

# REPORT TO COUNCIL



**Date:** 10/9/2018

**RIM No.** 0940-00

**To:** City Manager

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

**Application:** DP18-0006 & DVP18-0007      **Owner:** 1120797 BC Ltd. Inc. No.

**Address:** 1229 Richter Street      **Applicant:** Leonard Kerkhoff

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

**OCP Designation:** MRH - Multiple Unit Residential – (High Density)

**Zone:** RM6 – High Rise Apartment housing

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## 1.0 Recommendation

THAT OCP Amendment Bylaw No. 11574 (OCP18-0001) and Rezoning Bylaw No. 11575 (Z18-0003) and be amended at Third Reading to reflect the updated legal description from:

- Lot 8 District Lot 138 ODYD Plan 1039, located at 1241 Richter Street, Kelowna, BC
- Lot 9 District Lot 138 ODYD Plan 1039, located at 1235 Richter Street, Kelowna, BC
- Lot 10 District Lot 138 ODYD Plan 1039, located at 1229 Richter Street, Kelowna, BC
- Lot 11 District Lot 138 ODYD Plan 1039, located at 1223 Richter Street, Kelowna, BC
- Lot 12 District Lot 138 ODYD Plan 1039, located at 1215 Richter Street, Kelowna, BC
- Lot 13 District Lot 138 ODYD Plan 1039, located at 1205 Richter Street, Kelowna, BC

To:

- Lot A, District Lot 138, ODYD, Plan EPP85357, located at 1229 Richter Street, Kelowna, BC

AND THAT final adoption of OCP Amendment Bylaw No. 11574 (OCP18-0001) and Rezoning Bylaw No. 11575 (Z18-0003) be considered by Council;

AND FURTHER THAT Council authorize the issuance of Development Permit No. DP18-0006 for: Lot A, District Lot 138, ODYD, Plan EPP85357, located at 1229 Richter Street, Kelowna, BC, subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land to be in general accordance with Schedule "C";

4. That 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 professional landscaper;

AND THAT Council authorize the issuance of Development Variance Permit DVP18-0007 for Lot A, District Lot 138, ODYD, Plan EPP85357, located at 1229 Richter Street, Kelowna, BC;

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted as described and shown in Schedule 'A':

**Section 13.12.6 (b): RM6 – High Rise Apartment Housing Development Regulations**

To vary the maximum site coverage for principal buildings, accessory structures, and parking areas and driveways from 50% to 74%.

**Section 13.12.6 (d): RM6 – High Rise Apartment Housing Development Regulations**

To vary the minimum front yard setback from 6.0m to 4.0m along Richter Street for levels 1 and 2.

**Section 13.12.6 (e): RM6 – High Rise Apartment Housing Development Regulations**

To vary the minimum flanking side yard setback from 6.0m to 3.9m along Clement Avenue for levels 1 and 2.

To vary the minimum flanking side yard setback from 6.0m to 2.1m / 3.8m along Coronation Avenue for levels 1 and 2.

**Section 13.12.6 (f): RM6 – High Rise Apartment Housing Development Regulations**

To vary the minimum rear yard setback from 9.0m to 0.0m / 5.2m along the Lane for levels 1 and 2.

AND THAT the Development Permit is issued subsequent to the outstanding conditions set out in Attachment "A" attached to the Report from the Community Planning Department dated January 16<sup>th</sup> 2018;

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 the Development Permit be valid for two (2) years from the date of Council approval, with no opportunity to extend.

## **2.0 Purpose**

To review the Form & Character Development Permit of a proposed 6 storey residential apartment building and to consider a Development Variance Permit to increase the maximum site coverage and to reduce four setbacks for the first two levels of the building.

## **3.0 Community Planning**

The Official Community Plan and Rezoning conditions identified in OCP18-0001 and Z18-0003 have been completed by the Applicant, which includes the Development Engineering conditions as provided in Attachment "A" and the registration of a height restriction covenant to 6 storeys.

### **3.1 Development Permit**

Staff are recommending support for the proposed Development Permit due to the proposal's consistency with the majority of the Official Community Plan's (OCP) urban design guidelines. The applicant has worked closely with Staff and the neighbourhood and has made multiple changes to the project from the initial application. Initially, all the vehicular access came from the lane for both parkade levels. The adjacent neighbours were concerned with the potential increased level of traffic in the laneway and suggested changes. The applicant revised their site plan to propose a partial closure of the laneway out to Clement

Avneue to reduce vehicle access point on the major arterial road. The first floor parkade access point was relocated to Coronation Avenue, effectively reducing the amount of traffic accessing the lane. As well, the second floor parkade access point was moved southward to improve the safety operations of the lane intersection. Lastly, the adjacent neighbours were concerned about the noise from the exterior parkade ramp and requested a relocation of the upper floor parkade ramp within the interior of parkade. Due to the drive aisle widths and site constraints the ramp could not be located within the parkade without losing significant parking stalls. However, the applicant did redesign the ramp to be enclosed in order to help mitigate the noise to adjacent properties.

Staff are satisfied with all the changes and that all the key design guideline considerations remain intact. One of the main design goals for a 6 storey apartment buildings is to either 'step back' the upper floor or 'bump out' the ground-oriented floor. Key design guidelines that are being accomplished on the project are as follows:

1. Locate the parking, garbage, and recycling at the 'back of house' of the development project;
2. Incorporate significant outdoor amenity space for the residents to enjoy;
3. Provide ground oriented housing along all the street interfaces;
4. Resolve the vehicular parking and access issues.
5. Provide an architecturally interesting project with adequate windows, balconies, decks, and facaded articulation.
6. Utilize open space for landscaping and provide the potential for the provision of a community garden in the decommissioned lane.

### 3.2 Development Variance Permit

The applicant is requesting one site coverage variance and four setback variances. All the variances are related to the first two floors only. Most of the variances are related to the use of the RM6 zone and the setback and site coverage variances are typical of mid-rise apartment buildings in urban locations. Staff are still working on permitting 5 and 6 storeys within the City's major multi-family zones and other associated zoning regulation updates.

## 4.0 **Proposal**

### 4.1 Project Description

The applicant is proposing the construction of a six-storey, 59-unit apartment building. The project's proposed floor area ratio of 1.88. The ground floor has 12 ground oriented townhouses concealing the parkade with the main entrance lobby located near the corner of Clement Avenue and Richter Street. The parkade has two floors with separate vehicular entrances. The first floor vehicle entrance is accessed directly from Coronation Avenue and the second floor parkade ramps down to access from the rear lane. The visitor parking is located along the rear lane. The third floor is the beginning of the apartment building and contains an indoor amenity space that connects to a common landscaped rooftop deck area. There are 39 2-bed units and 20 1-bed units.

The materials include cement board panels and horizontal siding with hardie board. The trim and aluminium railing containing a charcoal colour with 'iron grey' window frames. The parkade will contain painted concrete with reveals. See Rendering below for form and character context.



#### 4.2 Site Context

The subject properties are located just outside the 'City Centre' Urban Centre on the south side of Clement Ave. The six lots have a combined area of 2,965m<sup>2</sup> in a neighbourhood with a mix of residential, industrial, and institutional uses. The properties are connected to urban services and are located within the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P1 – Major Institutional I2 – General Industrial	RCMP Building Vacant Land
East	RU2 – Medium Lot Housing	Residential
South	RU6 – Two Dwelling Housing	Residential
West	RU6 – Two Dwelling Housing	Residential





Zoning Analysis Table				
CRITERIA		RM6 ZONE REQUIREMENTS		PROPOSAL
Development Regulations				
General Regulations				
Height	55.0 m or 16 storeys		19.7 m or 6 storeys	
FAR	1.5 -2.0 Max		1.88	
Site coverage of buildings	50%		74% ❶	
Private Open Space	942 m²		1,067 m²	
Setback Regulations				
	Level 1-2	Level 3-6	Level 1-2	Level 3-6
Front Yard (Richter)	6.0 m		4.0 m ❷	6.1 m
Side Yard (Clement)	6.0 m		3.9 m ❸	7.2 m
Side Yard (Coronation)	6.0 m		2.1 m / 3.8 m ❹	17.8 m
Rear Setback (Lane)	9.0 m		0.0 m / 5.2 m ❺	9.7 m
Parking Regulations				

Zoning Analysis Table		
CRITERIA	RM6 ZONE REQUIREMENTS	PROPOSAL
Minimum Parking Requirements	84 stalls	85 stalls
Minimum Visitor Parking	9 stalls	9 stalls
Ratio of Parking Stalls	Full size: 50% Min Medium Size: 40% Max Small Size: 10% Max	Full size: 55.3% (52 stalls) Medium Size: 36.2% (34 stalls) Compact Size: 9.6% (9 stalls) Accessible Stalls: 2.1% (2 stalls)
Minimum Drive Aisle Width	7.0 m	7.0 m
Minimum Bicycle Parking	30 (Class 1) 6 (Class 2)	34 (Class 1) 6 (Class 2)
❶ Variance requested to increase the maximum site coverage. ❷ Variance requested to decrease the setback to Richter Street. ❸ Variance requested to decrease the setback to Clement Avenue. ❹ Variance requested to decrease the setback to Coronation Street. ❺ Variance requested to decrease the setback to the Lane.		

## 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:

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
<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

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
<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>			
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		

<b>COMPREHENSIVE DEVELOPMENT PERMIT AREA</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
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		
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		



COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
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
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 Development Engineering

- See attached Memo dated January 16<sup>th</sup> 2018.

## 7.0 Application Chronology

Date of Application Received: January 9<sup>th</sup> 2018  
Date of Public consultation: n/a

**Report Prepared by:** Adam Cseke, Urban Planner  
**Reviewed by:** Terry Barton, Urban Planning Manager  
**Approved by:** Ryan Smith, Community Planning Manager

### Attachments:

Development Engineering Comments dated January 16<sup>th</sup> 2018 (Attachment 'A')  
Development Permit (Schedule A, B, & C)