

REPORT TO COUNCIL DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT



Date: October 17, 2023
To: Council
From: City Manager
Address: 1021 Lawson Ave
File No.: DP23-0042 DVP23-0043
Zone: MF3r – Apartment Housing with Rental Only

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 12559 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP23-0042 and Development Variance Permit No. DVP23-0043 for Lot A District Lot 138 ODYD Plan EPP121306, located at 1021 Lawson Ave, 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;

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

Table 7.2 – Tree & Landscaping Planting Requirements

To vary the minimum ratio between tree size from minimum 50% large trees and maximum 25% small trees permitted to 0% large trees and 100% small trees proposed.

Table 7.2 – Tree & Landscaping Planting Requirements

To vary the minimum growing medium area from 75% soil based landscaping permitted to 35% soil based landscaping proposed.

Section 13.5 – Multi-Dwelling Zones, Development Regulations

To vary the minimum side yard setback (west) from 3.0 m permitted to 0.0 m proposed.

Section 13.5 – Multi-Dwelling Zones, Development Regulations

To vary the minimum side yard setback (east) from 3.0 m permitted to 0.0 m proposed.

Section 13.5 – Multi-Dwelling Zones, Development Regulations

To vary the minimum rear yard setback for parkade with lane access which does not project more than 2.3 m above finished grade from 1.5 m permitted to 0.3 m proposed.

Section 13.5 – Multi-Dwelling Zones, Development Regulations

To vary the minimum building setback from the front yard from 3.0 m permitted to 2.2 m proposed.

AND THAT the applicant be required to contribute \$15,000 to the City of Kelowna Tree Planting Fund prior to issuance of the Development Permit;

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 FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To issue a Development Permit for the form and character of apartment housing and a Development Variance Permit to vary the minimum tree size ratio, minimum growing medium area, minimum side yard setbacks, minimum rear yard setback for a parkade, and minimum building setback.

3.0 Development Planning

Staff support the proposed Development Permit for the form and character of apartment housing. The proposal generally aligns with Official Community Plan (OCP) Form and Character Design Guidelines for Low & Mid-Rise Residential Development. Key guidelines that are met include:

- Orienting primary building facades and entries to the fronting street, with active frontages and additional glazing and articulation on primary facades.
- Incorporating a range of architectural features and details, including balconies, canopies, and overhangs, and substantial natural building material such as wood.
- Articulating the building, including façade modulation, providing patios and balconies, and changing materials with the change in building plane to define the building's top, middle, and base.
- Providing vehicle access from the lane, with parking provided primarily underground and away from public view.

Proposed materials primarily include black hardie shingles, white stucco, wood coloured composite cladding, black metal corrugated siding, and corten steel sheets.

Common amenity spaces include an indoor lounge area on the main floor, an outdoor amenity deck including barbeque area and fire pit, and a rooftop deck. A publicly accessible Modo car share would be accommodated in a surface parking stall accessed from the lane.

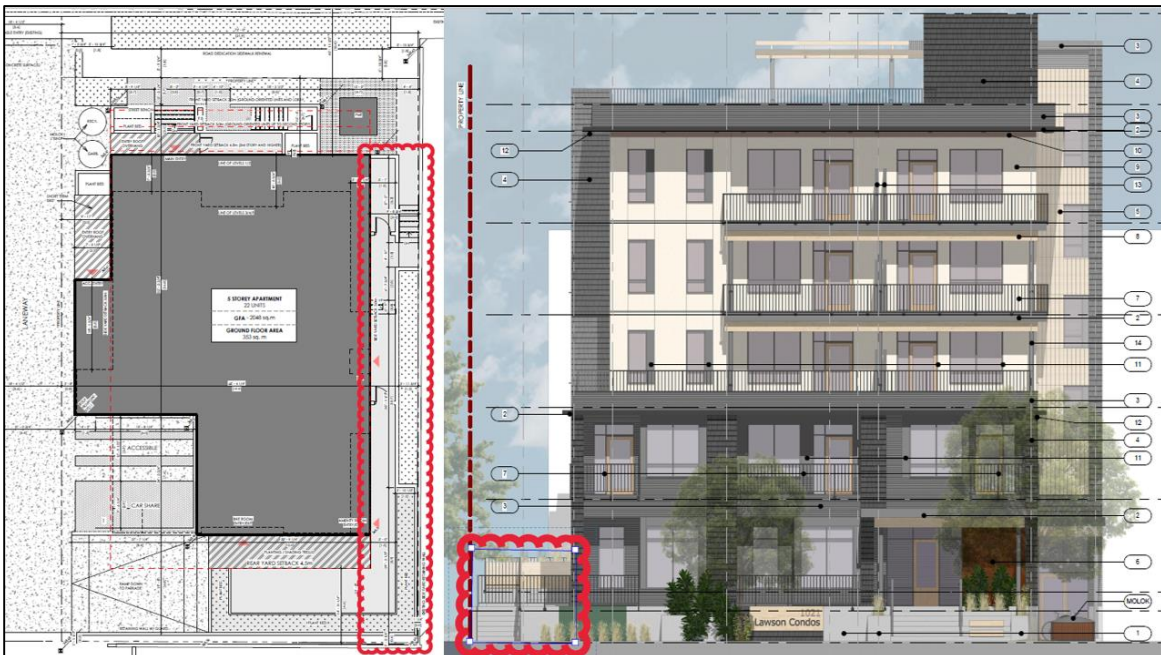
West Side Yard Setback Variances

A variance is proposed to reduce the minimum side yard setback for a portion of the west side of the building to 0.0 m from the laneway. This variance is to accommodate an at-grade entrance from the lane and a stairwell. This allows at-grade access to the elevator, eliminating the need to have an accessible ramp along the entire frontage of the building which would prevent a strong connection between the main entrance of the building and ground-floor units and the street.



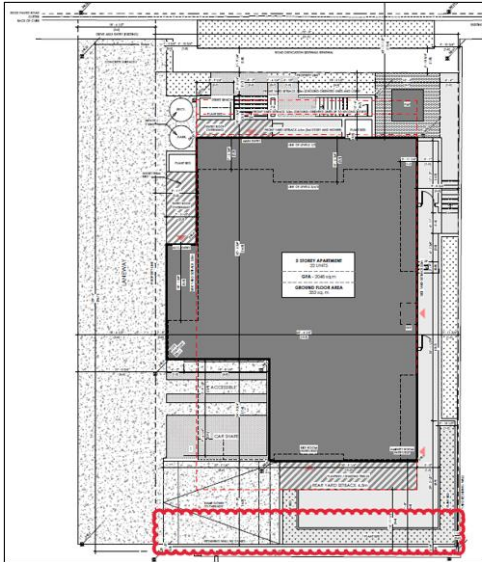
East Side Yard Setback Variance

A variance is proposed for a portion of the east side of the building to 0.0 m from the adjacent lot. The proposed setback reduction would allow the portion of the parkade which projects ~1.8 m above the finished grade to be constructed to the lot line. The walls of the habitable portion of the building meet the setback requirements. This variance allows regular size stalls to be built on both sides of the parkade level to avoid a parking stall size ratio variance.



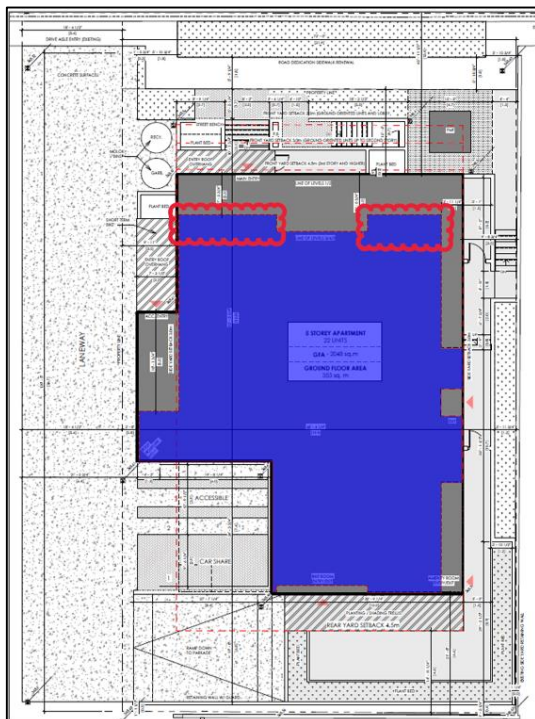
Rear Yard Setback Variance

A setback variance is proposed to reduce the minimum setback requirement for a partially underground parkade from 1.5 m to 0.3 m. The proposed variance will be adjacent to an existing concrete retaining wall of similar height on the adjacent property which supports an outdoor patio area. Therefore, the reduced setback is unlikely to lead to any adverse impact on the neighbouring property.



Building Stepback Variance

A variance is proposed to reduce the required stepback for portions of the front of the building from 3.0 m to 2.3 m. A portion of the front of the building does meet the required stepback. While the required stepback is reduced, a substantial stepback is still provided, and the façade is well articulated in compliance with OCP Design Guidelines.



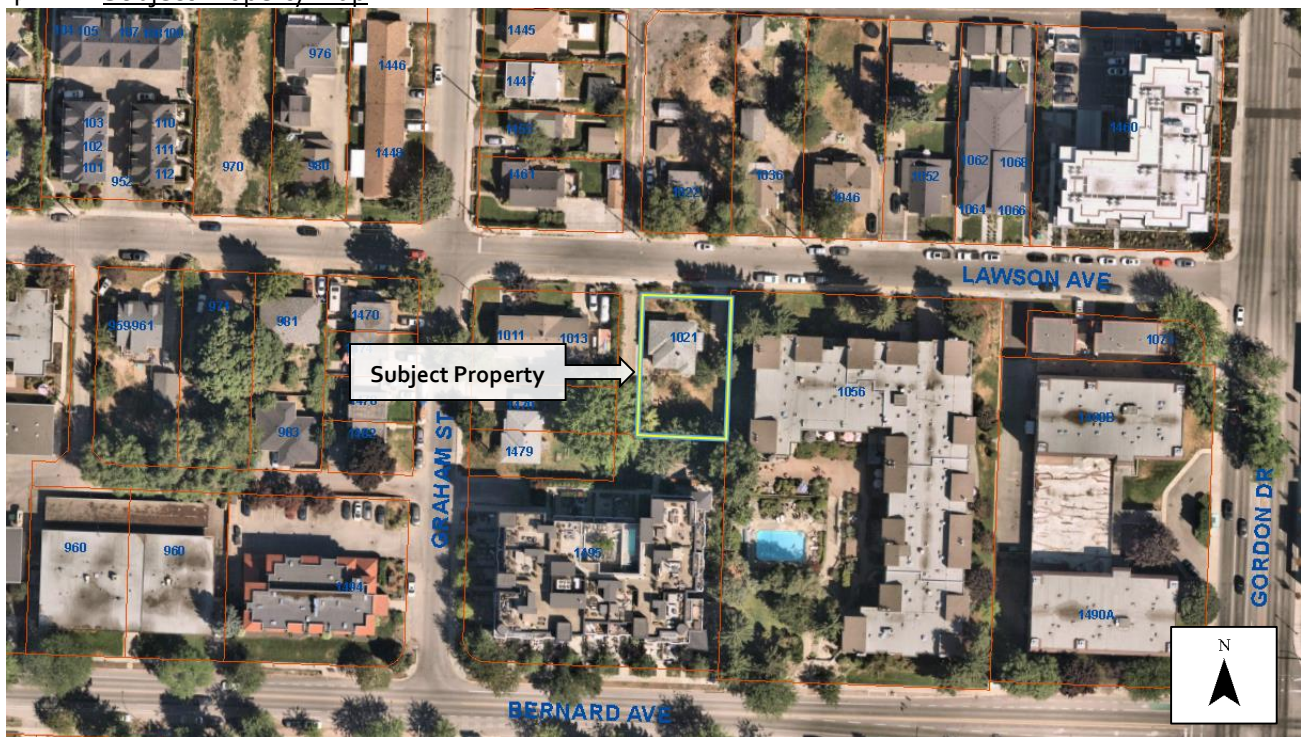
Landscaping Variances

Due to the limited size of the site, underground parkade, and other on-site infrastructure, the area available for landscape plantings is constrained. As the required minimum soil volumes required for the health and survivability of large trees (growing 15 to 25 metres in height) cannot be met, the applicant is proposing to plant only small trees (generally growing no higher than seven to eight metres) on the subject property. As the required landscape buffers contain hard surfaced pathways, an electrical transformer, and portions of the parkade, a variance to the minimum soil-based landscaping is also requested.

To offset the requested landscaping variances, the applicant is proposing to contribute \$15,000 to the City’s Tree Planting Fund which will be used to fund the planting of trees on public lands within the City. The applicant will still be planting the required street trees within the road right-of-way along the street frontage.

4.0 Subject Property & Background

4.1 Subject Property Map



The subject property is located on Lawson Ave between Gordon Drive, Graham Street, and Bernard Avenue. Gordon Drive and Bernard Avenue are both designated as Transit Supportive Corridors and have transit stops within 200 m of the subject property. Commercial and mixed-use buildings, including Centuria Urban Village are located within a 400 m distance along Gordon Drive. Martin Park and Knowles Heritage Park are located within 400 m to the west.

5.0 Zoning Bylaw Regulations Summary

AREA & UNIT STATISTICS	
Gross Lot Area	761 m ²
Total Number of Units	22
Bachelor	7
1-bed	11
2-bed	4

DEVELOPMENT REGULATIONS		
CRITERIA	MF ₃ ZONE	PROPOSAL
Total Maximum Floor Area Ratio	2.35	1.4
Base FAR	1.8	1.4
Rental Bonus FAR	0.3	n/a
Underground Parking Bonus FAR	0.25	n/a
Max. Site Coverage (buildings)	65%	62%
Max. Site Coverage (buildings, parking, driveways)	85%	84%
Max. Height	22 m & 6 storeys	21.7 m & 6 storeys
Setbacks		
Min. Front Yard (north)	4.5 m	4.72 m
Min. Side Yard (west)	3.0 m	0.0 m ¹
Min. Side Yard (east)	3.0 m	0.0 m ²
Min. Rear Yard (south) <ul style="list-style-type: none"> • Building • Parkade 	<ul style="list-style-type: none"> • 4.5 m • 1.5 m 	<ul style="list-style-type: none"> • 4.5 m • 0.3 m ³
Stepbacks		
Min. Fronting Street (north)	3.0 m	2.2 m ⁴
Amenity Space		
Total Required Amenity Space	317 m²	317 m²
Common	88 m ²	140.1 m ²
Landscaping		
Min. Number of Trees	5 trees	7 trees
Min. Large Trees	3	0 ⁵
Min. Growing Medium Area	75% soil based landscaping	35% soil based landscaping ⁶
<p>¹ Indicates a requested variance to the minimum side yard setback (west) from 3.0 m to 0.0 m.</p> <p>² Indicates a requested variance to the minimum side yard setback (east) from 3.0 m to 0.0 m.</p> <p>³ Indicates a requested variance to the minimum rear yard setback for a parkade from 1.5 m to 0.3 m.</p> <p>⁴ Indicates a requested variance to the minimum front yard building stepback from 3.0 m to 2.2 m.</p> <p>⁵ Indicates a requested variance to the minimum number of large trees from 3 to 0.</p> <p>⁶ Indicates a requested variance to the minimum growing medium area from 75% soil based landscaping to 35% soil based landscaping.</p>		

PARKING REGULATIONS		
CRITERIA	MF ₃ ZONE REQUIREMENTS	PROPOSAL
Total Required Vehicle Parking	16 stalls	17 stalls
<ul style="list-style-type: none"> • Residential • Visitor • "r" Subzone Reduction • Car Share Reduction • Bonus Bicycle Parking Reduction 	<ul style="list-style-type: none"> 25.8 3.1 -2.9 -5 -5 	
Ratio of Regular to Small Stalls	Min. 50% Regular Max. 50% Small	50% Regular 50% Small
Bicycle Stalls Short-Term	6 stalls	6 stalls
Bicycle Stalls Long-Term	29 stalls	29 stalls
Bonus Stalls Provided for Parking Reduction		y
Bike Wash & Repair		y

6.0 Application Chronology

Application Accepted: March 10, 2023
Neighbour Notification Received: June 29, 2023
September 15, 2023

Report prepared by: Mark Tanner, Planner II
Reviewed by: Lydia Korolchuk, Acting Planning Supervisor
Reviewed by: Jocelyn Black, Urban Planning Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Draft Development Permit DP23-0042 & Development Variance Permit DVP23-0043
Schedule A: Site Plan & Floor Plans
Schedule B: Elevations & Sections
Schedule C: Landscape Plan
Attachment B: OCP Form and Character Development Permit Guidelines
Attachment C: Renderings

For additional information, please visit our Current Developments online at www.kelowna.ca/currentdevelopments.