



DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: January 9, 2024

From: Paul Gipps, CAO

File No: DP 21-01

Subject: **DP 21-01, Development Permit with Variances (2405 Bering Road)**

Report Prepared By: Yvonne Mitchell, Planner III

BACKGROUND

On November 14, 2023, the development permit with variance application for a 14 unit townhouse project was presented to Council for consideration. The application was postponed. Discussion at the Council meeting included concern with the proposed variances related to parking and the proposal not being what the Official Community Plan has envisioned on this property.

Following the Council meeting the applicant met with staff to discuss options for accommodating two additional parking stalls on the property to remove the requested variance of 17 to 15 stalls. The redesign options discussed are summarized below and shown in Figure 1:

Option 1: Replace the landscaped seating area in the upper left corner with two parking stalls.

This option was previously proposed by the applicant before it proceeded to Council. Parking in this location would require a variance to Schedule A s.5 of the City of West Kelowna Traffic Bylaw No. 0092 – crossings are to be no closer than 4.5m from the intersection of two highways when one is a lane. Staff noted concerns that this variance would result in sightline issues. As stated in the applicant's supplemental rationale letter (Attachment 2) "we thought safety should come 1st, taking parking down to 17 spots." This resulted in the proposed parking variance of two parking stalls.

Option 2: Replace the proposed storage lockers and amenity space with two parking stalls.

This option was reviewed by the applicant but was not pursued as it would result in the loss of storage and green space that adds value for future residents. As stated in the applicant's supplemental rationale letter "our Residents deserve to enjoy living-space outside their doors and a place to store their seasonal tires and Christmas decorations".

Staff also note this redesign option would impact compliance of the proposal with the Zoning Bylaw (loss of long term bike parking) and with development permit guidelines:

12. Where larger surface parking is unavoidable, development is encouraged to break up large parking areas into smaller lots defined by landscaping to minimize the amount of paved surface area.

Option 3: Replace proposed townhouse units with the two parking stalls.

This option was considered by the applicant, but a redesign was not possible as this would impact the applicant's current application with CMHC's affordable housing program and ability to secure the project as a purpose-built rental development.

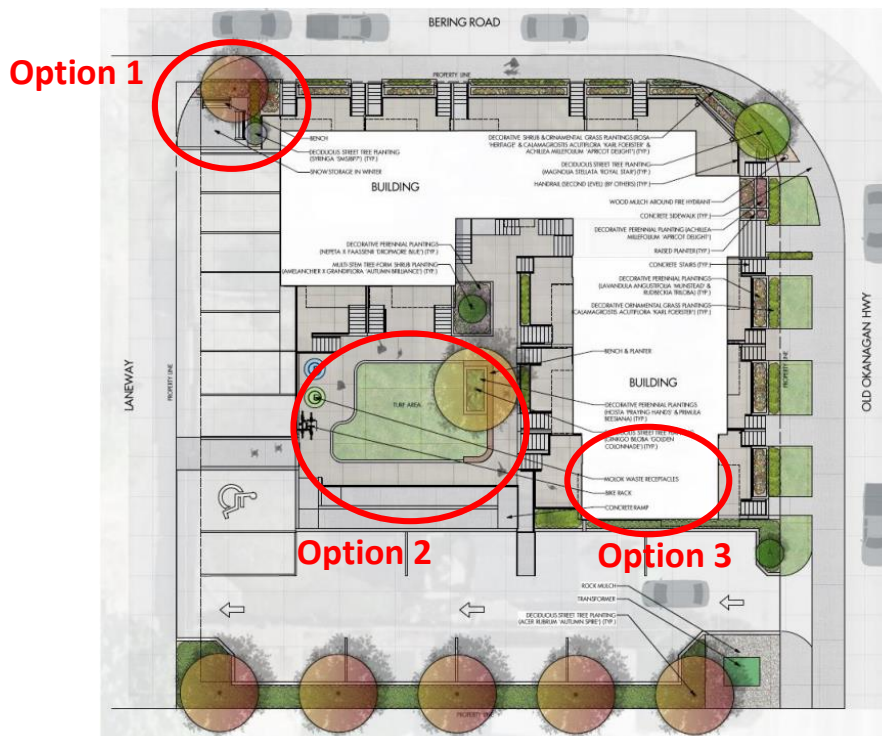


Figure 1: Redesign options considered by the applicant during a meeting with staff.

The applicant has considered Council's request and is unable to redesign the proposal. As such the applicant wishes Council to reconsider the application as originally presented. The applicant has provided a supplemental rationale letter (Attachment 2) for Council's consideration outlining the trade-offs and constraints that impacted the design of this development (location and site characteristics, parking, amenities, financial and affordability, etc.). The applicant states in the letter:

With this supplement to the design rationale, I hope to provide greater understanding – if not appreciation, for the thoughts and decisions that shaped the originating concept into the development proposal of today.

No longer a home to anyone, The Gables now needs to be retired. Our new home, Legacy Town Homes, is our vision and continued commitment to growing with our

community as we're excited to welcome the beginning of our "Legacy family". OCPs speak to a vision of a community's future growth, but communities don't leap to this vision, they grow into their OCPs – steady and true, one step at a time.

The applicant has also requested to address Council as part of the reconsideration. As per Council's Delegation Policy:

Council may support an opportunity for both the applicant and members of the public to briefly address Council prior to Council considering the issuance of a development variance permit...Council may support such an opportunity regardless of whether the staff recommendation is to support or not support the application. Council may limit the time permitted.

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
November 14, 2023	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.	C368/23

REVIEWED BY

Chris Oliver, Planning Manager

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager / Corporate Officer

APPROVED FOR THE AGENDA BY

Trevor Seibel, Deputy CAO

Powerpoint: Yes No

Attachments:

1. Staff Report, November 14, 2023 (File DP 21-01)
2. Applicant's Supplemental Design Rationale (Dec 11 2023)
3. Applicant's Email to Council (Dec 5 2023)
4. Delegation Request from Applicant to be considered by Council