

REPORT TO COUNCIL DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT



Date: August 13, 2024
To: Council
From: City Manager
Address: 1451 Bertram St
File No.: DP23-0203 DVP23-0204
Zone: UC1r – Downtown Urban Centre Rental Only

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP23-0203 and Development Variance Permit No. DVP23-0204 for Lot 1 District Lot 139 ODYD Plan EPP113832, located at 1451 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 amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;

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

Table 8.3 - Required Residential Off-Street Parking Requirements

To vary the minimum number of off-street parking spaces from 154 permitted to 141 proposed.

Table 9.11 – Tall Building Regulations

To vary the maximum floor plate above the sixth storey from 750 m² permitted to 932 m² proposed for the seventh storey.

Table 9.11 – Tall Building Regulations

To vary the maximum podium height from 16.0 m permitted to 16.11 m proposed.

Section 14.11 – Core Area and Other Zones, Commercial and Urban Centre Zone Development Regulations

To vary the minimum setback for any portion of a building above 16.0 m in height abutting another property from 4.0 m permitted to 3.65 m proposed.

Section 14.11 – Core Area and Other Zones, Commercial and Urban Centre Zone Development Regulations

To vary the minimum building setback from 3.0 m permitted to 2.75 m proposed.

Section 14.11 – Core Area and Other Zones, Commercial and Urban Centre Zone Development Regulations

To vary the maximum parkade exposure to the primary street from 0% permitted to 7% proposed.

Section 14.14 – Core Area and Other Zones, Density and Height

To vary the maximum base height from 12 storeys and 44.0 m permitted to 20 storeys and 63.0 m proposed.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development 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 rental apartment housing and a Development Variance Permit to vary the minimum number of parking spaces, maximum floor plate, maximum podium height, minimum upper floor setback, minimum building setback, maximum parkade exposure, and maximum height.

3.0 Development Planning

Staff support the proposed Development Permit for the form and character of apartment housing. The proposal generally aligns with the Official Community Plan (OCP) Form and Character Design Guidelines for High-Rise Residential and Mixed-use buildings. Key guidelines that are met include:

- Orienting primary building facades and entries to the fronting street and incorporating active frontages with ground-oriented uses;
- Providing a maximum podium height of 4 storeys, with the tower stepped back above the podium;
- Transitioning between the tower and lower-scale buildings on adjacent lots by setting back the tower from adjacent properties;
- Incorporating screened off-street parking within a structured parking podium wrapped with active uses, and
- Providing high-quality outdoor amenity spaces on site, including shared rooftop amenity spaces.

Proposed materials primarily include grey brick cladding, and white, taupe, terracotta, and grey cementitious panels. Common amenity spaces include a rooftop patio with plantings and outdoor furniture with barbecue area, jungle gym, play area, community garden, and indoor amenity room. A childcare facility is also proposed on the main level which would be available to residents of the building and the public.

Off-Street Parking Variance

A variance is proposed to reduce the required number of parking stalls from 154 to 141. As the building will include 114 affordable rental units, it is expected that there will be lower vehicle ownership than a comparable market building. In addition, the location within the Downtown Urban Centre and within walking distance of the City's primary transit exchange provides ample opportunity for residents to use alternative forms of transportation other than personal vehicles. There are 18 dedicated parking stalls shared between residential visitors and the childcare centre.

Podium Height & Upper Floor Setback

A variance is proposed for the northern edge of the podium to reduce the minimum setback for portions of a building above 16.0 m in height from 4.0 m to 3.65 m and to increase the maximum podium height from 16.0 m to 16.11 m. Due to a very gradual slope on the subject property, the northern edge of the podium projects slightly above 16.0 m in height. The 0.47 m portion of the structure that is above the 16.0 m height also has a larger setback requirement. As the podium is already setback beyond the minimum setback, a modest 0.35 m setback reduction for that small portion of the podium is required.

Stepback Variance

A variance is proposed to reduce the minimum stepback for a portion of the front of the building from 3.0 m to 2.75 m. Much of the tower meets the minimum stepback requirement except for a 0.25 m encroachment into the stepback area for a portion of the building between levels 5 & 9. The proposed variance allows for an architectural feature which enhances the articulation of the front of the building, which helps the building to meet the OCP Design Guidelines.

Parkade Exposure

A variance is proposed to increase the maximum allowable parkade exposure along the front of the building from 0% of the frontage to 7%. The portion of exposed parkade is de-emphasized by being set back from the rest of the building's front façade and screened with appropriate landscaping, materials and glazing.

Tower Floorplate Variance

A variance is proposed to increase the maximum floorplate of the 7th storey from 750 m² to 932 m². Level 7 is setback significantly from the adjacent properties (>12 m from the south property line and >26 m from the north property line) and located directly behind the tower. This mitigates the visibility of any extra bulk and limits any impact of additional shadowing on neighbouring properties or the public realm. Storeys 8 to 20 meet the maximum floorplate requirements.

Height Variance

A variance is proposed to increase the maximum base height from 12 storeys and 44.0 m to 20 storeys and 63.0 m. OCP Policy 4.4.1 Taller Downtown Buildings suggests that heights higher than those outlined in the OCP Building Heights Map can be considered where the proposal contains a significant benefit to Kelowna citizens, such as an affordable, supportive, or rental housing component that further advances Urban Centre housing objectives. As the proposed building is a BC Housing rental housing project, the proposal fulfills a significant objective through the creation of 176 new purpose-built rental units, of which 114 will be below-market. The provision of 41 three-bedroom units also contributes to a diverse variety of household sizes.

4.0 Subject Property & Background

4.1 Subject Property Map



The subject property is located on Bertram St, between Bernard Ave and Doyle Ave in the Downtown Urban Centre. The surrounding neighbourhood includes a mix of apartment housing and single detached dwellings.

4.2 Background

Council approved a Development Permit and Development Variance Permit application for a 20 storey rental tower on the subject property in October 2021. As construction of the proposal did not commence, the permits expired in September 2023.

5.0 Zoning Bylaw Regulations Summary

AREA & UNIT STATISTICS	
Gross Lot Area	4131.41 m ²
Undevelopable Land (lane dedication)	52.9 m ²
Total Number of Units	176
Bachelor	4
1-bed	73
2-bed	58
3-bed	41
Net Other Uses Floor Area (Child Care)	412.87 m ²

DEVELOPMENT REGULATIONS		
CRITERIA	UC1r ZONE	PROPOSAL
Total Maximum Floor Area Ratio	4.3	3.93
Base FAR	3.3	
Bonus FAR (rental subzone)	1.0	
Max. Site Coverage (buildings)	100%	73.5%
Max. Height	12 storeys & 44.0 m	20 storeys & 63.0 m¹
Base Height	12 storeys & 44.0 m	
Max. Podium Height	16.0 m	16.11 m ²
Max. Parkade Exposure	0%	7% ³
Setbacks		
Min. Front Yard (west)	0.0 m	6.08 m
Min. Side Yard (north)	0.0 m	3.65 m
Min. Side Yard (south)	0.0 m	3.65 m
Min. Rear Yard (east)	0.0 m	0.0 m
Upper Floor Setbacks		
Min. Front Yard (west)	3.0 m	8.929 m
Min. Side Yard (north)	4.0 m	3.65 m ⁴
Min. Side Yard (south)	4.0 m	12.67 m
Stepbacks		
Min. Fronting Street (west)	3.0 m	2.75 m ⁵
Amenity Space		
Total Required Amenity Space	2029 m²	2928.5 m²
Common	704 m ²	1795 m ²
Landscaping		
Min. Number of Trees	0 trees	28 trees
Min. Large Trees	0 trees	5 trees

- ❶ Indicates a requested variance to maximum base height from 12 storeys and 44.0 m to 20 storeys and 63.0 m.
- ❷ Indicates a requested variance to maximum podium height from 16.0 m to 16.11 m.
- ❸ Indicates a requested variance to maximum parkade exposure to a primary street from 0% permitted to 7% proposed.
- ❹ Indicates a requested variance to minimum setback for a portion of a building above 16.0 m in height abutting another property from 4.0 m to 3.65 m.
- ❺ Indicates a requested variance to minimum building stepback from 3.0 m to 2.75 m.

PARKING REGULATIONS		
CRITERIA	UC1r ZONE REQUIREMENTS	PROPOSAL
Total Required Vehicle Parking	154 stalls	141 stalls ❹
Residential	167.5	123
Visitor/Child Care	24.64	18
"r" Subzone Reduction	-38.43	
Ratio of Regular to Small Stalls	Min. 50% Regular Max. 50% Small	55% Regular 45% Small
Bicycle Stalls Short-Term	8 stalls	26 stalls
Bicycle Stalls Long-Term	142 stalls	142 stalls
Bonus Stalls Provided for Parking Reduction		n
Bike Wash & Repair		y
❹ Indicates a requested variance to the minimum number of parking spaces from 154 required to 141.		

6.o Application Chronology

Application Accepted: November 6, 2023
 Neighbour Notification Received: July 11, 2024

Report prepared by: Mark Tanner, Planner Specialist
Reviewed by: Jocelyn Black, Urban Planning Manager
Reviewed by: Nola Kilmartin, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning, Climate Action & Development Services

Attachments:

- Attachment A: Draft Development Permit & Development Variance Permit DP23-0203 DVP23-0204
 - 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's Letter of Rationale
- Attachment D: Renderings

For additional information, please visit our Current Developments online at www.kelowna.ca/currentdevelopments.