

# REPORT TO COUNCIL DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT



**Date:** November 28, 2023  
**To:** Council  
**From:** City Manager  
**Address:** 285 Robson Rd W  
**File No.:** DP23-0046 DVP23-0047  
**Zone:** MF3r – Apartment Housing with Rental Only

---

## 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP23-0046 and Development Variance Permit No. DVP23-0047 for Lot 1 Section 23 Township 26 ODYD Plan EPP120337, located at 285 Robson Rd W, 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 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 variances to the following section of Zoning Bylaw No. 12375 be granted as shown on Schedule "A":

### **Section 13.5: MF3 – Multi-Dwelling Zones, Development Regulations**

To vary the required minimum flanking side yard from 4.5 m required to 2.1 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.

## 2.0 Purpose

To issue a Development Permit and Development Variance Permit for the form and character of apartment housing with a variance to the flanking side yard setback.

### 3.0 Development Planning

Development Planning recommends support for the Development Permit and Development Variance Permit to facilitate a 106-unit apartment building. The proposal is consistent with key Form and Character Design Guidelines in the 2040 Official Community Plan (OCP) and Core Area Neighbourhood, including:

- Incorporate a range of architectural features and details into building facades to create visual interest, especially when approached by pedestrians;
- Break up the building mass by incorporating elements that define a building's base, middle and top' and
- Design shared rooftop amenity spaces to be accessible to residents and to ensure a balance of amenity and privacy.

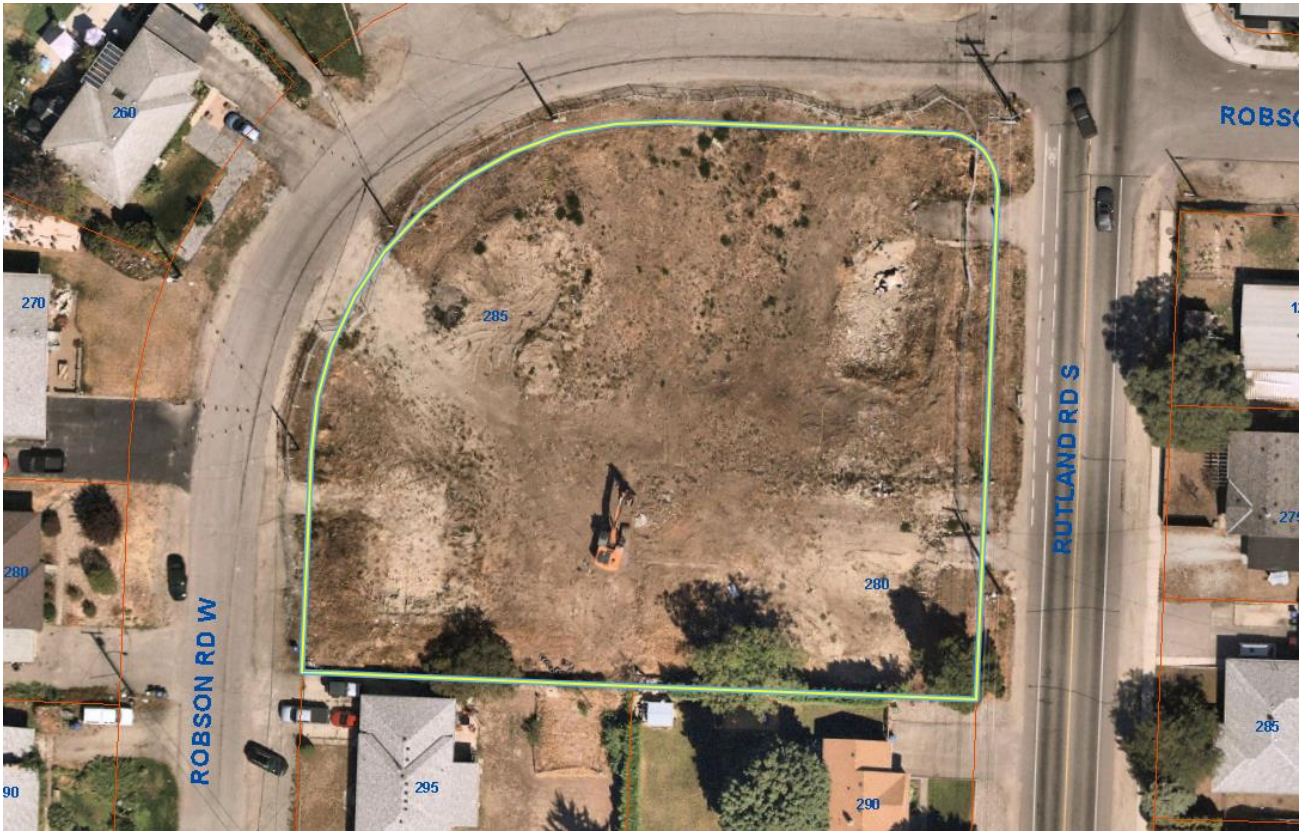
This proposal is for a five-storey apartment building containing 106 units. The development fronts two streets, Robson Road W and Rutland Road S, with access from the lower classification street, Robson Road W. Required parking is met primarily through underground parking with some parking located at grade. Common and private open space requirements are met on-site through the provision of a common yoga and spin room, amenity lounge, and business centre on the fifth floor. Each unit has either an at grade patio area or balcony for private use. Additionally, accessed from the fifth floor is a common amenity area with trees, planters, community gardens, tables, and games area. The primary building finish materials include light and medium grey and dark blue stucco, metal paneling, and brick. Two large murals will be added above the entrances to create further visual interest.

### 3.2 Variances

The project requires a variance to the minimum flanking side yard setback from 4.5 m required to 2.1 m proposed. The variance is due to the unique shape of the property having a long bend for the entirety of the flanking side yard fronting Robson Road. To mitigate the potential impacts of this variance, the applicant has designed this portion of the building to be only four storeys to help reduce the massing along the flanking street. Additionally, 12 trees are proposed in the flanking landscape area to soften the impact of the development.

4.0 Subject Property & Background

4.1 Subject Property Map



The subject property is located at the intersection of Rutland Road S and Robson Road W. The surrounding area to the South and East of the subject property is characterized by single and two dwelling housing. The Rutland Urban Centre is located on the opposite side of Robson Road W to the North and West, containing services and employment opportunities.

5.0 Zoning Bylaw Regulations Summary

AREA & UNIT STATISTICS	
Gross Lot Area	4,193 m <sup>2</sup>
<b>Total Number of Units</b>	<b>106</b>
Bachelor	20
1-bed	51
2-bed	35

DEVELOPMENT REGULATIONS		
CRITERIA	MF <sub>3r</sub> ZONE	PROPOSAL
<b>Total Maximum Floor Area Ratio</b>		
Base FAR	1.3	1.44
Bonus FAR	0.55	
Max. Site Coverage (buildings)	65 %	49 %

Max. Site Coverage (buildings, parking, driveways)	85 %	83 %
<b>Max. Height</b>		
Base Height	18.0 m / 4 storeys	NA
Bonus Height	22.0 m / 6 storeys	17 m / 5 storeys
<b>Setbacks</b>		
Min. Front Yard (East)	2.0 m	2.0 m
Min. Flanking Side Yard (North)	2.0 m	2.0 m
Min. Flanking Side (North & West) Floors 2-4	4.5 m	2.1 m <span style="color: red;">❶</span>
Min. Side Yard (South)	3.0 m	6.0 m
<b>Step backs</b>		
Min. Flanking Street (East)	3.0 m	3.0 m
<b>Amenity Space</b>		
<b>Total Required Amenity Space</b>	<b>1,797.5 m<sup>2</sup></b>	<b>1,837.5 m<sup>2</sup></b>
Common	424 m <sup>2</sup>	1,165.9 m <sup>2</sup>
<b>Landscaping</b>		
Min. Number of Trees	20 trees	26 trees
Min. Large Trees	9 trees	15 trees
❶ Indicates a requested variance to minimum flanking side yard setback from 4.5 m required to 2.1 m proposed on floors 2,3, 4.		

<b>PARKING REGULATIONS</b>		
<b>CRITERIA</b>	<b>MF<sub>3</sub> ZONE REQUIREMENTS</b>	<b>PROPOSAL</b>
<b>Total Required Vehicle Parking</b>	<b>131 Stalls</b>	<b>133 Stalls</b>
Residential	130	
Visitor	15	
"r" Subzone Reduction	14	
Ratio of Regular to Small Stalls	Min. 50% Regular Max. 50% Small	60% Regular 40% Small
Bicycle Stalls Short-Term	12 stalls	12 stalls
Bicycle Stalls Long-Term	80 stalls	102 stalls
Bike Wash & Repair	y	y

## 6.0 Application Chronology

Application Accepted: March 6, 2023  
 Public Information Session: May 21, 2023  
 Neighbourhood Notification Summary Received: May 6, 2023

**Report prepared by:** Jason Issler, Planner I  
**Reviewed by:** Lydia Korolchuk, Acting Urban 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 and Variance Permit DP23-0046 & DVP23-0047

Schedule A: Site Plan & Floor Plans

Schedule B: Elevations & Sections

Schedule C: Landscape Plan

Attachment B: Applicant's letter of rationale

Attachment C: Project Renderings

Attachment D: OCP Form and Character Development Permit Guidelines

For additional information, please visit our Current Developments online at [www.kelowna.ca/currentdevelopments](http://www.kelowna.ca/currentdevelopments).