

# REPORT TO COUNCIL



**Date:** October 5, 2021  
**To:** Council  
**From:** City Manager  
**Department:** Development Planning  
**Application:** HAP20-0002  
**Owner:** Payam & Sanaz Holdings Limited, Inc. No A102760  
**Address:** 416 Royal Avenue  
**Applicant:** Denciti Development Corp.  
**Subject:** Heritage Alteration Permit  
**Existing OCP Designation:** HLTH- Health District  
**Existing Zone:** HD3r- Health Services Transitional (Residential Rental Tenure Only)

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## 1.0 Recommendation

THAT Rezoning Bylaw No. 12194 be amended at third reading to revise the legal description of the subject properties from Lot 22, 23 and 24 District Lot 14, ODYD Plan 3393 to Lot 1, District Lot 14, Osoyoos Division Yale District Plan EPP91145;

AND THAT final adoption of Rezoning Bylaw No. 12194 be considered by Council;

AND THAT Council authorizes the issuance of HAP20-0002 for Lot 1, District Lot 14, Osoyoos Division Yale District Plan EPP91145 located at 416 Royal 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,

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

**Section 17.3.4(b): HD3 – Health Services Transitional, Development Regulations**

To vary the maximum site coverage from 60% permitted to 73% proposed.

**Section 17.3.4(c): HD3 – Health Services Transitional, Development Regulations**

To vary the maximum height from 9.5 m or 2 ½ storeys permitted to 10.97m or 3 storeys proposed.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Heritage Alteration Permit in order for the permits to be issued;

AND FURTHER THAT this Heritage Alteration Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

**2.0 Purpose**

To issue a Heritage Alteration Permit for a mixed-use building with variances to site coverage and building height.

**3.0 Development Planning**

Development Planning is supportive of the proposed Heritage Alteration Permit. The architecture has been significantly modified throughout the application review process to result in a building that makes a gesture to the heritage context of the area while also meeting the City's Urban Design Guidelines.

The subject site is directly adjacent to a major institutional use (Kelowna General Hospital, specifically the emergency room entry) and a low density single-family neighbourhood. The HD3(r) zone calls for building forms that can act as a buffer between the two uses. Planning sees the proposed building as beneficial in terms of use and form as it is designed to be integrated into the existing neighbourhood and will act as a buffer between the hospital campus and established low-density neighbourhood to the north. The project offers a minor increase in density in the form of rental housing that will directly benefit the hospital campus by offering rental housing for Staff and longer-term visitors. Additionally, one commercial unit located at the ground level is provided. The site is designed to buffer from the existing single family residential to the west and across the laneway to the north. The building and garbage enclosure is set closer to the east property line as this directly adjacent to the KGH parking lot.

As per Section 8: Parking and Loading of Zoning Bylaw No. 8000, the applicant has received the following parking incentives: a 10% reduction for rental tenure only, 5 car stall reduction for providing a car-share stall and a 5-stall reduction for long-term bike parking. A Modo car share vehicle will be located directly on-site in a designated stall.

**4.0 Proposal**

**4.1 Background**

The subject properties received third reading for Rezoning in May 2021. The properties have been consolidated into a single lot and contain dwelling units which will be demolished. The rezoning component of the project included the use of the "Residential Rental Tenure Only" subzone, which means that the subject property must be used for rental only housing.

**4.2 Project Description**

The proposed building consists primarily of residential units, as well as a commercial retail unit (CRU) on the ground floor facing Royal Ave. The unit breakdown includes 6 studio, 23 one-bedroom, and 9 two-bedroom for a total of 38 residential units. The CRU is +/-728 sq. ft (67 sq. m). Future tenancy of the commercial unit must be an allowable use as per the HD3 zone (such as Health Services, minor).

The Heritage Alteration Permit was accompanied by a Heritage Report prepared by a Registered Heritage Professional. In the absence of the City of Kelowna Heritage Advisory Committee, Staff utilized the information in the report to assist in the review of the Heritage Alteration Permit, as well as Section 17.3.6 Design Guidelines directly in the HD3 zone. Staff have worked with the applicant to ensure the building as made a gesture to its heritage context, without attempting to mimic traditional heritage elements. Key heritage elements incorporated into the architecture include:

- Gable articulations (found on the buildings at 426 & 430 Royal to be demolished); and
- Vertical Siding.

Staff worked with the applicant on key form and character considerations through the application process, as highlighted below.



#### Original Building Design

- Design lacked heritage consideration and was too contemporary in nature;
- A commercial retail unit was not provided; and
- Did not adequately meet the design guidelines outlined in Section 17.3.6 of the HD3 zone.



#### Revised Building Design

- Incorporation of peaked roof design based off Heritage analysis and context;
- Incorporation of CRU; and
- Updated window treatment.



### Final Building Design

- Horizontal trim board added above the windows to enhance articulation;
- Deeper roof overhang which creates shading and exposes the soffit; and
- Use of a lighter color to reduce perceived bulk and mass of the building.

Overall, the building meets many desired guidelines such as:

- Reducing apparent mass and bulk;
- Appropriate roof form; and
- Prominent entrances off the street that adhere to the pattern of the established architectural style.

Variances

The applicant is requesting two variances; an increase in site coverage from 60% to 73% and an increase in building height. Staff are supportive of the minor height variance, as it is caused by the peaked roof design. The roof design is reflective of the heritage context, as well as the dwellings currently at 426 & 430 Royal Ave.

The proposed parking is a surface parking lot accessed off the rear lane. The applicant is requesting a site coverage increase in order to accommodate the required number of parking. The landscape plan indicates the use of permeable pavers for a portion of the parking stalls to help mitigate the negative impacts of increased site coverage. Additionally, Staff requested that a landscaped berm be provided at the rear property line to assist in creating physical buffer to the laneway and properties across the lane, as well as increase the amount of planting on site.

4.3 Site Context

The subject properties are located in the Abbott St Heritage Conservation Area. Single-family homes are located to the north, separated by laneway access. A surface parking lot that serves Kelowna General Hospital is located to the east, and KGH (specifically the emergency room entry) is located across Royal Ave to the south. A single-family dwelling is on the adjacent property to the west.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1- Large Lot Housing	Single-family dwelling
East	P1- Major Institutional	Non-accessory parking
South	HD1- Kelowna General Hospital	Hospital
West	RU1- Large Lot Housing	Single-family dwelling

**Subject Property Map:**



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	HD <sub>3</sub> (r) ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	490m <sup>2</sup>	2467m <sup>2</sup>
Min. Lot Width	30.0m	62.76m
Min. Lot Depth	13.0m	39.62m
Development Regulations		
Max. Floor Area Ratio	1.0	0.95
Max. Site Coverage (buildings, parking, driveways)	60%	73% <sup>①</sup>
Max. Height	Lesser of 9.5m or 2 ½ storeys	10.97m/3 storeys <sup>②</sup>
Min. Front Yard	4.5m	4.5m
Min. Side Yard (east)	2.0m	2.31m
Min. Side Yard (west)	2.0m	7.2m
Min. Rear Yard	6.0m	15.36m
Other Regulations		
Min. Parking Requirements	54 total required before reductions Reductions applied: 10% rental 5 stalls per car share (1 provided) 20% long term bike parking (up to 5 stalls)	41
Min. Bicycle Parking	44 stalls required for bonus 20 stalls short term	64
Min. Private Open Space	m <sup>2</sup>	m <sup>2</sup>
Min. Loading Space	m <sup>2</sup>	m <sup>2</sup>
<sup>①</sup> Indicates a requested variance to site coverage <sup>②</sup> Indicates a requested variance to building height		

5.0 **Current Development Policies**5.1 Kelowna Official Community Plan (OCP)Chapter 16: Heritage

*Encourage new development, additions and renovations to existing development which are compatible with the form and character of the existing context*

Chapter 5: Development Process

*Objective 5.9 Support the creation of affordable and safe rental, non-market and/or special needs housing.*

*Objective 5.22 Ensure context sensitive housing development.*

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

## 6.o Application Chronology

Date of Application Accepted: May, 2020  
Date Public Consultation Completed: Ongoing between September 2019-present

Heritage Advisory Committee The HAC was not in operation during the review period of this Heritage Alteration Permit.

**Report prepared by:** Jocelyn Black, Urban Planning Manager (formally Planner Specialist)

**Reviewed by:** Dean Strachan, Community Planning and Development Manager

**Reviewed by:** Terry Barton, Development Planning Department Manager

**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services

### Attachments:

Attachment A: Draft Heritage Alteration Permit

Schedule A: Site Plan

Schedule B: Elevations & Materials

Schedule C: Landscape Plan

Attachment B: Applicants Rationale

Attachment C: Heritage Report prepared by Schueck Heritage Consulting

Attachment D: Co-operative Car Share Agreement