

REPORT TO COUNCIL



Date: May 31, 2022

To: Council

From: City Manager

Department: Development Planning

Application: DP21-0223 DVP21-0224

Owner: ASI CENTRAL GP INC.,
INC.NO. A0117887

Address: 155-179 Rutland Road N

Applicant: Arlington Street Investments
Inc.

Subject: Development Permit and Development Variance Permit Application

Existing OCP Designation: UC – Urban Centre

Existing Zone: C4 – Urban Centre Commercial

1.0 Recommendation

THAT Zoning Bylaw Text Amending Bylaw No. 12325 be amended at third reading to revise the legal description of the subject property from Lot 2 Section 26 Township 26 ODYD Plan 11269 Except Plan 37956, The North ½ of Lot 2 Section 26 Township 26 ODYD Plan 2478 Except Plans B7413 and 37956, That Part of the North ½ of Lot 2 Shown on Plan B7413; Section 26 Township 26 ODYD Plan 2478 Except Plan 37956 and Lot 1 Section 26 Township 26 ODYD Plan 2773 Except: (1) Part Outlined Red on Plan B5413 (2) Plan 8824 (3) Plan 37956 to Lot A Section 26 Township 26 Osoyoos Division Yale District Plan EPP117920;

AND THAT final adoption of Zoning Bylaw Text Amending Bylaw No. 12325 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP21-0223 for Lot A Section 26 Township 26 Osoyoos Division Yale District Plan EPP117920, located at 155-179 Rutland Rd N, 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 Council authorizes the issuance of Development Variance Permit No. DVP21-0224 for Lot A Section 26 Township 26 Osoyoos Division Yale District Plan EPP117920, located at 155-179 Rutland Rd N, Kelowna, BC;

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

Section 14.4.5(h)(i): C4 – Urban Centre Commercial Development Regulations

To vary the requirement for any portion of a building above 16.0 m or 4 storeys (whichever is lesser) in height to be setback a minimum of 3.0 m from all sides (required) to 0.2 m on the north side and to 0.09 m on the south side (proposed).

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 Attachment "B" attached to the Report from the Development Planning Department dated May 31, 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 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 issue a Development Permit for the form and character of a mixed-use building and to issue a Development Variance Permit to vary the requirement for any portion of a building above 16.0 m or 4 storeys in height to be setback a minimum 3.0 m from all sides.

3.0 Development Planning

Development Planning Staff are supportive of the Development Permit and associated variance as the proposal meets many of the objectives and supporting policies of the Official Community Plan (OCP), as well as key Form and Character Development Permit Design Guidelines. The proposal generally conforms with the objectives and supporting policies of the Official Community Plan (OCP), as well as Form and Character Development Permit Design Guidelines, which includes:

- Ensure buildings have a continuous active and transparent retail frontage at grade to provide a visual connection between the public and private realm (see 4.1.1).
- 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).

Variance

There is one variance requested to facilitate this development, to the building stepback for portions of building above 16.0 m on all sides. This variance applies to portions of the building on the north and south property lines above 16.0m in height. Rather than incorporating a stepback portions of the building on those elevations, the applicant has tried to mitigate the effect of this variance through a small section of artwork on the north elevation and a pattern on the south elevation (firewalls). Meeting the regulation would require a more complex construction method which makes their project more expensive and provides less floor space and units. While the setback would have made the building more sensitive and better integrate with neighbouring lower profile buildings, Development Planning is still supportive of the overall project and of achieving a major rental building in Rutland.

4.0 Proposal

4.1 Background

Council gave second and third readings to a site-specific text amendment (TA21-0007) on March 1, 2022 as part of this development proposal, which now applies to the property. This site-specific text amendment allows for a maximum density of 2.35 FAR and a maximum height of 8 storeys and 32.0 m.

The subject property was recently consolidated from four separate lots and consists of several single storey commercial businesses. They would be demolished to facilitate this development.

4.2 Project Description

This application proposes a mixed-use development with six commercial units fronting onto Rutland Road N, and 98 residential units above. The residential units consist of one bedroom (70 units) and two bedroom (28 units). Although it does not have the City's Residential Rental Only Tenure subzone, the applicant has expressed that it is intended to be a rental building, and the 20% parking bonus that the applicant could have utilized had they taken advantage of this subzone was not required, as on-site parking requirements are met. Parking is provided on-site through a combination of surface and underground stalls. Private open space is provided on balconies and a rooftop patio.

Form and Character

The building is eight storeys, with two levels of underground parking. East and West facing balconies on the residential floors above will act as shading devices with privacy screens and are modulated to reduce the visual impact of a long building. The exterior features brick podium cladding material and exterior LED lighting has been incorporated into the building façade. The six at-grade commercial units help create a friendly pedestrian scale.

4.3 Site Context

The subject property is located on the east side of Rutland Road N to the north of Hwy 33E (directly north of the Starbucks). The site is designated as UC – Urban Centre as it is within the Rutland Urban Centre. The project site is located within walking distance of the Shepherd Road transit exchange and near multiple bus stops situated on both Rutland Rd and Hwy 33 E and the property fronts Rutland Road N in an area where it is designated as a Retail Street within the 2040 Official Community Plan. The Walkscore is 73, indicating it is very walkable and that most errands can be accomplished on foot.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C ₄ – Urban Centre Commercial	Supportive Housing
East	RU ₁ – Large Lot Housing	Single Dwelling Housing
South	C ₄ – Urban Centre Commercial	Retail Businesses
West	C ₄ – Urban Centre Commercial P ₁ – Major Institutional	Retail Businesses Canada Post Depot

Subject Property Map: 155-179 Rutland Road N



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C ₄ ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Floor Area Ratio	2.35 ❶	2.35
Max. Site Coverage	75 %	55 %
Max. Height	32.0 m / 8 storeys ❶	30.86 m / 8 storeys
Min. Front Yard (Rutland Rd N)	0.0 m	3.0 m
Min. Side Yard (north)	0.0 m	0.2 m
Min. Side Yard (south)	0.0 m	0.09 m
Min. Rear Yard (east)	6.0 m	26.6 m
Building Stepback for portions of building above 16.0m on all sides	3.0 m	0.2 (north side) ❷ > 3.0 m (east side) 0.09 (south side) ❷ > 3.0 m (west side)
Other Regulations		
Min. Parking and Loading Requirements	115 stalls	115 stalls

Min. Bicycle Parking	11 Short term stalls 112 Long term stalls	11 Short term stalls 112 Long term stalls
Min. Private Open Space	1,120 m ²	1, 120 m ²
● Indicates the site-specific text amendment regulations that were considered under TA21-0017		
● Indicates a requested variance to Zoning Bylaw Section 14.4.5(h)(i)		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 4.1 Strengthen the Urban Centres as Kelowna’s primary hubs of activity.	
Policy 4.1.6. High Density Residential Development.	Direct medium and high density residential development to Urban Centres to provide a greater mix of housing near employment and to maximize use of existing and new infrastructure, services and amenities. <i>This medium density development is located within the Rutland Urban Centre, near the intersection of Rutland Rd N and Hwy 33 E.</i>
Objective 4.7. Focus new development in Rutland strategically to create a new high-density business and residential hub to support improved services and amenities.	
Policy 4.7.2 Taller Rutland Buildings	Prior to the development of a neighbourhood plan for the Rutland Urban Centre, and with due consideration of the objectives of Policy 4.7.1, consider support for development that is higher than the heights outlined in Map 4.7, where the proposal contains significant benefit to Kelowna citizens, including some or a combination of the following: <ul style="list-style-type: none"> • An affordable, supportive and/or rental housing component that further advances Urban Centre housing objectives; • A significant public amenity that supports the fostering of more inclusive and socially connected Urban Centres, such as parks, public spaces, schools, post-secondary institutions or childcare facilities; • Offsite considerations, including enhanced streetscapes, provision of Active Transportation Corridors, tree canopy protection and enhancement, or green infrastructure within the road right of way; • Smaller tower floorplates to mitigate the impact on views and shadowing; and/or • Outstanding and extraordinary architectural design. <i>This eight-storey development is proposed to contain 98 rental units.</i>
Objective 4.12. Increase the diversity of housing types and tenures to create inclusive, affordable and complete Urban Centres.	
Policy 4.12.1. Diverse Housing Forms.	Ensure a diverse mix of medium density and high density housing forms that support a variety of households, income levels and life stages. <i>This development would contain 98 rental units, comprised of one and two-bedrooms.</i>

6.0 Technical Comments

6.1 Development Engineering Department

See Attachment B: City of Kelowna Memorandum

7.0 Application Chronology

Date of Application Accepted: October 1, 2021
Date Public Consultation Completed: December 7, 2021
Date of 2nd and 3rd Readings for Site-Specific Text Amendment: March 1, 2022

Report prepared by: Kimberly Brunet, Planner II
Reviewed by: Lydia Korolchuk, 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 and Development Variance Permit DP21-0223 DVP21-0224

Schedule A: Site Plan

Schedule B: Building Elevations and Floorplans

Schedule C: Landscape Plan

Attachment B: Development Engineering Memorandum

Attachment C: OCP Form and Character Development Permit Guidelines