

REPORT TO COUNCIL



Date: June 23, 2020

To: Council

From: City Manager

Department: Development Planning

Application: DP20-0003 & DVP20-0004 **Owner:** 815 Leon Developments Ltd.,
Inc. No. BC1053909

Address: 815 Leon Ave **Applicant:** Corey Makus; 815 Leon
Developments Ltd.

Subject: Development Permit and Development Variance Permit Application

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

Existing Zone: RM6 – High Rise Apartment Housing

1.0 Recommendation

THAT final adoption of Official Community Plan Amending Bylaw No. 12007 and Rezoning Bylaw No. 12008 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP20-0003 for Lot A District Lot 138 ODYD Plan EPP78759 located at 815 Leon Avenue, 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. The car share program at the development be operated in accordance with the Agreement included as Schedule "D".

6. The applicant be required to post with the City a security deposit in the form of a "Letter of Credit" in the amount of \$165,000 to ensure the provision of a 3rd car share vehicle within 24 months of occupancy permit.

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0004 for Lot A District Lot 138 ODYD Plan EPP78759 located at 815 Leon Avenue, Kelowna, BC;

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 for principal buildings, accessory structures, and parking areas and driveways from 50% permitted to 76%.

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

To vary the minimum site front yard from 6.0m required to 2.1m.

Section 7.6.1(c): Minimum Landscape Buffers, Level 3

To vary the minimum landscape buffer at the rear yard from 3.0m required to 1.1m.

Table 8.3: Required Off-Street Parking Requirements

To vary the required vehicle parking stalls from 178 to 147.

Section 8.2.11(b): Car-Share Incentives, Off-Street Parking Regulations

To vary the requirement to locate a car-share vehicle within 100m of the subject property, and permit a car-share vehicle to be located outside of the 100m range.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit Applications 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 a Development Permit for the form and character of a 6 ½ storey apartment building; and to consider a Development Variance Permit to vary the following: 1) Site coverage; 2) Front yard setback; 3) Minimum landscape buffer at rear yard; 4) Vehicle parking stall requirement; and 5) Location of car-share vehicle.

3.0 Development Planning

Development Planning supports the Development Permit for the form and character of the 6 ½ storey apartment building. Development Planning also supports the proposed variances.

The proposed apartment building has a high degree of architectural articulation, both horizontally and vertically, thus enhancing visual interest. High quality materials are used throughout, and the colour scheme is both appropriate and varied. The townhouse-style units at grade are ground-oriented and feature well-landscaped yards, activating the space, and offering visual interest to passersby. In addition, the extended balconies on the 3rd story above the townhouses add to the surveillance of the street provided by the townhouse units themselves, displaying a strong commitment to principles of Crime Prevention Through Environmental Design (CPTED). Finally, the main entranceway—as well as the entranceways to the

townhouse units—are prominent, making for a legible and easily navigable design. Altogether, the proposal is substantially consistent with the urban design guidelines of the Revitalization Development Permit Area.

With regards to the variance to site coverage, the proposal is to increase site coverage from 50% permitted to 76%. This variance is acceptable to Staff as the development still delivers a large amount of high-quality landscaping and green space throughout.

With regards to the variance to the front yard setback, the proposal is to reduce the setback from 6.0m to 2.1m. The main entrance is setback 2.1m, while the townhouse units are setback 3.1m. This variance is deemed acceptable by Staff as the ground-orientation of the units at grade reduce the necessity and desirability of an extended setback. In support of this, land-use zones that more explicitly make provision for ground-oriented units allow the front yard setback to be reduced to 1.5m.

With regards to the variance to the minimum landscape buffer at the rear yard, the proposal is to reduce the buffer from 3m to 1.1m. Staff deem the variance acceptable as the area wherein the landscape buffer is reduced fronts onto a parking area on an adjacent lot where the need for extensive landscaping is less crucial.

With regards to the variance to the required vehicle parking stalls, the proposal is to reduce the number of stalls from the 178 required to 147. The parking requirement listed reflects a parking reduction of 15 stalls earned through the developer providing a car share operation. The 147 parking stalls provided meets the requirement for development within an urban centre, where parking requirements are reduced due to the close proximity to amenities and destinations, and the corresponding reduced need for vehicle ownership. In this case, the development is just outside the City Centre Urban Centre (within 200m). Given this very close proximity, Staff feel that it is reasonable to treat the development as one that is within an urban centre. Also, the apartment building is to be a purpose-built rental, and it has been established that rental units require less parking than owner-occupied units. For these reasons, Staff support the proposed variance.

With regards to the variance to the location of a car-share vehicle, the proposed variance is to permit a car-share vehicle to be located outside of 100m from the subject property. Three car-share vehicles are proposed for the development, to offset the requirement of 15 parking stalls, in accordance with the car-share incentives described in Section 8.2.11 of the Zoning Bylaw. Two car-share vehicles are to be provided within 100m of the subject property at occupancy permit (1 on the subject property, and 1 on the street fronting the property). The third car-share vehicle is to be provided within 24 months of occupancy permit. The applicant is applying to vary the requirement that the third car-share vehicle be within 100m of the property. Instead, the third car-share vehicle would be located at a site within the city amenable to MODO (the car-share provider), and Staff. A condition of the Development Permit is that the applicant deposit a bond to ensure that the third car-share vehicle be provided within 24 months of occupancy permit. Staff support the variance to allow the third car-share vehicle to be located outside of 100m of the subject property, as the proposal is consistent with the City's goal of increasing car-share activity as a community benefit and public good.

4.0 Proposal

4.1 Background

At the time of application, the subject property was zoned RU6 – Two Dwelling Housing and had a future land use designation of MRM – Multiple Unit Residential (Medium Density). As such, the proposed development required both an OCP Amendment to change the future land use designation to MRH – Multiple Unit Residential (High Density), and a rezoning to RM6 – High Rise Apartment Housing.

Both the OCP Amendment (OCP20-0001), and rezoning (Z20-0001) were given 1st Reading by Council on March 23, 2020 and forwarded to Public Hearing on May 12, 2020. At the May 12 Regular Council Meeting,

both files were given 2nd and 3rd Reading. The OCP Amendment and rezoning were supported on the condition that a height covenant would be placed on Title limiting development to 6 ½ storeys and 24m.

4.2 Project Description

The applicant proposes a 6 ½ storey apartment building with ground-oriented townhouse units on the first and second storey and apartment units' setback above. The applicant also proposes the following variances: relaxing the site coverage maximum from 50% to 76%; reducing the required front yard setback from 6m to 2.1m; reducing the required landscape buffer at the rear yard from 3m to 1.1m; relaxing the vehicle parking requirement from 178 stalls to 147 stalls; and allowing a car-share vehicle to be located further than 100m from the subject property.

4.3 Site Context

The subject property is located on Leon Ave. between Richter St. and Ethel St. and is 200m east of the City Centre Urban Centre. As the property is in close proximity to the City Centre Urban Centre, the site is within walking distance of a wide range of amenities and destinations, including retail and dining opportunities; employment opportunities; and cultural and recreational facilities. In addition, the lot is within 150m of the Ethel St. multi-use pathway. Related to these points, the lot has a walkscore of 74, where "most errands can be accomplished on foot"; and a bikescore of 96, where "daily errands can be accomplished on a bike".

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Single Family Housing
East	RM6 – High Rise Apartment Housing	Seniors Independent and Assisted Living
South	RU6 – Two Dwelling Housing	Stacked Row Housing
West	RM5 – Medium Density Multiple Housing	Apartment Housing

Subject Property Map: 815 Leon Ave.

Zoning Analysis Table		
CRITERIA	RM6 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Floor Area Ratio	Max. 2.0 with bonuses	1.64
Max. Site Coverage (buildings, parking, driveways)	50%	76% ❶
Max. Height	55.0m / 16 storeys	24m / 6 ½ storeys
Min. Front Yard	6.0m	2.1m ❷
Min. Side Yard (west)	4.5m	4.5m
Min. Side Yard (east)	4.5m	7.0m
Min. Rear Yard	9.0m	10.8m
Other Regulations		
Min. Parking Requirements	178	147 ❸
Min. Bicycle Parking	96	97
Min. Private Open Space	1,846m²	1,848m²

❶ Indicates a requested variance to site coverage.

❷ Indicates a requested variance to front yard setback.

❸ Indicates a requested variance to minimum vehicle parking stall requirement.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Urban Design Development Permit Guidelines

- Comprehensive Development Permit Area Guideline Objectives:
 - Convey a strong sense of authenticity through urban design that is distinctive for Kelowna;
 - Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures;
 - Integrate new development with existing site conditions and preserve the character amenities of the surrounding area;
 - Promote interesting, pedestrian friendly streetscape design and pedestrian linkages;
 - Incorporate architectural features and detailing of buildings and landscapes that define an area's character;
 - Promote alternative transportation with enhanced streetscapes and multimodal linkages;
 - Protect and restore the urban ecology (i.e. architectural and site consideration with respect to the ecological impact on urban design);
 - Moderate urban water demand in the City so that adequate water supply is reserved for agriculture and for natural ecosystem processes.

6.0 Application Chronology

Date of Application Received: December 13, 2019 (together with OCP20-0001 & Z20-0001)

Date Public Consultation Completed: February 13, 2020 (together with OCP20-0001 & Z20-0001)

Report prepared by: Aaron Thibeault, Planner II

Reviewed by: James Moore, Acting Urban Planning Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Draft Development Permit and Development Variance Permit DP20-0003 & DVP20-0004

Attachment B: Development Permit Design Guideline Checklist

Attachment C: Applicant Rationale

