

REPORT TO COUNCIL



Date: February 12th 2019

RIM No. 0940-00

To: City Manager

From: Community Planning Department (AC)

Application: DVP17-0248 DP17-0247 **Owner:** Okanagan Opportunity GP INC., Inc.NO. BC1129792

Address: 599 Clement Ave **Applicant:** Anagram Properties Inc.

Subject: Development Permit and Development Variance Permit Applications

Existing OCP Designation: MRM – Multiple Unit Residential (Medium Density)

Proposed OCP Designation: MRH – Multiple Unit Residential (High Density)

Existing Zone: RU2 – Medium Lot Housing

Proposed Zone: RM6 – High Rise Apartment Housing

1.0 Recommendation

That THAT OCP Amendment Bylaw No. 11563 and Rezoning Bylaw No. 11564 be amended at third reading to revise the legal description of the subject property from:

1. Lot 29 District Lot 139 ODYD Plan 1303, located at 573 Clement Ave, Kelowna, BC
2. Lot 56 District Lot 139 ODYD Plan 1037, located at 577 Clement Ave, Kelowna, BC
3. Lot 57 District Lot 139 ODYD Plan 1037, located at 581 Clement Ave, Kelowna, BC
4. Lot 58 District Lot 139 ODYD Plan 1037, located at 581 Clement Ave, Kelowna, BC
5. Lot 59 District Lot 139 ODYD Plan 1037, located at 589 Clement Ave, Kelowna, BC
6. Lot 1 District Lot 139 ODYD Plan 11327, located at 599 Clement Ave, Kelowna, BC
7. Lot 2 District Lot 139 ODYD Plan 11327, located at 603 Clement Ave, Kelowna, BC

To Lot A, District Lot 139, ODYD, Plan EPP82176

AND THAT final adoption of OCP Amendment Bylaw No. 11563 and Rezoning Bylaw No. BL11564 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. 17-0247 and Development Variance Permit No. DVP17-0248 for Lot A, District Lot 139, ODYD, Plan EPP82176, located at 599 Clement 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 form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;
5. That a car-share agreement and any necessary covenants and/or easements be registered on the property to ensure a car-share program is provided onsite.

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 13.12.6 (b) RM6 – High Rise Apartment Housing Development Regulations:

To vary the maximum site coverage including parking areas and driveways from 50% to 79% proposed;

Section 13.12.6 (e) RM6 – High Rise Apartment Housing Development Regulations:

To vary the minimum side yard setback from 4.5m to 1.5m on the east side yard and 0.2m on the west side yard.

Section 13.12.6 (f) RM6 – High Rise Apartment Housing Development Regulations:

To vary the minimum rear yard setback from 9.0m to 4.0m.

Section 8: Parking and Loading, Table 8.1: Parking Schedule

To vary the required number of parking stalls from 92 required stalls to 72 proposed stalls;

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.

2.0 Purpose

To consider the form and character of a six-storey apartment building and to vary the maximum site coverage, site yard setbacks, rear yard setback, and minimum parking requirements.

3.0 Community Planning

3.1 Development Permit

Community Planning is recommending support for the proposed 6 storey 58-unit purpose built rental apartment building on the subject site. The application meets the Official Community Plan (OCP) Comprehensive Development Permit Area design guidelines and Staff's design recommendations for six storey buildings. Staff generally recommend all six storey building either "bump out the first floors or setback the upper floors" and that buildings are setback at the upper floors when abutting lower scale buildings. The applicant has met with Staff on multiple occasions and the result is the applicant is meeting a number of key design objectives. These key objectives are:

1. Ground-oriented units facing the street which hide the parkade;
2. Parking access from the rear lane;
3. Building setbacks from the street after the first two floor;
4. Building setbacks from neighbouring developments (bigger setbacks on side where adjacent to lower scaled buildings);
5. Car-share incorporated into project;
6. Bike-share incorporated into project;
7. Three and four bedroom units provided;
8. Rental units provided at 10% below market value, guaranteed for 10 years.

The proposed massing for this project has been developed to break down the vertical scale into a two-level base with four levels of stepped housing above. From Clement Avenue, this project has a two-level townhouse base which increases the connectivity of the ground floors of the project to the street and buffers the parkade behind. The townhouses are designed to provide the residents with flexibility on the ground floor level where the space could be used currently as a portion of the residence or in the future could potentially provide live/work space with direct street access. The four levels above the townhouses are stepped further back breaking down the scale of the development. The ends of the building have been also stepped at the fourth floor to decrease the massing from the east and west end. The balconies of the upper four floors have been aligned vertically to reduce the visual bulk of the project and to provide shade to the residents.

The use of massing and materials has been considered in the design to break down the scale and to provide visual strength to the architecture. The mass of the upper floors is accentuated through colour to the inset planes at the balcony locations. Following brand imagery of the developer, the balcony insets have been coloured in a gradient. The primary materials include cementitious panel to the upper levels along with stucco on the end masses. At the townhouse levels a cementitious horizontal siding has been utilized to provide additional texture and detail to the ground plane. Wood elements have been used in the design at locations of entry to the townhouses and the main entry to provide a warmth to the material palette.

3.2 Development Variance Permit

The applicant is applying for five variances through the Development Variance Permit.

1. Variance to increase the maximum site coverage from 50% to 79% proposed.
 - a. 79% is common for these scale of buildings. Many site coverage variances have been approved over the years and Staff are working on a Zoning Bylaw update to modernize and reflect an appropriate site coverage rule for these types of developments.
2. Variance to the minimum east side yard setback from 4.5 metres to 1.5 metres proposed.
 - a. The variance is for the first floor parkade. Floors two, three, and four are setback the required 4.5 metres and the upper two floors are setback further at 8.0 metres (See Fig 3.2.2 below). Staff are supportive of parkade variances to side yard setbacks as the sensitivity to the adjacent lot is more related to the proximity of residential units and potential views into neighbours' yards from windows. Staff recommended the upper floors be setback and the applicant changed the plans to comply.

Figure 3.2.2 East Side Yard Setback (view from the lane)



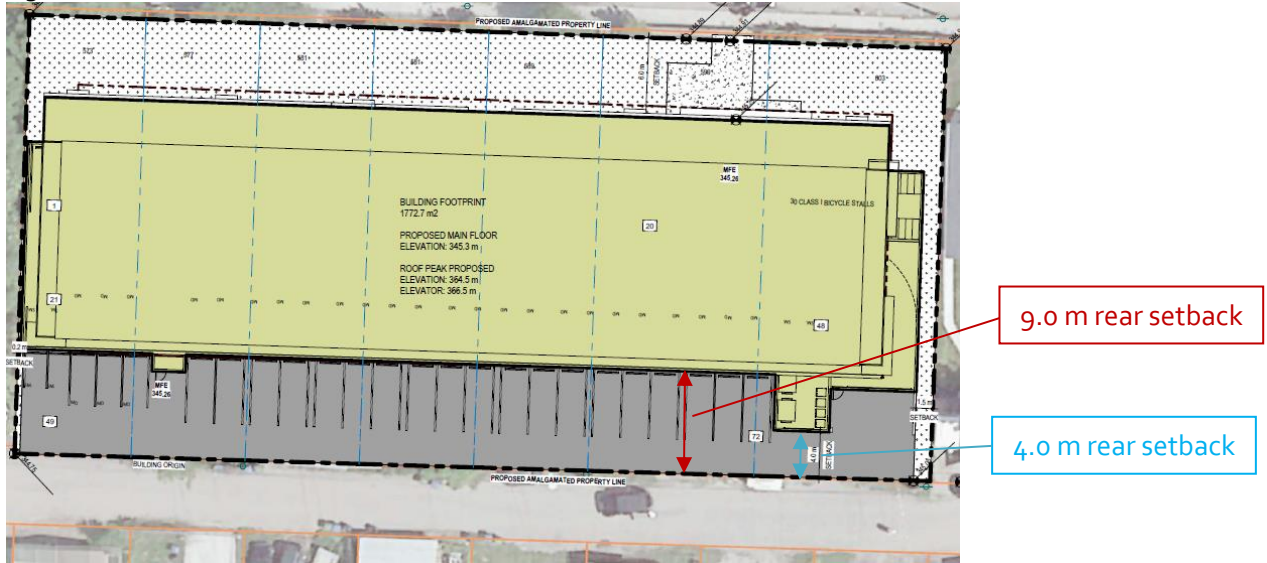
3. Variance to the minimum west side yard setback from 4.5m to 0.2m proposed.
 - a. The parkade is proposed to be setback at 0.2 metres. Floors two, three, and four are proposed to be setback at 1.4 metre. Floors five and 6 are proposed to be setback at 4.6 metres. Staff are supportive of this variance as the neighbouring development (The St. Paul) is also developing near zero setback which will integrate the two projects together. Aesthetically, the developer agreed with Staff that the upper floors should be stepped back to increase the architectural character, variation, and fenestration.

Figure 3.2.3 West Side Yard Setback (view from the lane)



4. Variance to the minimum rear yard setback from 9.0m to 4.0m proposed.
 - a. The rear yard variance is considered a minor variance due to the urban location and need to use land efficiently. The developer is requesting a variance to 4.0m for the garbage and recycling room as the rest of the building meets the setback. Planning staff do not anticipate this variance will have any negligible impact.

Figure 3.2.4 Rear Yard Setback



5. Variance to the minimum number of parking spaces from 92 required to 72 proposed.
 - a. Staff are supportive of this variance due to the subject property's location within the Downtown Urban Centre and the nature of the proposal as purpose-built rental. Rental apartments have greater parking efficiency because of their ability to pool and manage their parking stalls. The applicant is proposing 67 stalls for 58 units which includes 9 stalls for visitors. This results in parking greater than 1 stall per unit. Further, the applicant is proposing to provide four (4) car-share vehicles on-site to further help mitigate potential parking concerns. Staff are recommending a condition be placed on the variance that the car share agreement be in place prior to issuance. Typically, the City requests a cash-in-lieu payment for each parking stall not provided, however the applicant is requesting a variance instead due to the provision of on-site car sharing.

4.0 Proposal

4.1 Background

At the January 22, 2018 meeting, Council endorsed a rental housing grant of \$115,748 to the applicant based on a proposal for 58 rental dwelling units.

Council gave rezoning Bylaw No. BL11654, 2nd and 3rd readings on March 20, 2018. The proposed rezoning is from RU2 – Medium Lot Housing to RM6 – High Rise Apartment and is accompanied by an Official Community Plan Amendment from MRM – Multiple Unit Residential (Medium Density) to MRH – Multiple Unit Residential (High Density).

4.2 Project Description

The applicant is proposing the construction of a six-storey, 58-unit purpose built rental apartment building.

4.3 Site Context

The subject property is located in the 'City Centre' Urban Centre on the south side of Clement Ave. The lot has an area of 3096m² and is located in a neighbourhood with a mix of residential, commercial, and institutional uses.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P1 – Major Institutional	RCMP Building
East	RU2 – Medium Lot Housing	Residential
South	RU2 – Medium Lot Housing	Residential
West	C7 – Central Business Commercial	Residential

Subject Property Map: 599 Clement Ave



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot		
Lot Area	1700m ²	3096m ²
Lot Width	30.0m	80.2m
Lot Depth	35.0m	38.2m
Development Regulations		
Floor Area Ratio	2.0	1.62
Site Coverage	50%	79% ^❶
Height	55.0m/ 16 storeys	18.5m/ 6 storeys
Front Yard	6.0m	6.6m
Side Yard (east)	4.5m	1.5m to parkade ^❷ 4.6m to building (floors 2,3 & 4) 8.0m to building (floors 5 & 6)
Side Yard (west)	4.5m	0.2m to parkade ^❸ 1.4m to building (floors 2,3 & 4) ^❸ 4.8m to building (floors 5 & 6)
Rear Yard	9.0m	4.0m ^❹ (to garbage & recycling room) 9.0m to building
Other Regulations		
Minimum Parking Requirements	92	72 ^❺
Two-Way Drive Aisle Width	7.0m	7.0m
Bicycle Parking	Class I: 29 Class II: 6	Class I: 30 Class II: 6
Private Open Space	1032m ²	1137m ²
<p>❶ Indicates a requested variance to maximum site coverage from 50% to 79% proposed.</p> <p>❷ Indicates a requested variance to the minimum east side yard setback from 4.5m to 1.5m proposed.</p> <p>❸ Indicates a requested variance to the minimum west side yard setback from 4.5m to 0.2m proposed.</p> <p>❹ Indicates a requested variance to the minimum rear yard setback from 9.0m to 4.0m proposed.</p> <p>❺ Indicates a requested variance to the minimum number of parking spaces from 92 required to 72 proposed.</p>		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5 Development Process

- Ensure opportunities are available for greater use of active transportation and transit to: improve community health; reduce greenhouse gas emissions; and increase resilience in the face of higher energy prices.¹
- Parking Relaxations.² Consider parking requirement relaxations, in areas that are not part of a cash-in-lieu program, where an approved TDM strategy indicates a lower use of vehicles and the City is satisfied that parking relaxations would not create parking spill-over problems on adjoining

¹ Objective 5.10 (Development Process Chapter 5).

² Policy 5.11.1 (Development Process Chapter 5).

neighbourhood streets. Parking relaxations will not be considered in hillside areas (as defined on Map 4.1 - Future Land Use).

- Ensure development is compatible with surrounding land uses.³
- Housing Mix.⁴ Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.

Chapter 14 Comprehensive and Revitalization Development Permit Area Objectives

- Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures.
- Encourage an appropriate mix of uses and housing types and sizes.
- Create open, architecturally-pleasing and accessible building facades to the street.

6.0 Technical Comments

6.1 Building & Permitting Department

- Full plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

- See Schedule 'A', memorandum dated November 21, 2017.

7.0 Application Chronology

Date of Application Received:	November 1, 2017
Date Public Consultation Completed:	January 20, 2018
Public Hearing for Zoning:	March 20, 2018

Report prepared by:	Adam Cseke, Urban Planner
Reviewed by:	Terry Barton, Urban Planning Manager
Approved for Inclusion:	Ryan Smith, Community Planning Department Manager

Attachments:

Draft DVP17-0248 DP17-0247
Applicant Rationale
Development Engineering Memo

³ Objective 5.19 (Development Process Chapter 5).

⁴ Policy 5.27.11 (Development Process Chapter 5).