

REPORT TO COUNCIL DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT



Date: October 17, 2023
To: Council
From: City Manager
Address: 1405 St Paul St
File No.: DP21-0123 & DVP21-0124
Zone: UC1 – Downtown Urban Centre

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP21-0123 and Development Variance Permit No. DVP21-0124 for Lot A District Lot 139 ODYD PLAN 25942, located at 1405 St Paul St, 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 amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;
5. The applicant be required to make a payment into the Housing Opportunities Reserve Fund as established by Bylaw No. 8593 in accordance with Table 6.8.b. in Zoning Bylaw No. 12375;
6. The applicant be required to provide Payment-in-Lieu of Parking for 8 stalls in accordance with Bylaw No. 8125;

AND THAT variances to the following sections of Zoning Bylaw No. 12375 be granted:

Section 8.5.6(c)i.: Parking and Loading, Off-Street Bicycle Parking

To vary the minimum ground-anchored long-term bicycle parking from 50% required to 0% proposed;

Table 8.5.1: Minimum Dimensions for Bicycle Parking

To vary the minimum distance between bicycle racks (for racks that accommodate no more than one bicycle) from 0.45 m required to 0.35 m proposed;

Table 9.11: Tall Building Regulations

To vary the maximum floor plate above 16.0 m for residential use from 750 m² GFA required to 1,002 m² GFA proposed for Level 6;

Table 9.11: Tall Building Regulations

To vary the maximum floor plate above 16.0 m for residential use from 750 m² GFA required to 769 m² GFA proposed for Level 7 to Level 12;

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 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 issue a Development Permit and Development Variance Permit for the form and character of a mixed-use tower with variances to long term bicycle parking and floor plates.

3.0 Development Planning

Development Planning Staff recommend support for the Development Permit and Development Variance Permit for the form and character of a 35-storey mixed-use tower including a five level parkade podium and four variances. The project adequately meets some of the Official Community Plan (OCP) [Chapter 18 Design Guidelines](#) (Attachment B), and includes some of the public benefits to qualify for additional height under [OCP Policy 4.4.3. for Taller Downtown Buildings](#).

The purpose of OCP Policy and Design Guidelines is to promote architectural and urban design excellence and sustainability, while encouraging a complimentary fit with the existing and planned neighbourhood context. Each proposed project should contribute to a safe, vibrant, and engaging public and pedestrian realm. Staff conduct a comprehensive review of each tower project application to ensure the proposed design has a positive influence on the public realm and responds appropriately to site context.

OCP Policy 4.4.3. Taller Downtown Buildings.

Consider support for development that is higher than the heights outlined in [Downtown Heights Map 4.1](#) (26 storeys for the subject property) where the proposal contains significant benefit to Kelowna citizens, including some or a combination of the following:

OCP Policy 4.4.3. Taller Downtown Buildings	Proposed Project
<p>✓ <i>An affordable, supportive and/or rental housing component that further advances Urban Centre housing objectives;</i></p>	<p>The applicant has chosen to contribute to the Housing Opportunities Reserve Fund in the amount of \$700,000 in exchange for additional height.</p>
<p>✓ <i>A significant public amenity that supports the fostering of more inclusive and socially connected Urban Centres such as parks, public spaces, schools, post-secondary institutions, or childcare facilities;</i></p>	<p>A 100 m² open public space is proposed at the corner of St Paul St and Doyle Ave in the form of an urban plaza.</p>
<p>✓ <i>Offsite considerations, including enhanced streetscapes, provision of Active Transportation Corridors, tree canopy protection and enhancement, or green infrastructure within the road right of way;</i></p>	<p>Enhanced streetscape improvements for St Paul St and Doyle Ave are required as a function of this development. These are above and beyond the standard road cross section and include wider sidewalks, curb bulb-outs, soil cells for trees, textured concrete, and benches.</p>
<p>✗ <i>Smaller tower floorplates to mitigate the impact on views and shadowing;</i></p>	<p>Two floor plate variances are requested to increase the maximum floor plates between Level</p>

	6 and Level 13. Level 6 requires a floor plate variance from 750 m ² to 1,002 m ² and Levels 7 to 12 require a floor plate variance to 769 m ² .
✘ <i>Outstanding and extraordinary design.</i>	OCP Chapter 18 Design Guidelines Checklist for High-Rise Mixed-Use is included in this report as Attachment B, indicating average scores for most of the Guidelines. It does not meet the threshold to be considered outstanding and extraordinary design.

The applicants have submitted a Public Benefit Strategy (Attachment C) to describe their view of how the project provides adequate public benefit to qualify for the additional height above the 26 storeys in accordance with Policy 4.4.3.

OCP Chapter 18 Design Guidelines for High-Rise Residential & Mixed Use:

The proposed project meets a few OCP Design Guidelines well, including the following:

- 2.1.6.a. Express a unified architectural concept that incorporates variation in façade treatments;*
- 5.1.1.b. For buildings on corner sites with retail frontages, ensure there are active frontages on both facades by wrapping the primary retail façade to the secondary frontage;*
- 5.1.5.a. Wherever possible, include publicly accessible open space on-site, such as hard or soft landscaped setbacks, plazas, and courtyards.*

Street Level & Podium:

The proposed public space at the corner of St Paul St and Doyle Ave is approximately 100 m² with ample height to allow natural light. A 1,530.0 m² grocery store fronting Doyle Ave and additional retail units along St Paul St create active retail frontages on both facades with clearly defined entrances. Varying façade treatments along the podium are achieved through a variety of textured cement fibre board, wood veneer elements, lighting, and projections.



The proposed podium does not adequately meet several Design Guidelines including:

- ✘ 5.1.2.b. Provide a minimum podium height of 2 storeys and a maximum podium height of 4 storeys;
- ✘ 5.1.2.c. On corner sites, vary the height and form of the podium to respect and respond to the height and scale of existing context on adjacent streets;

Staff have curated the Zoning Bylaw such that parking requirements, podium massing and height, and total tower height work together and are correlated. As the height of a tower or the number of small units increases, the parking requirements increase, and therefore the podium height and massing increase. The massing of the proposed parkade podium has been one of Staff's primary concerns for the duration of this application. The 35-storey project is 33% micro-suites/bachelor units creating a high unit count, therefore the parking requirements necessitate a large five level podium. Although the five-level podium meets Zoning Bylaw Regulations, it is contrary to OCP Design Guidelines. The podium is not context sensitive to other nearby developments such as the UBC Tower under construction at 550 Doyle Ave which does not have a parking podium as it accommodates all required parking underground, or The Brooklyn at 1471 St Paul St which has a podium that is only 12.5 m in height along St Paul St and rises to 16.0 m in height along the lane.



Tower Middle:

The proposed tower adequately meets the following Design Guideline for the Tower Middle:

- ✓ 5.1.6.h. Consider inset or partially inset balcony arrangements that may offer greater privacy and comfort, particularly on higher floors.

Tower Top:

However, the Tower Top does not adequately meet several Design Guidelines including:

- ✗ 5.1.6.i. Design the top of tall buildings to terminate and be distinguishable from the middle building and to make a positive contribution to the skyline;
- ✗ 5.1.6.j. Setback the upper floors of the tower and incorporate a projecting cornice or other feature to terminate the building and contribute to a varied skyline.

Payment-in-Lieu of Parking Bylaw No. 8125:

The applicants have proposed [Payment-in-Lieu of Parking under Bylaw No. 8125](#) in the amount of \$299,128.00 ([Bulletin – Current Rates](#)). The lower provision of parking is acceptable given the central location in the Downtown Urban Centre with access to employment, services, and alternate transportation. However, the inability to provide the required parking while keeping the podium

massing and height within OCP Design Guidelines signals that the number of units or the height of the tower may exceed the intent of the bylaw.

Variances:

Floor Plates:

A floor plate refers to the [Gross Floor Area](#) of each level of a tower above 16.0 m height. Smaller floor plates create a slenderer tower that has less of an impact on wind, shadows, view corridors, and reduces the looming feel of a tall tower on the pedestrian experience.

Two floor plate variances are requested which will have a minor impact on the public realm in terms of shadowing. On Level 6, a variance is requested from 750 m² required to 1,002 m² to accommodate a larger indoor common amenity area for the benefit of the residents. On Levels 7 to 12, a variance is requested from 750 m² required to 769 m², which is considered minor and only impacts a portion of the building.

Long-Term Bicycle Parking:

The applicants have proposed a unique bicycle storage solution which triggers two variances: one to provide all bicycle storage in vertical racks rather than ground anchored racks, and one to reduce the minimum distance between bicycle racks. While vertical racks may be slightly more difficult to use than standard

ground-oriented racks, the space saved by using vertical racking allows most bicycle stalls to be located at grade rather than on higher floors in the parkade podium which may contribute to increased use.

However, when considering the variance to allow a vertical racking system for bike parking in conjunction with the high number of micro-suites/bachelor units and the Payment-in-Lieu of providing required parking, the total number of long-term bicycle spaces should be increased to at least one space per unit. This could help facilitate utilization of alternative forms of transportation and further justify the reduction in parking.

Summary:

This project as proposed meets Zoning Bylaw Regulations and OCP Guidelines in an average way, on a significant corner for pedestrians in the centre of the Downtown Urban Centre. Ideally, the project would have less micro-suites, less podium massing, enhanced design of the tower and tower top, and more bicycle parking to be considered above average and context sensitive.

Positive aspects of this project include the likelihood of a grocery store anchor tenant, enhanced streetscapes, significant residential density in an appropriate location, installation of a bus shelter, and a \$700,000 contribution to the Housing Opportunities Reserve Fund. Staff have negotiated with the applicant to improve the negatives associated with this application; however, the developer has reached their maximum number of changes to ensure financial viability of the project. In a housing market situation highlighted by the recent Housing Needs Assessment, Staff are recommending support for this project while acknowledging the challenges associated with this proposal.

4.0 Subject Property & Background

4.1 Subject Property Map



The subject property is located on the south-east corner of St Paul St and Doyle Ave which is one of the most pedestrian oriented and prominent corners in the centre of Kelowna’s Downtown. It is across the street from the under-construction University of British Columbia Downtown Campus Tower which was designed by a world recognized architect and features underground parking and a large public courtyard along St Paul St. It is one block east of the Civic Precinct and Cultural District and within walking distance to the Art Walk, Stuart Park, Queensway Transit Exchange, and the historic section of Bernard Ave.

4.2 Background

On February 13, 2021, the applicants applied for a rezoning from C4 – Urban Centre Commercial to C7 – Central Business Commercial under Zoning Bylaw No. 8000. The zone amending bylaw received three readings by Council on May 30, 2022, but did not proceed to fourth reading and adoption. On September 26, 2022, the entire Downtown Urban Centre was rezoned to UC1 – Downtown Urban Centre under Zoning Bylaw No. 12375, and the previous rezoning was rescinded.

5.0 Zoning Bylaw Regulations Summary

AREA & UNIT STATISTICS

Gross Lot Area		3,163.5 m ²
Total Number of Units		342
Micro-suite		56
Bachelor		56
1-bed		112
2-bed		118
Net Commercial Floor Area		1,671.0 m ²
Grocery Store Floor Area (incl. in above)		1,530.0 m ²
DEVELOPMENT REGULATIONS		
CRITERIA	UC ₁ ZONE	PROPOSAL
Total Maximum Floor Area Ratio	8.7	6.25
Base FAR	7.2	
Bonus FAR	1.5	
Max. Site Coverage (buildings)	100%	97.7%
Max. Site Coverage (buildings, parking, driveways)	100%	97.7%
Max. Height	147 m / 40 storeys	110.9 m / 35 storeys
Base Height	95.0 m / 26 storeys	
Bonus Height	52.0 m / 14 storeys	
Max. Podium Height	16.0 m	16.0
Setbacks		
Min. Front Yard (north)	0.0 m	0.0 m
Min. Side Yard (east)	0.0 m	0.9 m
Min. Flanking Side Yard (west)	0.0 m	0.0 m
Min. Rear Yard (south)	0.0 m	0.0 m
Step backs		
Min. Fronting Street (Doyle Ave)	3.0 m	3.0 m
Min. Flanking Street (St Paul St)	3.0 m	3.0 m
Min. Flanking Lane (east)	0.0 m	3.0 m
Min. Interior Lot Line (south)	4.0 m	4.0 m
Urban Centre & Tall Building Regulations		
Min. Retail on Doyle Ave	90%	94.7%
Min. Retail on St Paul St	90%	91.2%
Max. Floor Plate L6	750.0 m ²	1,002.0 m ² ❶
Max. Floor Plate L7-12	750.0 m ²	769.0 m ² ❷
Max. Floor Plate L 13-35	750.0 m ²	749.7 m ²
Amenity Space		
Total Required Amenity Space	3,562.0 m²	6,136 m²
Common	1,368 m ²	2,328 m ²
❶ Indicates a requested variance to maximum floor plate from 750.0 m ² required to 1,002 m ² proposed for Level 6 only. ❷ Indicates a requested variance to maximum floor plate from 750.0 m ² required to 769 m ² proposed for Levels 7 to 12 only.		

PARKING REGULATIONS		
CRITERIA	UC ₁ ZONE REQUIREMENTS	PROPOSAL
Total Required Vehicle Parking	357 stalls	349 stalls *
Residential	309	301
Visitor/Commercial	48	46
Ratio of Regular to Small Stalls	Min. 50% Regular Max. 50% Small	67% Regular 33% Small
Bicycle Stalls Short-Term	12 stalls	16 stalls
Bicycle Stalls Long-Term	260 stalls	286 stalls ③ ④
Bike Wash & Repair	yes	yes
End of Trip Facilities	no	no
* 8 stalls Payment-in-Lieu of Parking ③ Indicates a requested variance to minimum percentage of ground-mounted bicycle racks from 50% required to 0% proposed. ④ Indicates a requested variance to minimum distance between vertical bicycle racks from 0.45 m required to 0.35 m proposed.		

6.0 Alternate Recommendation

THAT Council NOT authorize the issuance of Development Permit No. DP21-0123 and Development Variance Permit No. DVP21-0124 for LOT A DL 139 ODYD PLAN 25942, located at 1405 St Paul St, Kelowna, BC.

7.0 Application Chronology

Application Accepted: May 30, 2021
 Adoption of Zoning Bylaw No. 12375: September 26, 2022
 Neighbourhood Notification: September 6, 2023

Report prepared by: Trisa Atwood, Planner Specialist
Reviewed by: Lydia Korolchuk, Acting Urban Planning Supervisor
Reviewed by: Jocelyn Black, Urban Planning Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Draft Development Permit DP21-0123 & DVP21-0124
 Schedule A: Site Plan & Floor Plans
 Schedule B: Elevations & Sections & Renderings
 Schedule C: Landscape Plan
 Attachment B: OCP Form and Character Development Permit Guidelines
 Attachment C: Applicant’s Public Benefit Strategy Letter

For additional information, please visit our Current Developments online at www.kelowna.ca/currentdevelopments.