

REPORT TO COUNCIL



Date: April 5, 2016

RIM No. 0940-50

To: City Manager

From: Community Planning Department (TY)

Application: DP15-0020 & DVP15-0021 **Owner:** 0958123 BC Ltd.,
Inc. No. BC0958123

Address: 540 Osprey Avenue **Applicant:** U-NeeK Thinking

Subject: Development Permit & Development Variance Permit Application

Existing OCP Designation: MXR - Mixed Use (Residential / Commercial)

Existing Zone: C4 - Urban Centre Commercial

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11133 (Z15-0005) be considered by Council;

AND THAT Council Authorizes the issuance of Development Permit No. DP15-0020 for Lot A District Lot 14 ODYD Plan EPP14200, located at 540 Osprey 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 amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;
5. The Development Permit not be issued until the lot consolidation is register at the Land Title Office;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0021 for Lot A District Lot 14 ODYD Plan EPP14200, located at 540 Osprey Ave, Kelowna, BC;

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

Section 14.4.5 (b) - C4 - Urban Centre Commercial Development Regulations

A) To vary the required maximum site coverage from 75 % permitted to 91% proposed.

Section 14.4.5 (c) - C4 - Urban Centre Commercial Development Regulations

B) To vary the required maximum height from the lesser of 15.0 m or 4 storeys permitted to 17.8 m or 5 storeys proposed.

AND THAT this Development Permit and Development Variance Permit be subsequent to the payment of cash-in-lieu payment in the amount of \$45,000.00 for six parking stalls.

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 the form and character of a mixed use building and to vary site coverage and building height on the subject property.

3.0 Community Planning

Community Planning Staff supports the proposed Development Permit and Development Variance Permit applications on the subject property. The applicant is proposing a mixed use building that meets the intent of the Future Land Use of MXR - Mixed Use Residential / Commercial and the C4 - Urban Centre Commercial zone. The building as proposed provides residential, commercial and office opportunities with retail located on the first storey, offices on the second storey, and residential on the remaining three storeys.

The applicant worked with City Staff to bring forward an example of a mixed use development with three types of uses on one property. This development will add six residential units with the goal of densifying the Pandosy Urban Centre, and encouraging a live/work/play ideal. The two variances for consideration should not create any conflicts within the neighbourhood, are proposed to be mitigated through design measures and overall the project will be a benefit to South Pandosy Urban Town Centre. The building brings a mix of residential unit sizes into the Centre which meets Kelowna's OCP community goals of supporting new housing units in the form of townhomes and apartments. This also supports Kelowna's infrastructure policies and social sustainability goals. Please see the Current Development Policies section of this report for highlights on the OCP goals met with this application.

4.0 Proposal

4.1 Background

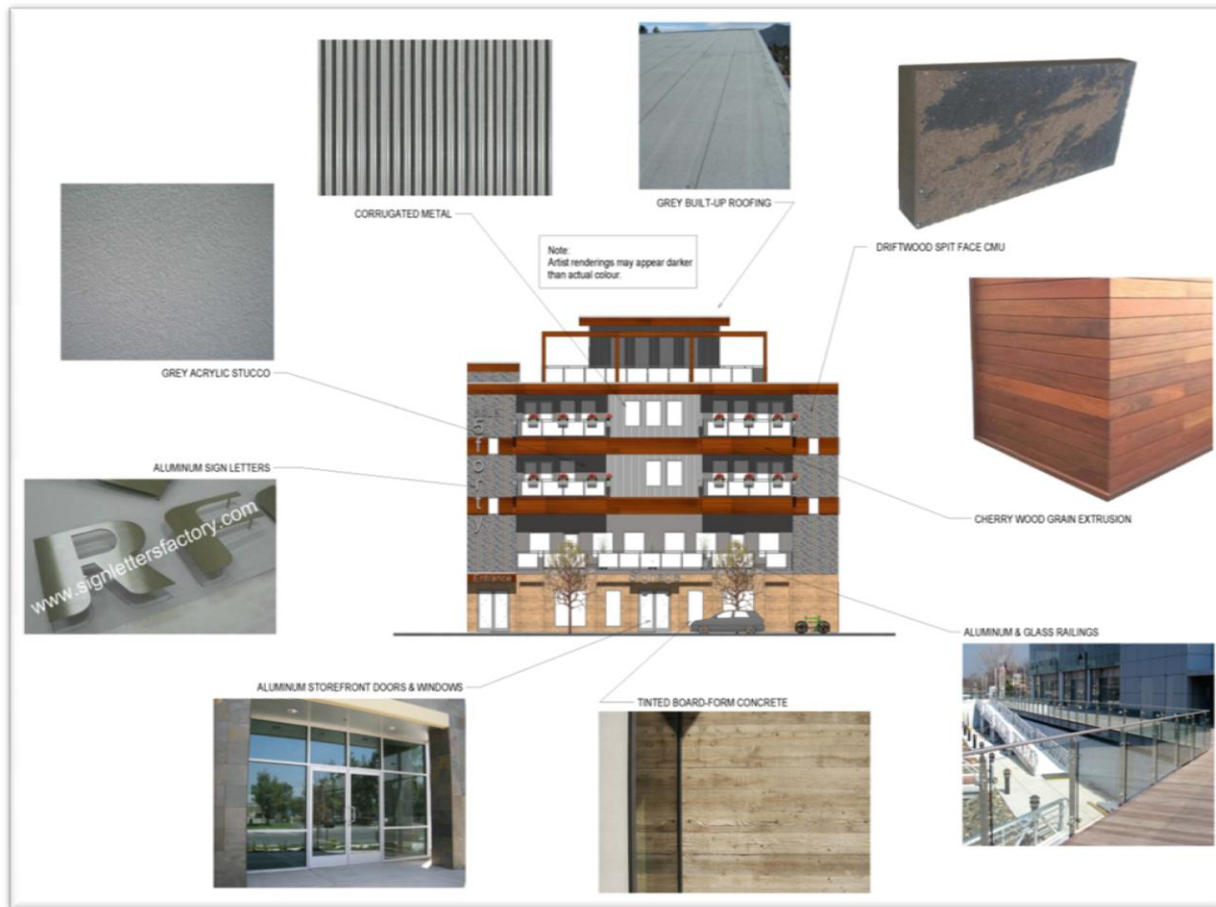
A 1940s single family home that was on the subject property was renovated and relocated to 2047 Doryan Street, Kelowna BC.

As part of the rezoning application Z15-0005 which rezoned the subject property from RU6 to C4, City of Kelowna Community Planning identified that a 1.5 m dedication requirement along the front of the property was required in order to construct a sidewalk along the north side of Osprey Avenue. The subject property line has been adjusted to reflect this.

4.2 Project Description

The five storey building uses a mix of exterior finishes. The first storey will be coloured concrete with a textured finish. The remaining storeys will be a mix of materials such as stucco, split faced concrete masonry block, corrugated metal, and wood finish fibreglass siding. The design proposed by the applicant is consistent with Kelowna's OCP Urban Design Guidelines for revitalization areas incorporating retail on the first storey, bicycle parking on the front of the building, and the use of public art.

Proposed South Elevation & Materials



A zero lot line is permitted and utilized along the west side of the property. This west wall of the proposed building is void of any architectural details such as windows in order to meet BC building code fire separation requirements and as such does not have the same aesthetic appeal as other exterior walls. The adjacent property to the west is also permitted to construct along the property line, as such the applicant on the subject property designed the building anticipating this. As this west side of the building will be exposed until a new building is constructed to the west, the applicant has proposed a mural installation to enhance visual interest for the neighbouring properties and traffic along Pandosy Street. The final design has not been determined; however the applicant has noted the proposed size and location as shown on Schedule B.



On the first storey along the Osprey Avenue frontage, the proposed building will provide retail space with two entrances to the upper storeys. Patio space for the second to fifth storeys are designed along the front and rear of the building.

Variances

Two variances are triggered with the proposed design for site coverage and building height. The maximum site coverage as required in Zoning Bylaw No. 8000, C4 Zone is 75%. The first storey of the development creates a site coverage of 91%, the upper storeys of the building have a footprint on the site of 37%. The site coverage is triggered on the first storey as all parking is enclosed, ensuring all parking is screened from neighbouring properties as noted as a guideline in Kelowna's OCP's site and context considerations. The same exterior treatment along the front of the building will continue around the rear parking enclosure. Although a large variance, the parking area being enclosed with a quality exterior design provides an appealing addition to the neighbourhood at the pedestrian level. Massing of the building is mediated with only a 37% site coverage on the second to fourth storeys. The fifth storey has a total of 10% site coverage. The building as proposed is also mediated by recent neighbouring developments with similar three and four storey urban buildings.

The fifth storey requires the second variance as noted in the Zoning Analysis Table in this report. The C4 zone has a maximum building height of the lesser of 4 storeys or 15.0 m. The proposed building is 5 storeys or 17.8 m. The footprint of the fifth storey is 22% of the storey below it, set back 5.0 m from the front of the building, and 6.0 m from each side. This reduces the visibility of the top storey from surrounding properties as well as pedestrian and vehicular traffic. The floor area of the fifth floor is 56.5 m², and together with patio trellis is 132.5 m².

Parking Strategy

Approval of the proposed development permit will allow the applicant to provide cash-in-lieu payment for the 6 parking spaces not provided on site. The applicant is required to provide the City with \$45,000 as per the Payment in Lieu of Parking Bylaw No. 8125, Schedule A, South Pandosy Urban Town Centre. The applicant has accommodated six full size parking stalls (one per residential unit) along with the one accessible parking space for the commercial uses. The six commercial spaces required as part of Zoning Bylaw No. 8000 will be paid for by the applicant in the amount of \$7,500 per required off-street parking space. The location of the subject property within the South Pandosy Town Centre affords the development opportunities for alternative means of transportation. Shops, businesses and schools are within walking distance and the subject property is within 100 m of a BC Transit stop. These local amenities will help encourage less vehicle reliance.

The landscape design along Osprey Avenue takes into account safety and sightlines for pedestrian use as well as vehicular traffic using the adjacent lane. Trees will be installed with root protection for the building and City infrastructure. A Landscape Agreement is a requirement of this Development Permit that will secure bonding to ensure the landscape as per Schedule C is installed as per British Columbia Society of Landscape Architects standards.

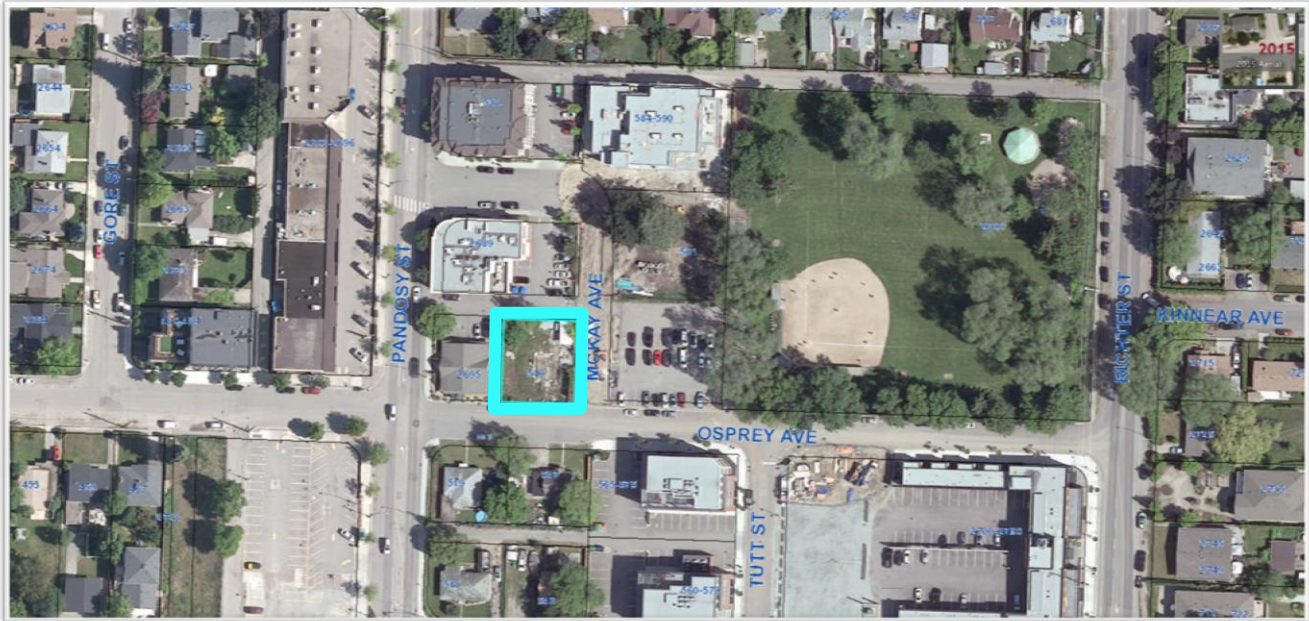
4.3 Site Context

The subject property is located on the north side of Osprey Avenue between Pandosy Street and Richter Street in the South Pandosy sector of Kelowna. The property is currently zoned C4 - identified in Kelowna's OCP as MRX, and is within the Permanent Growth Boundary.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4	Retail Commercial Building
East	C4	Non-Accessory Parking Lot
South	RU6	Single Family Dwelling
West	C4	Retail Commercial Building

Subject Property Map: 540 Osprey Avenue



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C4 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	460 m ²	543.21 m ²
Minimum Lot Width	13.0 m	22.01 m
Minimum Lot Depth	30.0 m	24.68 m
Development Regulations		
Maximum Floor Area Ratio	$1.3 + (0.2 * (7/12)) = 1.42$	1.42
Maximum Site Coverage	75%	91% ❶
Maximum Building Height	4 Storeys or 15.0 m	5 storeys or 17.8 m ❷
Minimum Front Yard	0.0 m	0.4 m
Minimum Side Yard (west)	0.0 m	0.0 m
Minimum Side Yard (east)	0.0 m	0.4 m
Minimum Rear Yard	0.0 m	0.0 m
Other Regulations		
Minimum Parking Requirements	1 per dwelling unit = 6 required 1.75 per 100m ² GFA of commercial space 382 m ² of GFA commercial (6.7) = 7 required 1 to be accessible parking 13 total	6 residential 1 commercial (accessible) 7 total • Cash-in-lieu payment of 6 missing parking spaces

Bicycle Parking Class I	0.5 per dwelling unit = 3 0.2 per 100 m ² GLA = 1	11
Bicycle Parking Class II	0.1 per dwelling unit = 1 0.6 per 100m ² GLA = 3	7
Private Open Space	6.0 m ² per bachelor = 24m ² 10.0 m ² per 1 bedroom = 10 m ² 15.0 m ² per +1 bedroom = 15.0m ²	44 m ² 16 m ² 92 m ²
<p>● Indicates a requested variance to the Maximum Site Coverage</p> <p>● Indicates a requested variance to the Maximum Building Height</p>		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Goals For a Sustainable Future ¹ The objectives and policies in each of the OCP chapters are focused on creating a sustainable community. Some of the main goals of this OCP are to: Contain Urban Growth. Reduce greenfield urban sprawl and focus growth in compact connected and mixed-use (residential and commercial) urban and village centres.

Land Use Designation Definitions

Mixed Use (Residential / Commercial) (MXR) ² Developments that provide for commercial floor space on the ground floor or above, with additional potential for residential units above the ground floor.

Development Process Compact Urban Form. ³ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Other Urban Centres ⁴ : Locate taller buildings in the geographic centre of Urban Centres and generally decrease height moving away from the centre, to a maximum of 4 storeys at the periphery of the Urban Centres, where adjoining land is designated for single/two unit housing.

Site and Context Considerations ⁵ Ensure all parking is screened from public view or contained within the structure.

Revitalization Development Permit Guideline Objectives ⁶

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;

Enhance the urban centre's main street character in a manner consistent with the area's character;

Provide for a scale and massing of buildings that promotes an enjoyable living, pedestrian, working, shopping and service experience;

¹ City of Kelowna Official Community Plan, (Introduction Chapter).

² City of Kelowna Official Community Plan, (Future Land Use Chapter).

³ City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

⁴ City of Kelowna Official Community Plan, Policy 5.5.1 (Development Process Chapter).

⁵ City of Kelowna Official Community Plan, Policy 5.5.1 (Development Process Chapter).

⁶ City of Kelowna Official Community Plan, Objectives (Urban Design Development Permit Areas Chapter).

Encourage an appropriate mix of uses and housing types and sizes;
Design and facilitate beautiful public open spaces that encourage yearround enjoyment;
Create open, architecturally-pleasing and accessible building facades to the street; and
Improve existing streets and sidewalks to promote alternative transportation.

Town Centre (S. Pandosy / Rutland / Capri-Landmark) ⁷

A vibrant, amenity-rich area wherein different land uses frequently occur within the same building and almost always occur within a one-block area.

Housing Mix ⁸

Deliver services and infrastructure and create financial structures that will support the aim of having 57% of new housing units in the form of townhouses and apartments.

6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- A Hoarding permit is required and protection of the public from the staging area and the new building area during construction.
- 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):
 - Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
 - Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
 - We strongly recommend that the developer have his professional consultants review and prepare solutions for potential impact of this development on adjacent properties. Any damage to adjacent properties is a civil action which does not involve the city directly. The items of potential damage claims by adjacent properties are items like settlement of foundations (preload), damage to the structure during construction, additional snow drift on neighbour roofs, excessive noise from mechanical units, vibration damage during foundation preparation work etc.
 - A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.
 - Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located.
- An exit analysis is required as part of the code analysis at time of building permit application. The exit analysis is to address travel distances within the units, number of required exits per area, accessibility etc
- Washroom requirements for base building are to be addressed in the building permit application. This will be addressed at time of building permit application.

⁷ City of Kelowna Official Community Plan, Policy D.1.19(Urban Design Development Permit Areas Chapter).

⁸ City of Kelowna Official Community Plan, Policy 7.3.1 (Infrastructure Chapter).

- Size and location of all signage to be clearly defined as part of the development permit. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this structure.

6.2 Development Engineering Department

- All requirements for rezoning application Z15-0005 have been met.

6.3 FortisBC Inc - Electric

- There are primary distribution facilities within the lane adjacent the subject's north property line. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

7.0 Application Chronology

Date of Application Received:	January 28, 2015
Date of Z15-0005 3 rd Reading:	September 15, 2015
Date Development Engineering Requirements Met	February 19, 2016

Report prepared by:

Tracey Yuzik, Planner

Reviewed by: ☐ Terry Barton, Urban Planning Manager

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

Attachments:

DRAFT Development Permit DP15-0020 DVP15-0021
Schedule A: Site Plan & Floor Plans
Schedule B: Elevations
Schedule C: Landscape Plan