REPORT TO COUNCIL

Date:	March 1, 2022		
To:	Council		
From:	City Manager		
Department:	Development Planning		
Application:	DP21-0042 & DVP21-0043	**Owner:**	MCMI Developments Ltd., Inc. No. BC1239530
Address:	955 Manhattan Drive	**Applicant:**	Jim Meiklejohn; Meiklejohn Architects
Subject:	Development Permit & Development Variance Permit Applications		
Existing OCP Designation:	C-NHD – Core Neighbourhood		
Existing Zone:	RU6 – Two Dwelling Housing		
Proposed Zone:	RM3 – Low Density Multiple Housing		

1.0 Recommendation

THAT Bylaw No. 12227 be forwarded for rescindment consideration and the file be closed.

AND THAT final adoption Rezoning Bylaw No. 12228 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP21-0042 for Lot 2 Section 30 Township 26 ODYD Plan 2559, located at 955 Manhattan Drive, 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. DVP21-0043 for Lot 2 Section 30 Township 26 ODYD Plan 2559, located at 955 Manhattan Drive, Kelowna, BC.

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

Section 13.9.6(c): RM3 – Low Density Multiple Housing, Development Regulations

To vary the required maximum height from 10.0 m / 3 storeys permitted to 16.0m / 4 storeys proposed.

Section 13.9.6(e): RM3 – Low Density Multiple Housing, Development Regulations

To vary the east side yard setback from 4.0m required to 3.7m proposed and the west side yard setback from 4.0m required to 2.3m.

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 Staff recommendation to issue a Development Permit for the form character of a proposed 4-storey apartment building with 2 semi-detached units in the front yard, and Development Variance Permit to vary the height and the side yard setbacks.

3.0 Development Planning

The recently adopted 2040 Official Community Plan (OCP) Future Land Use Map designates the subject property as Core Area Neighbourhood. The intent of this new designation is to accommodate modest residential growth primarily through residential infill in existing neighbourhoods allowing for 3-4 storey townhouses and small apartment buildings. This represents a more permissive land use designation from the previous OCP in order to deliver more housing units in a variety of sensitive forms in the Core Area of the City. Consistent with this policy objective, the application includes a 2-storey, 2-unit semi-detached dwelling at the front of the property facing Manhattan Drive similar in building massing and scale to the neighbouring single-family houses. In addition, the large subject property affords the opportunity for a larger 4-storey 8-unit apartment building in the rear, accessed from the laneway. The apartment building siting towards the rear of the lot and designed in such a way as to be respectful of its neighbours, as well as the local park, should have minimal visual impact in the neighbourhood. While the subject property is located a significant distance from a transit corridor, it is in close proximity to Sunset Drive and the northern part of the Downtown. In addition, and in consideration to the future North Area Plan and Tolko site redevelopment, Planning Staff anticipate significant development directly to the east of the property with further urban amenities and services.

Overall, Development Planning Staff are supportive of the proposed Development Permit for the form and character of the project with the associated height and setback variances. The development meets the majority of the Official Community Plan Form and Character Development Permit Guidelines including selected building finishes, faced treatment and complimentary landscaping.

Fig. 1.0 - Project Rendering from Manhattan St.

Proposal

3.1 Background

The OCP Amendment and Rezoning applications had a Public Hearing and received 2nd & 3rd Readings of the Bylaws on July 13, 2021. The bylaw to amend the 2030 OCP can be rescinded because 2040 OCP has been adopted, and the proposal is consistent with the new 2040 OCP.

3.2 Project Description

The proposal is to construct a 2-storey, 2-unit semi-detached dwelling on the front of the property facing Manhattan drive, and a 4-storey, 8-unit apartment building at the back of the lot with access from the lane. Both buildings propose the use of stucco as a primary material.

The 2-storey, semi-detached building at the front of the property is proposing two 3-bedroom units with garages on the main floor that will face Manhattan drive. The second building is designed to have access off the lane with covered parking on the ground floor, and a mix of 2-bedroom and 3-bedroom units on the second, third and fourth floors. The applicant is also proposing a rooftop patio for the apartment building and will also feature a number of accessibility features to remove barriers for residents.

The property will also undergo landscape improvements, which will help with the interface with Manhattan Drive and the Lane behind the building. These improvements include a large deciduous tree along Manhattan Drive and in the central courtyard, as well as shrubs and decorative grasses planted throughout the property.

3.3 Site Context

The property has a future land use of C-NHD – Core Neighbourhood, and is directly north of the City Centre Urban Centre. Although the property is close to the downtown, the surrounding neighbourhood primarily consists of single-family homes and semi-detached homes. The former Tolko Mill site is also kitty corner to the site. The site is adjacent Jack Brow Park and is also in close proximity to Rotary Marsh Park, the Rail Trail, Waterfront Park, Sutherland Park, and Knox Mountain Park.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 – Parks and Open Space	Jack Brow Park
East	I4 – Central Industrial	Vacant
South	RU6 – Two Unit Housing	Single Family Home
West	RU6 – Two Unit Housing	Two Dwelling Housing

Subject Property Map: 955 Manhattan Dr.

3.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	**RM3 ZONE REQUIREMENTS**	**PROPOSAL**
Existing Lot/Subdivision Regulations		
Min. Lot Area	900m²	1,963m²
Min. Lot Width	30m	25.44m
Min. Lot Depth	30m	63.54m
Development Regulations		
Max. Floor Area Ratio	.75 (+0.05)	0.8
Max. Site Coverage (buildings)	50%	41%
Max. Site Coverage (buildings, parking, driveways)	60%	52.5%
Max. Height	9.5m / 2.5 storeys	16.0m / 4 storeys❶
Min. Front Yard	6m	7.2m
Min. Side Yard (east)	4m	3.7m❷
Min. Side Yard (west)	4m	2.3m❷
Min. Rear Yard	3.0m	3.0m
Other Regulations		
Min. Parking Requirements	20	21
Min. Bicycle Parking	9	10
Min. Private Open Space	250m²	732m²
❶ Indicates a requested variance to Section 13.9.6(c): RM3 – Low Density Multiple Housing ❷ Indicates a requested variance to Section 13.9.6(e): RM3 – Low Density Multiple Housing		

4.0 Current Development Policies

4.1 Kelowna Official Community Plan (OCP)

Chapter 5: The Core Area

Objective 5.3 Focus development to designated growth areas	
Policy 5.3.1 Ground Oriented Infill	Encourage gentle densification in the form of ground-oriented residential uses such as house-plexes, townhouses and narrow lot housing to approximately 2 storeys, maintaining residential uses and setbacks that reflect the existing development pattern. Consider opportunities for greater height and massing at block ends and along Active Transportation Corridors as outlined in Figure 5.3.
	The provision of a 2-story duplex in the front yard helps to provide gentle infill by responding to the context of the existing single unit dwellings on Manhattan Drive.
Chapter 18 Form and Character Development Permit Area	
4.1.1 Relationship to the Street	Maximize 'eyes on the street' by avoiding blank walls and providing direct lines of sight from windows and balconies to the sidewalk and adjacent public spaces
	Balconies and windows of apartment and semi-detached units overlook public streets, lanes and internal open space, while minimizing views into other existing private residences
4.1.6 Building Articulation,	Use an integrated, consistent range of materials and colours and provide variety by, for example, using accent colours

Features & Material	*The 4-storey building, and semi-detached units use a consistent material and colour pallet with accents. The massing and articulation of the buildings is complimentary while adhering to a consistent concept.*

FORM & CHARACTER - DEVELOPMENT PERMIT GUIDELINES

Consideration has been given to the following guidelines as identified in Chapter 18 of the City of Kelowna 2040 Official Community Plan:

RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE *(1 is least complying & 5 is highly complying)*	**N/A**	**1**	**2**	**3**	**4**	**5**
CHAPTER 4.0: LOW & MID-RISE RESIDENTIAL & MIXED USE						
4.1 Guidelines						
4.1.1 Relationship to the Street						
Lobby area and main building entrance is clearly visible from the fronting street and sidewalk.		✓				
Wherever possible, blank walls at grade are not encouraged.			✓			
Enclosed parking garages are located away from street frontages or public open space.					✓	
Ground oriented units with entries or glazing have been provided to avoid the blank/dead frontage along the street.			✓			
When unavoidable, blank walls have been screened with landscaping or have been incorporated with a patio/café or special materials have been provided to make them visually interesting.				✓		
Residential and Mixed-use Buildings						
Residential buildings at the ground floor have a set back between 3-5m from the property line to create a semi-private entry or transition zone to individual units and to allow for an elevated front entryway or raised patio.	✓					
A maximum 1.2m desired height (e.g., 5-6 steps) for front entryways has been provided. Where the water table requires this to be higher, in these cases, larger				✓		
Ground floor units accessible from the fronting street or public open spaces have been provided with individual entrances.				✓		
Buildings are sited and oriented so that windows and balconies are overlooking public streets, parks, walkways, and shared amenity spaces while minimizing views into private residences.				✓		
4.1.2 Scale and Massing						
Proposed residential building façade has a length of 60m (40m length is preferred).					✓	
Buildings over 40m in length are incorporating significant horizontal and vertical breaks in façade.	✓					

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Commercial building facades are incorporating significant break at approximately 35m intervals.	✓					
Proposed residential building has a maximum width of 24m.						✓
Seven to Twelve Storey Buildings						
Proposed building is provided with a 2-3 storey podium at the base of the building.	✓					
Built form's upper storeys have a minimum 2m stepback and more generous upper storey terraces facing south, and west are provided.		✓				
Minimum 30m building separation between primary building facades is provided.	✓					
Courtyards and mid-block connections within building sideyards are 6m wide (minimum).						
4.1.3 Site Planning						
On sloping sites, building floor levels are following the natural grade and avoiding the blank wall situation.	✓					
Buildings are sited to be parallel to the street and have a distinct front-to-back orientation to public street and open spaces and to rear yards, parking, and/or interior courtyards.				✓		
Building sides that are interfacing with streets, mid-block connections, and other open spaces (building fronts) are positively framing and activating streets and open spaces and supporting pedestrian activity.			✓			
Larger buildings are broken up with mid-block connections which have public accessibility wherever possible.				✓		
Ground floors adjacent to mid block connections have entrances and windows facing the mid block connection.				✓		
4.1.4 Site Servicing, Access, and Parking						
Vehicular access is provided from the lane.					✓	
Where there is no lane, and where the re-introduction of a lane is difficult or not possible, access is provided from the street, provided: • Access is from a secondary street, where possible, or from the long face of the block; • Impacts on pedestrians and the streetscape is minimized; and, • There is no more than one curb cut per property.			✓			
Above grade structure parking should only be provided in instances where the site or high water table does not allow for other parking forms.						✓

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When parking cannot be located underground due to the high water table and is to be provided above ground, screen the parking structure from public view as follows: • On portions of the building that front a retail or main street, line the above ground parking with active retail frontage; • On portions of the building that front onto non-retail streets, line the above ground parking with an active residential frontage, such as ground oriented townhouse units; • When active frontages are not able to be accommodated, screen parking structures by using architectural or landscaped screening elements; • On corner sites, screen the parking structure from public view on both fronting streets using the appropriate strategy listed above.				✓		
Buildings with ground floor residential may integrate half-storey underground parking to a maximum of 1.2m above grade, with the following considerations: • Semi-private spaces should be located above to soften the edge and be at a comfortable distance from street activity; and • Where conditions such as the high water table do not allow for this condition, up to 2m is permitted, provided that entryways, stairs, landscaped terraces, and patios are integrated and that blank walls and barriers to accessibility are minimized.			✓			
4.1.5 Publicly Accessible and Private Open Spaces						
Publicly accessible private spaces (e.g,. private courtyards accessible and available to the public) have been integrated with public open areas to create seamless, contiguous spaces.					✓	
Semi-private open spaces have been located to maximize sunlight penetration, minimize noise disruptions, and minimize 'overlook' from adjacent units.				✓		
Outdoor Amenity Areas: design plazas and parks to: • Contain 'three edges' (e.g., building frontage on three sides) where possible and be sized to accommodate a variety of activities; • Be animated with active uses at the ground level; and, • Be located in sunny, south facing areas.			✓			
Internal courtyard design provides: • amenities such as play areas, barbecues, and outdoor seating where appropriate. • a balance of hardscape and softscape areas to meet the specific needs of surrounding residents and/or users.					✓	
Mid-block connections design includes active frontages, seating, and landscaping.				✓		

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Rooftop Amenity Spaces						
Shared rooftop amenity spaces (such as outdoor recreation space and rooftop gardens on the top of a parkade) are designed to be accessible to residents and to ensure a balance of amenity and privacy by: • Limiting sight lines from overlooking residential units to outdoor amenity space areas through the use of pergolas or covered areas where privacy is desired; and • Controlling sight lines from the outdoor amenity space into adjacent or nearby residential units.	✓					
Reduce the heat island effect by including plants or designing a green roof, with the following considerations: • Secure trees and tall shrubs to the roof deck; and • Ensure soil depths and types are appropriate for proposed plants and ensure drainage is accommodated.	✓					
4.1.6 Building Articulation, Features & Materials						
Articulate building facades into intervals that are a maximum of 15m wide for mixed-use buildings and 20m wide for residential buildings. Strategies for articulating buildings should consider the potential impacts on energy performance (see 2.2.1), and include: • Façade Modulation – stepping back or extending forward a portion of the façade to create a series of intervals in the facade; • Repeating window patterns at intervals that correspond to extensions and step backs (articulation) in the building facade; • Providing a porch, patio, deck, or covered entry for each interval; • Providing a bay window or balcony for each interval, while balancing the significant potential for heat loss through thermal bridge connections which could impact energy performance; • Changing the roof line by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval; • Changing the materials with the change in building plane; and • Provide a lighting fixture, trellis, tree, or other landscape feature within each interval.		✓				
Break up the building mass by incorporating elements that define a building's base, middle and top.		✓				
Use an integrated, consistent range of materials and colors and provide variety by, for example, using accent colors.				✓		
Articulate the facade using design elements that are inherent to the building as opposed to being decorative. For example, create depth in building facades by recessing window frames or partially recessing balconies to allow shadows to add detail and variety as a byproduct of massing.				✓		

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Incorporate distinct architectural treatments for corner sites and highly visible buildings such as varying the roofline *(See Figure 41)*, articulating the facade, adding pedestrian space, increasing the number and size of windows, and adding awnings and canopies.	✓					
Weather Protection						
Provide weather protection (e.g. awnings, canopies, overhangs, etc.) along all commercial streets and plazas (*See Figure 42*), with particular attention to the following locations: • Primary building entrances, • Adjacent to bus zones and street corners where people wait for traffic lights; • Over store fronts and display windows; and • Any other areas where significant waiting or browsing by people occurs.				✓		
Architecturally-integrate awnings, canopies, and overhangs to the building and incorporate architectural design features of buildings from which they are supported.				✓		
Place and locate awnings and canopies to reflect the building's architecture and fenestration pattern.				✓		
Place awnings and canopies to balance weather protection with daylight penetration. Avoid continuous opaque canopies that run the full length		✓				
Signage						
Provides attractive signage on commercial buildings that identifies uses and shops clearly but which is scaled to the pedestrian rather than the motorist. Some exceptions can be made for buildings located on highways and/or major arterials in alignment with the City's Sign Bylaw.	✓					
Avoid the following types of signage: • Internally lit plastic box signs; • Pylon (stand alone) signs; and • Rooftop signs.	✓					
Uniquely branded or colored signs are encouraged to help establish a special character to different neighbourhoods.	✓					

5.0 Technical Comments

5.1 Development Engineering Department

5.1.1 See Schedule A

6.0 Application Chronology

Date of Application Accepted: February 23, 2021
Date Public Consultation Completed: April 9, 2021

Report prepared by: Graham Allison, Planner I

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
Schedule A: Site Plan
Schedule B: Building Elevations
Schedule C: Landscape Plan
Attachment B: Development Engineering Memo