

REPORT TO COUNCIL



Date: August 23, 2022

To: Council

From: City Manager

Department: Development Planning

Application: DP20-0122 DVP20-0123

Owner: 1291224 B.C. LTD., INC.NO.
BC1291224

Address: 1365 Belaire Ave &
1840-1850 Chandler St

Applicant: Pacific West Architecture Inc.

Subject: Development Permit and Development Variance Permit

Existing OCP Designation: UC – Urban Centre

Existing Zone: RM6 – High Rise Apartment Housing

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 12127 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP20-0122 and Development Variance Permit No. DVP20-0123 for LOT 21 DISTRICT LOT 137 OSOYOOS DIVISION YALE DISTRICT PLAN 10011, located at 1365 Belaire Ave, Kelowna, BC and for STRATA LOT 1 DISTRICT LOT 137 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K25 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1 and STRATA LOT 2 DISTRICT LOT 137 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K25 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1, located at 1840-1850 Chandler St, 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 13.12.6(b): RM6 – High Rise Apartment Housing, Development Regulations

To vary the required maximum site coverage for principal buildings, accessory structures, and parking areas and driveways from 50% permitted to 61% proposed.

Section 13.12.6(e): RM6 – High Rise Apartment Housing, Development Regulations

To vary the required minimum flanking side yard (north) from 6.0 m permitted to 4.3 m proposed.

Section 13.12.6(e): RM6 – High Rise Apartment Housing, Development Regulations

To vary the required minimum flanking side yard (south) from 6.0 m permitted to 4.0 m proposed.

AND THAT lot consolidation be completed in order for the permits to be issued;

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.

Purpose

To issue a Development Permit and Development Variance Permit for the form and character of Multiple Dwelling Housing with variances to maximum site coverage and minimum flanking side yard (north and south).

2.0 Development Planning

Development Planning recommends support for the Development Permit and Development Variance Permit Applications, to facilitate a 90-unit multiple dwelling housing development. The proposal is consistent with key Form and Character Design Guidelines in the 2040 Official Community Plan (OCP) and Capri-Landmark Urban Centre Plan, including:

- Articulated building facades that provide visual interest and architectural design that breaks up the buildings massing;
- Siting the building to positively frame and activate streets and public open spaces, resulting in active frontages and 'eyes on the street'; and
- Building a variety of multi-unit housing types.

Within the Capri-Landmark Urban Centre Plan, the subject properties are located with Sub-Area 4: Five Bridges. This area is defined by proximity to the Capri Centre Mall and connection to linear paths along Mill Creek and Ritchie Brook. The proposed multiple dwelling housing development would be near existing commercial shops, services and amenities. For SubArea 4, it is envisioned that over time, the existing single-detached housing will be developed to apartment buildings and row-housing developments, and this application in consistent with that policy direction.

3.0 Proposal

3.1 Background

The subject properties were previously used for single and two dwelling housing. These dwellings have recently been demolished, and the lots are required to be consolidated as a condition of Development Permit and Development Variance Permit issuance.

3.2 Project Description

This proposal is for a six-storey multiple dwelling housing development, containing 90 units. The development is accessed off a single drive aisle, located off Belaire Ave, to the north. Required parking is met, through covered at-grade parking, along with one level of underground parking. Private Open Space requirements are met on-site through the provision of a common room and gym, accessed directly off the main building entrance on the south elevation. Each individual unit has either an at-grade patio area, or balcony, and second floor units facing north have larger private patio areas. There is also multi-residential shared garden located on the southeast corner. The primary building finish materials include Hardie Panel in white, dark and light grey, and Long Board as accents.

Variances

To facilitate this development proposal, variances are requested to minimum flanking side yard setbacks (Belaire Ave and Pridham Ave), and to maximum total site coverage. The proposal seeks to reduce the flanking side yard from 6.0m required to 4.3m proposed to the north and to 4.0m proposed to the south. This is due to the unique shape of the property being located at the intersection of three streets. To help support the variance request, the applicant has designed the building with step backs and has provided articulation above the first floor, particularly on the north elevation. This adds greater visual interest and serves to reduce the impact of this flanking side yard variance request. Should Draft Zoning Bylaw No. 12375 be adopted, the minimum required front and flanking side yard setback would be 3.0 m. This would mean that as the adjacent properties to the west redevelop, they would likely have similar building placement, resulting in a cohesive and consistently sited streetscape.

The last variance is to increase maximum site coverage from 50% permitted to 61% proposed. As there is no lane access, the development is required to provide a 7.0 m wide vehicular access aisle to the parking areas. These are configured as both a surface (covered) parking area and a ramp to an underground parking garage. This paved drive aisle contributes to the higher overall site coverage.

Planning does not anticipate these variances having a negative impact on adjacent neighbours, and the variances help facilitate the development on the unique property with no lane, and larger flanking side yard setback limitations.

Car Share

One car share stall is proposed as part of this application, in accordance with provisions under Car-Share Incentives (Section 8.2.11). This allows the development to reduce their required number of parking stalls by 5 stalls. This car-share stall will be located at-grade, be publicly accessible, and directly accessed off the drive aisle on the north side of the property. A copy of the Car Share Agreement is included as Attachment C.

Lot Consolidation

Consolidation of properties is generally a requirement prior to Council consideration of a Development Permit and Development Variance Permit. In this case, these properties have a building scheme from 1959 registered on title that is preventing the winding up of the strata of a previously existing duplex at 1840-1850 Chandler St. The City has received a letter of undertaking from the project's lawyer committing to completing the consolidation, after the applicant receives a court order to release the covenant. With this assurance, Development Planning felt it was reasonable to bring forward the applications for Council consideration, and lot consolidation has been included as a condition of issuance of the Development Permit and Development Variance Permit, should Council support the applications.

3.3 Site Context

The subject properties are located within the Capri Landmark Urban Centre. The properties are located near existing residential and commercial uses, as well as public transit options on Sutherland Avenue and Harvey Avenue. The Walk Score is 66, indicating that some errands can be accomplished on foot.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM5 – Medium Density Multiple Housing RU6 – Two Dwelling Housing	Single Dwelling Housing
East	P1 – Major Institutional RU6 – Two Dwelling Housing	Extended Medical Treatment Services Single Dwelling Housing
South	RU6 – Two Dwelling Housing RU6B - Two Dwelling Housing with Boarding or Lodging House	Single Dwelling Housing Boarding or Lodging Houses
West	RU6 – Two Dwelling Housing	Single Dwelling Housing

Subject Property Map: 1365 Belaire Ave and 1840-1850 Chandler St



3.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM6 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Floor Area Ratio	1.7	1.7
Max. Site Coverage (buildings, parking, driveways)	50 %	61 % ●
Max. Height	55.0 m / 16 storeys	m / 6 storeys
Min. Front Yard (Chandler St)	6.0 m	6.0 m

Min. Flanking Side Yard (north – Belaire Ave)	6.0 m	4.3 m ②
Min. Flanking Side Yard (south – Pridham Ave)	6.0 m	4.0 m ③
Min. Rear Yard (east)	9.0 m	9.0 m
Other Regulations		
Min. Landscape Buffer (east)	2.0 m *	2.0 m
Min. Parking Requirements	100 stalls **	101 stalls
Min. Bicycle Parking	14 Short term stalls 68 Long term stalls	14 Short term stalls 71 Long term stalls
Min. Private Open Space	921 m ²	1,459 m ²
<p>① Indicates a requested variance to the maximum site coverage for principal buildings, accessory structures, and parking areas and driveways</p> <p>② Indicates a requested variance to the minimum flanking side yard (north)</p> <p>③ Indicates a requested variance to the minimum flanking side yard (south)</p> <p>* Indicates 1.0m of required rear yard landscaping has been transferred to a multi-residential shared garden in accordance with Section 13.12.7(h)</p> <p>** Indicates the proposal includes a reduction of five (5) parking spaces in accordance with Section 8.2.11 Car Share Incentives</p>		

4.0 Current Development Policies

4.1 Kelowna Official Community Plan (OCP)

Objective 4.5 Promote more residential development to balance employment uses in the Capri-Landmark Urban Centre	
Policy 4.5.2 Capri-Landmark Urban Centre Plan	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 <i>Capri-Landmark Urban Centre Plan</i> . <i>Map 4.3 Capri Landmark Building Heights identifies these properties as up to 12 storeys in height. This development proposal is the second to be considered by Council within this block for a six storey multiple dwelling housing development. This six storey proposal will help aid in providing a gradual transition of the area to increased density and height.</i>
Objective 4.5 Promote more residential development to balance employment uses in the Capri-Landmark Urban Centre	
Policy 4.5.3 Capri-Landmark Street Character	Support development in the Capri-Landmark Urban Centre that includes the land use characteristics at grade outlined in Map 4.4 to support the goals and objectives of the <i>Capri-Landmark Urban Centre Plan</i> . <i>Map 4.4 Capri Landmark Street Character identifies Belaire Ave and Pridham Ave as Residential Streets and Chandler St as a Mixed Residential Street. This proposal for a multiple dwelling housing development is consistent with this OCP Map.</i>
Objective 4.10 Encourage initiatives in Urban Centres to supplement the local food system to increase food security, equitable access to healthy food and social connections.	
Policy 4.10.3 Urban Agriculture	Encourage urban agriculture that uses integrated pest management practices as a way of supplementing the local food system and reducing greenhouse gas emissions associated with food production, processing, and transportation. In Urban Centres, support and encourage urban agriculture using approaches that include, but are not limited to: <ul style="list-style-type: none"> • Food production on public and private land including rooftops, beehives, and edible landscaping on residential boulevards, park land, backyards, and rights-of-way

	<ul style="list-style-type: none"> • Multi-residential shared gardens and services (i.e. water and storage) in new developments; and • Private and non-profit sector universally-accessible community gardens, considering the use of City-owned land for use of community gardens where appropriate.
	<p><i>This proposal includes communal garden plots in the southwest corner of the property, for the growing of plants for food and/or pleasure for the residents of the multi-residential dwelling.</i></p>
<p>Objective 4.12 Increase the diversity of housing types and tenures to create inclusive, affordable and complete Urban Centres</p>	
<p>Policy 4.12.1 Diverse Housing Forms</p>	<p>Ensure a diverse mix of medium density and high density housing forms that support a variety of households, income levels and life stages.</p> <p><i>This development proposal includes 90 units. The unit composition includes 12 microsuits, 30 bachelor units, 24 one-bedroom units, 22 two-bedroom units and 2 three-bedroom units.</i></p>

Capri-Landmark Urban Centre Plan

4.2 Capri-Landmark Urban Centre Plan

Land Use & Housing Objectives

Objective 3. Prevent under-development of sites: Ensure that residential density targets are achieved to allow for the viability of transit, services, and amenities.

Objective 6. Intensify existing residential neighbourhoods: Encourage the consolidation and redevelopment of existing low-density development to increase residential density.

Objective 10. Build a variety of multi-unit housing types and tenures: Encourage new residential development and redevelopment to include a range of unit types and tenures, such as:

- Apartments varying in number of bedrooms.
- Ground-oriented townhouses integrated into larger buildings.

Sub-Area 4 Policies

Land Use Policy 4. Promote the consolidation of single-detached lots to support efficient building layouts for apartments along Sutherland Avenue, Pridham Avenue, Devonshire Avenue, Belaire Avenue, Pacific Avenue, and McInnes Avenue.

5.0 Technical Comments

5.1 Development Engineering Department

All works and services requirements related to this development were addressed in the Development Engineering memo for Rezoning Application Z20-0045.

6.o Application Chronology

Date of Application Accepted:	May 12, 2020
Date Public Consultation Completed:	July 7, 2020
Date of Second and Third Readings:	January 19, 2021
Date of Extension of Rezoning Bylaw:	April 25, 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 DP20-0122 DVP20-0123

Schedule A: Site Plan

Schedule B: Elevations, Floor Plans and Materials/Colour Board

Schedule C: Landscape Plan

Attachment B: OCP Form and Character Development Permit Guidelines

Attachment C: Car Share Agreement