

# REPORT TO COUNCIL



**Date:** April 30, 2018

**RIM No.** 0940-00

**To:** City Manager

**From:** Community Planning Department (AC)

**Application:** DP17-0095

**Owner:** 554764 BC Ltd.

**Address:** 200 Nickel Rd

**Applicant:** James Zeleznik

**Subject:** Development Permit Application

OCP Designation: MRL – Multiple Unit Residential (Low Density)

Zone: RM3 – Low Density Multiple Housing

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP17-0095 for Lot 1, Section 27, Township 26, ODYD, Plan EPP73636 located at 200 Nickel Rd, 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 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 is valid for two (2) years from the date of Council approval, with no opportunity to extend.

## 2.0 Purpose

To review the form and character Development Permit for a 19 unit townhouse development.

### 3.0 Community Planning

Staff support the 19-unit townhouse project at 200 Nickel Road. The application originally went to Council on March 19<sup>th</sup> 2018 to approve a Form and Character Development shown in Figure 2 below. Council denied the Development Permit due to the project's inconsistency with Kelowna's OCP design guidelines. Council voted on April 23<sup>rd</sup> 2018 to waive the 6 month re-application wait period as described in Council's Development Applications Procedures Bylaw No 10540.

Staff worked with the applicant over many revisions to improve the form and character of the development. Key design considerations were the streetscape and the proposed building's interface with the public sidewalk. The original Development Permit that was denied by Council: achieved many of the OCP's Urban Infill objectives, did not have any variances to the Zoning Bylaw, and met a majority of the Official Community Plan (OCP) Urban Design Guidelines. The revised design (see Figure 3) has improved the form and character of the project and still does not require any variances to the Zoning Bylaw. The new proposal has met five additional design guidelines in which the previous Development Permit denied by Council did not. The design guidelines are summarized in Table 1 below and are related to the buildings relationship to the street, the context of the building, the human scale, and the exterior elevations of the development.

Table 1: Newly Achieved Design Guidelines

1.	Do buildings create the desired streetscape rhythm?
2.	Is the design unique without visually dominating neighbouring buildings?
3.	Are building facades designed with a balance of vertical and horizontal proportions?
4.	Are higher quality materials continued around building corners or edges that are visible to the public?
5.	Are a variety of materials used to create contrast, enhance the pedestrian environment and reduce the apparent mass of a building?

Figure 1: Initial Design



Figure 2: Revised Design (denied by Council)



Figure 3: Amended & Improved Design



**4.0 Proposal**

**4.1 Project Description**

The development proposal is for a rental row housing project. The project contains two, 2 storey blocks of row houses each side of a central parking plaza is proposed. The row fronting Nickel Rd will provide seven, 2 bedroom units with two, 2 bedroom + den units at either end. These units will have unfinished basements for unit equipment (furnace/ HWT/ HRV) and tenant storage. The back row will provide 8, 3 bedroom units with two, 3 bedroom + den units at either end. These units will have basements finished to provide a bedroom, rec room, and washroom and will include unit equipment (furnace/ HWT/ HRV). The central parking area will allow 2 parking spaces per unit. All units will have 'front' and 'back' doors such that parking area and outdoor private patios and yards may be directly accessed.

The rows of townhouses will be broken vertically and horizontally to provide human scale, shading, weather protection and visual interest. The scale and material selection- 'hardi' board & batten with 'hardi' horizontal lap siding - are selected for their durability and as acknowledgement of the residential setting of the development. There are no variances associated with this proposal. Council Policy No. 367 with respect to public consultation was undertaken by the applicant and all neighbours within a 50m radius of the subject parcel.

**4.2 Site Context**

The subject property is Rutland between Houghton Road and Highway 33. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Single Detached Housing	Residential
East	RU1 – Single Detached Housing RU6 – Two Dwelling Housing RM3 – Low Density Multiple Housing	Residential
South	RM4 – Transitional Low Density Housing RM3 – Low Density Multiple Housing	Residential
West	RM3 – Low Density Multiple Housing	Residential

**Subject Property Map: 200 Nickel Rd**



### 4.3 Zoning Analysis Table

The zoning analysis table shows the requirements of the C7 zone compared to the proposal:

Zoning Analysis Table		
CRITERIA	RM <sub>3</sub> ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Height	10.0 m / 3 storeys	7.5 m / 2 storeys
Front Yard (east)	6.0m	4.5m
Side Yard (north)	4.0m	4.5m
Side Yard (south)	4.0m (principal) 1.5m (accessory)	4.6m (principal) 1.5m (accessory)
Rear Yard (west)	7.5m	7.5m
Site coverage of buildings	40%	29%
Site coverage of buildings, driveways & parking	60%	59%
FAR	0.75 Max	0.74
Parking Regulations		
Minimum Parking Requirements	40 stalls	40 stalls
Ratio of Parking Stalls	Full size: 50% Min Medium Size: 50% Max Small Size: 0% Max	Full size: 50% Medium Size: 50% Small Size: 0
Other Regulations		
Minimum Bicycle Parking Requirements	Class 1: 0 bikes Class 2: 0 bikes	Class 1: 0 bikes Class 2: 12 bikes
Private Open Space	25 m <sup>2</sup> / unit	25 m <sup>2</sup> / unit

**5.0 Current Development Policies**

5.1 Kelowna Official Community Plan (OCP)

**DEVELOPMENT PERMIT GUIDELINES**

Consideration has been given to the following guidelines as identified in Section 14.A. of the City of Kelowna Official Community Plan relating to Comprehensive Development Permit Areas:

<b>COMPREHENSIVE DEVELOPMENT PERMIT AREA</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
<b>Authenticity and Regional Expression</b>			
Do landscaping and building form convey a character that is distinct to Kelowna and the Central Okanagan?	x		
Are materials in keeping with the character of the region?	x		
Are colours used common in the region’s natural landscape?	x		
Does the design provide for a transition between the indoors and outdoors?	x		
<b>Context</b>			
Does the proposal maintain the established or envisioned architectural character of the neighbourhood?	x		
Does interim development consider neighbouring properties designated for more intensive development?	x		
Are façade treatments facing residential areas attractive and context sensitive?	x		
Are architectural elements aligned from one building to the next?	x		
For exterior changes, is the original character of the building respected and enhanced?			x
Is the design unique without visually dominating neighbouring buildings?	x		
For developments with multiple buildings, is there a sense of architectural unity and cohesiveness?	X		
<b>Relationship to the Street</b>			
Do buildings create the desired streetscape rhythm?	X		
Are parkade entrances located at grade?			X
For buildings with multiple street frontages, is equal emphasis given to each frontage?			X
<b>Massing and Height</b>			
Does the design mitigate the actual and perceived mass of buildings?	X		
Does the height consider shading and view impacts for neighbouring properties and transition to less intensive areas?			X
<b>Human Scale</b>			



<b>COMPREHENSIVE DEVELOPMENT PERMIT AREA</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
Are architectural elements scaled for pedestrians?	X		
Are façades articulated with indentations and projections?	X		
Are top, middle and bottom building elements distinguished?	X		
Do proposed buildings have an identifiable base, middle and top?	X		
Are building facades designed with a balance of vertical and horizontal proportions?	x		
Are horizontal glazed areas divided into vertically proportioned windows separated by mullions or building structures?	X		
Does the design incorporate roof overhangs and the use of awnings, louvers, canopies and other window screening techniques?	X		
Is the visual impact of enclosed elevator shafts reduced through architectural treatments?			X
<b>Exterior Elevations and Materials</b>			
Are buildings finished with materials that are natural, local, durable and appropriate to the character of the development?	X		
Are entrances visually prominent, accessible and recognizable?	X		
Are higher quality materials continued around building corners or edges that are visible to the public?	X		
Are a variety of materials used to create contrast, enhance the pedestrian environment and reduce the apparent mass of a building?	X		
Are elements other than colour used as the dominant feature of a building?	X		
<b>Public and Private Open Space</b>			
Does public open space promote interaction and movement through the site?	X		
Are public and private open spaces oriented to take advantage of and protect from the elements?	X		
Is there an appropriate transition between public and private open spaces?	X		
Are amenities such as benches, garbage receptacles, bicycle stands and community notice boards included on site?	X		
<b>Site Access</b>			
Is the safe and convenient movement of pedestrians prioritized?	X		
Are alternative and active modes of transportation supported through the site design?	X		
Are identifiable and well-lit pathways provided to front entrances?	X		
Do paved surfaces provide visual interest?		X	

<b>COMPREHENSIVE DEVELOPMENT PERMIT AREA</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
Is parking located behind or inside buildings, or below grade?	X		
Are large expanses of parking separated by landscaping or buildings?		X	
Are vehicle and service accesses from lower order roads or lanes?			X
Do vehicle and service accesses have minimal impact on the streetscape and public views?	X		
Is visible and secure bicycle parking provided in new parking structures and parking lots?			X
<b>Environmental Design and Green Building</b>			
Does the proposal consider solar gain and exposure?			X
Are green walls or shade trees incorporated in the design?			X
Does the site layout minimize stormwater runoff?			x
Are sustainable construction methods and materials used in the project?	unknown		
Are green building strategies incorporated into the design?		x	
<b>Decks, Balconies, Rooftops and Common Outdoor Amenity Space</b>			
Are decks, balconies or common outdoor amenity spaces provided?	X		
Does hard and soft landscaping enhance the usability of decks, balconies and outdoor amenity spaces?	X		
Are large flat expanses of roof enhanced with texture, colour or landscaping where they are visible from above or adjacent properties?			X
<b>Amenities, Ancillary Services and Utilities</b>			
Are loading, garage, storage, utility and other ancillary services located away from public view?		X	
Are vents, mechanical rooms / equipment and elevator penthouses integrated with the roof or screened with finishes compatible with the building's design?			X
<b>Crime prevention</b>			
Are CPTED practices as related to landscaping, siting, form and exterior design included in the design?			x
Are building materials vandalism resistant?	unknown		
<b>Universal Accessible Design</b>			
Is access for persons with disabilities integrated into the overall site plan and clearly visible from the principal entrance?	x		
Are the site layout, services and amenities easy to understand and navigate?	x		
<b>Signs</b>			
Do signs contribute to the overall quality and character of the development?			x



COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Is signage design consistent with the appearance and scale of the building?			x
Are signs located and scaled to be easily read by pedestrians?			x
For culturally significant buildings, is the signage inspired by historical influences?			x
<b>Lighting</b>			
Does lighting enhance public safety?			x
Is "light trespass" onto adjacent residential areas minimized?			X
Does lighting consider the effect on the façade, neighbouring buildings and open spaces?			X
Is suitably scaled pedestrian lighting provided?			x
Does exterior street lighting follow the International Dark Sky Model to limit light pollution?			x

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s).
- Demolition Permit required for any existing structures.
- Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- HPO (Home Protection Office) approval or release is required at time of Building Permit application.
- Fire Department access to site, turn a rounds requirement for equipment, travel distance from the truck access to the front doors of the units and private hydrant locations if required are to be verified with Kelowna Fire Department. The Fire truck is required to be able to drive up to access the front door(s) within a range of 3 meters to 15 meters on an unobstructed hard surface path.
- A Hoarding permit is required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP.
- A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
  - Any alternative solution must be accepted by the Chief Building Inspector prior to the release of the Building Permit.
  - Location, Heights, Colors of mechanical systems and the required screening are to be determined at time of DP.
  - Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
  - Hard surfaced paths leading from the egress stairwells to a safe area are to be clearly defined as part of the DP.
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. Minimum building elevations are required to be established prior to the

release of the Development Permit. If a soil removal or deposit permit is required, this must be provided at time of Development Permit application.

- Size and location of all signage to be clearly defined as part of the development permit. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
- An exit analysis is required as part of the code analysis at time of building permit application. The exit analysis is to address travel distances within the units and all corridors, number of required exits per area, door swing direction, handrails on each side of exit stairs, width of exits, spatial calculation for any windows in exit stairs, etc.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this complex at time of permit application

## 6.2 Development Engineering Department

All offsite infrastructure and services upgrades have been addressed in the Rezoning Application Engineering Report under file Z17-0039.

## 6.3 Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required. Template available online at Kelowna.ca
- Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900 - 150 L/sec required. Should another hydrant be required on this property it shall be deemed private and shall be operational at the start of construction.
- Fire Department access is to be met as per BCBC 3.2.5.- ensure the hammerhead is large enough to turn around if over 90 metres - maintain access for emergency response.
- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met.
- One address off of Nickel Rd with unit numbers for this complex.
- Do not issue BP unless all life safety issues are confirmed.

## 7.0 Application Chronology

Date of Application Received: April 21<sup>st</sup> 2017  
Date Public Notification Completed: May 1<sup>st</sup> 2017  
Date of Zoning Conditions Completed: Jan 22<sup>nd</sup> 2018  
Date DP17-0095 denied by Council: Mar 19<sup>th</sup> 2018

**Report prepared by:** Adam Cseke, Planner Specialist  
**Reviewed by:** Terry Barton, Urban Planning Manager  
**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

### Attachments:

DP17-0095