

# REPORT TO COUNCIL



**Date:** February 12, 2019

**RIM No.** 0940-00

**To:** City Manager

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

**Application:** DP17-0296 & DVP17-0297      **Owner:** Okanagan Opportunity (Pacific) Gp Inc.

**Address:** 1145 Pacific Avenue      **Applicant:** Anagram Properties

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

Existing OCP Designation: Multiple Unit Residential (Medium Density)

Existing Zone: RU6 – Two Dwelling Housing

Proposed Zone: RM5 – Medium Density Multiple Housing

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## 1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11621 (Z17-0118) be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0296 Lot A District Lot 137 ODYD Plan EPP84914, located at 1145 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 Council authorize the issuance of Development Variance Permit No. DVP17-0297 for 0296 Lot A District Lot 137 ODYD Plan EPP84914, located at 1145 Pacific Avenue, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

### **Section 13.11.6 (b) Development Regulations – Site Coverage**

To vary the site coverage (buildings) from 40% required to 57% proposed; and

To vary the site coverage (buildings, driveways & parking areas) from 65% required to 81% proposed.

**Section 13.11.6 (c) Development Regulations – Height**

To vary the height from 18m / 4.5 storeys proposed to 18.3m / 5 storeys proposed.

**Section 13.11.6 (d) Development Regulations – Front Yard Setback**

To vary the front yard setback for a portion of the building above 2 ½ storeys (3rd storey) from 6.0m required to 3.5m proposed.

**Section 13.11.6 (e) Development Regulations – Side Yard Setback (East)**

To vary the side yard setback (east) for portions of the building below 2 ½ storeys from 4.5 m required to 1.5 m proposed and from 7.0m required to 4.8m proposed for the 2<sup>nd</sup> – 4<sup>th</sup> storey portions of the building.

**Section 13.11.6 (f) Development Regulations – Rear Yard Setback**

To vary the rear yard setback from 9.0m required to 7.5m proposed.

**Table 8.1 – Parking Schedule**

To vary the minimum parking requirement from 48 stalls required to 36 stalls 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 31-unit purpose built rental apartment development and variances for site coverage, building height, front yard setback, side yard setback, rear yard setback and parking.

**3.0 Community Planning**

Community Planning Staff support the Development Permit and associated Development Variance Permit for the proposed 31-unit purpose-built rental apartment project. The form and character is in general accordance with the relevant Development Permit objectives and guidelines as specified in the Official Community Plan (OCP), including providing a visually prominent front elevation and strong connection to the streetscape on Pacific Ave. Staff have worked with the applicant to enhance the building’s character including appropriate setbacks and articulation as well as the inclusion of ground-oriented units to help mitigate the overall scale of the five (5) storey building.

**4.0 Proposal**

**4.1 Project Description**

The subject properties’ current land use designation of MRM – Multiple Unit Residential (Medium Density) is consistent with the proposed RM5 – Medium Density Multiple Housing zone. The applicant is proposing the construction of a 31-unit purpose built rental housing apartment consisting of 5 - 1 bedroom units, 21 - 2 bedroom units and 5 – 3 bedroom units. Principal vehicular access for the units is via a driveway from Pacific Avenue. Parking for residents is provided under-building with access provided from the internal driveway. The applicant has proposed a parking variance which would provide each unit with 1 parking stall plus a total of 5 visitor parking stalls.

Staff are supportive of this variance due to the subject property's location within the Capri/Landmark Urban Centre and the nature of the proposal as purpose-built rental. Rental apartments have greater parking efficiency because of their ability to pool and manage their parking stalls which was recognized in the City's Housing Strategy. Further, the applicant is proposing to provide two (2) car-share vehicles on-site to further help mitigate potential parking concerns. Staff are recommending a condition be placed on the variance that the car share agreement be in place prior to issuance. Additional parking variance rationale has been submitted by the applicant and attached to this report as part of the applicant's rationale.



Variances are also requested to site coverage, side, rear and front yard setbacks to accommodate the project which are common with apartment buildings in urban areas of the City. The front yard setbacks are required to achieve ground-oriented townhouses that would be located closer to the street than the larger apartment building. Overall, Staff feel that the requested variances are reasonable and can be supported.

4.2 Site Context

**Subject Property Map: 1145 Pacific Avenue**



The subject properties are in the Capri Landmark Urban Centre one block south of Sutherland Avenue in an area designated for an apartment form of housing.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Residential
East	Rezoning to RM5 / RU6 – Two Dwelling Housing	Vacant / Residential
South	RM5 – Medium Density Multiple Housing	Apartment Housing
West	RU6 – Two Dwelling Housing	Residential

#### 4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM5 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Floor Area Ratio	1.345	1.345
Site Coverage (Building)	40%	57%*
Site Coverage (total)	65%	81%*
Height	18 m / 4.5 storeys	18.3 m / 5 storeys*
Front Yard	0-2 ½ storeys	1.5 m
	> 2 ½ storeys	6.0m 3 <sup>rd</sup> – 5 <sup>th</sup> storey = 3.5 m*
Side Yard (E)	0-2 ½ storeys	1.5 m*
	> 2 ½ storeys	2 <sup>nd</sup> – 4 <sup>th</sup> storey = 4.8 m* / 5 <sup>th</sup> storey = 7.3 m
Side Yard (W)	0-2 ½ storeys	7.0 m
	> 2 ½ storeys	7.0 m
Rear Yard	9.0 m	7.5 m*
Other Regulations		
Minimum Parking Requirements	48 stalls	36 stalls*
Bicycle Parking	Class I: 16	Class I: 18
	Class II: 4	Class II: 6
Private Open Space	725 m <sup>2</sup>	761 m <sup>2</sup>
<p>* Vary the site coverage (buildings) from 40% required to 57% proposed.</p> <p>* Vary the site coverage (buildings, driveways &amp; parking areas) from 65% required to 81% proposed.</p> <p>* Vary the height from 18m / 4.5 storeys proposed to 18.3m / 5 storeys proposed.</p> <p>* Vary the front yard setback for a portion of the building above 2 ½ storeys (3<sup>rd</sup> storey) from 6.0m required to 3.5m proposed.</p> <p>* Vary the side yard setback (east) for portions of the building below 2 ½ storeys from 4.5 m required to 1.5 m proposed and from 7.0m required to 4.8m proposed for the 2<sup>nd</sup> – 4<sup>th</sup> storey portions of the building.</p> <p>* Vary the rear yard setback from 9.0m required to 7.5m proposed.</p> <p>* Vary the minimum parking requirement from 48 stalls required to 36 stalls proposed.</p>		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Sensitive Infill.**<sup>1</sup> 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.**<sup>2</sup> Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.

#### Chapter 4: Land Use Designation Massing and Height

- Mitigate the actual and perceived bulk of buildings by utilizing appropriate massing, including:
- Architectural elements (e.g. balconies, bay windows, cantilevered floors, cupolas, dormers);
- Visually-interesting rooflines (e.g. variations in cornice lines and roof slopes);
- Step back upper floors to reduce visual impact;
- Detailing that creates a rhythm and visual interest along the line of the building;
- Wall projections and indentations, windows and siding treatments as well as varied material textures should be utilized to create visual interest and to articulate building facades;
- Building frontages that vary architectural treatment in regular intervals in order to maintain diverse and aesthetically appealing streets.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- No concerns with proposed land use.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

### 6.2 Development Engineering Department

- Addressed with Z17-0118.

## 7.0 Application Chronology

Date of Application Received: November 19, 2017

Date Public Consultation Completed: January 17, 2018

Date of Public Hearing: June 12, 2018

**Report prepared by:** Alec Warrender, Property Officer Specialist

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

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

#### Attachments:

Applicant Letter of Rationale

Development Permit & Drawings

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<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.27.11 (Development Process Chapter)