

REPORT TO COUNCIL



Date: November 16, 2021

To: Council

From: City Manager

Department: Development Planning

Application: DP21-0112 DVP21-0113 **Owner:** 1297889 BC Ltd., Inc.No. BC1297889

Address: 155 Bryden Road **Applicant:** WestUrban Developments Ltd.

Subject: Development Permit and Development Variance Permit Application

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

Existing Zone: RM5r - Medium Density Multiple Housing (Residential Rental Tenure Only)

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP21-0112 and Development Variance Permit No. DVP21-0113 for LOT A SECTION 27 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN EPP85221, located at 155 Bryden Road, 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 section of Zoning Bylaw No. 8000 be granted:

Section 13.11.6(c): RM5 – Medium Density Multiple Housing, Development Regulations

To vary the required maximum height from 18.0 m or 4.5 storeys permitted to 18.8 m or 6 storeys proposed.

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 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 the form and character of a multiple dwelling housing development and to vary the maximum height on the subject property.

3.0 Development Planning

Staff recommend support for the Development Permit and Development Variance Permit applications. Council adopted the RM5r - Medium Density Multiple Housing (Residential Rental Tenure Only) zone for the property in August 2021. As such, any development on the property ensures units will remain rental for the life-cycle of the building helping to fulfill policy objectives of the City's Healthy Housing Strategy.

The proposal includes 192 units, contained within two separate six-storey buildings. Staff have worked with the applicant on the form and character of all elevations to ensure they meet the design guidelines in the OCP. Overall, the proposed design achieves the following form and character objectives, from the OCP's Comprehensive and Revitalization Design Guidelines:

- Use of a variety of materials to create contrast and reduce the apparent mass of a building;
- Ground level access for first-storey units; and
- Architectural unity and cohesiveness between buildings

The subject property is primarily located within the Rutland Urban Centre, with a small portion on the west excluded from the Urban Centre. This was due to recent lot consolidations which occurred after the boundary had been defined. All buildings and parking areas are located within the Urban Centre. The increase in density at this location is supported by local amenities such as parks, schools, transit and recreational opportunities in the immediate area.

Variance

There is one variance required to facilitate this proposal, to maximum height. The maximum height in the RM5 zone is 18.0 m or 4 ½ storeys. This application seeks a variance to allow a maximum height of 18.8 m and 6 storeys. There is policy in the Official Community Plan supporting six storeys on properties zoned C4 – Urban Centre Commercial in the Rutland Urban Centre. Although this property has RM5r zoning, it is located in the Rutland Urban Centre and Staff consider the request to be reasonable as its located directly on Highway 33 West (4 lane arterial) and the additional height does not negatively impact the supply of on-site parking, or overall form and character objectives.

Proposal

3.1 Background

In July of 2019 the property was rezoned to RM5 – Medium Density Multiple Housing (Z18-0027), and a Development Permit and Development Variance Permit was issued (DP18-0062 & DVP18-0063). In August 2021, the lot was zoned RM5r to restrict tenure on the lot to residential rental only. A series of changes to the original design are also now being proposed, requiring Council consideration of a new Development Permit and Development Variance Permit.

3.2 Project Description

The applicant is proposing two six-storey wood-frame buildings for a multiple dwelling housing development, which would contain 192 dedicated rental units. The unit breakdown includes 12 studio units, 84 one-bedroom units, 84 two-bedroom units and 12 three-bedroom units.

The roofline of the buildings is butterfly style, and the buildings are primarily finished with fibre cement lapped siding, accent siding and panels, with differing accent colours between buildings. The juxtaposition and variation of materials also differs between buildings to add visual interest.

There is direct access provided to the ground-floor units from a series of paths on the property, and units fronting on to Highway 33 W each have their own access path to the sidewalk. Ground floor units have a small patio area, and all other units have decks. Additional amenity space for residents is both indoors and outdoors. There are two landscaped recreation areas which include seating, outdoor gym equipment and a multi-sport court.

All vehicular access to the site is directly off Bryden Road. A combination of surface and underground parking is proposed, with 31 surface stalls and 165 underground stalls. The underground parkade is accessed through a single ramp, below the building on the north side of the property. The applicant is taking advantage of the incentive to reduce required parking on lots with the 'r' designation by 20% within an urban centre. As such, parking requirements are met.

3.3 Site Context

The property is in the Rutland City Sector on the western edge of the Rutland Urban Centre. It is located on the north side of Highway 33 West, between Bryden Road and Franklyn Road and is approximately 2.52 acres in size. The property is also a block south of Ben Lee Park and the Houghton Rd. Recreation Corridor. The Walk Score is 62, indicating it is somewhat walkable.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P2 – Education and Minor Institutional RU1 – Large Lot Housing	Religious Assemblies Single Dwelling Housing
East	RM3 – Low Density Multiple Dwelling Housing	Multiple Dwelling Housing
South	RM5 – Medium Density Multiple Dwelling Housing P1 – Major Institutional	Multiple Dwelling Housing Extended Medical Treatment Services
West	RU6 – Two Dwelling Housing RU1 – Large Lot Housing	Single and Two Dwelling Housing

Subject Property Map: 155 Bryden Road



3.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM5r ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Floor Area Ratio	1.3	1.2
Max. Site Coverage (buildings)	40 %	26.5 %
Max. Site Coverage (buildings, parking, driveways)	65 %	41.6 %
Max. Height	18.0 m / 4.5 storeys	18.8 m / 6 storeys ●
Min. Front Yard (Bryden Road)	6.0 m	> 6.0 m
Min. Flanking Side Yard (Hwy 33 W)	6.0 m	6.62 m
Min. Side Yard (north)	7.0 m	7.59 m
Min. Rear Yard (east)	9.0 m	9.7 m
Other Regulations		
Min. Parking Requirements	196 stalls	196 stalls
Min. Bicycle Parking	22 Short term 145 Long term	24 Short term 147 Long term
Min. Private Open Space	3,750 m ²	4,364 m ²
● Indicates a requested variance to maximum height		

4.0 Current Development Policies

4.1 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 5.5 Ensure appropriate and context sensitive built form

Policy .1 Building Height. Rutland Urban Centre: Generally 4 storeys. Six storeys within C4 or C9 zoned areas.

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.

Policy .6 Sensitive Infill. Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height, and siting.

Policy .11 Housing Mix. Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed-use developments.

Policy .13 Family Housing. Support housing alternatives for families when single detached housing is too costly, including features that are important to families, such as: outdoor space, direct access to grade, workshop space, larger units, safe design, and neighbourhood characteristics (e.g.: location and amenities)

Objective 5.23 Address the needs of families with children through the provision of appropriate family-oriented housing.

Policy .1 Ground-Oriented Housing. Encourage all multiple-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with two or more bedrooms so as to provide a family housing choice within the multi-unit rental or ownership markets. High density residential projects in the Downtown area are encouraged to include a ground-oriented housing component, especially where such can be provided on non-arterial and non-collector streets.

4.2 Healthy Housing Strategy

Four key directions form the framework for the strategy:

1. Promote and protect rental housing;
2. Improve housing affordability and reduce barriers for affordable housing;
3. Build the right supply; and
4. Strengthen partnerships and align investments.

Chapter 14: Urban Design DP GuidelinesComprehensive Development Permit Area

Consideration has been given to the following guidelines as identified in Section 14.A. of the City of Kelowna Official Community Plan relating to Comprehensive Development Permit Areas:

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Authenticity and Regional Expression			
Do landscaping and building form convey a character that is distinct to Kelowna and the Central Okanagan?	x		
Are materials in keeping with the character of the region?	x		
Are colours used common in the region's natural landscape?	x		
Does the design provide for a transition between the indoors and outdoors?	x		
Context			
Does the proposal maintain the established or envisioned architectural character of the neighbourhood?	x		
Does interim development consider neighbouring properties designated for more intensive development?			x
Are façade treatments facing residential areas attractive and context sensitive?	x		
Are architectural elements aligned from one building to the next?	x		
For exterior changes, is the original character of the building respected and enhanced?			x
Is the design unique without visually dominating neighbouring buildings?	x		
For developments with multiple buildings, is there a sense of architectural unity and cohesiveness?	x		
Relationship to the Street			
Do buildings create the desired streetscape rhythm?	x		
Are parkade entrances located at grade?		x	
For buildings with multiple street frontages, is equal emphasis given to each frontage?	x		
Massing and Height			
Does the design mitigate the actual and perceived mass of buildings?	x		
Does the height consider shading and view impacts for neighbouring properties and transition to less intensive areas?		x	
Human Scale			
Are architectural elements scaled for pedestrians?	x		

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Are façades articulated with indentations and projections?	x		
Are top, middle and bottom building elements distinguished?	x		
Do proposed buildings have an identifiable base, middle and top?	x		
Are building facades designed with a balance of vertical and horizontal proportions?	x		
Are horizontal glazed areas divided into vertically proportioned windows separated by mullions or building structures?	x		
Does the design incorporate roof overhangs and the use of awnings, louvers, canopies and other window screening techniques?	x		
Is the visual impact of enclosed elevator shafts reduced through architectural treatments?			x
Exterior Elevations and Materials			
Are buildings finished with materials that are natural, local, durable and appropriate to the character of the development?	x		
Are entrances visually prominent, accessible and recognizable?	x		
Are higher quality materials continued around building corners or edges that are visible to the public?	x		
Are a variety of materials used to create contrast, enhance the pedestrian environment and reduce the apparent mass of a building?	x		
Are elements other than colour used as the dominant feature of a building?	x		
Public and Private Open Space			
Does public open space promote interaction and movement through the site?	x		
Are public and private open spaces oriented to take advantage of and protect from the elements?	x		
Is there an appropriate transition between public and private open spaces?	x		
Are amenities such as benches, garbage receptacles, bicycle stands and community notice boards included on site?	x		
Site Access			
Is the safe and convenient movement of pedestrians prioritized?	x		
Are alternative and active modes of transportation supported through the site design?	x		
Are identifiable and well-lit pathways provided to front entrances?	x		
Do paved surfaces provide visual interest?	x		

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Is parking located behind or inside buildings, or below grade?	x		
Are large expanses of parking separated by landscaping or buildings?			x
Are vehicle and service accesses from lower order roads or lanes?	x		
Do vehicle and service accesses have minimal impact on the streetscape and public views?	x		
Is visible and secure bicycle parking provided in new parking structures and parking lots?	x		
Environmental Design and Green Building			
Does the proposal consider solar gain and exposure?		x	
Are green walls or shade trees incorporated in the design?	x		
Does the site layout minimize stormwater runoff?	x		
Are sustainable construction methods and materials used in the project?	x		
Are green building strategies incorporated into the design?	Unknown		
Decks, Balconies, Rooftops and Common Outdoor Amenity Space			
Are decks, balconies or common outdoor amenity spaces provided?	x		
Does hard and soft landscaping enhance the usability of decks, balconies and outdoor amenity spaces?	x		
Are large flat expanses of roof enhanced with texture, colour or landscaping where they are visible from above or adjacent properties?			x
Amenities, Ancillary Services and Utilities			
Are loading, garage, storage, utility and other ancillary services located away from public view?	x		
Are vents, mechanical rooms / equipment and elevator penthouses integrated with the roof or screened with finishes compatible with the building's design?			x
Landscape Development and Irrigation Water Conservation			
Does landscaping:	-	-	-
<ul style="list-style-type: none"> Compliment and soften the building's architectural features and mitigate undesirable elements? 	x		
<ul style="list-style-type: none"> Maintain the dominant pattern of landscaping along the street and surrounding properties? 	x		
<ul style="list-style-type: none"> Enhance the pedestrian environment and the sense of personal safety? 	x		
<ul style="list-style-type: none"> Screen parking areas, mechanical functions, and garbage and recycling areas? 	x		

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
• Respect required sightlines from roadways and enhance public views?	x		
• Retain existing healthy mature trees and vegetation?			x
• Use native plants that are drought tolerant?	x		
• Define distinct private outdoor space for all ground-level dwellings?	x		
Do any fences and retaining walls create visual interest and enhance the pedestrian environment?	x		
Do parking lots have one shade tree per four parking stalls?		x	
Does the Landscape Architect's Landscape Water Conservation Report:	-	-	-
• Meet the requirements for Landscape Water Budget calculations for the landscaped area?	x		
• Indicate how the development complies with or varies from the Landscape Water Conservation Guidelines?	x		
<i>Landscape Water Conservation Guidelines</i>			
Are plants grouped into "hydro-zones" of high, medium and low or unirrigated / unwatered areas?	x		
Does at least 25% of the total landscaped area require no irrigation / watering?		x	
Does at least 25% of the total landscaped area require low water use?	x		
Does at most 50% of the total landscaped area require medium or high water use?		x	
Is mulch cover provided for shrubs and groundcover to reduce soil evaporation?	x		
Do water features such as pools and fountains use recirculated water systems?			x
Do landscape installation standards meet the requirements of the BC Landscape Standard and / or the Master Municipal Construction Document?	x		
Are the required written declarations signed by a qualified Landscape Architect?	x		
<i>Irrigation System Guidelines</i>			
Is the Irrigation Plan prepared by a Qualified Professional?	x		
Are irrigation circuits grouped into "hydro-zones" of high, medium and low or unirrigated / unwatered areas consistent with the landscaping plan?	x		
Is drip or low volume irrigation used?	x		
Are the required written declarations signed by a qualified Certified Irrigation Designer?	x		
Crime prevention			

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Are CPTED practices as related to landscaping, siting, form and exterior design included in the design?	x		
Are building materials vandalism resistant?	Unknown		
Universal Accessible Design			
Is access for persons with disabilities integrated into the overall site plan and clearly visible from the principal entrance?	x		
Are the site layout, services and amenities easy to understand and navigate?	x		
Lakeside Development			
Are lakeside open spaces provided or enhanced?			x
Are lake views protected?			x
Does lakeside development act as a transition between the lake and inland development?			x
Signs			
Do signs contribute to the overall quality and character of the development?			x
Is signage design consistent with the appearance and scale of the building?			x
Are signs located and scaled to be easily read by pedestrians?			x
For culturally significant buildings, is the signage inspired by historical influences?			x
Lighting			
Does lighting enhance public safety?	x		
Is "light trespass" onto adjacent residential areas minimized?	x		
Does lighting consider the effect on the façade, neighbouring buildings and open spaces?	x		
Is suitably scaled pedestrian lighting provided?	x		
Does exterior street lighting follow the International Dark Sky Model to limit light pollution?	Unknown		

5.0 Technical Comments

5.1 Development Engineering Department

See Attachment A: City of Kelowna Memorandum

6.o Application Chronology

Date of Application Accepted:	March 17, 2021
Date Public Consultation Completed:	May 28, 2021
Date of Rezoning Initial Consideration (Rental subzone):	June 14, 2021
Date of Rezoning Adoption (Rental subzone):	August 9, 2021

Report prepared by:	Kimberly Brunet, Planner II
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: City of Kelowna Memorandum

Attachment B: Applicant's Letter of Rationale

Attachment C: Draft Development Permit and Development Variance Permit No. DP21-0112 DVP21-0113

Schedule A: Site Plan

Schedule B: Floorplans, Elevations and Materials/Colour Board

Schedule C: Landscape Plan