

REPORT TO COUNCIL



Date: June 23, 2020

To: Council

From: City Manager

Department: Development Planning

Application: DP19-0062 and DVP19-0063 **Owner:** KGI Kingsway Homes Ltd., Inc.
No. BC1154888

Address: 710-720 KLO Rd and 2959-2963 Richter St **Applicant:** New Town Architecture & Engineering Ltd.

Subject: Development Permit and Development Variance Permit

1.0 Recommendation

THAT OCP Amendment Bylaw No. 11870 (OCP19-0003) Rezoning Bylaw No. 11871 (Z19-0055) be amended at third reading to revise the legal description of the subject properties from Lot 6, District Lot 135, Osoyoos Division Yale District Plan 3632 and Lot 7, District Lot 135, Osoyoos Division Yale District Plan 3632 to Lot A, District Lot 135, Osoyoos Division Yale District Plan EPP95051;

AND THAT final adoption of OCP Amendment Bylaw No. 11870 and Rezoning Bylaw No. 11871 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0062 for Lot A, District Lot 135, Osoyoos Division Yale District Plan EPP95051, located at 710-720 KLO Rd and 2959-2963 Richter St, 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 landscaping, as determined by a Registered Landscape Architect;
5. Payment-in-Lieu of parking be provided for 37 stalls according to the fee structure in Bylaw No. 8125 prior to building permit issuance.

AND THAT Council authorizes the issuance of a Development Variance Permit No. DVP19-0063 for Lot A, District Lot 135, Osoyoos Division Yale District Plan EPP95051 located at 710-720 KLO Rd and 2959-2963 Richter St, Kelowna, BC;

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

Section 13.11.6 RM5- Medium Density Multiple Housing Development Regulations

(b) to vary the maximum site coverage from 40% to 58% (for buildings) and from 70% to 74% (for buildings, driveways and parking areas)

(c) to vary the maximum height from 4.5 storeys to 5 storeys

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 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 multiple dwelling housing, with variances to site coverage, height, and parking.

3.0 Development Planning

Development Planning Staff are supportive of the proposed Development Permit and associated variances. The proposal meets the objectives of the Official Community Plan (OCP) and relevant Development Permit form and character guidelines, specifically:

- Provide generous outdoor spaces, including rooftops, balconies, patios and courtyards, to allow residents to benefit from the favourable Okanagan weather;
- Detailing that creates a rhythm and visual interest along the line of the building;
- Building frontages that vary architectural treatment in regular intervals in order to maintain diverse an aesthetically appealing streets;
- Incorporate landscaping that compliments and softens the architectural features and edges of buildings; and
- Ensure vehicular and service access has minimal impact on the streetscape.

The proposal includes variances to building height and site coverage. These variances are commonly seen in the South Pandosy area, as the building must accommodate the high-water table which typically pushes the parkade partially above ground and achieving the City's residential density objectives for the urban centre.

4.0 Proposal

4.1 Background

An OCP amendment from MRL- Multiple Unit Residential (Low Density) to MRM- Multiple Unit Residential (Medium Density) and rezoning application from Ru6- Two Dwelling Housing/RM1- Four Dwelling Housing to RM5- Medium Density Multiple Housing received second and third reading on July 30, 2019. The applicant completed neighbourhood consultation in June 2019.

4.2 Project Description

"KLO Gardens" is a 5 storey, 99-unit residential building with units ranging in size from 26.8m² to 31.8m². Units that are over 29 m² do not meet the zoning bylaw definition of micro-suite housing and are subject to the payment of DCC's. The units are purposefully designed as bachelor suites and will be marketed towards the student population attending Okanagan College. The subject property is located within close proximity to transit, active transportation corridors and a variety of employment and commercial opportunities. Given the highly desirable urban location, the applicant included adequate bicycle parking, including 5 stalls dedicated to shared e-bikes. The applicant worked with Planning throughout the review process to refine the building design to adhere to design guidelines. Due to the high-water table, the parkade is partially exposed. To mitigate design constraints associated with this, the applicant is proposing 3 ground-oriented units facing Richter St, a prominent entry facing KLO Rd and landscape features that will assist in ensuring a visually pleasing interface with the street.

Form and Character

The proposed architecture includes the following materials: red brick veneer, hardie plank in earth tones and exposed concrete. The design is oriented towards the street by proposing 3 ground-oriented unit entries facing onto Richter St and the main entry to the building onto KLO Rd. The perceived mass of the building is broken up at the corner by the inclusion of a second-floor open deck amenity area for residents that faces towards the intersection and Richter St. The building interface between adjacent single family to the north is predominantly an accessibility ramp that leads to the open deck amenity area. The building interface with the properties to the east is a significant setback due to the existing laneway and proposed surface parking stalls located off the lane. Staff are confident that due to the location of the amenity area, proper building setbacks (no variances requested) and landscape treatment, overlooking and privacy to adjacent properties has been sufficiently mitigated.

Parking- Cash-In-Lieu

The application was received in February 2019 and has been reviewed under the previous Parking and Loading Section of the Zoning bylaw. The application proposes 45 stalls located in an underground parking structure, and 17 surface stalls located off the lane. This results in a shortage of 37 vehicle stalls which the applicant is providing cash-in-lieu for. Due to the application being received prior to September 1, 2020, if Council approves the DP/DVP and a building permit is issued prior to September 1, 2020, the old cash-in-lieu rate of \$7,500.00 per stall will apply. Alternatively, if a building permit is not issued prior to September 1, 2020, today's cash-in-lieu rate of \$33,000.00 per stall will apply.

Variances

A variance for site coverage from 70% permitted to 74.3% proposed is due to the parkade exposure above ground. If the parkade were entirely below grade, the site coverage would be within the bylaw requirements at 56%. The proposed landscaping will assist in ensuring the site is visually pleasing. Permeable pavers are proposed for a portion of the parking off the laneway to assist with permeability.

An additional variance for building height to 5 storeys is also required due to the water table condition. Planning staff are confident the minor height variance will not cause overlooking issues onto adjacent properties because of adequate setbacks and design.

4.3 Site Context

The subject properties are in the South Pandosy Urban Centre on the corner of KLO Rd and Richter St. The site is bordered by a single-family dwelling to the north, laneway access to the east, KLO Rd to the south, and Richter St to the west. The site is in the Revitalization Development Permit Area (DPA) and is subject to

review under the revitalization urban design guidelines. The Sensitive Infill DPA associated with the RU7 zone is located directly east of the subject site.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM1- Four Dwelling Housing	Single Dwelling Housing
East	RU7- Infill Housing and RU6- Two Dwelling Housing	Single Dwelling Housing and Two Dwelling Housing
South	C5- Transitional Commercial	Health Services
West	RM3- Low Density Multiple Housing	Multiple Dwelling Housing

Subject Property Map:



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	1400m ²	2303.0m ²
Min. Lot Width	30.0m	45.72m
Min. Lot Depth	35.0m	63.02m
Development Regulations		
Max. Floor Area Ratio	Base= 1.1 Urban Centre= 0.2	1.293
Max. Site Coverage (buildings)	50%	57.9%
Max. Site Coverage (buildings, parking, driveways)	70%	74.3%

Max. Height	18.0m or 4.5 storeys	5 storeys
Min. Front Yard	6.0m	6.3m
Min. Side Yard (south)	1.5m for portion of building not over 2 ½ storeys	4.5m
Min. Side Yard (north)	1.5m for portion of a building not over 2 ½ storeys	4.5m
Min. Rear Yard	7.0m (lane)	7.5m
Other Regulations		
Min. Parking Requirements	1 stall per studio unit 1 visitor stall per 7 units	62 stalls
Min. Bicycle Parking	Class 1: 0.5 per dwelling unit Class 2: 0.1 per dwelling unit	Class 1: 50 Class 2: 12
Min. Private Open Space	7.5m ² Per bachelor unit	799.5m ²
<p>Indicates a requested variance to...</p> <p>Maximum height from 4.5 to 5 storeys</p> <p>Maximum site coverage from 70% to 74.3%</p> <p>Cash in lieu payment for the remainder of 37 stalls</p>		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Policy 5.22.11 Housing Mix Support a greater mix of housing unit size, form and tenure in new multi-family residential and mixed-use developments.

Focus development to designated growth areas:

Policy 5.3.2 Compact Urban Form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

6.o Application Chronology

Date of Application Received: February 22, 2019

Date Public Consultation Completed: June 2019

Report prepared by: Jocelyn Black, Planner Specialist

Reviewed by: James Moore, Urban Planning & Development Policy Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Draft Development Permit DP19-0062 & DVP19-0063

Schedule A: Site Plan

Schedule B: Elevations

Schedule C: Landscape Plan

Attachment B: Applicant Design Rationale