

Report to Council



Date: March 11, 2024
To: Council
From: City Manager
Subject: Form and Character Development Permit Processing and Review
Department: Development Planning

Recommendation:

That Council receives, for information, the report from the Development Planning Department dated March 11, 2024 regarding Form and Character Development Permit processing and review.

Purpose:

To provide Council with an overview of the processing procedure for Form and Character Development Permits, specifically, how form and character design guidelines are implemented in development applications.

Background:

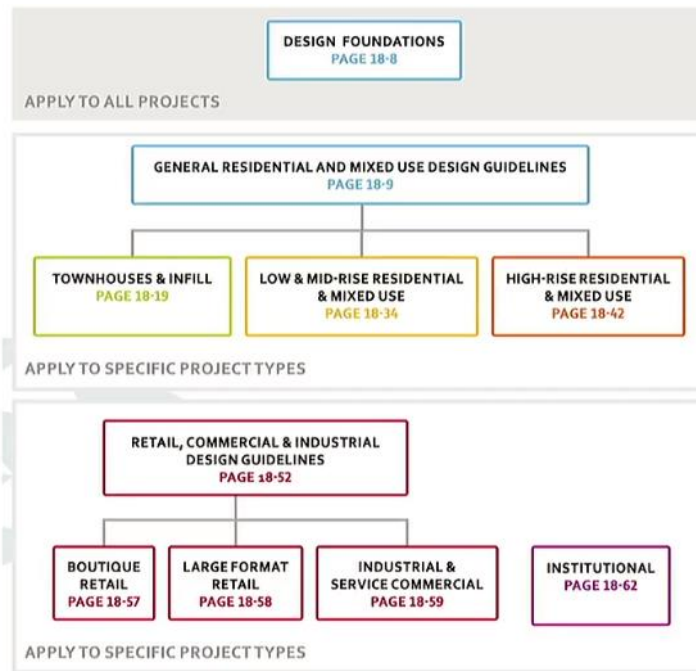
Section 488 (1) of the Local Government Act allows for municipalities to designate Development Permit Areas and establish form and character objectives through development permit guidelines. On January 10, 2022 a new Official Community Plan (OCP) was adopted containing newly crafted form and character guidelines.

Official Community Plan Chapter 18 Form and Character

Within Chapter 18 of the OCP there are two key sections, the design foundations and guidelines. The guidelines are organized in a hierarchical structure and are rooted in five [design foundations](#):

- facilitate active mobility;
- use placemaking to strengthen neighbourhood identity;
- create lively and attractive streets and public spaces;
- design buildings to human scale; and
- strive for design excellence.

Design foundations apply to all projects and provide the overarching principles for supporting creativity, innovation and design excellence. Each foundation is accompanied by a statement of design intent. In addition to the design foundations are [General Residential and Mixed Use Guidelines](#) and strategies that are required to be considered in all form and character development permits, including: residential, mixed use, commercial, and industrial development proposals. The guidelines then follow a form-based approach with specific statements used depending on the proposed built form (i.e. townhouses and infill, low and midrise residential, high rise residential/mixed use, retail/commercial/industrial and institutional).



Official Community Plan Chapter 18

Generally, Staff can have a greater impact on project components such as:

- Overall site design;
- Larger design issues versus lower value design issues such as materials or color;
- Orientation and interface of buildings (i.e. active frontages, orientation towards public streets and open spaces, transparent and active edges along the street for visual interest and safety);
- Landscape standards, including the retention of mature trees whenever possible; and
- Scale and mass.

The guidelines are not intended to be prescriptive and are targeted at the overall goals that the OCP is aiming to achieve. They aim to give clear guidance to applicants, Staff and Council and encourage design excellence and creativity. They are a key tool, alongside additional OCP policy, the Zoning Bylaw and Council policies to creating livable, high-quality neighbourhoods.

Permits issued in 2023 (does not include Environmental Development Permits and Development Permit Amendments)

Council Issued (DP & DVP)	Staff Issued (DP, Delegated DVP, Heritage Alteration Permit)
46	62

Discussion:

Implementation of the guidelines

The implementation of the guidelines does not follow a one size fits all approach and each development site is analyzed and assessed on its own merits. Planning Staff apply the form and

character design guidelines checklist in a consistent manner to all form and character development permits and it is used as a tool to thoroughly assess the overall compliance of an application with the design foundations and general guidelines. It is not intended to be used as a point system or a pass/fail score that is applied to a proposal. The review of an application is multi-faceted and multi-disciplinary, and a Planner must analyze all the information that is applicable to the development. Additional considerations may include:

- Technical analysis such as site layout, conditions (i.e. slope, environmental factors);
- Zoning Bylaw development regulations- i.e. request for variances.

Form and Character Development Permit applications require a level of professional discretion. The review process is heavily weighted in the balancing of objectives and assessing tradeoffs in meeting relevant guidelines.

Additional Considerations

Recently, Staff have introduced zoning bylaw amendments to the MF1-Infill Housing zone which will allow for a maximum of six dwelling units per lot in the Core Area, and a maximum of four dwelling units in Suburban areas. Staff issued development permits will be required and will undergo a standard technical review process as described in this report and as regulated in the Development Application and Heritage Procedures Bylaw. This change means development permits are now required in Suburban areas depending on the proposed density. Staff are also working to re-establish a Fast-Track program for infill housing, offering an accelerated approvals process for pre-reviewed designs. Initially, these will begin with the winners of the Infill Design Challenge 2.0.

Conclusion:

The review of Form and Character Development Permits can be complex given the variety of site specific considerations that can arise in our community. Design guidelines contained in Kelowna's Official Community Plan are the key tool used to evaluate the form and character of most residential and commercial development projects. Projects that meet the majority of the guidelines are must be supported/approved and those project that are deemed not to meet the guidelines should be denied. Staff attempt to apply design foundations and guidelines consistently to all proposals, but with consideration to site specific factors where the most important guidelines may change from site to site. It is also worth the reminder that not every project will meet every guideline and that projects should meet a majority of the most relevant guidelines and not all guidelines all of the time.

Internal Circulation:

Policy and Planning Department

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