

# REPORT TO COUNCIL



**Date:** Aug 28<sup>th</sup> 2018

**RIM No.** 1250-30

**To:** City Manager

**From:** Community Planning Department (AC)

**Application:** DP18-0076 DVP18-0077      **Owner:** Mission Group Holdings Ltd. Inc. No. BC0993483

**Address:** 1471 St. Paul Street      **Applicant:** Mission Group – Luke Turri

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

**Zone:** C7 – Central Business Commercial

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## 1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11646 (Z18-0002) be considered by Council;

THAT Council authorizes the issuance of Development Permit No. DP18-0076 for Lot A, District Lot 139, ODYD, Plan EPP81417, located at 1471 St. Paul 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;
5. That the Development Permit and Development Variance Permit is issued subsequent to the outstanding conditions set out in Attachment "A" attached to the Report from the Community Planning Department dated July 25<sup>th</sup> 2017;

AND THAT Council authorize the issuance of Development Variance Permit DVP18-0077 for Lot A, District Lot 139, ODYD, Plan EPP81417, located at 1471 St. Paul Street, Kelowna, BC;

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

### **Section 14.7.5 (a) Development Regulations**

To vary the maximum height from 58 metres (approx. 19 storeys) to 75 metres (26 storeys).

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 review the form and character Development Permit for a 26 storey tower and to consider a Development Variance Permit to increase the maximum height from 58 metres (19 storeys) to 75 metres (26 storeys).

## 3.0 Community Planning

When assessing the merits of a tall building project, staff break the design into three components: the base of the building called the podium; the middle of the building largely consisting of the tower; and the top of the building as it relates to Kelowna's skyline.



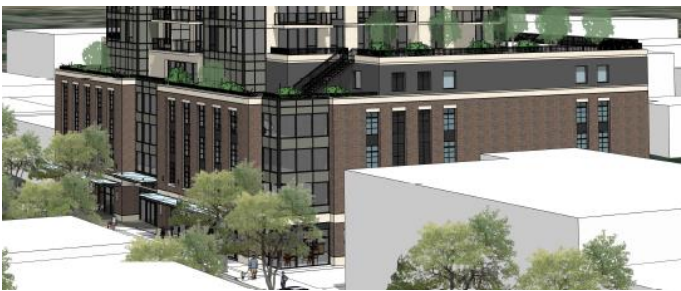
### Top

The tops of tall buildings, including upper floors and roof-top mechanical or telecommunications equipment, signage, and amenity space, should be designed, primarily through tower massing and articulation, and secondarily through materials, to create an integrated and appropriate conclusion to the tall building form.



### Middle

The location, scale, floor plate size, orientation and separation distances of the middle affect sky view, privacy, wind, and the amount of sunlight and shadows that reach the public realm and neighbouring properties. The design and placement of the tower should effectively resolve these matters to ensure that a tall building minimizes its impact of surrounding streets as well as existing and/or future buildings on adjacent properties.



### Podium

The lower storeys of a tall building should frame the public realm, articulate entrances and assist in the creation of an attractive and animated public realm which provides a safe, interesting, and comfortable pedestrian experience. The podium should define and support adjacent streets at an appropriate scale, integrate with adjacent buildings, assist to achieve a transition down to lower-scale buildings and minimize the impact of parking and servicing on the public realm.

Image 1: South-west perspective of the proposed 'Brooklyn'

### 3.1 Development Permit – Top of Building

The proposed design for the top of the tower contributes positively to Kelowna’s skyline with a unique top three floor design that provides an architectural break and visual interest to the top of the tower. The City’s main design objective is to avoid towers that appear ‘chopped off’, have flat roofs and do not have adequate articulation. The ‘Brooklyn’ does this well by providing a rooftop area designed for common amenity space and a landscaped roof. This will increase the functionality and visual interest of the top of the tower when viewing it from street level and provide more livable outdoor space to the residents of the building.



Image 2: Architectural Variation at the Top of Tower

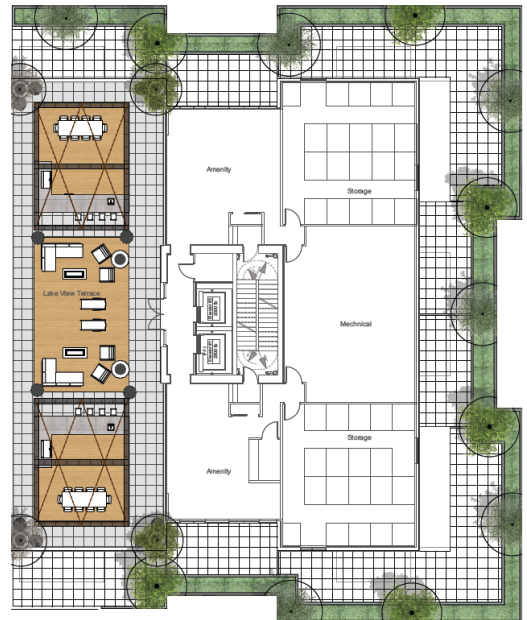


Image 3: Rooftop amenity area

### 3.2 Development Permit – Middle of Building (Tower)

The ‘middle’ of the building contains a series of various building materials including a beige (Acadia colour) painted concrete mixed with gray coloured spandrel glass, and charcoal coloured window / balcony trim. All the residential units have balconies. The balconies have been arranged in a manner that creates rhythmic pattern creating a consistent and clean visual appeal.

The City’s design guidelines consistent with many other Canadian urban centres is to have floorplates for tall buildings within the range of 650 to 750 m<sup>2</sup>. This creates a slender tower form minimizing overall building mass and scale in order to mitigate the visual / physical impact and the three-dimensional massing tall buildings have on the surrounding streets, parks, open space, and properties. The applicant’s proposed tower floorplates are 703.4 m<sup>2</sup> which is within the recommended tower floorplate area.

When adequately separated, slender, point form towers with compact floor plates cast smaller shadows, improve sky view, permit better views between buildings and through sites and contribute to a more attractive skyline. Staff confirmed with the applicant that the same tower footprint could be placed immediately south of the proposal on Bernard Ave and meet all the required setbacks including the 30 metre tower separation setback.

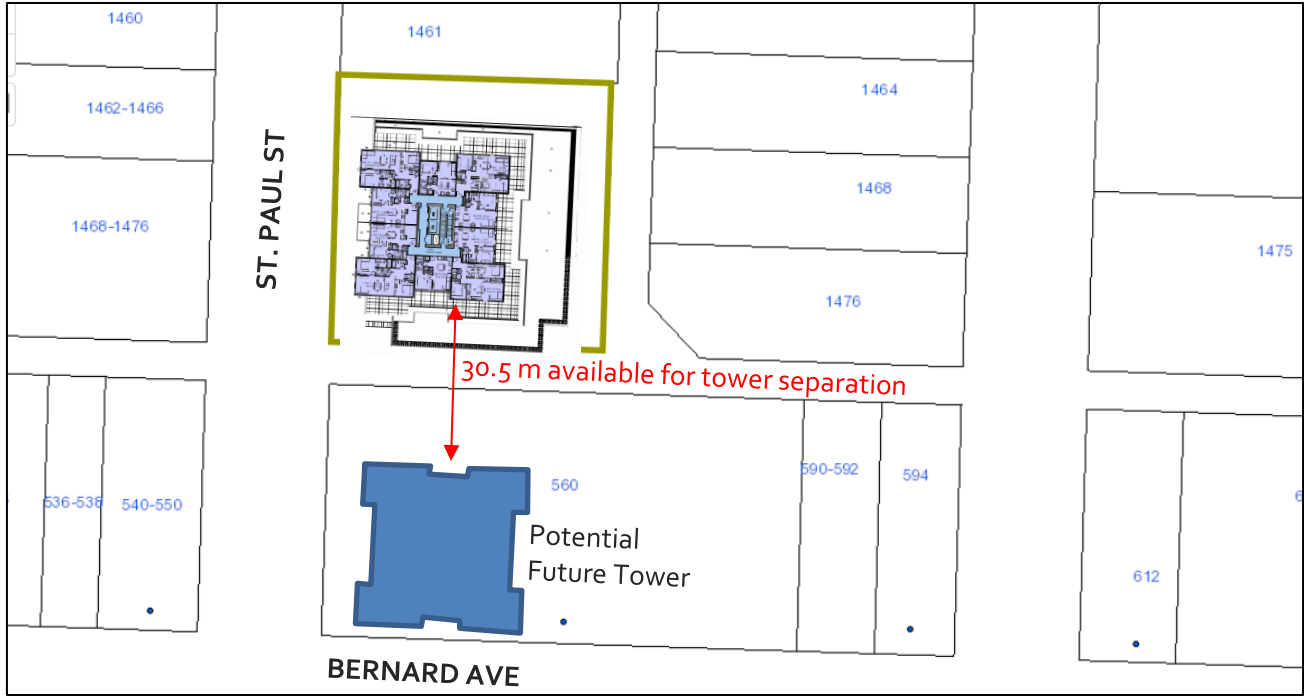


Image 4: Tower Separation Distance to future development

### 3.3 Development Permit – Base Building (Podium)

The role of the base building (known as the podium) is to help tall buildings fit harmoniously within the existing or planned streetwall context and to define the edges of adjacent streets, parks, and open spaces. This street framing is important to have appropriate human scale and proportion in order to a comfortable street experience including maintaining access to sunlight and sky views for pedestrians and neighbour properties. Limiting the height of the podium to 80% of the adjacent road right-of-way width provides consistency in street proportion and maintains a reasonable amount of sunlight (at least 5 hours) and sky view on the opposite side of the street throughout the year.

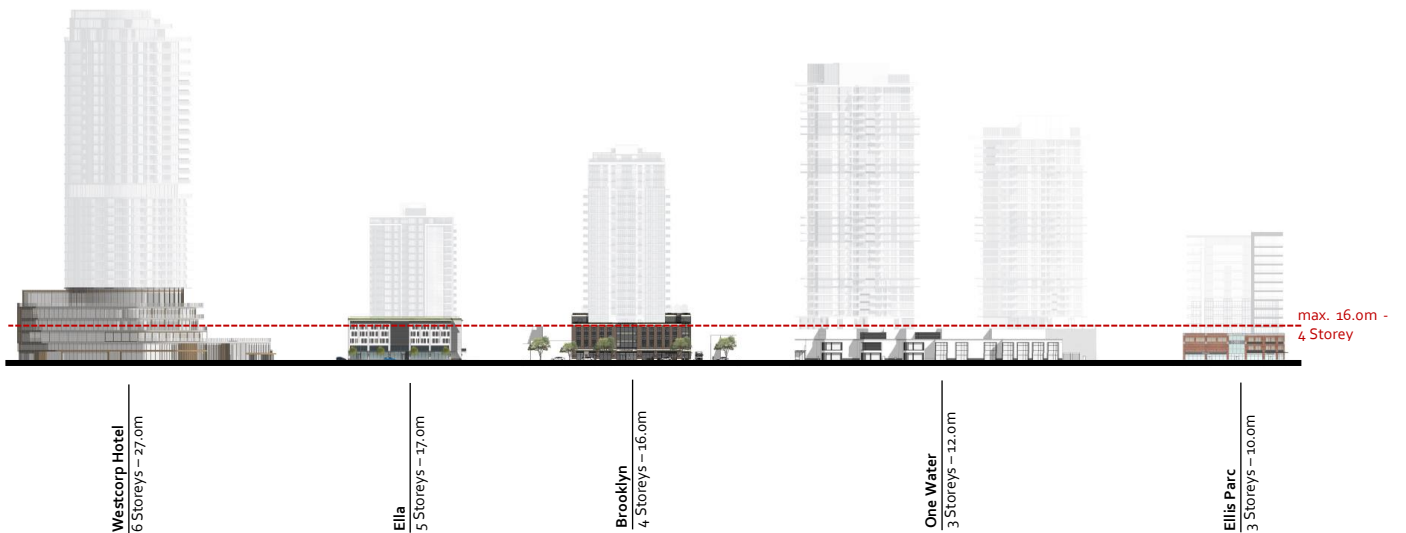


Image 5: Podium Height Comparison

The City of Kelowna incorporated this principle into its zoning regulations when the C7 zone was recently updated (May 2017). The regulation states “a podium height limit of 16.0 metres before a 3.0 metre setback is required.” With the vast majority of downtown streets at 20.0 metre widths including St. Paul Street, 80% would result in the desired 16.0 metre podium height. The applicant’s first downtown tower ‘Ella’ did not meet this guidelines and Staff strongly encouraged the applicant to meet them in this second downtown tower. The applicant took Staff’s advice on the podium height and kept the maximum height to 16 metres / 4 storeys on the St. Paul interface. Another key podium design issue that should be avoided is having exposed parkades to the fronting retail street. ‘The Brooklyn’ does a nice job of incorporating high quality materials with the use of a brick based podium with windows facing both St. Paul St and the lane way to create an attractive and comfortable building elevation and the desired streetscape interaction. The ground floor includes active street related commercial and retail uses as well as appropriately-scaled residential entrance lobby feature.

3.4 Development Variance Permit

There is one variance associated with the Development Permit to the overall height of the building:

1. From 58 metres (19 storeys) to 75 metres (26 storeys)

The OCP encourages high density commercial and residential living in the downtown in order to limit growth on the periphery of the community, increase efficiency of municipal services and infrastructure, and increase downtown’s overall vibrancy. The development meets all the City’s important urban design guidelines for tall buildings especially in relation to: podium height, podium design, tower design, tower floorplate, and also meets minimum parking requirements. The location of the subject property, well back from the waterfront and to the east of Ellis Street, has strong merit for taller buildings with minimum impact. This principal would not apply in areas of Downtown with cultural significance where more a sensitive height and massing approach is warranted such as the first few blocks of historic Bernard Avenue and along the waterfront. Staff feel this is the appropriate tower height for this site as any more floors would create a parking variance or would sacrifice one of the other important design consideration such as maximum podium height (in order to add more floors of structured parking). Therefore, Staff recommend support for the building height variance that comply with the principals stated above.

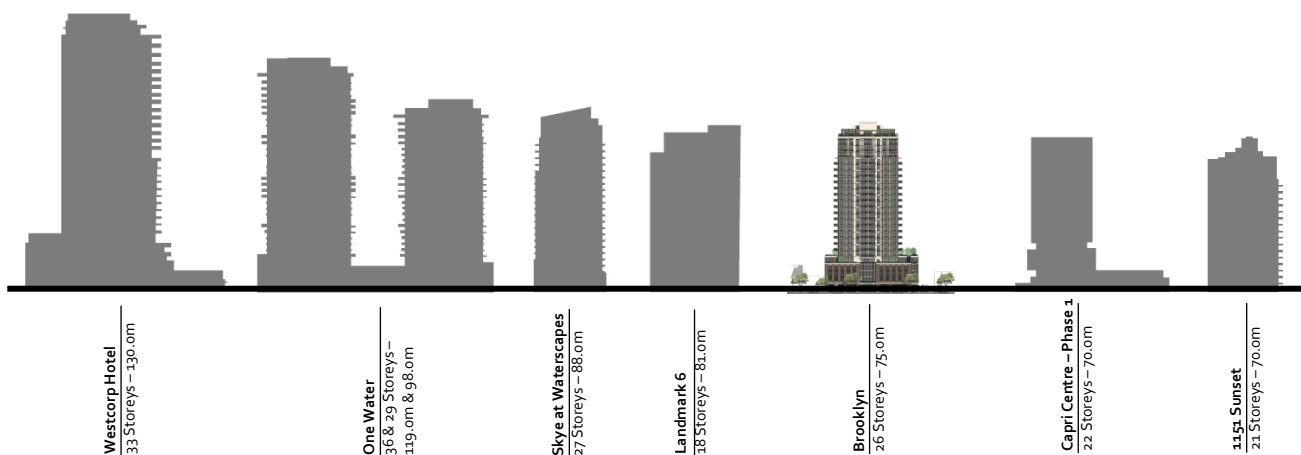


Image 6: Kelowna Tallest Building Height Comparison

## 4.0 Proposal

### 4.1 Project Description

The subject property is currently a surface parking lot and is the first development in a series the applicant is labelling the 'Bernard Block'. The applicant also owns the old "Bargain Bargain Bargain" shop along Bernard Ave. The planning for that site will occur as part of future phases. The applicant's initial proposal for this first phase is to construct 178 residential units within a 25 storey tower with ground floor commercial. The project's proposed floor area ratio of 6.0 is consistent with the Official Community Plan's future land use designation of MXR – Mixed Use (residential / Commercial).

While the floor area ratio is suitable for the project, the maximum height identified within the Downtown Buildings Height Plan and within the C7 zone is 58 m or 19 storeys. The applicant has applied for a Development Variance Permit to increase the height to 75 m & 25 storeys. The required number of parking stalls is 208 and the applicant is proposing to provide that number within a structured parkade incorporated into the podium of the building.



Image 7: St. Paul St perspective of the proposed 'Brooklyn'

4.2 Site Context

The subject property is located downtown on north side of Bernard Ave. The lot has an area of 1,956 m<sup>2</sup> in a neighbourhood with a high density of urban amenities and employment. The properties are connected to urban services and are located within the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C7 – Central Business Commercial	Commercial & Residential
East	C7 – Central Business Commercial RM5 – Medium Density Multiple Housing	Commercial Residential
South	C7 – Central Business Commercial	Commercial
West	C7 – Central Business Commercial	Commercial

Subject Properties Map: 1471 St. Paul



4.3 Zoning Regulations

Zoning Analysis Table				
CRITERIA	C7 ZONE REQUIREMENTS		PROPOSAL	
For portion of building between 0.0 metres & 16.0 metres in height				
Front, Flanking, Side, rear, & Lane Setback	0.0 m		West (front) & North = 0.0 m South (Lane) & East (Lane) = 0.8 m	
For portion of building between 16.0 metres & above in height				
			Podium (17.07m)	Tower
Front Yard & Flanking Street	3.0 m		n/a	3.07 m
Lane Setback	3.0 m		n/a	10.0 m South 13.4 East
Side Yard Setback	4.0 m		n/a	5.9 m
Floorplate	1,221 m <sup>2</sup>		n/a	703.4 m <sup>2</sup>
Development Regulations				
Height	Podium	Tower	Podium	Tower
	16.0 m / ~4.5 stories (unless Bldg steps back)	58.0 m / ~19.0 storeys	16.0 m / ~4.5 stories	75 metres (26 storeys) ❶
Corner Cut Setback	4.5 m		n/a	
FAR	9.0		6.0	
Parking Regulations				
Minimum Parking Requirements	208 parking stalls (178 stalls for residential units 25.4 stalls for visitors 3.9 stalls for commercial)		208 parking stalls	
Ratio of Parking Stalls	Small Size: 10% Max Medium Size: 40% Max Regular Size: 50% Min		Small Size: 0% Medium Size: 23.5% (49 stalls) Regular Size: 76.4% (159 stalls)	
Minimum Bicycle Parking Requirements	Class 1: 90 bikes Class 2: 20 bikes		Class 1: 95 bikes Class 2: 20 bikes	
Other Regulations				
Minimum commercial / lobby	Min 90% frontage on St Paul St		100% frontage on St Paul St	
❶ To increase the overall height of the building from 58 metres (approx. 19 stories) to 61 metres (20 stories);				



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### **Chapter 14: Land Use Designation Massing and Height.<sup>1</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.

#### **Chapter 14: Tower Design.<sup>2</sup>**

- Design towers that are sited, shaped, and oriented along their longest axis in order to enhance the views to and through the skyline;
- Incorporate tower forms and the upper portions of buildings as integral yet distinct elements of the overall building design. Tower tops are encouraged to have trellising and roof projections that are fundamental expressions of the building structure and contain substantial landscaping;
- Evaluate tower buildings with respect to their compatibility with surrounding structures and contribution to the general skyline. Tower design should contemplate:
  - Colour, reflectivity, shape, materials, detailing, and ease of maintenance;
  - Generally, lighter-coloured buildings are preferred;
- Incorporate architecture that expresses a slender verticality, particularly in its upper elements. Design buildings greater than ten floors that are tall, slender towers rather than bulkier towers of the same floor space ratio;
- Design new buildings to take into account microclimatic effects, including shading of adjacent areas (i.e., reduce the casting of long shadows on high volume pedestrian areas) and wind tunneling;
- Integrate new developments with the established urban pattern through siting and building design by utilizing transitional structures, setbacks, landscaping, etc.;
- Enhance large, flat expanses of roof (whether actively used or not) with texture, colour, and/or landscaping where visible from above or adjacent properties;
- Enhance towers with elements such as gazebos, trellises, and pergolas providing visual interest and usability of rooftop spaces;
- Incorporate balconies into building design as outdoor rooms rather than as appendages to a building's mass. Recess balconies a minimum depth of 1m within the adjoining building face;
- Design podiums to provide an animated pedestrian environment with the use of street wall massing, articulation, and overall design. Podiums should highlight their active uses and disguise any parking or ancillary uses.

<sup>1</sup> City of Kelowna Official Community Plan, Chapter 14 Urban Design Development Permit Areas, Guidelines

<sup>2</sup> City of Kelowna Official Community Plan, Chapter 14 Urban Design Development Permit Areas, Guidelines

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):

- a. Any alternative solution must be accepted by the Chief Building Inspector prior to the release of the Building Permit.
- b. Location, Heights, Colours of mechanical systems and the required screening are to be determined at time of DP.
- c. Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
- d. Handicap Accessibility to the main floor levels to be provided, ramps may be required.
- e. Access to the roofs are required per NFPA and guard rails may be required and should be reflected in the plans if required.
- f. Exit thru lobby requirements must be met (article 3.4.4.2 of BCBC), so the main floor plan may be required to be revised.

### 6.2 Development Engineering Department

See Attachment 'A', memorandum dated April 11, 2018

### 6.3 Fire Department

Standard firefighting comments for building permit and fire code.

## 7.0 Application Chronology

Date of Application Received:	Jan 9 <sup>th</sup> 2018
Date Public Consultation Completed:	July 3 <sup>rd</sup> 2018
Date Initial Consideration:	July 16 <sup>th</sup> 2018
Date Public Hearing completed:	July 31 <sup>st</sup> 2018

**Report Prepared by:** Adam Cseke, Planner Specialist

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

**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

### **Attachments:**

Attachment 'A' Development Engineering Memo April 11, 2018  
DP18-0076 & DVP18-0076