

# REPORT TO COUNCIL



**Date:** October 27, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning Department

**Application:** DP18-0132 / DVP18-0133      **Owner:** 1940 Underhill Developments Corp., Inc. No.BC1159386

**Address:** 1960 Underhill Street      **Applicant:** District Development Group – Briana Mussatto

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

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

**Existing Zone:** C4 – Urban Centre Commercial

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## 1.0 Recommendation

That Council authorizes the issuance of Development Permit No. DP18-0132 for Lot A, District Lots 4646 & 127, ODYD, Plan EPP104418, located at 1960 Underhill Street, 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 DVP18-0133 for Lot A, District Lots 4646 & 127, ODYD, Plan EPP104418 located at 1960 Underhill Street, Kelowna, BC;

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A, B, & C":

### **Section 14.4.5(c) – C4 – Urban Centre Commercial - Development Regulations**

To vary the maximum height from 15.0m / 4 storeys permitted to 19.0m / 6 storeys proposed.

**Table 8.3 – Required Off-Street Parking Requirements**

To vary the minimum parking requirements from 315 stalls permitted to 295 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 applications 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 review the Form & Character Development Permit for three 6-storey rental residential buildings and to consider two variances to increase the building height by two storeys and to reduce the number of parking stalls by twenty stalls.

**3.0 Development Planning**

**3.1 Development Permit**

Staff are recommending support for the proposed Development Permit due to the proposal's consistency with the Official Community Plan's (OCP) design guidelines. The applicant has worked with City staff to refine several site issues including servicing, access, and building design. The building form, character, and massing fit the majority of OCP guidelines.

The project consists of three six-storey buildings proposed totaling 294 rental residential units with a small retail component in the corner of Building 2 and one level of underground parking that extends under all three buildings. Positive aspects of the site plan that are encouraged by OCP Design guidelines include:

- Underground parking;
- Ground-oriented residential units interacting with each street frontage;
- Excess amenity space including a centralized green courtyard surrounded by buildings which provides privacy and openness concurrently;
- The pathway between Building 2 and Building 3 from Dilworth Road leading into the courtyard.

The building design is simple and modern. The materials used are:

- White cementitious panel / white aluminum flashing as the accent trim feature;
- Grey cementitious panel as the primary façade wall feature on floors 3 to 6;
- Grey wood appearance siding on floors 1 to 2;
- Aluminum railings;
- Wood appearance sunshade screening features for the patios / decks as well as for building lobby entrances and courtyard pathway entrance;
- White aluminum slat system to screen the rooftop mechanical systems.



The building design emphasizes the horizontal nature of the building especially the Underhill building due to its length. Generally, urban design best practice is to break up building mass by setting in the corner units on the upper floor, setting the upper floors back from the street, and bumping out the first floor in order to prevent 'box-like developments'. Further, varying the roofline and / or adding architectural protrusions to the roofline would help prevent the "architectural box perception". The applicant added 'faux wood' sunshades as an architectural method to add vertical elements.

### 3.2 Development Variance Permit

There are two variances proposed:

1. A variance to increase the permitted height by 2 storeys;
  - a. Staff have supported many height variances to 5 and 6 storeys in the C<sub>4</sub> zone and feel that these structures are appropriate when located within an urban centre. Council also directed Staff through the Housing Strategy to allow for 5 and 6 storey structures within Urban Centres and Staff are working on a comprehensive Zoning Bylaw update to update these regulations. The height variance allows the applicant to achieve more residential units on site, that Planning feels does not compromise the form and character objectives while achieving significant residential density in an appropriate location.
2. A variance to reduce the parking stalls by twenty stalls (from 315 to 295 stalls);
  - a. Staff are recommending support for this variance. If the applicant had rezoned to the C<sub>4r</sub> (rental only) zone instead of the C<sub>4</sub> zone, then the 20% reduction in parking would apply. This would then only require 252 parking stalls. Since, this application began before the sub-rental zones were introduced into the bylaw, Staff are comfortable with proceeding through a variance in this case.

Overall, Staff are recommending support for the following reasons:

- The 'boxy' and simple architectural design is acceptable to help facilitate a purpose-built rental project;
- The applicant has provided significant off-site infrastructure improvements such as the future lighted intersection at Baron & Underhill as well as the right-hand turn lane from the Highway onto Dilworth;
- The design does include positive elements including significant landscape courtyard and green space as well as providing an underground parkade.
- Staff do not anticipate any negative impact to the surrounding area based upon the proposed variances.

### 3.3 Background

The applicant initially planned to develop the site in two phases. However, the applicant has since decided to subdivide the northern portion of the site and a different project will come forth to Council at a separate time.

Subject Property Map: 1960 Underhill St



4.0 Proposal

4.1 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C4 ZONE REQUIREMENTS	PROPOSAL
Unit Summary		
Studio	n/a	31
1 bedroom	n/a	181
2 bedrooms	n/a	76
3 bedrooms	n/a	6
Total	n/a	294 units
Development Regulations		
Height	15.0 m / 4 storeys	19.0 m / 6 storeys ①
Front Yard (Underhill)	0.0 m	m
Side Yard (north)	0.0 m	m
Side Yard (south)	0.0 m	m
Rear Yard (Dilworth)	0.0 m	m
Site coverage of buildings	75 %	44%
FAR	Base Far: 1.3 + Parking within Bldg. bonus: 0.19 + 5 & 6 storey bonus: 0.2 = 1.69	1.69 (18,113 m <sup>2</sup> / 10,700 m <sup>2</sup> )

Zoning Analysis Table		
CRITERIA	C4 ZONE REQUIREMENTS	PROPOSAL
Parking Regulations		
Minimum Parking Requirements	<u>270 Res + 42 visitors + 3 Comm</u> =315 parking stalls	<u>250 Res + 34 visitors + 3 Comm</u> = 295 parking stalls ❷
Minimum Loading Spaces	0 spaces	0 spaces
Ratio of Parking Stalls	Regular size: 50% Min Small Size: 50% Max	Regular size: 59% (174 stalls) Small Size: 40% (121 stalls)
Minimum Drive Aisle Width	7.0 m	7.0 m
Other Regulations		
Minimum Bicycle Parking Requirements	Long term: 223 bikes Short Term: 75 bikes	Long term: 229 bikes Short Term: 96 bikes
❶ A variance to increase the permitted height by 4.0 metres and 2 extra storeys; ❷ A variance to reduce the number of parking spaces from 315 stalls to 295 stalls;		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

**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.

**Contain urban growth.**<sup>2</sup> Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

**Mixed Use.**<sup>3</sup> Integration of residential uses into commercial developments as mixed-use projects is encouraged in Urban Centres, provided that the ground floor use remains commercial.

**Housing Mix.**<sup>4</sup> Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed-use developments.

#### Building Height<sup>5</sup>:

- **Other Urban Centres:** Locate taller buildings in the geographic centre of Urban Centres and generally decrease height moving away from the centre, to a maximum of 4 storeys at the periphery of the Urban Centres, where adjoining land is designated for single/two-unit housing.
- **Midtown:** 16 storeys, where the OCP designation provides for high-density multiple units.

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, (Chapter 1 Introduction).

<sup>3</sup> City of Kelowna Official Community Plan, (Chapter 4 Future Land Use).

<sup>4</sup> City of Kelowna Official Community Plan, Policy 5.27.11 (Development Process Chapter)

<sup>5</sup> City of Kelowna Official Community Plan, Policy 5.8.1 (Development Process Chapter)

**Objective 5.5: Ensure appropriate and context sensitive built form.**

**Building Height.**<sup>6</sup> In determining appropriate building height, the City will take into account such factors as:

- Contextual fit into the surrounding neighbourhood;
- Shadowing of the public realm;
- View impacts;
- Overlook and privacy impact on neighbouring buildings;
- Impacts on the overall skyline;
- Impacts on adjacent or nearby heritage structures;

**Chapter 14: Urban Design Guidelines Amenities, ancillary Services and Utilities.**<sup>5</sup>

- Locate loading, garbage, storage, utilities and other ancillary services away from public view. All such areas shall be screened and designed as an integral part of the building to minimize impact;
- Create attractive rear alley facades with high quality materials on buildings facing residential areas (e.g. rear building entrances, windows, balconies, plazas, and plantings).

**Chapter 4: Land Use Designation Massing and Height.**<sup>3</sup>

- 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 Development Engineering Department**

Development Engineering has no comment regarding the form and character of the proposed buildings. For servicing requirements refer to file Z18-0071.

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<sup>6</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter). <sup>3</sup> City of Kelowna Official Community Plan, Chapter 14 (Urban Design Development Permits Area).

## 7.0 Application Chronology

Date of Application Received:	June 15 <sup>th</sup> , 2018
Date of Traffic Study Completion:	June 10 <sup>th</sup> , 2019
Date of Public Consultation Completed:	July 10 <sup>th</sup> , 2019
Date of First Reading:	Oct 7 <sup>th</sup> , 2019
Date of MOTI Approval:	June 3 <sup>rd</sup> , 2020
Date of Second and Third Reading:	July 13 <sup>th</sup> , 2020
Date of Final Adoption:	July 27 <sup>th</sup> , 2020

<b>Report prepared by:</b>	Adam Cseke, Planner Specialist
<b>Reviewed by:</b>	Terry Barton, Development Planning Department Manager
<b>Approved for Inclusion:</b>	Ryan Smith, Divisional Director Planning and Development Services

### Attachments:

1. DP18-0132 / DVP18-0133
  - a. Schedule "A" Dimensions and Siting of the buildings;
  - b. Schedule "B" Exterior Design and Finish of the buildings;
  - c. Schedule "C" Landscaping;