

REPORT TO COUNCIL



Date: June 26, 2018

RIM No. 0940-00

To: City Manager

From: Community Planning Department (TA)

Application: DP17-0141 & DVP17-0142 **Owner:** Necessary Homes Inc.

Address: 1155 Pacific Avenue **Applicant:** Brett Sichelto Design
Davara Holdings

Subject: Development Permit and Development Variance Permit

Existing OCP Designation: MRM – Multiple Unit Residential (Medium Density)

Existing Zone: RM₄ – Transitional Low Density Housing

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11519 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit and Development Variance Permit No. DP17-0141 and DVP17-0142 for Lot 1 Block 1 District Lot 137 ODYD Plan 5042, located at 1155 Pacific 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 8.1.11 (b): Size and Ratio

To vary the minimum ratio of full parking stalls from 50% required to 41% proposed;

Table 8.1 – Parking Schedule

To vary the required minimum parking stalls from 20 stalls required to 17 stalls proposed;

Section 13.10.6 (c): RM4 – Transitional Low Density Housing Development Regulations

To vary the maximum height from 13.0m or 3 storeys to 12.0m or 3 ½ storeys;

Section 13.10.6 (d): RM4 – Transitional Low Density Housing Development Regulations

To vary the required minimum front yard from 6.0m required to 3.66m proposed;

Section 13.10.6 (e): RM4 – Transitional Low Density Housing Development Regulations

To vary the required flanking street side yard from 4.5m required to 3.0m proposed;

Section 13.10.6 (e): RM4 – Transitional Low Density Housing Development Regulations

To vary the required minimum side yard for an accessory building from 2.3m required to 1.2m proposed;

Section 13.10.6 (f): RM4 – Transitional Low Density Housing Development Regulations

To vary the required minimum rear yard from 9.0m (above three storeys) required to 2.8m 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 consider the form and character of a multi-family rental apartment building with variances to height, setbacks, parking, and parking stall ratio.

3.0 Community Planning

Form and Character

Community Planning supports the Development Permit and associated variances for the proposed multi-family rental housing development as it is in general accordance with the Official Community Plan (OCP) Revitalization Design Guidelines (Chapter 14.B), it aligns with the OCP Objective to Develop Sustainably (Objective 5.2), and the requested variances have been mitigated and rationalized through appropriate measures and should have minimal impact on the neighbourhood.

The Revitalization Design Guidelines (Section 5.1 of this Report) place emphasis on providing a sensitive architectural design that is transitional from nearby lower density neighbourhoods. This project achieves this objective by limiting the height to 3 ½ storeys, and providing a neutral colour palette with printed wood accents. The top level is set back additionally from the street to provide a defined "top" to the building. Large balconies are included for each unit contributing to public and private interaction and providing "eyes on the street". Glass patio doors are used to allow active interior spaces to be visible.

The form is predominantly dictated by function as the applicants strive to construct under Passive House guidelines that are popular in other municipalities. These lend themselves well to the City's Sustainability Checklist (Attachment "A"), a voluntary program created in 2007 with a mission statement that includes "creating neighbourhoods which are lively and attractive; providing expanded housing choices; and concentrating growth within existing urban areas thereby protecting open space and natural areas."

By limiting the height to 3 ½ storeys, the applicants are able to eliminate any requirement for an elevator. This reduces accessibility to the 14 rental units, but encourages active residents who are able to climb stairs and may embrace active transportation as alternatives to car ownership. In addition, it allows for maximization of habitable floor space for each of the bachelor, one, and two-bedroom units.



Figure 1: Conceptual rendering of proposed development

Variances


The proposed development requires variances to height, setbacks, a reduction in parking stalls, and parking stall ratio. The subject property is located within the Mill Creek Floodplain and therefore has a minimum elevation for any parkades or basements. Therefore, the parkade is raised by a ½ storey in order to achieve parking that is beneath the building and screened from view while maintaining the minimum elevation for floodplain protection. In pre-application meetings with the applicant, Staff directed the applicant that the variance in height from 3 storeys (required) to 3 ½ storeys (proposed) to accommodate hidden parking was preferable to a surface parking area. The exposed concrete of the half storey below grade parking will be screened with colourful perennial landscaping. The absolute height of the proposed development is 12.0m, which meets the zoning bylaw maximum height of 13.0m. In addition, two nearby developments have applied for rezoning to RM5 which allows for 4 storey maximum height, so the increase in height to 3 ½ storeys on this property is compatible with adjacent properties.

The following setback variances are requested on the principal building:

- to vary the minimum front yard (Pasnak St) setback from 6.0m (required) to 3.66m to balconies (proposed);
- to vary the minimum flanking street (Pacific Ave) setback from 4.5m (required) to 3.0m (proposed);
- to vary the minimum rear yard (west) setback from 9.0m (required) to 2.8m (proposed).

On a corner lot, the Zoning Bylaw defines the front lot line as the narrower of the two frontages. In this case, Pasnak St is defined as the front lot line with the flanking lot line along Pacific Ave. In order to provide an attractive façade along Pacific Ave, which is the higher classification of the two streets, the project has been oriented with the front toward Pacific Ave rather than Pasnak St. This triggers several setback variances to the front, flanking, rear, and side lot lines. Some of these variances would be eliminated if the building had been designed with the front facing Pasnak St, which may create a less appealing streetscape along Pacific Ave. With the building sited as it is, the streetscape along Pacific Ave is improved, and the setback variance on this street allows the large balconies to be closer to the street creating an activated public and private interaction.

One additional setback variance is requested to vary the minimum side yard (south) setback for a single storey accessory building that will be used for storage from 2.3m required to 1.2m proposed. Due to the single storey nature of the accessory building, this variance will have minimal impact on the adjacent property that features a single family dwelling. This area is currently undergoing revitalization with two other large scale multi-family residential rezoning applications in stream. Both of those projects have also requested setback variances and therefore support of these variances is align with the future envisioned character of the revitalization area.

	<p>Very Walkable Most errands can be accomplished on foot.</p>
	<p>Some Transit A few nearby public transportation options.</p>

Parking variances are requested to vary the minimum number of parking stalls from 20 stalls required to 17 stalls proposed; and to vary the minimum ratio of full sized parking stalls from 50% required to 41% proposed. This results in the provision of 7 full stalls instead of 9 full stalls. The applicant has mitigated this variance by providing the remaining 11 stalls as medium stalls rather than offering any compact stalls. The subject property is located in the Landmark-Capri Urban Centre which is currently identified as an area prioritized for growth and revitalization. It is in close proximity to a wide range of amenities, employment, and transportation options. It earns a Walk Score of 73, meaning it is very walkable. In addition, residents of the building will

not have access to an elevator, meaning more active residents may be attracted to the building who would be more frequent users of active transportation such as cycling or walking rather than car ownership. The provided number of stalls still accounts for more than 1 stall per unit similar to the C4 zoning that is common in Urban Centres. With the above rationale, the reduction in parking stalls and the variance to full sized parking stall ratio is considered acceptable and supportable.

4.0 Proposal

4.1 Project Description

The proposed development is for a 14-unit rental building composed of bachelor, one, and two bedroom units. It is 3 ½ storeys tall, or 12.0m in absolute height. Underground parking is located in a parkade that is ½ storey above grade, and each unit has direct access to a balcony that exceeds private outdoor space requirements. The development requires variances to height; setbacks on the north, east, south, and west property lines; a parking reduction from 20 stalls required to 17 stalls proposed, and a variance to the ratio of full sized parking stalls. Full zoning analysis and variances are available in Section 4.3 – Zoning Analysis Table included in this report.

4.2 Site Context

The subject property is located in the Capri-Landmark Urban Centre on the corner of Pacific Ave and Pasnak St. The nearest transit stop is 300m away, and the Ethel Street Active Transportation Corridor is located 1000m to the west. The area is well serviced in terms of employment, access to parks, transit, commercial opportunities, grocery store, and transportation corridors. This area has been designated in the OCP for Medium Density development, with Mixed Use Residential / Commercial to the north, and there are currently two other multi-family developments being tracked in the area.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Single Family Dwelling
East	RU6 – Two Dwelling Housing	Active Development Application (Rezone from RU6 to RM5 for ~110 units)
South	RU6 – Two Dwelling Housing	Single Family Dwelling
West	RU6 – Two Dwelling Housing	Active Development Application (Rezone from RU6 to RM5 for ~30 units)

Subject Property Map: 1155 Pacific Ave



4.3 Zoning Analysis Table

Site Details:	Zone Requirement	Proposal
Site Area (m ²)	900m ²	915.5m ²
Site Width (m)	30.0m	28.0m
Site Depth (m)	30.0m	32.5m
Site Coverage of Building(s) (%)	50%	49%
Site Coverage of buildings, driveways, and parking (%)	60%	51.5%
Development Regulations:	Zone Requirement	Proposal
Total Number & Types of units	Transitional Low Density Housing	Apartment Housing
Floor Area (gross/net)		1549.7m ² gross / 886.9 m ² net
Floor Area Ratio (FAR)	1.12	.96
Building Height (stories/meters)	13.0m or 3 storeys	12.0m or 3 ½ storeys ^❶
Principal Building Setbacks (m):		
Front – Pasnak St	6.0m	3.66m ^❷
Flanking Street – Pacific Ave	4.5m	3.0m (to balcony) ^❸
Side – South	4.5m	6.0m (to balcony)
Rear – West	9.0m	2.8m ^❹
Accessory Building Setbacks (m):		
Front – Pasnak St	4.5m	18.1m
Flanking Street – Pacific St	n/a	n/a
Side – South	2.3m	1.2m ^❺
Rear – West	1.5m	2.3m
Number of Parking Stalls	20 stalls	17 stalls ^❻
Ratio of Parking Stalls:	Compact: 10% maximum Medium: 40% maximum Full: 50% maximum	Compact: 0% Medium: 59% Full: 41% ^❼
Number of Bicycle Parking Spaces	Class I: 7 Class II: 2	Class I: 7 Class II: 2
Private Open Space Area	232 m ²	511.12

- ❶ Indicates a requested variance to vary the maximum height from 3 storeys (required) to 3 ½ storeys (proposed).
- ❷ Indicates a requested variance to vary the minimum front yard setback from 6.0m (required) to 3.66m (proposed).
- ❸ Indicates a requested variance to vary the minimum flanking street setback from 4.5m (required) to 3.0m (proposed).
- ❹ Indicates a requested variance to vary the minimum rear yard setback from 9.0m (required) to 2.8m (proposed).
- ❺ Indicates a requested variance to vary the minimum side yard setback for an accessory building from 2.3m required to 1.2m proposed.
- ❻ Indicates a requested variance to vary the minimum number of parking stalls from 20 (required) to 17 (proposed).
- ❼ Indicates a requested variance to vary the minimum ratio of full sized parking stalls from 50% (required) to 41% (proposed).

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ 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.

Sensitive Infill.² Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

Housing Mix.³ Support a greater mix of housing unit size, form, and tenure in new multi-unit residential and mixed use developments.

Complete Communities.⁴ Support the development of complete communities with a minimum intensity of approximately 35 – 40 people and/or jobs per hectare to support basic transit service - a bus every 30 minutes.

Chapter 14.B: Revitalization Development Permit Area Guidelines

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

REVITALIZATION DEVELOPMENT PERMIT AREA	YES	NO	N/A
Relationship to the Neighbourhood and Street			
Does the proposal maintain the established or envisioned architectural character of the neighbourhood?	✓		
Do developments adjacent to non-revitalization areas create an appropriate transition?	✓		
Are spaces for pedestrian friendly amenities, such as street furniture, included on site?	✓		
Is the ratio of streetwall height to street width less than 0.75:1?	✓		
Does the building frontage occupy the entire length of the street, without drive aisles or other dead zones?	✓		
Building Design			
Are architectural elements aligned from one building to the next?			✓
Are the effects of shadowing on public areas mitigated?	✓		

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

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Policy 5.22.11 (Development Process Chapter).

⁴ City of Kelowna Official Community Plan, Policy 5.2.4 (Development Process Chapter).

REVITALIZATION DEVELOPMENT PERMIT AREA	YES	NO	N/A
Are doors or windows incorporated into at least 75% of street frontage?	✓		
Do proposed buildings have an identifiable base, middle and top?	✓		
Are windows, entrances, balconies and other building elements oriented towards surrounding points of interest and activity?	✓		
Are architectural elements such as atriums, grand entries and large ground-level windows used to reveal active interior spaces?	✓		
Are buildings designed with individual entrances leading to streets and pathways rather than with mall style entrances and internal connections?		✓	
For multiple unit residential projects, is ground level access for first storey units provided?		✓	
Are buildings finished with materials that are natural, local, durable and appropriate to the character of the development?	✓		
Are prohibited materials such as vinyl siding, reflective or non-vision glass, plastic, unpainted or unstained wood, and concrete block not used in the design?	✓		
Are stucco and stucco-like finishes omitted as a principal exterior wall material?		✓	
Are vents, mechanical rooms/equipment and elevator penthouses integrated with the roof or screened with finishes compatible with the building's design?	✓		
View Corridors			
Are existing views preserved and enhanced?	✓		
Vehicular Access and Parking			
Are at-grade and above-grade parking levels concealed with façade or landscaping treatments?	✓		
Are garage doors integrated into the overall building design?		✓	
Are pedestrian entrances more prominent features than garage doors and vehicle entrances?	✓		
Is surface parking located to the rear of the building or interior of the block?			✓
Are truck loading zones and waste storage areas screened from public view?	✓		
Do parking lots have one shade tree per four parking stalls?			✓
Are pedestrian connections provided within and between parking lots?			✓
Are driving, parking, pedestrian and cycling areas distinguished through changes in colour or pattern of paving materials?			✓
Signage			
Is signage design consistent with the appearance and scale of the building?			✓
Are corporate logos on signs complimentary to the overall building character?			✓
Is signage lighting minimized?			✓
Public Art			

REVITALIZATION DEVELOPMENT PERMIT AREA	YES	NO	N/A
Is public art incorporated into the project?		✓	
Tower Design (Building Greater than Six Stories)			
Do towers enhance views to and through the skyline?			✓
Are tower forms and the upper portions of buildings at once cohesive yet distinct from the overall design?			✓
Does the building design emphasize height rather than width?			✓
Does building design take into account micro-climates, shading and wind tunneling effects?			✓
Are new developments integrated into the established urban pattern through siting and building design?			✓
Are large flat expanses of roof enhanced with texture, colour or landscaping where they are visible from above or adjacent properties?			✓
Do elements such as gazebos, trellises, and pergolas provide visual interest and enhance usability of rooftop spaces?			✓
Are balconies recessed a minimum depth of 1 m within the adjoining building face?			✓
Are podiums designed to provide an animated pedestrian environment?			✓
Downtown Considerations			
Does the proposal maintain and extend the traditional block pattern?			✓
Is the street façade articulated in a vertical rhythm that is consistent with the traditional street pattern?			✓
Are windows set back from the building face and do they include headers and sills?			✓
Are windows at street level kept low for displays of retail goods and for high visibility into interior spaces?			✓
Is the height of upper floor windows at least 1.5 times their width?			✓
Are building materials and colours consistent with other prominent Downtown buildings, preferably brick or cut stone?			✓
Is signage appropriate to the neighborhood and not internally lit or neon?			✓

5.2 Kelowna Sustainability Checklist

Please see Attachment "A" attached to the Report from Community Planning dated June 26, 2018.

6.0 Technical Comments

6.1 Development Engineering

Development Engineering requirements were met as a function of the rezoning Z17-0051.

7.0 Application Chronology

Date of Application Received: June 5, 2017
Date Public Consultation Completed: October 20, 2017
Date of all Zoning requirements met: April 9, 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": City of Kelowna Sustainability Checklist
Attachment "B": Applicant's Design Rationale Letter
DRAFT Development Permit and Development Variance Permit DP17-0141 and DVP17-0142
Schedule "A": Dimensions and Siting
Schedule "B": Elevations and Materials
Schedule "C": Landscape Plan