

REPORT TO COUNCIL



Date: November 15, 2022

To: Council

From: City Manager

Department: Development Planning

Application: DP21-0065 DVP21-0066 **Owner:** BERTRAM - MISSION GROUP
RENTALS LTD., INC.NO.
BC1268483

Address: 1333 Bertram St **Applicant:** Mission Group

Subject: Development Permit and Development Variance Permit Applications

Existing OCP Designation: UC – Urban Centre

Existing Zone: UC1r – Downtown Urban Centre (Rental Only)

1.0 Recommendation

THAT Bylaw No. 12348 be forwarded for rescindment consideration and the file be closed;

AND THAT Council authorizes the issuance of Development Permit No. DP21-0065 and Development Variance Permit No. DVP21-0066 for LOT 1 DISTRICT LOT 139 OSOYOOS DIVISION YALE DISTRICT PLAN EPP118647, located at 1333 Bertram 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. 12375 be granted:

Table 8.2.7.b: Parking and Loading – Ratio of Parking Space Sizes

To vary the required regular size vehicle parking spaces from 50% minimum to 30% minimum and the small size vehicle parking spaces from 50% maximum to 70% maximum.

Section 8.5.6(d): Parking and Loading - Off-Street Bicycle Parking

To vary the required minimum of long-term bicycle parking located at grade or within one storey of finished grade from 75% required to 7.5% proposed.

Section 9.11: Specific Use Regulations - Tall Buildings Regulations

To vary the required tower stepback above podium, including balconies, on the front building facade and flanking building facade (minimum) from 3.0 m permitted to 0.75 m proposed

Section 14.11.11: Core Areas and Other Zones - Commercial and Urban Centre Zone Development Regulations

To vary the required minimum common and private amenity space from 2,850.0 m² required to 2,256.5 m² proposed

Section 14.14: Core Areas and Other Zones - Density and Height

To vary the required maximum height from 12 storeys/44.0 m (base), plus 3 storeys/12.0 m (bonus) permitted to 19 storeys / 56.0 m proposed

AND THAT the applicant be required to make a payment into the Public Amenity & Streetscape Capital Reserve Fund as established by Bylaw No. 12386 in accordance with Table 6.8.a. in Zoning Bylaw No. 12375;

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 rescind all three readings given to Rezoning Bylaw No. 12348 and direct Staff to close the file and to issue a Development Permit for the form and character of an apartment housing project and a Development Variance Permit to vary the ratio of parking space sizes, location of off-street bicycle parking, minimum tower stepback above podium, minimum common and private amenity space and maximum building height.

3.0 Development Planning

Development Planning Staff recommends support for the Development Permit and Development Variance Permit applications. The proposal generally complies with 2040 Official Community Plan (OCP) Urban Centre and Form and Character Guidelines. This includes objectives to strengthen the Urban Centres as Kelowna's primary hubs of activity and to reinforce Downtown as the Urban Centre with the greatest diversity and intensity of uses in the City. Several of the form and Character Guidelines achieved by this proposal include:

- Greater setback provided along the entire Bertram Street frontage for increased architectural interest and improved pedestrian experience.
- Well-proportioned podium (3 storeys) and active uses at grade including four ground-oriented townhouse units and an amenity room.
- Design the top of the building to be distinguishable from the middle building, making a positive contribution to the skyline.

With the Rental Only subzone, this application aligns with key directions from the framework of the Healthy Housing Strategy, as well as the broader objectives in the OCP to support the creation of affordable and safe

rental, non-market housing. Further, the development would benefit from the central and convenient location of the project, having close access to downtown grocery, retail shops, services and amenities.

Public Amenity and Streetscape Bonus

Zoning Bylaw No. 12375 contains provisions for density bonusing, which this development is utilizing. The Public Amenity & Streetscape Bonus density is permitted if payments are made into the Public Amenity & Streetscape Capital Reserve Fund as established by Bylaw No. 12386 in accordance with Zoning Bylaw No. 12375 Table 6.8.a.

For Floor Area Ratio (FAR), this property starts off with a base FAR of 3.3, as established in the Zoning Bylaw. The development is also eligible for an additional 0.3 FAR for having the Rental-Only subzone, as well as an additional 0.5 FAR that is granted through the Public Amenity and Streetscape Bonusing, for a total maximum FAR of 4.1. This development proposes a FAR of 3.89, which complies with this regulation as it is below the maximum permitted. For maximum building height, the property has a maximum base height of 12 storeys or 44 m. Through the Public Amenity and Streetscape Bonusing, an additional 3 storeys and 12 m would be granted. This brings the maximum height of the property to 15 storeys and 56 m. A variance is still required, as the development is requesting a maximum height of 19 storeys and 56 m.

For developments within the UC1 – Downtown Urban Centre, the payment rate to qualify for density bonusing is \$50 per m² of lot area. For this project, with a post-dedication lot area of 2,277.57 m², a Public Amenity & Streetscape Capital Reserve Fund Payment in the amount of \$113,875.50 would be required as a condition of issuance, should Council support the Development Permit and Development Variance Permit.

4.0 Proposal

4.1 Background

Previous existing single dwelling housing on the subject property have been demolished. The property is currently vacant.

4.2 Project Description

This 19-storey high-rise residential building contains 157 purpose built rental units, which are comprised of studio, 1-bedroom, and 2-bedroom units. This includes four two-bedroom townhouse units located directly at-grade, fronting onto Bertram St, with individual patios. The top three storeys of the high-rise have smaller floorplates, which helps to further differentiate the base, middle and top of the building.

Required parking is met on-site. Ten parking stalls, as well as a van-accessible parking stall are accessed directly off the north lane, with the remainder of the parking located within a three-storey podium. Private amenity space is provided on balconies for every unit, and common amenity space includes an indoor amenity room and fitness studio on the ground and second storeys. The rooftop above the podium contains outdoor landscaped areas, which includes a play space, gardens and outdoor cooking facilities.

The proposed maximum tower floorplate is below the maximum allowable in the Zoning Bylaw (750 m² permitted, 637.5 m² proposed), which would result in a slender built form. Primary building materials include brick veneer (podium levels) and metal panels (tower) with spandrel glass accents. Townhouse doors at grade are natural wood. To add visual interest, and an artistic element, there is a large mural proposed on the north parkade facade (lane-facing).

Variances

Variances to Zoning Bylaw No. 12375 are required to facilitate this proposal. These variances are:

Ratio of Parking Space Sizes

For apartment housing, Zoning Bylaw No. 12375 requires a ratio of a minimum 50% regular size vehicle parking spaces and a maximum of 50% small size vehicle parking spaces. This proposal provides the required number of parking spaces on-site but is requesting a variance to the ratio of parking space sizes due to space constraints. To facilitate the project, and the three-storey parkade that is provided, the applicant is requesting a minimum 30% regular size vehicle parking spaces and a maximum of 70% small size vehicle parking spaces.

Long-Term Bicycle Parking Location

Long-term bicycle parking is required to have a minimum of 75% of the long-term bicycle parking spaces located at grade or within one storey of finished grade and easily accessible to users. The long-term bicycle parking requires 214 stalls. The majority of the stalls (198 stalls) are located in a storage room on the third floor of the parkade. For this proposal, 16 long-term bicycle stalls are located at grade or within one storey of finished grade, representing 7.5% of the on-site requirement.

Tall Buildings Regulations

Zoning Bylaw No. 12375 requires a 3.0 metre stepback for the tower above a residential podium to limit shadowing impacts and the buildings' visual dominance to the public realm. The intent of this regulation was to create articulation and a stepback above the podium. This application proposes a 0.75 metre stepback, at the narrowest point. This stepback regulation did not exist under Zoning Bylaw No. 8000 of which this proposal was originally designed against. The building stepback regulation is different from a setback regulation. For this project, the minimum front yard setback is 0.0 m, and the front of the podium is set back from the front property line by 2.1 m.

Common and Private Amenity Space

Minimum common and private amenity space is calculated based on specific unit composition, as regulated in the Zoning Bylaw. Based on the unit distribution, 2,850 m² of common and private amenity space is required, and 2,256.5 m² is proposed. This amenity space is provided on-site in amenity rooms on the podium, on the outdoor landscaped area above the podium and with private patios and balconies. The regulation relating to common and private amenity space increased for properties within the Downtown Urban Centre from Zoning Bylaw No. 8000, from which this project was designed, to Zoning Bylaw No. 12375. The proposal had complied with private open space requirements as specified in Zoning Bylaw No. 8000 at the time the application was made.

Building Height

Official Community Plan Map 4.1 Downtown Building Heights identifies this property as a 12 storey / 44m property. Through payment into the Public Amenity & Streetscape Capital Reserve Fund as established by Bylaw No. 12386 in accordance with Table 6.8.a. in Zoning Bylaw No. 12375, additional height is permitted. The maximum height with Bonus FAR allows for an increase of 3 storeys / 12 m. With this bonus, this application requires a height variance from 15 storeys / 56 metres permitted to 19 storeys/ 56 metres proposed. While the maximum height complies in metres, the applicant is proposing an additional four storeys beyond what is permitted by Zoning Bylaw regulations.

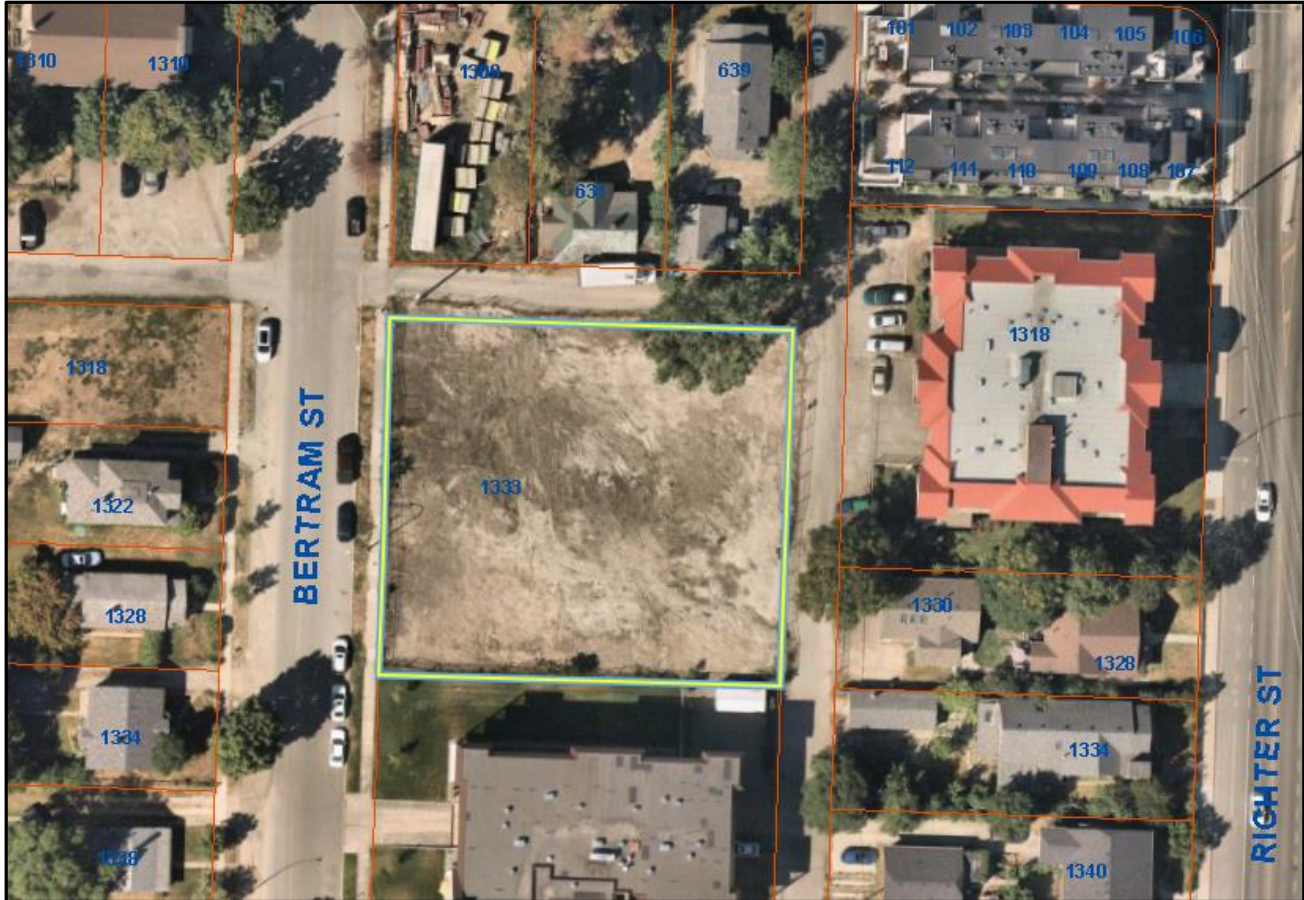
4.3 Site Context

The subject property is located on the east side of Bertram St, between Fuller Ave and Cawston Ave. It is located within the Downtown Urban Centre and has a Walk Score of 76, indicating it is very walkable.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	UC1 – Downtown Urban Centre	Single Detached Housing
East	UC1 – Downtown Urban Centre	Apartment Housing Duplex Housing
South	UC1 – Downtown Urban Centre	Apartment Housing
West	UC1 – Downtown Urban Centre	Single Detached Housing

Subject Property Map: 1333 Bertram St



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	UC1r ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Site Coverage (buildings)	100 %	78 %
Max. Site Coverage (buildings, parking, driveways)	100 %	<100 %
Max. Floor Area Ratio	3.3 (base) + 0.5 (bonus*) 0.3 (rental) = 4.1	3.89
Max. Height	12 storeys / 44 m (base) 3 storeys / 12 m (bonus**) 15 storeys / 56 m (permitted)	19 storeys / 56 m ^①
Min. Front Yard	0.0 m	2.1 m
Min. Side Yard (south)	0.0 m	0.3 m
Min. Side Yard (north)	0.0 m	1.3 m
Min. Rear Yard	0.0 m	0.2 m
Min. Setback Above 16.0m	3.0 m (front) 4.0 m (south)	4.1 m (front) 6.8 m (south)
Max. floor plate (above 4 storeys / 16.0 m)	750 m ²	637.5 m ²
Min. tower stepback above podium, including balconies, on the front building facade and flanking building facade	3.0 m	0.75 m ^②
Min. Common and Private Amenity Space	2, 850 m ² total (of which min.628 m ² required to be common area)	2,256.5 m ² ^③
Other Regulations		
Min. Parking Requirements	130 stalls***	130 stalls
Min. Parking Stall Ratio	50 % regular 50 % small	30 % regular 70 % small ^④
Min. Bicycle Parking	6 Short term 214 Long term	6 Short term 214 Long term
Long-term bicycle parking location	75% of stalls located at grade or within one storey of finished grade	7.5 % of stalls located at grade or within one storey of finished grade ^⑤
<p>① Indicates a requested variance to maximum height</p> <p>② Indicates a requested variance to minimum tower stepback above podium</p> <p>③ Indicates a requested variance to minimum common and private amenity space</p> <p>④ Indicates a requested variance to minimum parking stall ratio</p> <p>⑤ Indicates a requested variance to long-term bicycle parking location</p> <p>* Indicates additional FAR for payment made to the Public Amenity & Streetscape Capital Reserve Fund as per Section 6.8.2 Density Bonus</p> <p>** Indicates additional maximum height for payment made to the Public Amenity & Streetscape Capital Reserve Fund as per Section 6.8.2 Density Bonus</p> <p>*** Includes a reduction of five (5) required parking stalls in accordance with Section 8.5.8 Bicycle Parking Incentives</p>		

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 4.1.2. Urban Centre Hierarchy.		Focus the greatest intensity of uses and scale of development Downtown in recognition of its role as the largest Urban Centre. Scale development in other Urban Centres in accordance with Figure 4.1 and based on their anticipated context, supporting infrastructure and amenities. <i>The proposed high-rise residential building is an appropriate scale of development envisioned within the Downtown Urban Centre.</i>
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>The development would add 157 rental housing units to the housing mix in the Downtown Urban Centre, and would contain a mix of studio, one- and two-bedrooms.</i>
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.		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. <i>The development would add 157 rental units to the Downtown Urban Centre, which would be rental units in perpetuity as the property is zoned UC1r – Downtown Urban Centre (Rental Only)</i>

6.0 Technical Comments

6.1 Development Engineering Department

Development Engineering Requirements were met under City of Kelowna File No. Z21-0022

7.0 Application Chronology

Date of Application Accepted: March 17, 2021
Date Neighbourhood Notification Completed: October 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 DP21-0065 DVP21-0066

Schedule A: Site Plan and Development Statistics

Schedule B: Floorplans, Building Elevations, Cross-Sections, Materials and Colour Board, Renderings

Schedule C: Landscape Plan

Attachment B: 2040 OCP Design Guidelines Checklist

Attachment C: Applicant's Letter of Rationale