



DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: November 14, 2023

From: Paul Gipps, CAO

File No: DP 21-01

Subject: **Application No. DP 21-01 – Development Permit with Variances (2405 Bering Road)**

Report Prepared By: Yvonne Mitchell, Planner II

RECOMMENDATION to Consider and Resolve:

THAT Council authorize the issuance of a Westbank Urban Centre Development Permit (DP 21-01) for a townhouse development at 2405 Bering Road, subject to the conditions outlined in the attached Development Permit; and

THAT Council authorize a variance to the City of West Kelowna Zoning Bylaw No. 0265 in accordance with the attached permit, as follows, that the:

- exterior side parcel boundary setback be decreased from 6.0 m to 0.9m.
- front parcel boundary setback be decreased from 6.0 m to 0.1m.
- minimum distance parking must be from the exterior side parcel boundary be reduced from 3.0m to 1.5m.
- required number of standard parking spaces be reduced from 17 to 15.
- minimum two-way access aisle width be reduced from 7.0m to 1.5m along the lane.
- maximum permitted driveway width for townhouse uses be increased from 7.0m to 30.61m along the lane; and

THAT issuance of the Development Permit be withheld pending receipt of:

- Landscaping security in the amount of \$22,140.94; and

THAT if the Development Permit has not been issued within one year from the date of approval, the Permit with variances shall be deemed to have been refused and the file closed.

STRATEGIC AREA(S) OF FOCUS

Pursue Economic Growth and Prosperity – We will work with stakeholders throughout the region to advocate for and support efforts aimed at helping West Kelowna businesses prosper. With a focus on the future, we will advance opportunities to expand our economy, increase employment, and develop the community in ways that contribute towards prosperity for all.

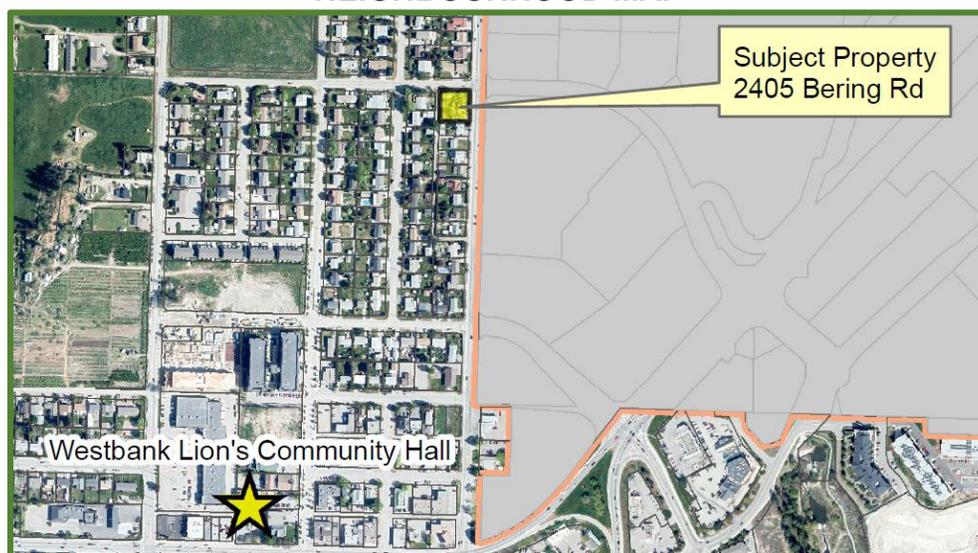
BACKGROUND

The subject property is located at 2405 Bering Road in the Westbank Centre neighbourhood. The property is currently developed with a single detached dwelling.

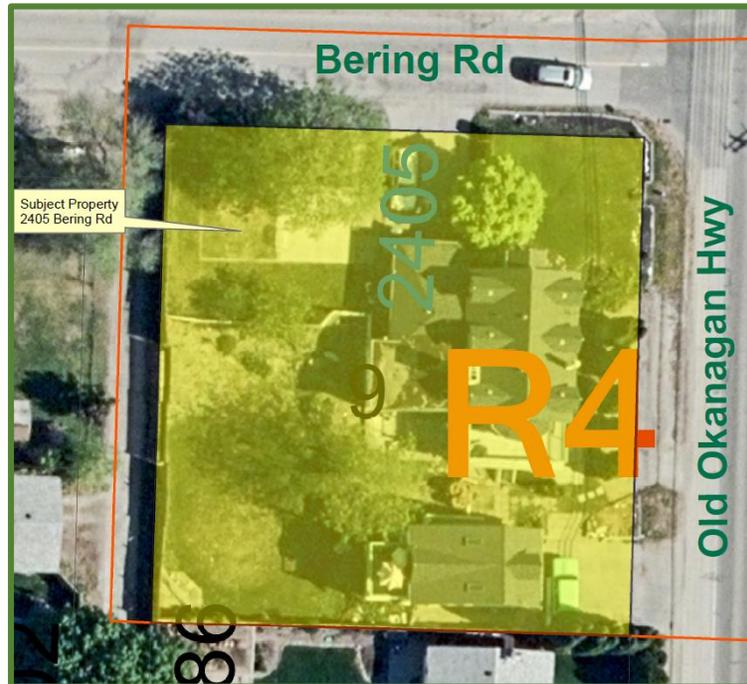
PROPERTY DETAILS			
Address	2405 Bering Road		
PID	010-582-533		
Folio	36412547.002		
Lot Size	.37 acres (1497.34 sqm)		
Owner	Patricia Ann Graham	Agent	Graham Legacy Building and Lands Ltd. (Stephen Graham)
Current Zoning	Medium Density Multiple Residential Zone (R4)	Proposed Zoning	N/A
Current OCP	Westbank Urban Centre – Commercial Core	Proposed OCP	N/A
Current Use	Single Detached Dwelling	Proposed Use	Townhomes
Development Permit Areas	Westbank Urban Centre		
Hazards	None		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES			
North	^	Westbank Centre Compact Residential Zone (RC1)	
East	>	Westbank First Nation	
West	<	Westbank Centre Compact Residential Zone (RC1)	
South	v	Westbank Centre Compact Residential Zone (RC1)	

NEIGHBOURHOOD MAP



PROPERTY MAP



Legislative Requirements

Council has the authority under s.490 of the *Local Government Act* to issue Development Permits, and the authority under s.498 of the *Local Government Act* to issue Development Variance Permits.

Proposal

The applicant is proposing to construct a 14 unit townhouse development in the Westbank Urban Centre. Units are 1-3 bedrooms, with surface parking primarily accessed from the rear lane, private outdoor space in the form of decks/patios, and a communal amenity space in the center of the site. The townhouse development proposes a brownstone style design with each unit having its own walk up/down access and outdoor patio space facing the street. Variances are required to accommodate the unique design elements of this development. The applicant's rationale can be found in Attachment 3.

DISCUSSION

Policy and Bylaw Review

Official Community Plan Bylaw No. 0300

The subject property is designated Westbank Urban Centre – Commercial Core in the Official Community Plan. This land use designation is intended to promote the development and redevelopment of higher density commercial uses and mixed-use buildings that contribute to active street frontages and a strong urban core. It should be

noted that the current application has been instream since 2021 before the OCP was adopted this September. In addition, the proposal abides by the underlying zoning which does not permit commercial uses.

General Development Permit Guidelines

The subject property is subject to the General Development Permit Guidelines. The proposal meets the Guidelines. Key highlights include:

- Landscaping is provided on private property to respect and improve the streetscape and public realm (Guideline s.4.2.12.1.)
- Development clearly delineates and provide separation between vehicular routes and pedestrian routes to minimize all potential conflicts and make pedestrian routes easy to distinguish. (Guideline 4.2.11.2)

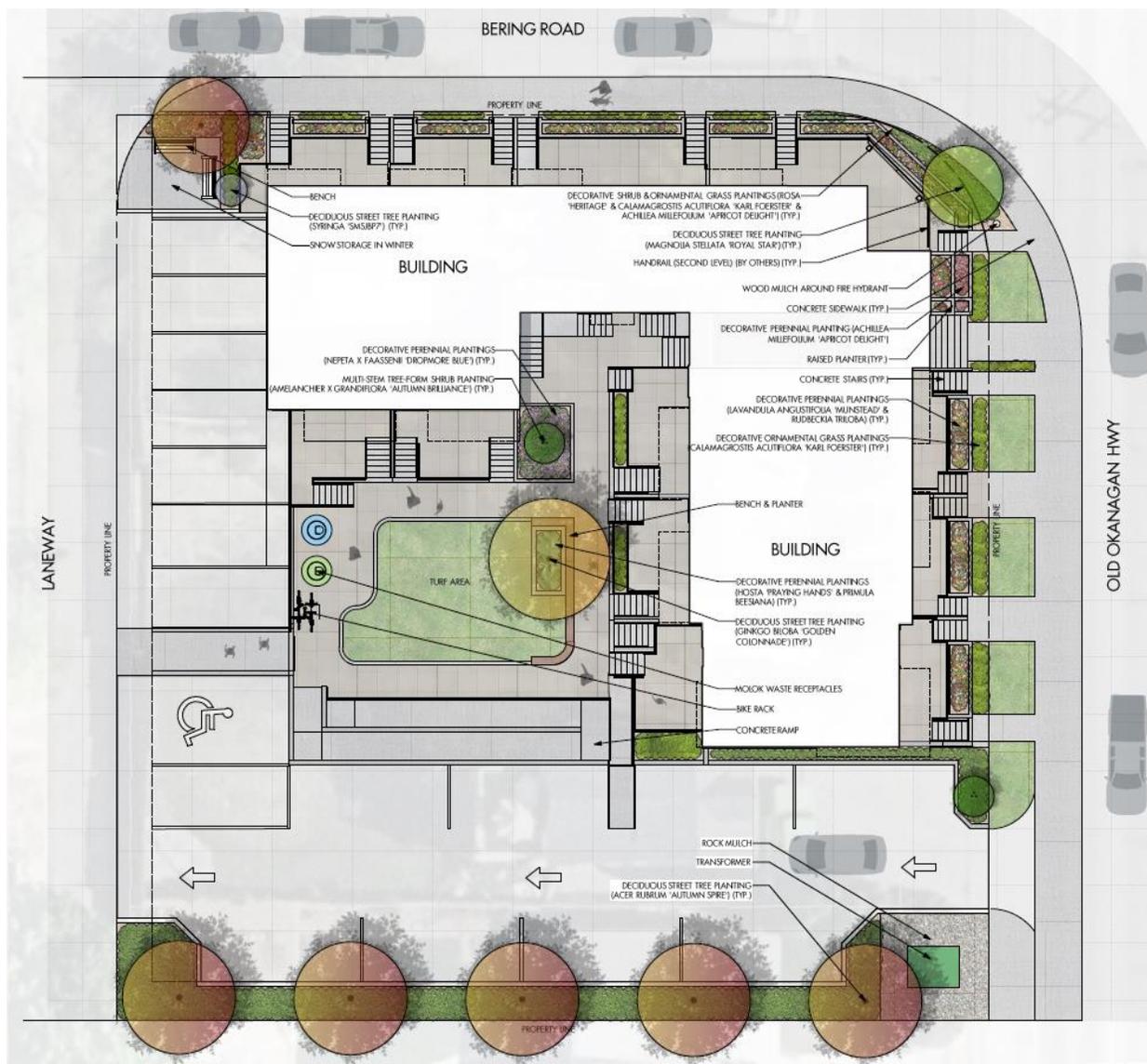


Figure 1 – Site plan showing landscaping and designated pedestrian accesses to the site.

Westbank Urban Centre Development Permit Guidelines

The subject property is subject to the Westbank Urban Centre Development Permit Guidelines. The proposal meets the Guidelines. Key highlights include:

- Architectural features including the building style, colour and materials are utilized to enhance and complement the character of the adjacent and wider neighbourhood context, and high-quality materials such as masonry, wood, glass, steel, and concrete are used to introduce visual appeal (Guidelines 13 and 14).
- The development contributes to an active and vibrant street life by utilizing street-facing windows, entrances, high quality landscaping and other design features that contributes to a more engaging experience and front porches (Guideline 22)



Figure 2 – Rendering of proposed townhomes showing variation in building design, and units with an interactive connection to the street.

Zoning Bylaw No. 0265

The proposal conforms to the regulations in Zoning Bylaw No. 0265 and the R4 Zone except for the following variances, all of which are supported by staff:

1. That the exterior side parcel boundary setback (s.10.11.5(g)iv.) be decreased from 6.0 m to 0.9m.
2. That the front parcel boundary setback (s. 10.11.5(g)i.) be decreased from 6.0 m to 0.1m.
3. That the minimum distance parking must be from the exterior side parcel boundary (s.4.3.2(b)) be reduced from 3.0m to 1.5m.
4. That the required number of standard parking spaces (s.4.4.1(a)) be reduced from 17 to 15.

5. That the minimum two-way access aisle width (s.4.4.2.(a)) be reduced from 7.0m to 1.5m along the lane.
6. That the maximum permitted driveway width for townhouse uses (s.4.4.3.(b).ii.a) be increased from 7.0m to 30.61m along the lane.

The variances are discussed in detail below.

1 and 2. Exterior and Front Parcel Variances

The variance to the exterior and front parcel boundary setbacks are to facilitate the brownstone style design. The building itself is setback 2.32m from the front and 2.54m from the exterior side parcel boundary (Figure 3). However, the 0.1m and 0.9m variances are measured to the foot of the exterior stairs.

These variances are supported as they allow the development to achieve a walk-up/down style design. This design aligns with development permits guidelines by connecting the development to the street and offering dedicated pedestrian accesses away from vehicles.



Figure 3 – rendering of proposed townhouse development showing reduced front and exterior side parcel boundary setbacks.

3. Parking Setback Variance

The minimum 3 meter setback requirement for parking is to limit the visibility of parking areas from the street and provide space for landscaping. Only one parking stall is within 3 meters of the exterior side parcel boundary. Instead, a 1.5m setback has been provided for this stall which is the requirement for interior side and rear parcel boundaries. Landscaping is provided between the parking space and the street (Figure 4).

This variance is supported as it effects one parking space and allows the development to maintain a parking ratio of one space per unit. Landscaping is provided to screen the parking space.

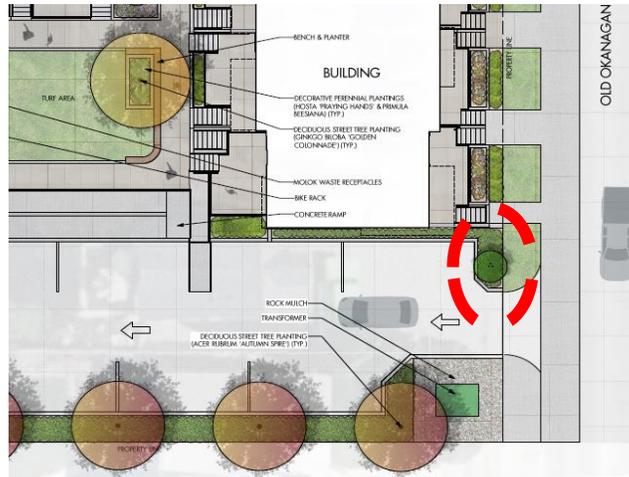


Figure 4 – reduced parking setback for one parking space along the exterior side parcel boundary from 3.0m to 1.5m.

4. **Parking Reduction Variance**

The reduction in 2 standard parking spaces is due to the limited area on the site available for parking. The development instead proposes a parking ratio of 1 parking space per unit (Figure 5).

It should be acknowledged that the City is currently undergoing an ongoing parking review as part of the Zoning Bylaw Update. In addition, the development is within the Westbank Urban Centre where parking demand is expected to be less for residents given proximity to services and other amenities.

This variance is supported as a parking ratio of one space per unit is maintained for the development proposal. In addition, the development continues to offer the 2

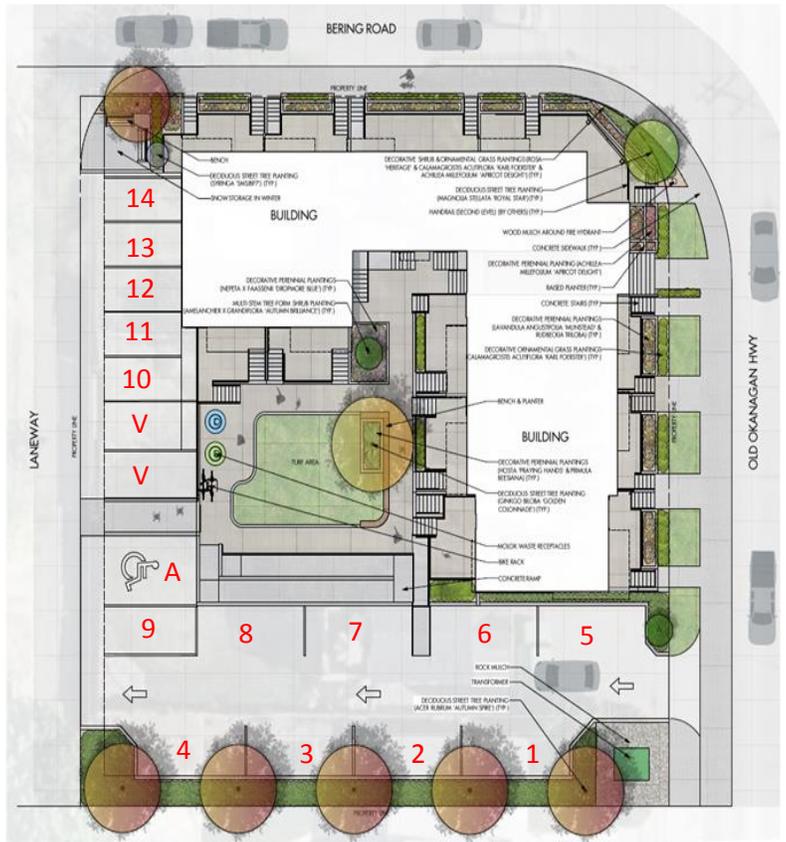


Figure 5 – 14 parking spaces provided for the 14 townhouse units, 1 accessible parking space, and 2 visitor parking spaces.

required visitor spaces and 1 accessible space.

5 and 6. Driveway Width Variance

The increased driveway width and decreased drive aisle width are to accommodate parking accessed from the laneway. The increased driveway width is due to the parking spaces being accessed directly from the lane. The reduced drive aisle width is due to the required 7 meter drive aisle calculated using the laneway (6 meter laneway + 1.5m aisle on property = 7.5m drive aisle) (Figure 6).

These variances are supported as they allow the majority of parking to be accessed from the rear laneway leaving the front of the property for pedestrian connections to the site. The laneway and additional width on the parcel together provide sufficient space for the maneuvering of vehicles in and out of the site.

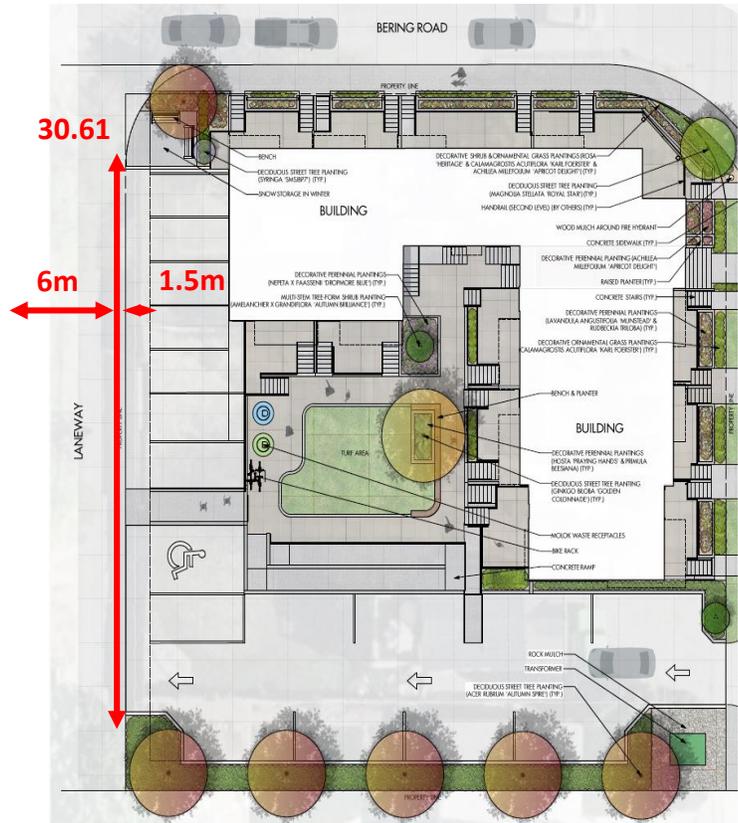


Figure 6 – increased driveway width and reduced drive aisle width to facilitate parking adjacent to the rear lane.

Public Notification

In accordance with the *Local Government Act*, notification letters were sent to all property owners and their tenants within 100m of the subject property advising of the variances. A Notice of Application sign was also installed on the property in accordance with the Development Application Procedures Bylaw No.0260. At the time of drafting this report, no correspondence has been received.

CONCLUSION

The proposed townhouse development adds additional housing units and housing options in an existing residential neighborhood. The form and character of the development is in accordance with applicable General and Westbank Urban Centre Guidelines in the OCP, and the project conforms to the regulations in Zoning Bylaw No.

0265 and R4 – Medium Density Residential Zone except for the variances that aid in creating the projects unique design (rear parking access and brownstone style units).

Alternate Recommendations to Consider and Resolve:

Option 1:

THAT Council deny the issuance of a Westbank Urban Centre Development Permit (DP 21-01) with variances for a townhouse development at 2405 Bering Road; and

THAT Council direct staff to close the file.

Should Council deny the proposed amendment bylaws, the application will be closed in accordance with the Development Applications Procedures Bylaw No. 0260. Council shall not reconsider an application of this nature for the property for a period of six months.

Option 2:

THAT Council postpone the issuance of a Westbank Urban Centre Development Permit (DP 21-01) with variances for a townhouse development at 2405 Bering Road.

Council may wish to postpone the issuance of the Development Permit and require the applicant to redesign components of the proposal in accordance with the City's Zoning Bylaw. If the proposal were revised to avoid the variances, the proposed building would have to be redesigned and the Development Permit would require further consideration of Council.

REVIEWED BY

Chris Oliver, Planning Manager

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager / Corporate Officer

Trevor Seibel, Deputy CAO

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes No

Attachments:

1. Development Permit DP 21-01
2. Applicant's Rationale