

REPORT TO COUNCIL



Date: November 17, 2020

To: Council

From: City Manager

Department: Development Planning Department

Application: DP19-0197 / DVP19-0198 **Owner:** The Evangel Family Rental Housing Society Inc. No. S16918

Address: 969 Harvey Avenue **Applicant:** Paul Schuster (Novation Architecture)

Subject: Development Permit and Development Variance Permit

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

Existing Zone: RM6r – High Rise Apartment Housing (Residential Rental Tenure Only)

1.0 Recommendation

THAT final adoption of Official Community Plan Map Amendment Bylaw No. 11989 (OCP19-009) and Rezoning Bylaw No. 11990 (Z19-0119), be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0197 for Lot A District Lot 138 Osoyoos Division Yale District Plan 31933 Except Plan 36604, located at 969 Harvey 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. That an arborist be retained during construction to ensure the foundation and backfilling are monitored and any necessary steps are taken to ensure the survivability of the trees on the neighbouring property in which the proposed property may affect the Tree Protection Zone.

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0198 for Lot A District Lot 138 Osoyoos Division Yale District Plan 31933 Except Plan 36604, located at 969 Harvey Avenue, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A, B and C":

Section 13.12.6 (b) – RM6r – High Rise Apartment Housing (Residential Rental Tenure Only) - Development Regulations

To vary the maximum site coverage for principal buildings, accessory structures, and parking areas and driveways from 50% required to 70% proposed.

Section 13.12.6 (e) – RM6r – High Rise Apartment Housing (Residential Rental Tenure Only) - Development Regulations

To vary the minimum site side yard from 4.5 m required to 3.6 m proposed for the western property line.

Section 8 – Parking and Loading - Table 8.3 – Required Off-Street Parking Requirements

To vary the minimum parking from 78 stalls required to 52 stalls proposed.

Section 6.1.2 (c) General Development Regulations – Daylight Standards

To vary the inclined angle of 65° required to 75° proposed to the horizontal for all points along the western side property line.

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated November 17th 2020;

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 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 proposed six and a half storey rental only apartment building with variances to site coverage, the side yard setback, parking and daylight standards.

3.0 Development Planning

3.1 Development Permit

Staff are recommending support for the proposed Development Permit due to the proposal's consistency with the Official Community Plan's (OCP) design guidelines. The applicant has worked with City staff to refine several site issues including servicing, access, and building design. The building form, character, and massing fit the OCP guidelines.

There is an existing rental building on the subject property that houses 64 dwelling units (5 one-bedroom units, 55 two-bedroom units, and 4 three-bedroom units) with 97 parking stalls provided. The existing building has 11 parking stalls in the location of the proposed building. However, the redevelopment would

replace 5 parking stalls for the existing building elsewhere onsite. As a result, the existing building is proposed to function with 6 net fewer parking stalls.

The proposed new building is located in the north-west corner of the site. The proposed height is 6 ½ storeys with 46 new dwelling units consisting primary of three-bedroom units (4 one-bedroom units, 7 two-bedroom units, and 35 three-bedroom units). The proposed 46 dwelling units are planned with 52 parking stalls.

The building design is simple and modern. The materials used are:

1. Stucco ("evening Shadow" colour)
2. PVC Horizontal Siding ("knotty Maple" colour)
3. Fibre Cement Board ("Metallic Black" colour)
4. Fibre Cement Board ("Dynamic Blue" colour)
5. White Vinyl Window Frames
6. Clear Glazing



3.2 Development Variance Permit

There are four variances proposed:

1. A variance to increase the maximum site coverage by 20% (from 50% to 70%);
 - a. Staff have recommended support for many site coverage variances in the past for multi-family buildings. The average site coverage for most multi-family apartment buildings is between 70% and 80%. Staff are analysing these past variances and are going to propose new site coverage regulations in the upcoming zoning bylaw review. The general purpose for site coverage regulations is to ensure enough private open space, amenity area, and onsite infiltration of rainwater. However, with best engineering practices onsite infiltration can occur with relatively high site coverage amounts mitigating the original purpose of the regulations. Further, with the increasing popularity of rooftop amenity areas, larger balconies, above parkade open / amenity space, and internal amenity space, there are other mechanism to ensure adequate private open space versus the traditionally crude site coverage calculation.

2. A variance to the site side yard setback from 4.5 metre to 3.6 metres along the western property line.

- a. Staff interpret the setback reduction as reasonable as the building is located in the north-west corner of the site with limited direct interaction to the building next door. Further, the architects added



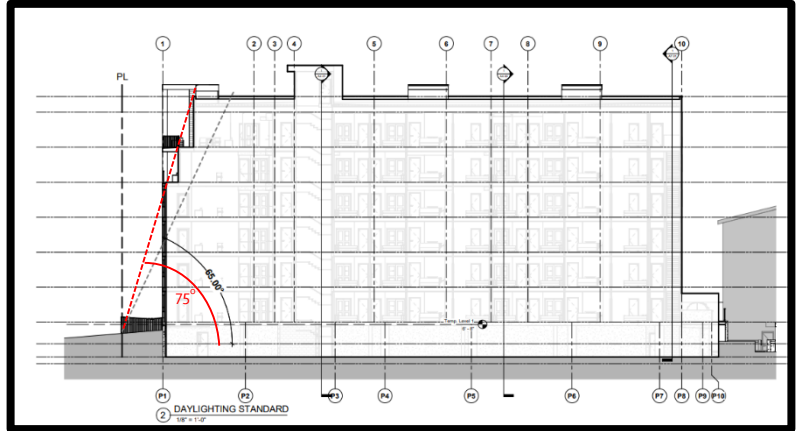
step backs on the fifth and sixth floor to increase the distance for direct line of sight from the upper floor units to the neighbouring building.

3. A variance to decrease the minimum off-street parking from 78 stalls to 52 stalls.

- a. The applicant has provided a detailed parking analysis rationale letter (see Attachment 'B'). Staff are recommending support for this variance as the project is truly an affordable housing project with the guarantee of rental housing, the site's proximity to the Ethel Street Active Transportation Corridor and proximity to two Urban Centres (Downtown and Capri/Landmark). The affordability of the units is mandated and guaranteed by CMHC financing for the life of the mortgage (50 years). The applicant has provided extra bicycle parking to satisfy the parking bonus and the 10% reduction due to the rental only zoning restriction. However, this is not enough as outside Urban Centres the minimum parking count is much higher compared to the Urban Centre rate of 1 stall per residential unit. The rates are based on number of bedrooms with 3-bedroom units requiring 2 stalls per dwelling unit. The applicant is proposing to vary the parking rate down to the equivalent Urban Centre parking rate (1 stall per unit plus required visitor stalls). There is no further room onsite to expand the total amount of parking (unless a multi-level parkade structure is constructed), therefore, the applicant would need to eliminate a floor (approximately 8 dwelling units) in order to comply with the zoning bylaw. Staff feel it is reasonable to reduce the parking requirement to the equivalent Urban Centre rate based on the affordable nature of the project and the applicant's parking demand estimations outlined in their letter.

4. A variance to increase the inclined angle from 65° required to 75° proposed to the horizontal for all points along the western side property line.

- a. The main reason there is a daylight variance is the location of the building with the setback variance. Staff are recommending support for this variance for the same reasons as the setback variance.



4.0 Proposal

4.1 Project Description

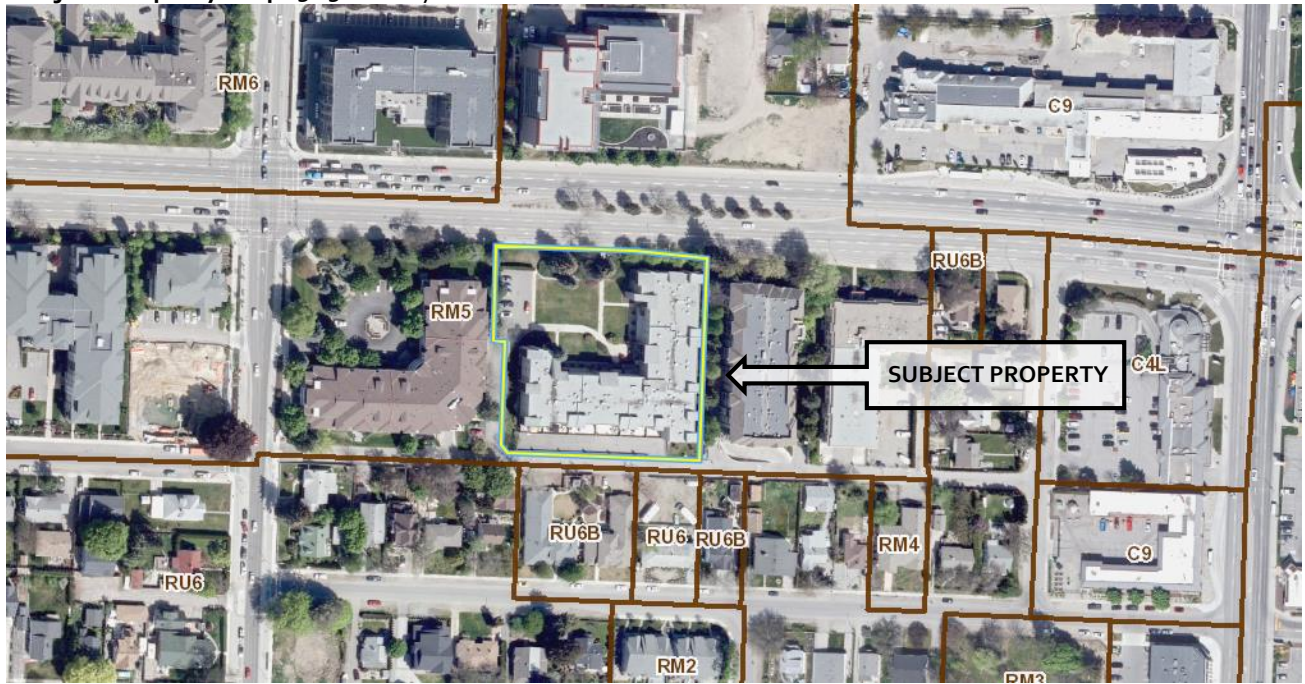
The applicant is proposing the construction of a new six and a half storey multi-family residential infill building located along Hwy 97 North (Harvey Avenue). This project is an addition to an existing three-storey multi-family building. The current building has a large amount of green space along in the front yard along Harvey Avenue. The proposed building will be built in this green space, creating an enclosed courtyard between the two buildings. The proposed site entrance would be from the back laneway along the south end of the property.

4.2 Site Context

The subject property is located between the downtown Urban Centre and the Capri-Landmark Urban Centre along Harvey Avenue. The subject property is within close proximity to downtown and is well served by nearby amenities including parks, restaurants, and shops. The property is also close to the Ethel Street Active Transportation corridor providing good cycling connectivity to various core destinations. The properties' Walk Score is 76 (Very Walkable – most errands can be accomplished on foot). The surrounding area along Harvey Avenue is primarily zoned RM5 and RM6, while the dwellings to the south are RU6 along Laurier Avenue. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM5 – Medium Density Multiple Housing	Medium Density Residential
East	RM5 – Medium Density Multiple Housing	Medium Density Residential
South	RU6 – Two Dwelling Housing	Low Density Residential
West	RM5 – Medium Density Multiple Housing	Medium Density Residential

Subject Property Map: 969 Harvey Avenue



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM6r ZONE REQUIREMENTS	PROPOSAL
Unit Calculation - Existing Building		
1 bedroom	n/a	5
2 bedrooms	n/a	55
3 bedrooms	n/a	4
Unit Calculation - New Building		
1 bedroom	n/a	4
2 bedrooms	n/a	7
3 bedrooms	n/a	35
Development Regulations		
Max. Floor Area Ratio	1.5 (+ 0.17 bonus) = 1.67	1.62
Max. Site Coverage (buildings, parking, driveways)	3,609m ² (50%)	5,070m ² (70%) ^❶
Max. Height	55 m	22 m
Min. Front Yard	6.0 m	6.0 m
Min. Side Yard (West)	4.5 m	3.6 m ^❷
Min. Rear Yard	9.0 m	9.1 m
Other Regulations		
Min. Parking Requirements	86 stalls plus 6 visitor (-5 stalls for bonus bicycles and 10% for rental housing) = 78 stalls	52 ^❸
Min. Bicycle Parking	97	116
Min. Private Open Space	804 m ²	914 m ²
Min. Loading Space	0	0
Landscape Buffer (Front)	Level 2 – 3.0m	3.0m
Landscape Buffer (Side)	Level 3 – 3.0m	3.0m
Landscape Buffer (Rear)	Level 3 – 3.0m	3.0m
Daylight Provisions	65 %	>75.5 % ^❹
^❶ Indicates a requested variance to Section 13.11.6(b) Development Regulations- Site Coverage. ^❷ Indicates a requested variance to Section 13.11.6(e) Development Regulations- Side yard setbacks. ^❸ Indicated a requested variance to Section 8.3.1 Residential Parking Table. ^❹ Indicated a requested variance to Section 6 Daylighting Standards.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ 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.

Contain urban growth.² Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

Mixed Use.³ Integration of residential uses into commercial developments as mixed-use projects is encouraged in Urban Centres, provided that the ground floor use remains commercial.

Housing Mix.⁴ Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.

Building Height⁵:

- **Capri/Landmark:** Generally, 4 storeys. Greater height (up to 12 storeys) may be supported on the Capri Shopping Centre site and in the area bordered by Dickson Avenue, Dayton Avenue, Springfield Road and Kirschner Road upon approval of a Council-endorsed comprehensive development plan for the site that provides for a variety of housing types (including but not limited to ground-oriented and rental apartment housing) and the provision of commercial space that is of an amount that, at minimum, equals that which existed in 2010.

OCP Objective 5.5: Ensure appropriate and context sensitive built form.

Building Height.⁶ In determining appropriate building height, the City will take into account such factors as:

- Contextual fit into the surrounding neighbourhood;
- Shadowing of the public realm;
- View impacts;
- Overlook and privacy impact on neighbouring buildings;
- Impacts on the overall skyline;
- Impacts on adjacent or nearby heritage structures;

Chapter 4: OCP Land Use Designation Massing and Height.³

- Mitigate the actual and perceived bulk of buildings by utilizing appropriate massing, including:
- Architectural elements (e.g. balconies, bay windows, cantilevered floors, cupolas, dormers);
- Visually-interesting rooflines (e.g. variations in cornice lines and roof slopes);
- Step back upper floors to reduce visual impact;

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

² City of Kelowna Official Community Plan, (Chapter 1 Introduction).

³ City of Kelowna Official Community Plan, (Chapter 4 Future Land Use).

⁴ City of Kelowna Official Community Plan, Policy 5.27.11 (Development Process Chapter)

⁵ City of Kelowna Official Community Plan, Policy 5.8.1 (Development Process Chapter)

⁶ City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter). ³ City of Kelowna Official Community Plan, Chapter 14 (Urban Design Development Permits Area).

- Detailing that creates a rhythm and visual interest along the line of the building;
- Wall projections and indentations, windows and siding treatments as well as varied material textures should be utilized to create visual interest and to articulate building facades;
- Building frontages that vary architectural treatment in regular intervals in order to maintain diverse and aesthetically appealing streets.

Chapter 14: OCP Urban Design Guidelines Amenities, ancillary Services and Utilities.⁵

- Locate loading, garbage, storage, utilities and other ancillary services away from public view. All such areas shall be screened and designed as an integral part of the building to minimize impact;
- Create attractive rear alley facades with high quality materials on buildings facing residential areas (e.g. rear building entrances, windows, balconies, plazas, and plantings).

6.o Application Chronology

Date of Application Received:	September 30, 2019
Date Public Consultation Completed:	November 28, 2019
Date of First Reading:	March 2, 2020
Date of Public Hearing:	March 17, 2020

Report prepared by:	Adam Cseke, Planner Specialist
Reviewed and Approved by:	Jocelyn Black, Urban Planning Manager
	Terry Barton, Development Planning Department Manager
	Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Draft Dp19-0197 / DVP0198

- a. Schedule 'A' Dimensions and Siting of the buildings;
- b. Schedule "B" Exterior Design and Finish of the buildings;
- c. Schedule "C" Landscaping;

Attachment 'A': Applicant's Parking and Design Rationale Letters