

REPORT TO COUNCIL



Date: April 12, 2022

To: Council

From: City Manager

Department: Development Planning

Application: DP21-0199 & DVP21-0200

Owner: Five Bridges Developments Inc., Inc. No BC1289900

Address: 1274 Devonshire Avenue

Applicant: Aplin Martin

Subject: Development Permit & Development Variance Permit Applications

Existing OCP Designation: UC – Urban Centres

Existing Zone: RU6 – Two Dwelling Housing

Proposed Zone: RM5 – Medium Density Multiple Housing

1.0 Recommendation

THAT Rezoning Bylaw No. 12307 be amended at third reading to revise the legal description of the subject properties from Lots 13, 14, 19 & 20 Block 2 District Lot 137 ODYD Plan 9625 and Lots 15 & 27 District Lot 137 ODYD Plan 10011 to Lot A District Lot 137 ODYD Plan EPP115830;

AND THAT final adoption of Rezoning Bylaw No. 12307 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP21-0199 and Development Variance Permit DP21-0200 for Lot A District Lot 137 ODYD Plan EPP115830, located at 1274 Devonshire 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 13.11.6(b): RM5 – Medium Density Multiple Housing Development Regulations

To vary the required maximum site coverage from 50% permitted to 58.4% proposed;

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

To vary the required maximum site coverage of buildings, driveways and parking areas from 65% permitted to 76.7% proposed;

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 20.5 m & 6 storeys proposed.

AND THAT the applicant be required to enter into a Car-Share Agreement for a minimum of two years from the date of Building Occupancy as set out in Attachment D attached to the Report from the Development Planning Department April 12, 2022;

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 is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To issue a Development Permit and Development Variance Permit for the form and character of Multiple Dwelling Housing with variances to the site coverage and building height.

3.0 Development Planning

Development Planning Staff are supportive of the Development Permit and associated variances as the proposal meets many of the objectives and supporting policies of the Official Community Plan (OCP), as well as the key Form and Character Development Permit Design Guidelines. Some of these include:

- Provide attractive and active human-scale amenities oriented towards public spaces at-grade such as frequent entries, weather protection, and outdoor seating areas (see 4.1.1 and 4.1.5).
- Break up building mass by providing simple vertical and horizontal articulation of facades; e.g., step backs, insets, projections, color and texture (see 4.1.6).
- Orient entries, windows, patios and balconies to face the fronting street. Ensure primary building entries are architecturally emphasized and directly accessible from the fronting public sidewalk (see 4.1.1).
- Maximize 'eyes on the street' by avoiding blank walls and providing direct lines of sight from windows and balconies to the sidewalk and adjacent public spaces (see 4.1.1 and 4.1.5).
- When structured above grade parking is required due to the high-water table, use store fronts or screening to mitigate visual impacts (see 4.1.4).

The development is proposing common amenity spaces at-grade to add transparency to the streetscape. There are outdoor amenity areas along both Devonshire and Belaire Avenues. These spaces will be programmed with café-style moveable furnishings to aide with activating the areas.

4.0 Proposal

4.1 Background

In March of 2019, Council endorsed the Capri Landmark Urban Centre Plan. The plan calls for new parks, sidewalks, realignment of road networks and an overall vision of creating an urban centre with higher-density housing and a better transportation network.

Currently, the Zoning Bylaw does not fully align with the Urban Centre Plan. The Plan envisions significantly higher density development for the area. As this will be one of the first sites to be redeveloped within the area, the smaller-scale proposal is supported to help ease the transition that will be forthcoming to the neighbourhood. The 2040 Official Community Plan was recently adopted, and the Zoning Bylaw is currently undergoing a rewrite to better align with the OCP development regulations and design guidelines. This will help facilitate the vision set out in the Capri Landmark Urban Centre Plan.

The Rezoning Bylaw for the subject site came before Council for Initial Consideration on November 15, 2021 with the Public Hearing and 2nd & 3rd Readings occurring on November 30, 2021.

4.2 Project Description

The applicant is proposing to construct a 6-storey 206-unit condo building on the subject property. The unit mix includes:

- 165 micro-suites,
- 38 1-bedroom and
- three 2-bedroom units.

Based on market research, the applicant is offering an attainable entry point for home ownership with the target market being first-time homeowners, young professionals and students (refer to Attachment C for the applicant's project rationale regarding the market research related to the proposal). With micro-suites being excluded from DCC program, the applicant is proposing a voluntary monetary contribution (\$250,000.00) to be utilized for any required upgrades necessary for the area.

The developer is referring to the project as a 'Smart Building' with 'Smart Suites'. This is related to the technology that will be built into both the common amenity spaces and the individual units. The building will include:

- touchscreen intercoms at the lobbies,
- touchless garage entry,
- app-based amenity space booking tools.

Each unit will include smart locks and smart appliances in all units and many 'app-based' tools including the thermostats and package delivery notifications. The project provides space-efficient living environments along with an above average amount of shared amenity areas and communal spaces to address live/work/play needs within the development site. The at-grade programmed amenity spaces include:

- dog run,
- bocce court,
- container gardening and
- multiple outdoor seating areas.

The podium outdoor amenity area provides a large open lawn and lounge. The rooftop area will include:

- yoga pavilion,
- games area,

- outdoor kitchen,
- private dining areas
- lounges spaces for social gatherings.

Indoor amenities include:

- gym,
- lounge/games area,
- office and meeting space
- bike storage (211 long-term secure spaces and 39 short-term bike spaces).
- storage lockers (located on each floor)

The site is providing 2 car-share spaces (refer to Attachment D - MODO agreement) and is able to benefit from a reduction to the parking requirements of 5 stalls per car-share space provided (total reduction of 10 stalls). The location provides easy access to transit and bike routes. The development includes over 200 bike parking spaces within the building that are a combination of bike storage rooms and wall mounted racks.

The project site fronts onto two streets, each street provides an access point to the structured parking which includes one level of at-grade parking and one level of underground parking. Devonshire Avenue provides access to the underground level with residents secure parking stalls. The remainder of the required parking stalls are accessed via the at-grade structured parking from Belaire Avenue and includes the car-share stalls, all visitor parking stalls along with the remaining secure resident parking stalls.

Form and Character

The building form proposes a flat-roof modern design with articulation and varied material textures to add visual interest. Building entries points are well-defined thru the change of materials. The building is clad with a combination of composite hardi-panel and metal panel siding, stucco and brick veneer along with high performance glazing.

Variances

The first variance is to increase the maximum building height from 18.0 m or 4.5 storeys permitted to 20.5 m and 6 storeys proposed. With the intent to densify our Urban Centres, additional height at this location can be supported. neighbourhood continues to transform into the vision outlined in the Capri-Landmark Urban Centre Plan.

The second variance is to the site coverage of the building from 50% allowed to 58.4% proposed and to the total site coverage (which includes the building, driveways and parking areas) from 65% allowed to 76.7% proposed. Increased site coverage generally means reduced on-site permeability. The project is proposing a storm tank for on-site water management to meet civil engineering requirements. This along with the multiple outdoor amenity areas will allow for increased water permeability on the site.

Staff are supportive of both variances requested. The project is proposing larger than required setbacks to provide a more sensitive transition to the adjacent existing residential homes. As further redevelopment occurs, the project will be better aligned with the vision outlined in the OCP and the Capri-Landmark Urban Centre Plan.

4.3 Site Context

The subject property is located within the Capri Landmark Urban Centre, north of Sutherland Avenue between Gordon Drive and Burtch Road. This area is known as Five Bridges within the Capri Landmark Urban Centre Plan

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Single and Duplex Dwellings
East	RU6 – Two Dwelling Housing	Single and Duplex Dwellings
South	RU6 – Two Dwelling Housing P3 – Parks and Open Space	Single and Duplex Dwellings Public Park
West	RU6 – Two Dwelling Housing	Single and Duplex Dwellings

Subject Property Map: 1274 Devonshire Ave



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM5 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Floor Area Ratio	1.4	1.36
Max. Site Coverage (buildings)	50%	58.4% ^①
Max. Site Coverage (buildings, parking, driveways)	65%	76.7% ^②
Max. Height	18.0 m or 4.5 Storeys	20.5 m & 6 storeys ^③
Min. Front Yard	6.0 m	9.6 m
Min. Side Yard (east)	Portions under 2.5 storeys - 4.5m Portions over 2.5 storeys -	5.6m
Min. Side Yard (west)	Portions under 2.5 storeys - 4.5m Portions over 2.5 storeys -	5.6m
Min. Rear Yard	6.0 m	10.0 m

Other Regulations		
Min. Parking Requirements	205 stalls	206 stalls
Min. Bicycle Parking	211 Long Term 39 Short Term	211 Long Term 39 Short Term
Min. Private Open Space	1882 m ²	3263 m ²
<p>❶ Indicates a requested variance to the site coverage of the buildings from 50% allowed to 58.4% proposed.</p> <p>❷ Indicates a requested variance to the site coverage of buildings, parking and driveways from 65% allowed to 76.7% proposed.</p> <p>❸ Indicates a requested variance to the height from 18.0 m and 4.5 storeys allowed to 20.2 m and 6 storeys proposed.</p>		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 4.1 Strengthen the Urban Centres as the primary hubs of activity	
Policy 4.1.1. Live/Work Balance.	<p>Direct growth in Urban Centres to achieve densities of 150-250 combined residents and jobs per hectare, with a composition of 2:1 residents to jobs or as outlined in an Urban Centre Plan. Refine these density targets as Urban Centre Plans are developed.</p> <p><i>Higher density redevelopment has been slow to occur within the Capri-Landmark Urban Centre.</i></p>
Objective 4.5 Promote more residential development to balance employment uses in the Capri-Landmark Urban Centre.	
Policy 4.5.2. Capri-Landmark Building Heights.	<p>Support building heights in the Capri-Landmark Urban Centre that are generally consistent with Map 4.3 to accomplish the goals and objectives of the Capri-Landmark Urban Centre Plan.</p> <p><i>Currently, the Zoning Bylaw does not align with the Capri-Landmark Urban Centre Plan. The Plan calls for additional height, this application requires a height variance to the RM5 zone.</i></p>
Objective 4.12 Increase the diversity of housing types and tenures to create inclusive, affordable and complete Urban Centres	
Policy 4.12.3. Diverse Housing Tenures.	<p>Encourage a range of rental and ownership tenures that support a variety of households, income levels and life stages. Promote underrepresented forms of tenure, including but not limited to co-housing, fee-simple row housing, co-ops, and rent-to-own.</p> <p><i>The applicant is proposing an attainable entry point into the market which would support a variety of income levels.</i></p>

6.0 Application Chronology

Date of Application Accepted: August 17, 2021
Date Public Consultation Completed: October 26, 2021
Date of Public Hearing for Rezoning: November 30, 2021

Report prepared by: Lydia Korolchuk, Planner Specialist

Reviewed by: Jocelyn Black, Urban Planning Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

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

Attachments:

Attachment A: Draft Development Permit DP21-0199 & DVP21-0200

Schedule A: Site Plan & Floor Plans

Schedule B: Elevations

Schedule C: Landscape Plan

Attachment B: OCP Form and Character Development Permit Guidelines

Attachment C: Applicant's Project Rationale & Unit Composition Rationale

Attachment D: MODO Car-share Agreement