

# REPORT TO COUNCIL DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT



**Date:** August 15<sup>th</sup>, 2023  
**To:** Council  
**From:** City Manager  
**Address:** 1830 Hilltop Crescent  
**File No.:** DP22-0163 & DVP23-0106  
**Zone:** CD18 – McKinley Beach Resort

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP22-0163 and Development Variance Permit No. DVP23-0106 for Lot 5 Section 28 Township 23 ODYD Plan EPP76020, located at 1830 Hilltop Crescent, 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 amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;

AND THAT variances to the following section of the Zoning Bylaw No. 12375 be granted:

**Section 15.4.5 [.3]: CD18 Development Regulations**

To vary the minimum amount of habitable space within an exposed storey from 60% required to 0% 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 issue a Development Permit and Development Variance Permit for the form and character of Apartment Housing development with an associated variance to the minimum amount of habitable space within any exposed storey.

### 3.0 Development Planning

Staff are recommending support for both, the Form and Character Development Permit as well as the Development Variance Permit. The proposal consists of two apartment buildings (East and West) on top of a common parkade, with a total of 120 units.

#### 3.1 Form and Character Development Permit

The proposal creates a strong pedestrian-oriented interface with Hilltop Crescent through ground-oriented units, landscaping, and distinct architectural treatments. Pedestrian entrances are located on Hilltop Crescent through the main lobbies in buildings East and West. In order to provide a ground-oriented development, the principal vehicular entrance is located in Building West from Hilltop Crescent into an underground common 2-storey parkade. Building West consists of 36 units and building East consists of 84 units; both buildings contain a mix of 1 to 3-bedroom units. Due to the topography of the site, the height of the buildings varies; from Hilltop Crescent, building West is 6 storeys and Building East is 7 storeys. The proposed development provides a human scaled experience along the street by articulating the façade, stepping back the building mass from the street, repeating window patterns, and access to ground oriented units and amenities. Exterior building materials include metal cladding, hardie panel, natural concrete, slate wood, and glass guard rails. The proposal meets the number of required parking and bicycle parking, as well as exceeds amenity space requirements. The proposed amenities include: a rooftop terrace, pool terrace, outdoor firepit and lounge areas, indoor lounge area, fitness gym, and a co-working space. The Environmental Development Permit has identified the downslope environmentally sensitive areas. This area includes a number of mature trees and vegetation that are to be protected via covenant. Several trees within the building footprint will be removed, however, 14 new large trees will be planted including other ornamental plantings throughout the site.

The proposal generally conforms to the Official Community Plan (OCP) Form and Character Development Permit Guidelines for Low and Mid-Rise Residential Mixed-Use. Key guidelines that are met include:

- 2.1.4.c Avoid locating off-street parking between the front façade of a building and the fronting public street;*
- 2.1.5.a Site buildings to protect mature trees, significant vegetation, and ecological features;*
- 4.1.1.k Design internal courtyards to provide amenities such as play areas, arbocues, and outdoor seating where appropriate; and provide a balance of hardscape and softscape areas to meet the specific needs of surrounding residents and/or users*

Due to the topography, functionality, and orientation of the building, the following guidelines cannot be met:

- 2.1.1.f Avoid blank, windowless walls along streets or other public open spaces;*
- 2.1.2.b Break up the perceived mass of large buildings by incorporating visual breaks in facades;*
- 4.1.6.b Break up the building mass by incorporating elements that define a building's base, middle, and top*

#### 3.2 Development Variance Permit

Staff are recommending support for the Development Variance Permit to vary the minimum amount of habitable space within any exposed storey from 60% required to 0% proposed. The purpose of this regulation is to ensure a high-quality building elevation interface with the downslope hillside of the McKinley Beach Area. The McKinley development area permits larger apartment buildings typically associated with parkades, which may result in challenging building design with the hillside. The regulation is to ensure that these larger buildings on the downhill slope side limit the amount of blank walls and provide an aesthetically

attractive elevation from key public views such as from the lake, sidewalks, roads, trails, playgrounds and other common amenity areas.

This proposal includes an exposed 2-storey parkade on the downhill slope side without including any habitable space, thus triggering the necessity for the variance. The site is sloped such that some portions of the exterior walls of the parkade will be located entirely below grade (Hilltop Crescent point of view) and other portions will be located entirely above grade (rear slope side point of view). A point location exercise was conducted to visualize the impact of the exposed wall from key public views (see Attachment D). The parkade exposure increases in scale up to 15.4 m in height from the street down the slope to the no build / no disturb covenant line. In this case, the exposed downslope parkade and foundation wall is interfacing into a significantly sloped gully with mature vegetation that provides effective screening of the parkade wall from key public views. The proposal includes several mitigative measures to soften the portions of parkade wall including high-quality architectural treatment and existing mature landscaping.

#### 4.0 Subject Property & Background

##### 4.1 Subject Property Map



##### 4.2 Background

A Natural Environment and Hazardous Condition Development Permit has been submitted and will require the works are monitored throughout the duration of the project. This protects the natural landscape and

ensures prevalent rock fall from the hillside does not impact the site or the downslope. The existing park trail to the North will remain and be secured through the site to ensure pedestrian access and connect to the extensive trail system throughout the McKinley Beach development site.

**5.0 Zoning Bylaw Regulations Summary**

AREA & UNIT STATISTICS	
Gross Lot Area	11,681.97 m <sup>2</sup>
Undevelopable Land (riparian, 30% slope, etc.)	6,222.45 m <sup>2</sup>
<b>Total Number of Units</b>	<b>120</b>
1-bed	30
2-bed	67
3-bed	23

DEVELOPMENT REGULATIONS		
CRITERIA	CD18 ZONE	PROPOSAL
<b>Total Maximum Floor Area Ratio</b>	<b>N/A</b>	<b>2,231 m<sup>2</sup></b>
Base FAR	N/A	0.19
Max. Site Coverage (buildings)	N/A	19 %
Max. Site Coverage (buildings, parking, driveways)	N/A	19 %
<b>Max. Height</b>	<b>38.25 m or 9 storeys</b>	<b>Varies</b>
Building West		19.59 m or 7 storeys ❶
Building East		22.76 m or 8 storeys ❶
<b>Setbacks</b>		
Min. Front Yard (South facing Hilltop Crescent)	0.0 m	> 3.0 m
Min. Side Yard (West)	0.0 m	3.9 m
Min. Side Yard (East)	0.0 m	3.2 m
Min. Rear Yard (North)	0.0 m	> 16.0 m
<b>Amenity Space</b>		
<b>Total Required Amenity Space</b>	<b>2,700 m<sup>2</sup></b>	<b>5,063.32 m<sup>2</sup></b>
Common		2,736.36 m <sup>2</sup>
Private		2,326.96 m <sup>2</sup>
<b>Landscaping</b>		
Min. Number of Trees	N/A	14 trees
❶ Indicates a requested variance to the minimum amount of habitable space within any exposed storey where parking is provided within the building from 60% required to 0% proposed.		

PARKING REGULATIONS		
CRITERIA	CD18 ZONE REQUIREMENTS	PROPOSAL
<b>Total Required Vehicle Parking</b>	<b>201 stalls</b>	<b>201 stalls</b>
Residential	184	184
Visitor	17	17
Accessible Stalls	6 (2 van)	7 (2 van)
Ratio of Regular to Small Stalls	Min. 50% Regular Max. 50% Small	53% Regular 47% Small
Bicycle Stalls Short-Term	22 stalls	30 stalls

Bicycle Stalls Long-Term	96 stalls	136 stalls
Bike Wash & Repair	Yes	Yes

**6.o Application Chronology**

Application Accepted: August 2<sup>nd</sup>, 2022  
 Neighbour Notification Received: June 15<sup>th</sup> 2023 & July 11<sup>th</sup>, 2023

**Report prepared by:** Sara Skabowski, Planner I  
**Reviewed by:** Jocelyn Black, Urban Planning Manager  
**Reviewed by:** Dean Strachan, Community Planning & Development Manager  
**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services

**Attachments:**

- Attachment A: Draft Development Permit DP22-0163 & DVP23-0106
  - Schedule A: Site Plan & Floor Plans
  - Schedule B: Elevations & Sections
  - Schedule C: Landscape Plan
- Attachment B: OCP Form and Character Development Permit Guidelines
- Attachment C: Applicant Rationale Letter
- Attachment D: Neighbourhood Consultation Package

For additional information, please visit our Current Developments online at [www.kelowna.ca/currentdevelopments](http://www.kelowna.ca/currentdevelopments).