

# REPORT TO COUNCIL



**Date:** July 27, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** DP20-0196 & DVP20-0197      **Owner:** Great A & A Properties Ltd.,  
Inc.No. BC0888141

**Address:** 1220-1230 Pacific Ave.      **Applicant:** Jamela Van Steinburg; VLS  
Developments

**Subject:** Development Permit & Development Variance Permit Application

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

**Existing Zone:** RU6 – Two Dwelling Housing

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

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## 1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 12191 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP20-0196 for Parcel A (Being a Consolidation of Lots 2 and 3, See CA9109487) Section 19 Township 26 ODYD Plan 6634, located at 1220-1230 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 authorizes the issuance of Development Variance Permit No. DVP20-0197 for Parcel A (Being a Consolidation of Lots 2 and 3, See CA9109487) Section 19 Township 26 ODYD Plan 6634, located at 1220-1230 Pacific Avenue, Kelowna, BC;

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

**Section 14.4.5(e): C4 – Urban Centre Commercial, Development Regulations**

To vary the minimum side yard (east) where the site abuts a residential zone from 2.0m required to 0.62m proposed.

**Section 14.4.5(f): C4 – Urban Centre Commercial, Development Regulations**

To vary the minimum rear yard setback where abutting a residential zone from 6.0m required to 0.0m proposed.

**Section 14.4.5(c): C4 – Urban Centre Commercial, Development Regulations**

To vary the maximum height from 15.0m or 4 storeys permitted to 19.0m and 5 storeys proposed.

**Section 8.2.7: Parking and Loading, Off-Street Parking Regulations, Table 8.2.7 (b) Ratio of Parking Space Sizes**

To vary the required percentage of regular size vehicle parking stalls from 50% required to 39% 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 a Development Permit for the form and character of a 5 storey apartment building; and to consider a Development Variance Permit to vary the following: side yard setback; rear yard setback; parking stall size ratio; and height.

## **3.0 Development Planning**

Staff support the Development Permit for the form and character of the 5 storey apartment building; and also support the proposed variances.

The façade of the building is well-articulated through the townhouses at grade, trellises, as well as the terrace and undulating balconies on upper storeys. In addition, varied materials and colors are used.

The ground-oriented townhouses with trellises offer a human scale against the sidewalk, and also feature landscaped yards to create an appropriate transition between the public realm of the sidewalk and the private realm of the dwellings.

The apartment units above the townhouses are stepped back substantially, thus the upper massing of the building is largely obscured from the sidewalk and street. The deep stepback also allows for a generous terrace on the 3<sup>rd</sup> storey with an opportunity for additional landscaping. A stepback is also incorporated at

the back of the property above the parkade and landscaped with trees to provide an additional green element.

Altogether, the proposal substantially meets the Comprehensive and Revitalization Design Guidelines.

### Variations

The first variance is to reduce the required side yard setback along the east lot line from 2.0m required to 0.62m proposed for the parkade structure at the back of the lot. The C<sub>4</sub> zone allows a zero lot line for a side yard by default, but does require a 2m setback when the lot abuts a property zoned for multi-family residential. In this case the property to the east is zoned RM<sub>5</sub> – Medium Density Multiple Housing, and thus the 2m setback applies.

In this case, the reduced setback is proposed only for a small portion of the building. Specifically, the reduced setback is to apply only to the parkade level at grade (the first 3.5m above grade) for the back half of the lot (a 15m span). In addition, the gap between the building and the lot line is to be landscaped, and the roof of the parkade along the lot line is also to be landscaped—including with trees. Given the limited nature of the reduced setback, and the measures being introduced to soften the impact, the variance is considered acceptable.

The second variance is to reduce the required rear yard setback from 6.0m required to zero lot line proposed. The C<sub>4</sub> zone allows a zero lot line for a rear yard by default, but does require a 6m setback when abutting a residential zone. In this case the property to the north is zoned RM<sub>5</sub> – Medium Density Multiple Housing, and thus the 6m setback applies.

In this case, the zero lot line applies only to the parkade level at grade (the first 3.5m above grade). Above and beyond this the setback is increased to 4m. As this is the case, the variance may be considered relatively minor in nature. Also, the existing building to the north is setback substantially from this lot line—by approximately 12m. Finally, the lot to the north has a future land use designation of MXR – Mixed Use Residential / Commercial, meaning the increased setback would not be expected to be required into the future. This being the case, this variance is considered acceptable.

The third variance is to reduce the percentage of regular size parking stalls from 50% required to 39% proposed. As the proposed development is to occur within an urban centre the need for more larger parking stalls is considered to be less of a priority. Also, the proposed variance is relatively minor in nature. For these reasons, this variance is considered acceptable.

The fourth and final variance is to increase the height of the building from 4 storeys and 15.0m permitted to 5 storeys and 19m proposed. The C<sub>4</sub> zone is outdated when it comes to permitted heights, and does not reflect the City's intention of directing the bulk of development to the city's urban centres. As a reflection of this, the Capri-Landmark Urban Centre Plan allows for height of up to 7 to 12 storeys in this location. For this reason, the proposed variance is considered acceptable.

**4.0 Proposal**

**4.1 Background**

Council recently gave 2<sup>nd</sup> and 3<sup>rd</sup> Reading to rezone the lot from the RU6 – Two Dwelling Housing zone to the C4 – Urban Center Commercial zone (Z20-0094). The property has a future land use designation of MXR – Mixed Use Residential / Commercial which does support the C4 zone.

**4.2 Project Description**

The applicant proposes a 5 storey apartment building with ground-oriented townhouse units at street level. The applicant also proposes to vary the following: side yard setback from 2.0m required to 0.62m proposed; rear yard setback from 6.0m required to 0.0m proposed; ratio of regular size parking stalls from 50% required to 39% proposed; and height from 15.0m and 4 storeys permitted to 19.0m and 5 storeys proposed.

**4.3 Site Context**

The property is in the Central City Sector in the Capri-Landmark Urban Centre a block south of Capri Mall. The nearest major intersection is Gordon Dr. and Sutherland Ave. Gordon Dr. is considered to be a major transit corridor and Sutherland Ave. supports a bus route. The site also has very good access to the city's active transportation network.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM5 – Medium Density Multiple Housing	Multiple Dwelling Housing
East	RM5 – Medium Density Multiple Housing	Multiple Dwelling Housing
South	RU6 – Two Dwelling Housing	Vacant
West	RU6 – Two Dwelling Housing	Single Dwelling Housing

**Subject Property Map: 1220-1230 Pacific Ave.**



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C4 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	1,300m <sup>2</sup>	1,393m <sup>2</sup>
Min. Lot Width	40.0m	45.19m
Min. Lot Depth	30.0m	31.3m
Development Regulations		
Max. Floor Area Ratio	1.3 (+.4 bonus) = 1.7	1.7
Max. Site Coverage (buildings)	75%	74%
Max. Height	15.0m or 4 storeys	19.0m and 5 storeys ❶
Min. Front Yard	0.0m	1.6m
Min. Side Yard (East)	2.0m where abutting multi-residential zone	0.62m ❷
Min. Side Yard (West)	2.0m where abutting multi-residential zone	2.0m
Min. Rear Yard	6.0m where abutting a residential zone	0.0m ❸
Other Regulations		
Min. Parking Requirements	26 (with bike parking bonus)	26
Ratio of Regular Size Parking Stalls	50%	39% ❹
Min. Bicycle Parking	39 (to achieve bonus)	39
Min. Private Open Space	385m <sup>2</sup>	421m <sup>2</sup>
❶ Indicates a requested variance to building height. ❷ Indicates a requested variance to side yard setback (east). ❸ Indicates a requested variance to rear yard setback. ❹ Indicates a requested variance to ratio of regular size parking stalls.		

5.0 **Current Development Policies**

5.1 Kelowna Official Community Plan (OCP)

Chapter 14: Urban Design DP Guidelines

B. Revitalization Design Guidelines

Objectives

- 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;
- 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;
- Create open, architecturally-pleasing and accessible building facades to the street; and
- Improve existing streets and sidewalks to promote alternative transportation.

5.2 Capri-Landmark Urban Centre Plan

Section 5: Community Structure

*Land Use & Housing: Building Heights Map (p. 54)*

Section 6: Area Specific Policy Direction

*Sub-Area 4: Five Bridges*

*Vision:* Areas adjacent to the Capri-Centre Mall will provide a mid-rise transition from the high density redevelopment of the Capri-Centre Mall, buffering nearby townhouse and low-rise development in the area.

**6.o Application Chronology**

Date of Application Accepted:	November 3, 2020
Date Public Consultation Completed:	March 1, 2021
Date of Rezoning Initial Consideration:	March 22, 2021
Date of Public Hearing and 2 <sup>nd</sup> & 3 <sup>rd</sup> Reading of Rezoning:	April 6, 2021

**Report prepared by:** A.D. Thibeault, Planner II

**Reviewed by:** Jocelyn Black, Urban Planning Manager

**Reviewed by:** Terry Barton, Development Planning Department Manager

**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services

**Attachments:**

Attachment A: Draft Development Permit DP20-0196 & Development Variance Permit DVP20-0197

Schedule A: Site Plan and Floor Plans

Schedule B: Elevations with Materials and Colors

Schedule C: Landscape Plan and Estimate

Attachment B: Applicant Rationale