

# REPORT TO COUNCIL



**Date:** October 5, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** DP21-0037 & DVP21-0038      **Owner:** Provincial Rental Housing Corporation, Inc. No. BC0052129

**Address:** 1451 Bertram Street      **Applicant:** S2 Architecture

**Subject:** Development Permit and Development Variance Permit

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

**Proposed OCP Designation:** MXR – Mixed Use (Residential/Commercial)

**Existing Zone:** RM5 – Medium Density Multiple Housing

**Proposed Zone:** C7r – Central Business Commercial (Residential Rental Tenure Only)

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## 1.0 Recommendation

THAT Official Community Plan Map Amending Bylaw No. 12147 and Rezoning Bylaw No. 12148 be amended at third reading to revise the legal description of the subject properties from Lot 3 Block E District Lot 139 ODYD Plan 2345 and Lot A District Lot 139 ODYD Plan 15900 to Lot 1 District Lot 139 ODYD Plan EPP113832;

AND THAT final adoption of Official Community Plan Map Amending Bylaw No. 12147 and Rezoning Bylaw No. 12148 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP21-0037 for Lot 1 District Lot 139 ODYD Plan EPP113832, located at 1451 Bertram Street, 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 a land use restriction covenant be registered on title to protect the provision of a day care use within the commercial space;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0038 for Lot 1 District Lot 139 ODYD Plan EPP113832, located at 1451 Bertram Street, Kelowna, BC;

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

**Section 14.7.5(a): C7 – Central Business Commercial Development Regulations**

To vary the maximum building height from 37 m (Approx. 12 Storeys) permitted to 63 m and 20 Storeys proposed.

AND FURTHER THAT this Development Permit and Development Variance Permit are 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 development permit and the associated height variance for a mixed-use multiple dwelling housing development on the subject property.

**3.0 Development Planning**

Staff are recommending support for the form and character development permit and the associated height variance for the 20-storey, 176-unit mixed-use condo building on the subject property. The application meets many of the Official Community Plan (OCP) Urban Infill objectives with respect to Compact Urban Form, Housing Mix and Creation of Affordable Housing. The development also meets a number of the OCP's Urban Design Guidelines including:

- Design new multi-storey buildings to transition in height where the OCP land use designation provides for smaller structures on adjoining lots;
- Locate buildings to provide an effective street edge while respecting the established, desired streetscape rhythm
- Distinguish key building elements through the use of setbacks, projections, textures, materials, and detailing:
  - Base: Within the first few storeys, a base should be clearly defined and positively contribute to the quality of the pedestrian environment;
  - Middle: The body of the building above the base should contribute to, but not dominate, the physical and visual quality of the overall streetscape;
  - Top: The roof should be distinguished from the rest of the building and designed to contribute to the visual quality of the skyline

Tall buildings follow a classic or standard form which consists of three parts, the base building (podium), the middle and the top. Staff review the proposal with how it relates to the Kelowna skyline, the adjacent buildings and the existing streetscape.

### Podium/Base

The role of the podium is to frame the public realm, articulate entrances and assist in the creation of an attractive and animated public streetscape which provides a safe, interesting and comfortable pedestrian experience. The base should define and support adjacent streets at an appropriate scale, integrate with adjacent buildings, assist to achieve transition down to lower-scale buildings and minimize the impact of parking and servicing to the public realm.

The development proposes 2-storey townhouses with ground-oriented entries facing both the north property line and Bertram Street. Apartments are located at the third level and each of these levels terrace back from the street frontage to provide a less-imposing façade. This serves to screen the 3-storey parkade behind with the parkade access from the rear laneway.

Each at-grade townhouse unit has a private amenity area in the form of a patio to provide a stronger connection at the street level. The southwest corner of the first floor will house a daycare. The daycare space is two storeys with a secure children's outdoor play area at the ground floor level fronting onto Bertram Street. Pick-up/Drop-off stalls are located along the street frontage.



The site provides 3.5 m setback areas on both the north and south sides of the development with sidewalk connections from Bertram Street to the rear laneway. The combination of the above podium elements and the larger side setbacks assist in providing an appropriate scale to existing adjacent building and to a comfortable pedestrian scaled experience at the street level.

### Middle/Tower

The location, scale, floor plate size, orientation and separation distances of the tower affects the sky view, privacy, wind, and the amount of sunlight and shadows that reach the public realm and neighbouring properties. They should attempt to minimize its impact on surrounding streets, public and private open space, as well as existing or future buildings on adjacent sites.

The development proposal also includes 2-storey townhouses located at the 4<sup>th</sup> and 5<sup>th</sup> level to provide additional terracing to the north property line and Bertram Street. The 4<sup>th</sup> floor hosts the buildings primary outdoor amenity area and provides access to those townhouses. The townhouses at this location are intended to provide both privacy and to reduce noise transmission to and from adjacent sites. The programming of the 4<sup>th</sup> floor amenity area includes: children's play area, bbq area and a common indoor amenity space complete with a small kitchen and bathroom facilities for private functions. The 8<sup>th</sup> floor provides rooftop community garden plots.

The 17-storey tower is oriented to the southwest corner of the building podium and towards the Bernard Avenue commercial street. This serves to reduce the visual and physical impacts to the existing multi-family buildings to the north and the single-family neighbourhood to the east.

Each floorplate has an average size of approximately 633 m<sup>2</sup>. The C7 Development Regulations allow for floor plates up to a maximum of 750 m<sup>2</sup> for residential uses. With the development site providing a more transitional building height, the smaller floor plate lends itself well to a slender tower form. This in turn reduces visual and shadowing impacts to adjacent properties. For further information regarding site shadowing throughout the year, please refer to the shadow study included in the application attachments (Drawing DPo.7).

#### Top

The tops of buildings, including upper floors and roof-top mechanical and amenity space, should be designed, primarily through tower massing and articulation and secondarily through materials, to create an integrated and appropriate conclusion to the tall building form.

The development proposal includes a unique design for the two upper floors and the rooftop mechanical area. The reduced massing at these levels along with façade articulation aids in providing a seamless transition from the tower form to the top of the building. The use of materials and colours provides visual interest and presents a satisfying conclusion to the tower form.

#### Variance – Building Height

The development proposal requests one variance to the allowable building height from 37 m and 12 storeys permitted to 63 m and 20 storeys proposed. Both the current OCP and the C7 zoning regulations include a Downtown Building Heights Map which indicate a maximum of 12 storeys and 37.0 m at the subject location. Both height maps indicate the focus of the maximum allowable height along two corridors: east/west along Leon Ave/Lawrence Ave and Bernard Avenue from Ellis Street to Richter Street, and north/south for the properties between Ellis Street and St Paul Street.

The parcels adjacent to the above noted area are intended to provide a transitional height down to either the lake on the west or the single family residential to the east. This lends itself to creating a more focused area for towers and contributes to an interesting downtown skyline.

Staff is supportive of the height variance request as the project meets the OCP Downtown Height Policy which states that variances from the heights set out in the Zoning Bylaw may be considered, provided that the additional height results in the creation of affordable housing or yields other significant community benefits. The proposal meets both of these requirements through the provision of affordable non-market and market rental housing, accessible housing and daycare services. The project is intended to benefit local medium and low-income seniors, couples, individuals and families who are facing challenges meeting their housing and childcare needs.

### **4.0 Proposal**

#### **4.1 Background**

The OCP Amendment and Rezoning applications had a Public Hearing and received 2<sup>nd</sup> & 3<sup>rd</sup> Readings of the Bylaws on June 1, 2021. The application was circulated to the Ministry of Transportation and Infrastructure (MOTI) with MOTI having provided signed approval of the Bylaws.

The development site consisted of two parcels which have been consolidated into a single titled property and the required laneway dedication has also been registered. Development Engineering off-site requirements have been satisfied through the service agreement and associated security/bonding provided.

#### **4.2 Project Description**

The subject property currently has one single detached dwelling which would be demolished to facilitate the development. The proposal includes 176 residential units, of which 14 are townhouses with an FAR of 3.88.

The unit configuration is as follows:

Unit Type	Total	% of Total
Studio	4	3%
1-Bedroom	73	41%
2- Bedroom	56	32%
3-Bedroom	43	24%

Note:  
 8 three-bedroom townhouses  
 6 two-bedroom townhouses  
  
 22 Accessible Units

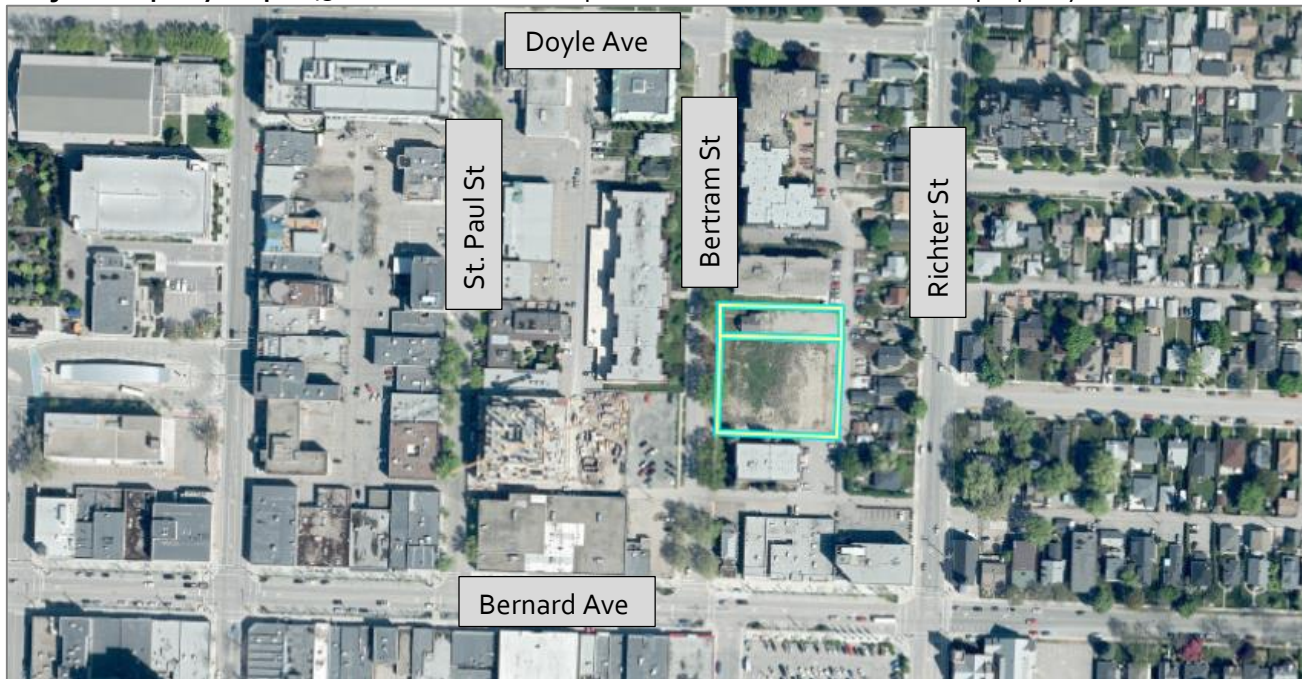
The development form is a 20-storey tower with ground-oriented townhouses and a ground-floor childcare space. The project's proposed FAR of 3.88 is consistent with the Official Community Plan's future land use designation of MXR – Mixed Use (Residential/Commercial). The development proposal provides an appropriate height transition to existing adjacent developments.

All on-site parking requirements have been met through the provision of 165 parking stalls located within the structured parkade incorporated into the building podium. The development benefited from the rental housing incentive which provides a 20% reduction to the required number of parking stalls (194 stalls required prior to the reduction, 156 stalls required with the reduction). The project was able to accommodate additional stalls to provide a final total of 165 stalls for the site. The applicant is also hoping to provide car-share opportunities on-site, but this incentive for additional reductions was not utilized. The site provides 130 long-term bike spaces for the use of tenants in two secure bike storage rooms. Residential storage units are also available for tenants with secure locker rooms provided throughout the site.

#### 4.3 Site Context

Specifically, adjacent land uses are as follows:

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

**Subject Property Map:** 1451 Bertram Street – 2 parcels consolidated to one title property4.4 Zoning Analysis Table

Zoning Analysis Table			
CRITERIA		C7 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations			
Min. Lot Area		200 m <sup>2</sup>	4131 m <sup>2</sup>
Min. Lot Width		6.0 m	66.14 m
Min. Lot Depth		30.0 m	62.44 m
Development Regulations			
Max. Floor Area Ratio (FAR)		9.0	3.88
Max. Site Coverage (buildings)		100 %	73 %
Max. Height		37.0 m or 12 storeys	63.0 m & 20 storeys🔴
For Portion of Building Up to 16.0 m Height			
Min. Front Yard		0.0 m	4.1 m
Min. Side Yard (south)		0.0 m	3.65 m
Min. Side Yard (north)		0.0 m	3.65 m
Min. Rear Yard		0.0 m	0.0 m
For Portion of Building Above 16.0 m Height			
Min. Front Setback		3.0 m	16.0 m
Min. Side Setback		4.0 m	12.5 m (North side)
			4.0 m (South side)
Parking Regulations			
Min. Parking Requirements		194 total stalls 156 stalls (20% 'rental' reduction) *	168 stalls
Ratio of Parking Stalls	Regular	50%	51.8 %
	Small	50%	48.2 %

Accessible Stalls	4 Accessible Spaces 1 Van Accessible space	4 Accessible Spaces 1 Van Accessible space
Min. Bicycle Parking	130 Long term stalls 29 Short term stalls	131 Long term stalls 29 Short term stalls
Other Regulations		
Min. Private Open Space	2239 m <sup>2</sup>	2928 m <sup>2</sup>
Min. Commercial Frontage/ Lobby/ Residential	90%	90%
<p>● Indicates a requested variance to the building height from 37.0 m or 12 storeys allowed to 63.0 m &amp; 20 storeys allowed.</p> <p>* Rental Housing Incentive for developments with the 'r' sub-zone for residential rental tenure only shall receive a 20% reduction to the parking requirements.</p>		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 1: Introduction

##### *Goals for a Sustainable Future:*

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

Address Housing Needs of All Residents – Address housing needs of all residents by working towards an adequate supply of a variety of housing.

#### Chapter 5: Development Process

##### *Objective 5.3 Focus development to designated growth areas.*

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.

##### *Objective 5.5 Ensure appropriate and context sensitive built form.*

Policy .1 Building Height. City Centre – For the Downtown area, building heights shall at maximum, be as noted on the 'Downtown Building Heights' map. To achieve those heights, Council may 37

#### Chapter 14: Urban Design Guidelines

##### *Objective 4.0 Massing and Height.*

##### 4.1 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;
- 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.

4.2 Ensure developments are sensitive to and compatible with the massing of the established and/or future streetscape.

*Objective 9.o Tower Design.*

- Design towers that are sited, shaped, and oriented along their longest axis in order to enhance the views to and through the skyline;
- Incorporate tower forms and the upper portions of buildings as integral yet distinct elements of the overall building design. Tower tops are encouraged to have trellising and roof projections that are fundamental expressions of the building structure and contain substantial landscaping;
- Evaluate tower buildings with respect to their compatibility with surrounding structures and contribution to the general skyline. Tower design should contemplate:
  - Colour, reflectivity, shape, materials, detailing, and ease of maintenance;
  - Generally, lighter-coloured buildings are preferred;
- Incorporate architecture that expresses a slender verticality, particularly in its upper elements. Design buildings greater than ten floors that are tall, slender towers rather than bulkier towers of the same floor space ratio;
- Design new buildings to take into account microclimatic effects, including shading of adjacent areas (i.e., reduce the casting of long shadows on high volume pedestrian areas) and wind tunneling;
- Integrate new developments with the established urban pattern through siting and building design by utilizing transitional structures, setbacks, landscaping, etc.;
- Enhance large, flat expanses of roof (whether actively used or not) with texture, colour, and/or landscaping where visible from above or adjacent properties;
- Enhance towers with elements such as gazebos, trellises, and pergolas providing visual interest and usability of rooftop spaces;
- Incorporate balconies into building design as outdoor rooms rather than as appendages to a building's mass. Recess balconies a minimum depth of 1m within the adjoining building face;
- Design podiums to provide an animated pedestrian environment with the use of street wall massing, articulation, and overall design. Podiums should highlight their active uses and disguise any parking or ancillary uses

**6.o Application Chronology**

Date of Application Accepted: February 16, 2021

Date Public Consultation Completed: April 29, 2021

Date of Public Hearing  
2<sup>nd</sup> & 3<sup>rd</sup> Readings: June 1, 2021

**Report prepared by:** Lydia Korolchuk, Planner Specialist

**Reviewed by:** Jocelyn Black, Urban Planning Manager

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

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



**Attachments:**

Attachment A: Draft Development Permit DP21-0037 & DVP21-0038

Attachment B: Applicant's Project Rationale

Attachment C: Development Permit Design Guidelines

Schedule A: Site Plan & Floor Plans

Schedule B: Elevations

Schedule C: Landscape Plan