

# REPORT TO COUNCIL



**Date:** May 15, 2018

**RIM No.** 0940-00

**To:** City Manager

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

**Application:** DP18-0044 & DVP18-0045

**Owner:**

Higgins, Joseph Anthony

Retaine Financial Corp Inc. No.  
BC0960664

Fresh Start Enterprises Inc. Inc.  
No. 645377

**Address:** 1215 St Paul Street  
557 Clement Avenue  
567 Clement Avenue

**Applicant:**

Innocept Development & Real  
Estate Outsourcing

**Subject:** Development Permit and Development Variance Permit

Existing OCP Designation: MXR – Mixed Use (Residential/Commercial)

Existing Zone: C7 – Central Business Commercial

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP18-0044 and DVP18-0045 for the following properties:

1. Lot 26, DL 139, ODYD, Plan 1303, Except Plan EPP40116, located at 1215 St Paul Street, Kelowna, BC;
2. Lot 27, DL 139, ODYD, Plan 1303, Except Plan EPP40116, located at 557 Clement Avenue, Kelowna, BC;
3. Lot 28, DL 139, ODYD, Plan 1303, Except Plan EPP40116, located at 567 Clement Avenue, 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 14.7.5 (h.i): Central Business Commercial Development Regulations**

To vary the minimum setback along the north flanking street (Clement Ave) for portions of a building over 16.0 m from 3.0 m required to 0.1 m proposed;

**Section 14.7.5 (h.ii): Central Business Commercial Development Regulations**

To vary the minimum setback along a property line (east) for portions of a building over 16.0 m from 4.0 m required to 0.0 m proposed;

**Section 8.1.11 (b): Parking and Loading Size and Ratio**

To vary the maximum ratio of compact stalls from 10% to 20.3%;

AND THAT Council authorizes issuance of this Development Permit subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated May 15, 2018;

AND THAT Council authorizes issuance of this Development Permit subsequent to consolidation of the subject properties;

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 permit 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 consider a Development Permit for the form and character of apartment housing with variances to the north flanking street setback and the east rear yard setback for portions of the building above 16.0m, and to vary the ratio of compact parking stalls from 10% maximum to 20.3% proposed.

## **3.0 Community Planning**

### **Development Permit:**

Community Planning recommends support for the Development Permit (DP) and Development Variance Permit (DVP) for the proposed 6 storey residential building as it is in general accordance with the Official Community Plan (OCP) Urban Design Guidelines. The proposed development incorporates a two level parkade that is flanked on one side by multi-level ground-oriented townhomes. This creates an active residential frontage along St Paul Street and achieves the OCP Urban Infill Policy relating to ground-oriented units. Due to the orientation of the parkade, the frontage along Clement Avenue does not have the minimum 75% active residential or commercial frontage that is required in the zone, and therefore a variance is requested along this frontage. To mitigate this, the applicant has proposed a design feature of perforated brick along the Clement Avenue frontage in order to improve the inactive parkade space and create visual interest at the pedestrian scale. Additional landscaping details such as benches, street trees,

and visually interesting sidewalk treatments are provided along Clement Avenue to further improve the inactive frontage.



*Figure 1: Proposed façade treatment along Clement Avenue*

The massing and height of the building will be consistent with a number of other proposed developments along the Clement Avenue corridor including Anagram's proposed 6 storey rental building immediately adjacent. Both property owners have coordinated their projects with each other to propose a zero lot line interface along the eastern property line. By doing so, it eliminates what would otherwise be a narrow sideyard alley between the two buildings with limited appeal. The subject application is currently zoned C7 with the provision of zero lot line setbacks, however the applicant is applying for a variance as the Zoning Bylaw requires a 3.0m setback in the building above the 16.0 m mark in height (approximately 4 storeys).

Through the use of an 'L' shaped building, the applicant has effectively matched the building elevation of the Angram project while also extending the building out to St. Paul and Clement Avenue intersection. This does trigger another setback variance above the 16.0m mark. The 'L' shape building provides the opportunity for a rooftop amenity space on the 2<sup>nd</sup> floor for residents.

The building design is well articulated with interesting building forms and materials including the use of private balconies and the top floor has several setbacks incorporated into it helping to reduce the perceived mass and height from ground-level. The applicant has selected materials of high quality and are in a neutral colour palette with black highlights. A mixture of brick, cement panels, and wood accents create visual interest. The 4.5m triangle setback at the St. Paul and Clement Ave. intersection creates a visible and pedestrian scaled entrance to the apartment residences.



*Figure 2: Rendering from St Paul Street and Clement Avenue*

Within the C7 – Central Business Commercial zone, staff typically see applications come forward that are mixed-use and not solely residential. However, the commercial component is not mandatory within the C7 zone due to the subject property's location along St. Paul St. Staff are comfortable supporting a residential only development in this location as the viability of small scale commercial would be quite limited.

The applicant has proposed exceeding the required parking for the development from 62 required to 64 proposed, however, a variance is requested to increase the maximum percentage of compact stalls from 10% required to 20.3% proposed. This variance is minimal in nature as the applicant has met the minimum percentage of large stalls.

#### **4.0 Proposal**

##### **4.1 Background**

The subject properties were rezoned in September 2014 and a Development Permit and Development Variance Permit were issued for a four storey commercial building. The development was never realized and the Development Permit expired in September 2016. The properties are under new ownership and a new Development Permit and Development Variance Permit has been applied for a residential building.

##### **4.2 Project Description**

The applicant has proposed a 6 storey condominium building with 50 apartments and 4 townhomes. A partially below grade parkade accommodates 64 parking stalls which includes 8 visitor stalls. A variance is requested to vary the maximum ratio of compact parking stalls from 10% required to 20.3% proposed. A common area is located on the second level above the parkade on the north east portion of the building. There are two setback variances that apply to the portions of the building above 16.0m on the north and east property lines. The required setback on the north side above 16.0m is 3.0m, and the applicant has



requested 0.1m, on the east side the required is 4.0m and the applicant has requested 0.0m. A final variance is requested on the Clement Avenue street frontage to vary the minimum active residential or commercial frontage from 75% required to 0% proposed.

#### 4.3 Site Context

The subject properties are located on the north fringe of the downtown core on the corner of Clement Avenue and St Paul Street. It is an area of transition which has several active development applications currently underway for multi-family residential, commercial, and mixed use developments. Immediately adjacent to the proposal is an application for a 6 storey rental residential building.

**Subject Properties Map: 1215 St Paul St, 557 Clement Ave, 567 Clement Ave**



## 4.4 Zoning Analysis Table

Site Details	Zone Requirement	Proposal
Site Area (m <sup>2</sup> )	200.0 m <sup>2</sup>	1541.1 m <sup>2</sup>
Site Width (m)	6.0 m	38.2 m
Site Depth (m)	30.0 m	40.6 m
Site Coverage of Building(s) (%)	100%	94.6%
Site Coverage of buildings, driveways, and parking (%)	100%	94.6 %
Development Regulations	Zone Requirement	Proposal
Total Number & Types of units		Studio: 4 1 Bedroom: 7 2 Bedroom: 39 Townhome 2 Bedroom: 4 Total: 54
Floor Area		Gross: 5269.0 m <sup>2</sup> Net: 4115.1 m <sup>2</sup>
Floor Area Ratio (FAR)	9.0	2.7
Building Height	37.0 m or 12 storeys	22.1m or 6 storeys
<b>Building(s) Setbacks (m) up to 16.0 m:</b>		
Front (St Paul St)	0.0 m	1.1 m
Flanking (Clement Ave)	0.0 m	0.1 m
Side (Lane)	0.0 m	0.0 m
Rear (East)	0.0 m	0.0 m
<b>Building(s) Setbacks (m) above 16.0 m:</b>		
Front (St Paul S.)	3.0 m	4.6 m
Flanking (Clement Ave)	3.0 m	0.1 m <sup>1</sup>
Side (Lane)	0.0 m	0.4 m
Rear (East)	4.0 m	0.0 m <sup>2</sup>
Triangular Setback (intersection)	4.5 m	4.5 m
Maximum Floorplate	1221.0 m <sup>2</sup>	937.0 m <sup>2</sup>
<b>Number of Parking Stalls:</b>		
Residential (1 per dwelling unit)	54 stalls	56 stalls
Visitor (1 per 7 dwelling units)	8 stalls	8 stalls
<b>Ratio of Parking Stalls:</b>		
Compact (max)	10%	20.3% <sup>3</sup>
Medium (max)	40%	28.1%
Regular (min)	50%	51.6%
Drive Aisle Width (m) – Two Way	7.0m	7.0mm
<b>Number of Bicycle Parking Spaces:</b>		
Class I: 0.5 per dwelling unit	28	30

Class II: 0.1 per dwelling unit	6	6
Private Open Space Area	739 m <sup>2</sup>	851 m <sup>2</sup>
Active Frontage on St Paul St (%)	100%	100%
Active Frontage on Clement Ave (%)	75%	0% ④
<p>① Indicates a requested variance to the flanking side yard setback above 16.0m from 3.0m required to 0.1m proposed.</p> <p>② Indicates a requested variance to the rear (east) yard setback above 16.0m from 4.0m required to 0.0m proposed.</p> <p>③ Indicates a requested variance to the maximum ratio of compact stalls from 10% required to 20.3% proposed.</p> <p>④ Indicates a requested variance to the minimum active residential or commercial frontage on Clement Avenue from 75% required to 0% proposed.</p>		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Compact Urban Form.**<sup>1</sup> Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1

#### Chapter 14: Urban Design Development Permit Guidelines:

##### Revitalization Development Permit Objectives:<sup>2</sup>

- Use appropriate architectural features and detailing of buildings and landscapes to define area character;
- Convey a strong sense of authenticity through high quality urban design that is distinctive of Kelowna;
- Enhance the urban centre's main street character in a manner consistent with the area's character;
- Provide for a scale and massing of buildings that promotes an enjoyable living, pedestrian, working, shopping and service experience;
- Encourage an appropriate mix of uses and housing types and sizes;
- Design and facilitate beautiful public open spaces that encourage year-round enjoyment;
- Create open, architecturally-pleasing and accessible building facades to the street;
- Improve existing streets and sidewalks to promote alternative transportation.

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan Revitalization Development Permit Objectives

## **6.0 Technical Comments**

### **6.1 Development Engineering Department**

Please see attached Attachment "A": City of Kelowna Memorandum

## **7.0 Application Chronology**

Date of Application Received: February 14, 2018

Date Public Consultation Completed: March 20, 2018

**Report prepared by:** Trisa Atwood, Planner II

**Reviewed by:** Terry Barton, Urban Planning Manager

**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

### **Attachments:**

Attachment "A": Revitalization Development Permit Design Guidelines

Attachment "B": Development Engineering Memorandum

Attachment "C": Applicant's Letter of Rationale

DRAFT Development Permit DP18-0044 & DVP18-0045

Schedule "A": Dimensions and Siting

Schedule "B": Exterior Design and Finish

Schedule "C": Landscape Plan