces. In addition, enhanced façade articulation is provided through stepping in and out both vertically and horizontally along the building faces to reduce the impact of the setback variances on the streetscape. A shadow study has been supplied as Attachment C which demonstrates the impact of shadowing on the adjacent streets and properties.

There are two additional variances to setbacks on the south and east to accommodate the form of the parkade and enclosed stair accesses on the lower levels. To mitigate both of these variances, the applicants have stepped the building back above the parkade level on the south by 4.5 m and on the east by 1.4 m. This reduces the shadow impact on the adjacent RU1 properties to the east.



Fig 2: Setback variance on east side, facing adjacent RU4 properties

3.0 Proposal

3.1 Background

The subject property currently has a single storey building on site with office uses and a daycare. A key objective that Staff identified during the pre-application stage was to ensure that a daycare would be a feature of the proposed redevelopment.

This application was received in March 2022 under Bylaw No. 8000 and was paused while the City of Kelowna adopted Zoning Bylaw No. 12375 which allowed a higher Floor Area Ratio for the project. As a result of the adoption of Zoning Bylaw No. 12375, the subject property was zoned to CA1 – Core Area Mixed Use, and Council has recently adopted the “r” Rental Only Subzone for the property.

3.2 Project Description

The proposed project is a 6-storey wood-frame apartment building atop a 2-level parkade with townhomes and a daycare flanking the parkade to create an active and permeable streetscape. Vehicular access is from Lawrence Ave, which is the lower classed street, and the applicant has stated their intention to retain the mature trees along Lawrence Ave where possible.

Residential

The project is composed of a mix of townhomes and apartment units. The applicant has proposed 27 three-bedroom units, 74 two-bedroom units, and 91 one-bedroom units. The townhome units are ground-oriented, and each has a patio and direct access to either Lawrence Ave or Gordon Dr. The apartment units are accessed from a prominent entry along Lawrence Ave, and each have a private balcony space as well as 1,517.8 m² of common outdoor and indoor amenity space.

The Rental Only subzone allows for a 10% reduction in parking, and 185 residential stalls are proposed with 54% regular sized stalls. Visitor and daycare parking is shared with 28 stalls total.

Daycare

Staff have worked extensively with the applicant to ensure that the proposed daycare is designed to meet the needs of a daycare operator, and the applicants have registered a 219-Restrictive Covenant on Title to

ensure its use in perpetuity. The 353 m² daycare is located at grade in a prominent corner location with direct access from the street. There are 28 stalls available for daycare or visitor use to accommodate staff and daycare drop-off/pick-up. The daycare has 195.5 m² of outdoor space that can be shared with the residents during the non-operational hours of the daycare.

3.3 Site Context

The subject property is located north of Highway 97 at the SE corner of Gordon Dr and Lawrence Ave along a Transit Supported Corridor. It is within walking distance to Highway 97, Downtown, and the Capri-Landmark Urban Centre employment hub. There is a single and two dwelling residential neighbourhood to the east that has a future land use of C-NHD Core Area Neighbourhood which will support multi-family development with heights up to 4 storeys.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C2rcs – Vehicle Oriented Commercial, retail cannabis sales CD17 – High Density Mixed Use Commercial	Mixed-Use
East	RU4 – Duplex Housing	Single and Two Dwelling Housing
South	CA1 – Core Area Mixed Use	Hotel
West	MF3 – Apartment Housing	Multi-Family Residential

Subject Property Map: 1603-1615 Gordon Dr



3-4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	CA1r ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Floor Area Ratio Base FAR: 1.8 Public Amenity Bonus: 0.25 Rental Bonus: 0.3	2.35	2.34
Max. Site Coverage (buildings)	75%	83.9% ¹
Max. Site Coverage (buildings, parking, driveways)	85%	86.4% ²
Max. Height OCP Height: 6 storeys Public Amenity Bonus: 6 storeys	44.0 m / 12 storeys	23.2 m / 6 storeys
Min. Front Yard (west)	2.0 m	0.0 m ³
Min. Flanking Yard (north)	2.0 m	0.0 m ⁴
Min. Side Yard (south)	3.0 m	0.2 m ⁵
Min. Rear Yard (east)	6.0 m Abutting RU4	3.0 m ⁶
Min. Building Stepback (west)	3.0 m	1.1 m ⁷
Min. Building Stepback (north)	3.0 m	3.7 m
Corner Lot Triangular Setback	4.5 m	0.0 m ⁸
Landscape Regulations		
Min. Tree Amount	1 per 10 m = 6 trees	9 trees
Other Regulations		
Min. Parking Requirements	213	213
Residential	-	185
Visitor/Daycare	-	28
Ratio of Parking Spaces	Min. 50% Regular	56% Regular
Min. Loading Space	1 space	1 space
Min. Bicycle Parking Long Term	155	165
Min. Bicycle Parking Short Term	8	8
Bike Wash and Repair Station	Required	Provided
Min. Total Amenity Area	3,890.0 m²	3,938.2 m²
Private	n/a	2,420.4
Common	768.0	1,517.8
<p>¹ To vary the required maximum site coverage of all buildings from 75% required to 83.9% proposed</p> <p>² To vary the required maximum site coverage of all buildings, structures, and impermeable surfaces from 85% required to 86.4% proposed;</p> <p>³ To vary the minimum front yard setback (west) from 2.0 m required to 0.0 m proposed;</p> <p>⁴ To vary the minimum flanking side yard setback (north) from 2.0 m required to 0.0 m proposed;</p> <p>⁵ To vary the minimum side yard setback (south) from 3.0 m required to 0.2 m proposed;</p> <p>⁶ To vary the minimum rear yard setback (east) from 6.0 m required abutting an RU1 property to 3.0 m proposed;</p> <p>⁷ To vary the minimum building setback from front yard (west) from 3.0 m required to 1.1 m proposed;</p> <p>⁸ To vary the corner lot setback from a 4.5 m triangle to 0.0 m;</p>		

4.0 Current Development Policies

Objective 5.2 Focus residential density along Transit Supportive Corridors	
Policy 5.2.2 Low Rise Corridor Development	Encourage low rise apartments and stacked townhouses up to six storeys in height in Core Area Neighbourhoods that front or directly about Transit Supportive Corridors . Consider lower heights for such projects where adjacent neighbourhoods are not anticipated to experience significant infill and redevelopment. Consider buildings above six storeys where the project is adjacent to higher capacity transit along Highway 97, a major intersection, or near an Urban Centre , with due consideration for the context of the surrounding neighbourhood. <i>This policy supports the proposed six storey apartment building along the Transit Supportive Corridor of Gordon Dr.</i>
Objective 5.4 Strategically locate community services to foster greater inclusion and social connections in the Core Area.	
Policy 5.4.7 Child Care Spaces	Facilitate the development of childcare spaces throughout the Core Area including accessible, affordable, and inclusive spaces that meet the needs of the community. <i>The project facilitates the development of childcare spaces through a facility with a main entrance at ground level.</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 percent of units to be three or more bedrooms. <i>14% of the project is three bedroom units in a mix of townhomes and apartment style housing.</i>

5.0 Application Chronology

Date of Application Received: March 10, 2022
 Date Public Consultation Completed: June 2, 2022

Report prepared by: Trisa Atwood, 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 DP22-0063 & DVP22-0064

Schedule A: Site Plan Floor Plans, & Unit Plans

Schedule B: Elevations, Sections, & Renderings

Schedule C: Landscape Plan

Attachment B: OCP Form and Character Development Permit Guidelines

Attachment C: Supporting Documents