

REPORT TO COUNCIL



Date: 4/5/2016

RIM No. 0940-00 & 0940-50

To: City Manager

From: Community Planning Department (AC)

Application: DP15-0173, DVP15-0174 **Owner:** Windmill Ventures Ltd.,
Inc.No. BC0686196 &
0797989 B.C. Ltd., Inc. No.
BC0797989

Address: 332 Lake Ave **Applicant:** DiStefano Architecture

Subject: Development Permit and Development Variance Permit

Existing OCP Designation: MRM - Multiple Unit Residential (Medium Density)

Existing Zone: RM5 - Medium Density Multiple Housing

1.0 Recommendation

THAT Council NOT authorize the issuance of Development Permit DP15-0173 and Development Variance Permit DVP15-0174 for Lot A, District Lot 14, ODYD, Plan KAP90495, located at 332 Lake Ave, Kelowna, BC.;

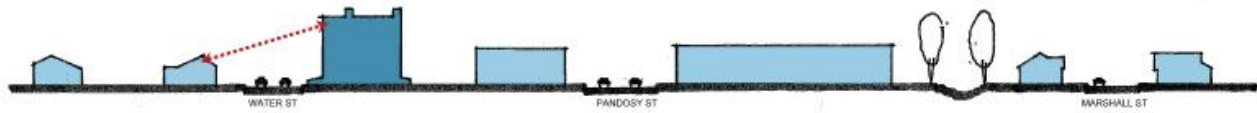
2.0 Purpose

To consider a Staff recommendation to NOT issue a Development Permit and Development Variance Permit for the form and character of a 25 unit, 5 ½ storey multi-family development.

3.0 Community Planning

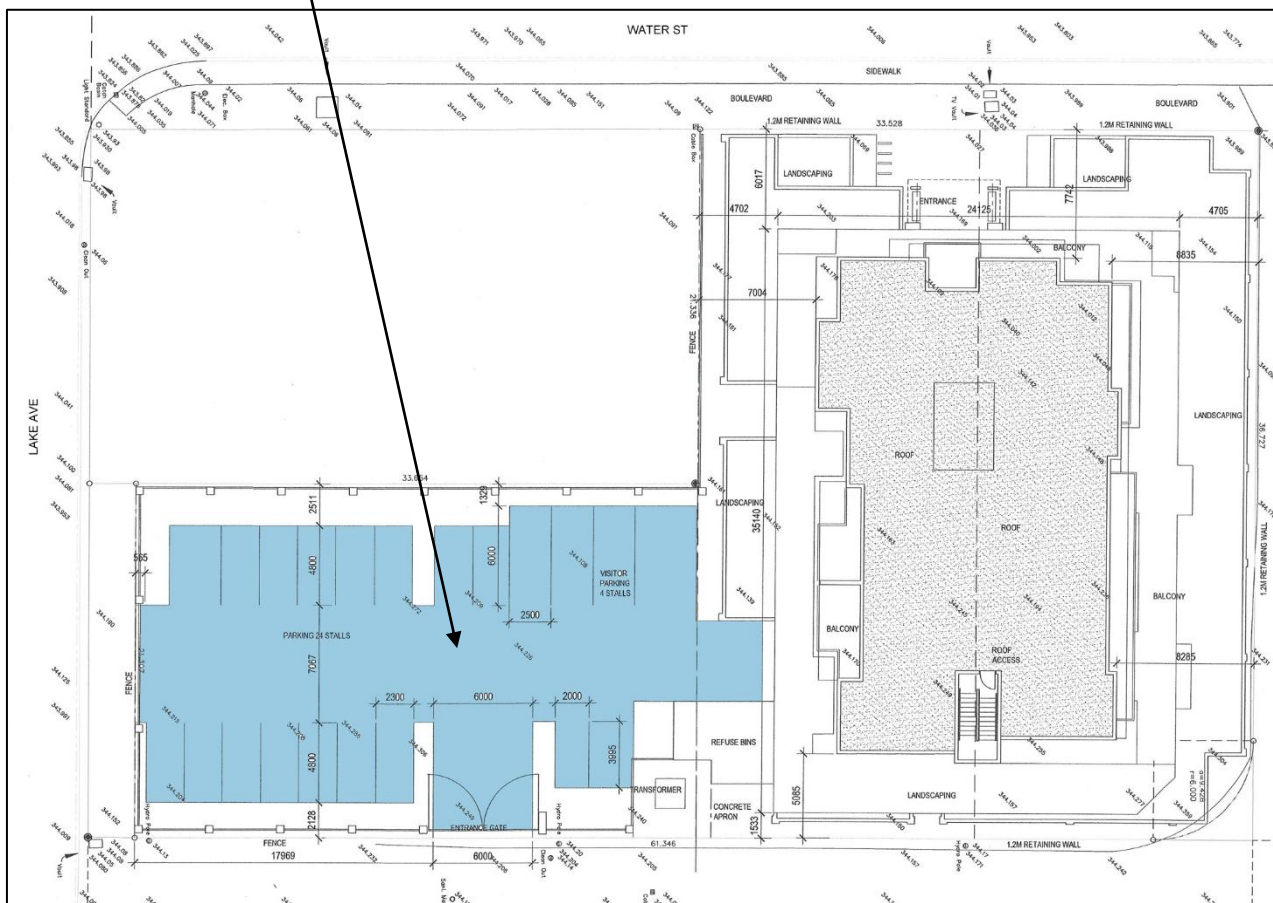
Staff are recommending to Council a position of non-support for the proposed Development Permit and Development Variance Permit due to the proposal's negative impact on the surrounding single family neighborhood. Under the variance, the applicant is proposing a six storey building on the edge of a multi-family area that transitions to the Abbott Street Heritage Conservation Area, a well-established single family neighbourhood to the west. The multi-family area along Pandosy Street contains three and four story buildings, consistent with the height requirements of the RM5 zone. This six story building proposal would be the tallest structure in the overall neighbourhood and located on the edge of it. This is contrary to the OCP's policy for sensitive urban infill. This public policy promotes responsible development solutions that provide the public with a level of confidence and creditability such that development will not negatively erode the character of their neighbourhood.

Figure 1: Proposed Building's Relationship to Neighbourhood



Further, the OCP Urban Design Guidelines discourage the construction of surface parking lots fronting Lake Ave. The proposal under consideration is contrary to this policy as the site plan proposes a surface parking lot fronting Lake Avenue. The surface parking lot prevents a streetscape rhythm of buildings to be established and would further erode the character of the neighbourhood.

Figure 2: Proposed Surface Parking Lot



Overall, a development proposal that reduced the height (consistent with the RM5 zone) would reduce the number of units and reduce the need for a surface parking lot. A shorter building would provide a more sensitive transition to the surrounding Abbott Street Heritage Conservation Area and would be more in keeping with City Policy. Eliminating the surface parking lot would meet City Policy by adhering to best urban design principles. This would create an opportunity for future collaboration between property owners to develop a similar density on the corner of Lake Ave and Water Street thus providing a more comprehensive approach to the area. This would ultimately achieve the desired streetscape pattern, transitional land use, and building form.

4.0 Proposal

4.1 Background

The applicant had a previous development permit and development variance permit (DP08-0250 & DVP-0251) on the subject property approved by Council on March 23rd 2010. There were extensions granted, but the applicant failed to complete the final conditions prior to the permit expiry date (File closed March 28th 2012). Those permits were for the construction of a similar size condominium project, with a parkade underneath. The variances originally applied for were a reduction in rear yard setback from 7.0 metres to 4.5 metres and a building height variance to permit 5 stories.

4.2 Project Description

A 25-unit condominium project, with parkade underneath, is proposed on the subject property. Of the 25 units, 20 are proposed to be 2-bedroom units and 5 are to be 1-bedroom units. The subject property is currently zoned RM5 and supported with nearby amenities such as bus stops along Pandosy St, downtown shops and business within walking distance and nearby beach parks.

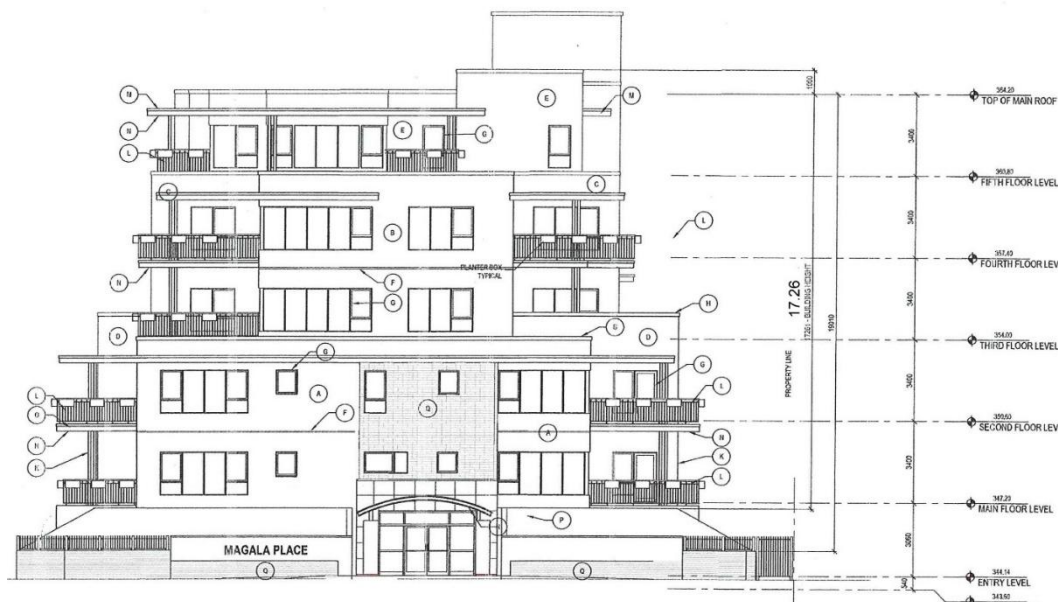
Parking

The site plan includes a 21 stall surface parking lot fronting Lake Avenue and 16 stalls in covered parking under the building. The number of stalls meets the requirements of the Zoning Bylaw. The request for the height variance allows additional units in the building triggering the need for additional parking stalls. A smaller building would need less parking stalls, effectively reducing the size of the surface parking lot and its impact to the neighbourhood.

Character & Materials

The shape of the building is articulated with accents by way of stained wood, an arched canopy against a tiled entrance wall, stone masonry above the canopy, coloured railings with planter boxes, wood balcony soffits, coloured metal deck fascia, coloured metal columns supporting the balconies and coloured window frames. The predominant colour is beige with some stone detailing and wood accent features.

Figure 3: Proposed Water Street Elevation



The applicant suggested that the architecture is inspired by one of the early modern Art Deco homes in the Abbott Street neighbourhood. However, the adaptation is challenged by applying a single family residential style of architecture to a much larger scale multi-family building. The relevance of this inspiration is questionable as the dominant form of the single family homes along Water Street immediately to the west of the development is bungalow style with pitched roofs. A more sensitive approach to building design would have considered the style of the immediate neighbourhood.

Landscape

The landscape buffers terrace from each property line to the second floor of the building in order to hide the first floor of structured parking. This is achieved with a series of retaining walls. The proposed street trees on the City's right-of-way will require approval from the City's Urban Forestry department. The current landscape plan may not be applicable to the boulevard area given the requirement to protect the large existing tree along Water Street.

Green Features

The applicant is proposing the inclusion of several green features for the building design including considerations for energy efficiencies and building-landscaping system innovations. The project will utilize Fortis BC's energy efficient construction program including the provision of natural gas appliances, energy efficient heating/cooling units and individualized metering for each unit. The building will be built with non-combustible, impact resistant, no-rot magnesium oxide boards. The roof top is also proposed as an amenity space for residents with garden boxes and a social gathering space.

Variances

The Zoning Bylaw permits a maximum building height of 18.0 m or 4.5 stories in the RM5 zone. The applicant is seeking a height variance to allow a building of 20.06 m in height facilitating 5 ½ stories. Planning Staff have suggested to the applicant that the building mass above the first three stories should be set back from Water Street to provide a transition to the single family neighbourhood. While this would reduce the applicant's unit count, it would demonstrate the principle of transitioning to existing, lower density building forms. Kelowna has witnessed the recent construction of many multi-family developments in other urban neighbourhoods. It has become evident that sensitive urban infill and providing adequate transitions to the surrounding neighbourhoods is critical to ensure successful integration.

The rear yard setback variance has increased from the previous application because the applicant is no longer proposing to access the parkade from the lane. The parkade is now accessed from the surface parking lot fronting Lake Avenue. The required rear yard setback is 7.0 metres and the applicant's proposal is for 1.5 metres.

Neighbouring Parcel

During the application process, Planning Staff recommended to the applicant to work with the adjacent corner lot (1891 Water Street) to achieve a larger, consolidated site. The additional land would benefit the development in that there would be greater area to achieve the desired unit count without the need for the height variance. Ideally, the development would be wrapped around the Lake Avenue and Water Street corner with parking situated in the rear. The applicant approached the property owner at 1891 Water Street, but the two owners did not arrive at an agreement. Without the corner property,

the applicant's proposal is limited to the subject property at 332 Lake Avenue in which the 'L' shape lot and its relatively small size creates challenges to achieve a sensitive RM5 infill development.

Figure 4: Consolidated Approach



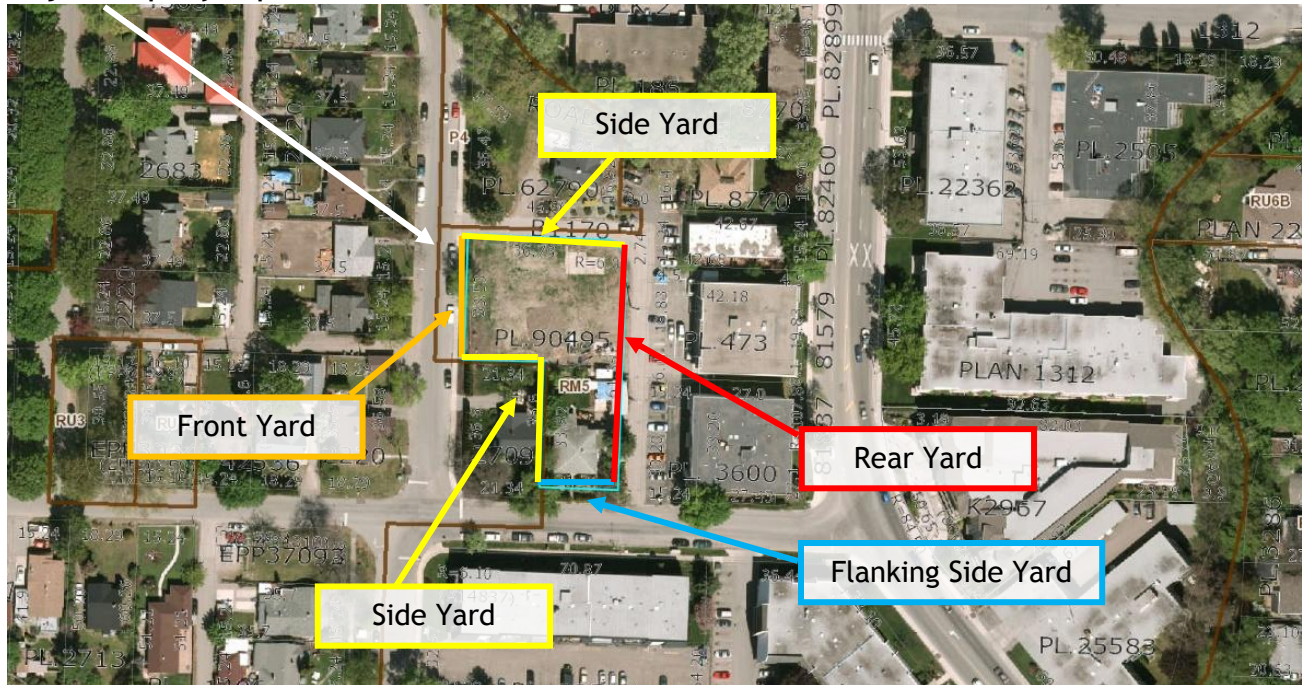
If the applicant restricts the development to only the yellow area, Staff would be supportive of some of the variances. Developing only within the yellow area provides enough remainder land to be consolidated for future development with 1891 Water Street and provides for a suitable multi-family infill project. The current proposal under the 'L' shaped lot configuration constrains the future potential of the corner lot to redevelop.

4.3 Site Context

The subject property is located adjacent to the Abbott Street Heritage Conversation area and within the edge of an Urban Centre. The site is level, and is designated as MRM - Multiple Residential (Medium Density) in the OCP Future Land Use Map. Specifically, the adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P4 - Utilities	Utilities
East	RM5 - Medium Density Multiple Housing	Residential
South	RM5 - Medium Density Multiple Housing & RU1 - Large Lot Housing	Residential
West	RU1 - Large Lot Housing	Residential

Subject Property Map: 332 Lake Ave



5.0 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C9 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Height	16.5m / 4.5 storeys	20.06 m / 5 ½ storeys ❶
FAR	1.3	1.14
Front Yard (west)	6.0 m	6.02m (to match phase 1)
Side Yard (south)	4.5 m for 1 st 2.5 stories & 7.0 m for anything above 2.5 stories	4.7 m for 1 st 2.5 stories & 7.0 m for anything above 2.5 stories
Side Yard (north)	4.5 m for 1 st 2.5 stories & 7.0 m for anything above 2.5 stories	4.7 m for 1 st 2.5 stories & 7.0 m for anything above 8.3 stories
Rear Yard (south)	7.0 m / 1.5 m to parkade	4.5 m ❷ / 1.5 m to parkade
Other Regulations		
Minimum Parking Requirements	Total: 37	16 covered parking stalls 21 surface parking stalls Total: 37
Minimum Bicycle Parking Requirements	Class 1: 13 bikes Class 2: 3 bikes	Class 1: 25 bikes Class 2: 3 bikes
Loading space	1	1
❶ Variance to increase the allowable height. ❷ Variance to decrease the rear yard setback.		

6.0 Current Development Policies

The applicant's proposal contravenes the following Official Community Plan (OCP) policies:

Chapter 5: Development Process

Sensitive Infill.¹ Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height, and siting.

Objective 5.5: Ensure appropriate and context sensitive built form.

Building Height.² In determining appropriate building height, the City will take into account such factors as:

- Contextual fit into the surrounding neighbourhood
- Shadowing of the public realm
- View impacts
- Overlook and privacy impact on neighbouring buildings
- Impacts on the overall skyline
- Impacts on adjacent or nearby heritage structures

Chapter 14: Urban Design Guidelines

Amenities, ancillary Services and Utilities.³

11.1 - Locate loading, garbage, storage, utilities and other ancillary services away from public view. All such areas shall be screened and designed as an integral part of the building to minimize impact;

11.3 - Create attractive rear alley facades with high quality materials on buildings facing residential areas (e.g. rear building entrances, windows, balconies, plazas, and plantings).

Chapter 4: Land Use Designation

Massing and Height.³

4.1 - 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.

¹ City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Chapter 14 (Urban Design Development Permits Area).

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Chapter 14 (Urban Design Development Permits Area).

7.0 Technical Comments

The following technical staff comments are provided should Council support the Alternative Recommendation under Section 9.0 of this report:

7.1 Building & Permitting Department

- a) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s).
- b) 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.
- c) A Hoarding permit is required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP.
- d) 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):
 - i. Vestibules may be required at parking level or on all upper floors;
 - ii. Fire department access must meet the minimum requirements to the front door as per BCBC;
 - iii. Any security system that limits access to exiting needs to be addressed in the code analysis by the architect; and
 - iv. Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
- e) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. including parking garages.
- f) Guards are required for all decks and parking areas. The drawings provided don't clearly identify compliance to these minimum requirements, but will be reviewed at time of building permit application. The appearance of these guards may affect the form and character of the building.
- g) 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.
- h) 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, door swing direction, handrails on each side of exit stairs, width of exits etc.
- i) 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.
- j) Mechanical Ventilation inlet and exhausts vents are not clearly defined in these drawings for the enclosed parking storeys. The location and noise from these units should be addressed at time of Development Permit.

- k) 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 at time of permit application.

7.2 Development Engineering

- See the attached Development Engineering Memos dated September 21st 2015.

7.3 Fire Department

- a) Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required. Template available online at Kelowna.ca.
- b) Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900. Should a hydrant be required on this property it shall be deemed private and shall be operational prior to the start of construction.
- c) A visible address must be posted as per City of Kelowna By-Laws.
- d) Sprinkler drawings are to be submitted to the Fire Department for review when available.
- e) A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD.
- f) Fire Department access is to be met as per BCBC 3.2.5.
- g) Approved fire steel lock box or key tube acceptable to the Fire Department is required at the entrance.
- h) All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met.
- i) Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.
- j) Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- k) Fire department connection is to be within 45M of a fire hydrant.
- l) Ensure FD connection is clearly marked and visible from the street.
- m) Dumpster/refuse container must be 3 meters from structures or if inside the parking garage, it shall be enclosed within a rated room
- n) Do not issue BP unless all life safety issues are confirmed.

8.0 Application Chronology

Date of Application Received:	August 4 th 2015
Public Notification (Policy #367):	January 7 th 2016

9.0 Alternate Recommendation

Alternative recommendations have been drafted by Staff for the Council's consideration in supporting the applicant's proposed Development Permit and Development Variance Permit as follows:

THAT Council authorize the issuance of Development Permit DP15-0173 for Lot A, District Lot 14, ODYD, Plan KAP90495, located on 332 Lake Ave, Kelowna, BC, subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";

2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied as described in the attached report dated September 21st 2015;
5. That 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 professional landscaper;

AND THAT Council authorize the issuance of Development Variance Permit DVP15-0174 for Lot A, District Lot 14, ODYD, Plan KAP90495, located on 332 Lake Ave, Kelowna, BC.

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

Section 13.11.6 (c) Development Regulations

Vary the maximum height from 18.0 metres or 4.5 stories required to 20.1 metres or 5 ½ stories proposed.

Section 13.11.6 (f) Development Regulations

Vary the required rear yard setback from 7.0m to 4.5m proposed.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit/Development Variance Permit Applications in order for the permit to be issued.

AND FURTHER THAT this Development Permit and Development Variance Permit be valid for two (2) years from the date of Council approval, with no opportunity to extend.

Report prepared by:

Adam Cseke, Planner

Reviewed by:



Terry Barton, Urban Planning Manager

Approve for Inclusion by:



Ryan Smith, Community Planning Manager

Attachments:

Subject Property Map
Development Engineering Memos dated September 21st 2015
Draft Development Permit / Development Variance Permit

- Schedule 'A'
 - Site Plan
 - Floor Plan
- Schedule 'B'
 - Elevations
 - Colour Board
- Schedule 'C'
 - Landscaping