

REPORT TO COUNCIL



Date: May 17th, 2016

RIM No. 0940-00

To: City Manager

From: Community Planning Department (RR)

Application: DP16-0017, DVP16-0019

Owner: Sole Downtown
Developments LTD, Inc No.
BC1057689

Address: 1350 St. Paul St

Applicant: Edgcombe Enterprises Inc.

Subject: Development Permit and Development Variance Permit

Existing OCP Designation: MXR - Mixed Use Residential

Existing Zone: C7 - Central Business Commercial

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP16-0017 for Lot 1, DL 139, ODYD Plan KAP 68461 located at 1350 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;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0019 for Lot 1, DL 139, ODYD Plan KAP 68461, located at 1350 St. Paul Street, Kelowna, BC;

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

Section 8.1.11.(a)(h) Width of two-way drive aisle serving 90 degree parking

To vary the required minimum width from 7.0 m permitted to 6.0 m proposed.

Section 8.2.2 Minimum number of loading spaces for a commercial use

To vary the required number of loading spaces from 1 to 0.

Section 14.7.5(e) Setback for portions of the building above 15.0 m (front yard)

To vary the required minimum setback from 3.0m to 0.1m.

Section 14.7.5(f) Setback for portions of the building above 15.0 m (side yard)

To vary the required minimum setback from 4.0m to 3.7 m.

Section 14.7.5(g) Angle of Incidence from fronting street

To vary the required minimum angle of incidence from a fronting street from 80° to 88.5°.

Section 14.7.5(h) Maximum floorplate area above 15.0 m

To vary the required maximum floorplate area for floors above 15.0 from 676m² to 956.7m²

Section 14.7.5(j) Maximum floorplate area above 15.0 m

To vary the required maximum floorplate dimension for floors above 15.0 m from 39m to 48.1m.

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

2.0 Purpose

To consider a form and character Development Permit and an associated Development Variance Permit to allow for the construction of a six storey building with retail, office and residential uses.

3.0 Community Planning

Community Planning staff support the applications, and recommend approval and issuance.

The proposed form and character largely comply with the Revitalization Permit Area Guidelines, and achieve OCP objectives. The developer has already constructed a similar structure at 1290 St. Paul known as 'Sole'.

The proposed variances are appropriate for a midrise building form. The property is currently zoned C7 - Central Business Commercial, a zone structured to favor tall point towers, rather than shorter mixed use buildings. The proposed variances are not to key zoning elements such as maximum height or parking requirements, but rather to purely aesthetic matters such as building angle of incidence and diagonal floorplate measurements. The variance to the requirement for a loading zone is not expected to impact building functionality, as the laneway will provide off street delivery access when required.

As part of the larger Civic Block plan for the City, staff are developing amendments to the C7 zone, to be presented to Council in fall of 2016. These amendments, if adopted by Council, would alleviate the need for most of the variances required for this project.

4.0 Proposal

4.1 Background

This building would be the second Sole building constructed along St. Paul St. in downtown Kelowna. The first building, a nearly identical 6 floor design, was completed in early 2015, having been approved with a similar suite of variances to those being proposed for the Sole 2 project.

4.2 Project Description

The applicant has proposed a 6 floor mixed use building fronting St. Paul street. The two lower floors of the building will be primarily internal parking, with commercial CRUs fronting St. Paul. The third floor will be dedicated to office use. The top 3 floors will be used for residential purposes. All parking for the building will be accommodated within the structure, accessed from an entrance off of the alley to the rear.



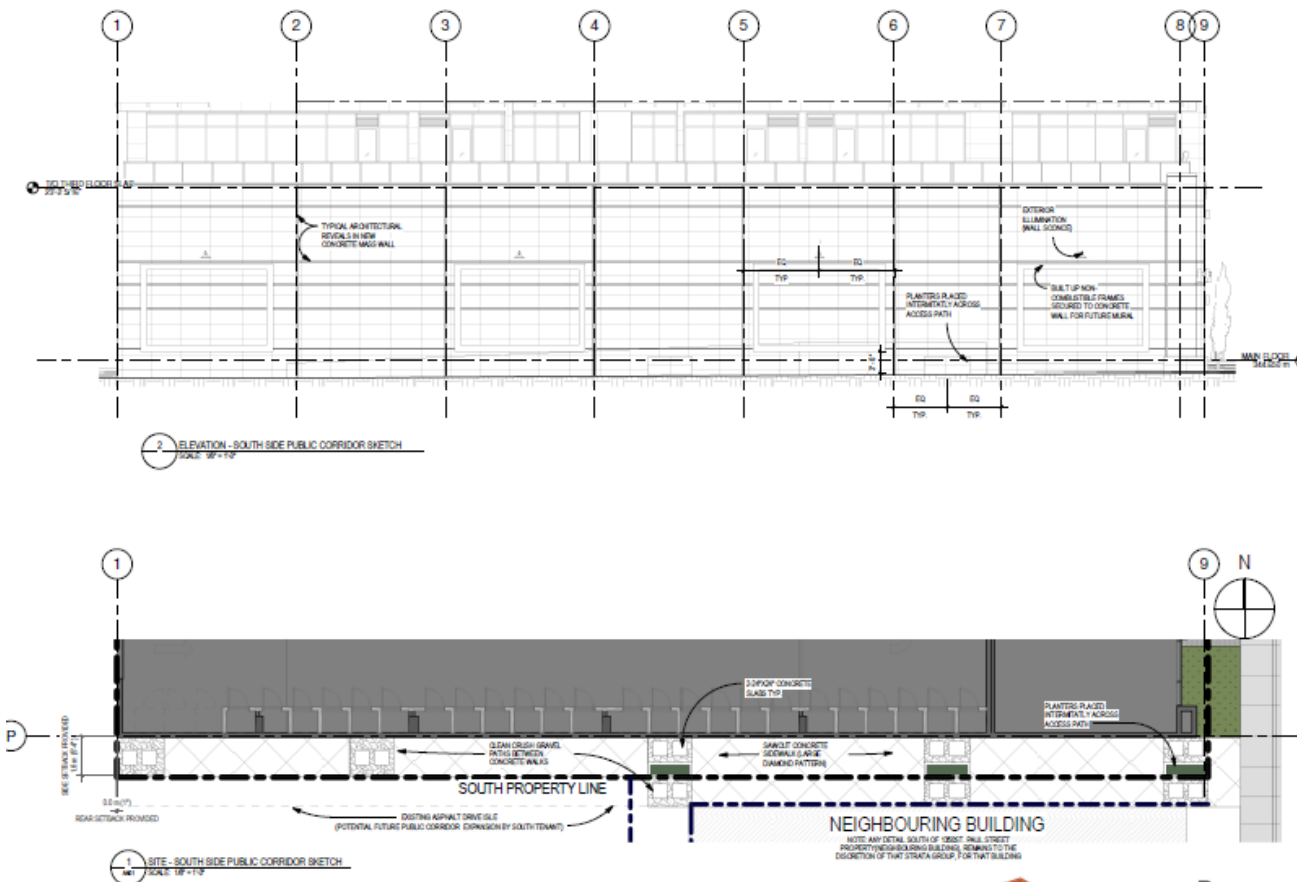
The first 3 floors will be clad in architectural concrete, intended to visually anchor the building to the ground. The three floors above will be clad in taupe and orange cementitious panel siding. Corrugated metal and dark timber elements will be used as building accents. Trim and belly bands will be of charcoal hardie plank.



The design includes rooftop gardens and patios above the 2nd floor and balcony space for residences.

A walkway will be protected to the South side of the site, to tie across to the plaza and crosswalk to the west. The developer will pave the walkway. The façade along the walkway will be lit





Overall, the form and character meshes well with the goals and guidelines of the Revitalization Development Permit area. The building has a strong street presence, with all parking internal and accessed from the rear.

4.3 Variances

The proposal requires seven variances to the Zoning Bylaw.

Variance 1 - Variance to the minimum drive aisle width

The applicant has applied to vary the minimum drive aisle width from 7.0 m to 6.0 m. Staff do not object to this variance. 6.0 m is more width than is required for emergency vehicles, and because the parking lot is going to be primarily used by tenants of the building, there will be minimal to no public inconvenience from granting the variance. This variance will allow the developer to include the full number of parking spaces.

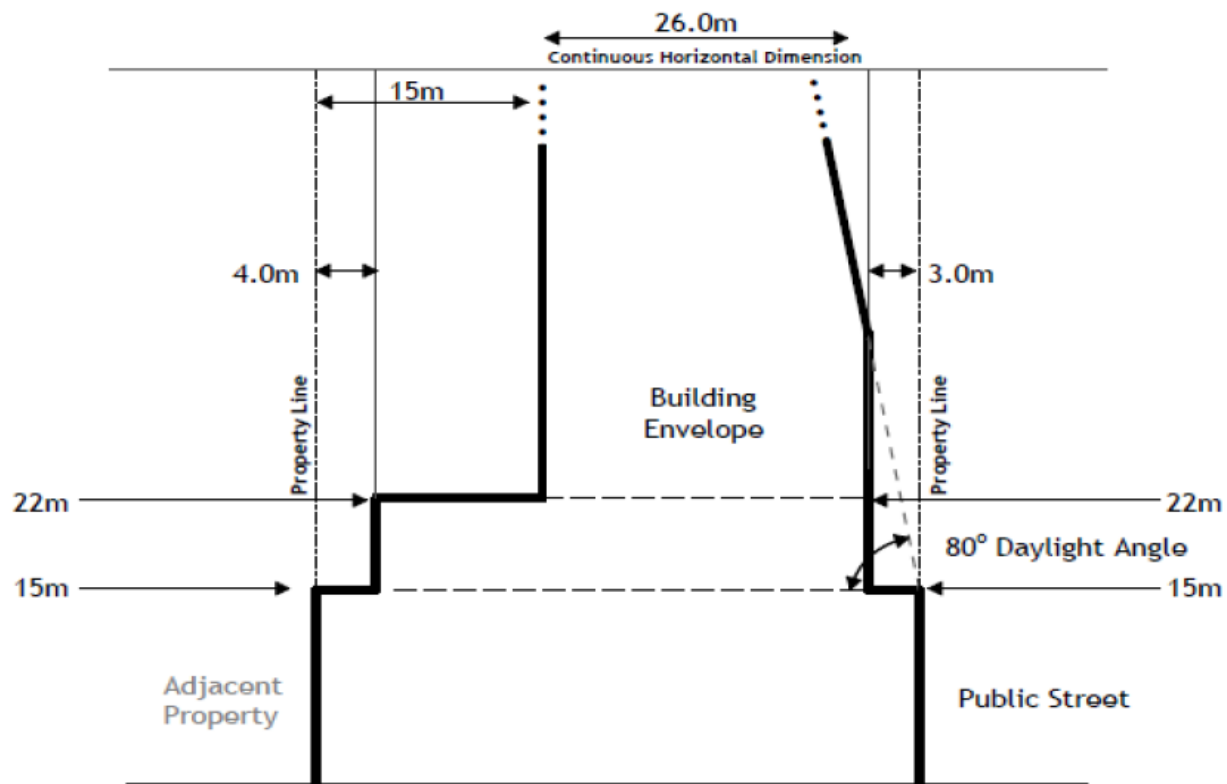
Variance 2 - Variance to the minimum number of loading spaces for a commercial use

The applicant has applied for a variance to the minimum number of loading spaces for a commercial use, and has asked to construct without any loading spaces. Staff do not object to the proposed variance. Because of the rear alley access, deliveries can safely be made from the alley. The limited commercial uses are not expected to generate intensive loading pressures. There is also ample street parking and public pay parking in the neighbourhood.

Variances 3, 4, and 5 - Variance to the building setbacks above 15.0m, and to the maximum building angle of incidence.

The applicant has applied to construct a mid-rise 6 storey building. The C7 zone is primarily designed to accommodate low commercial buildings along commercial streets such as Bernard Avenue, or for tall point towers. Despite allowing six storey buildings, C7 zoning provisions make the proposed building difficult to achieve.

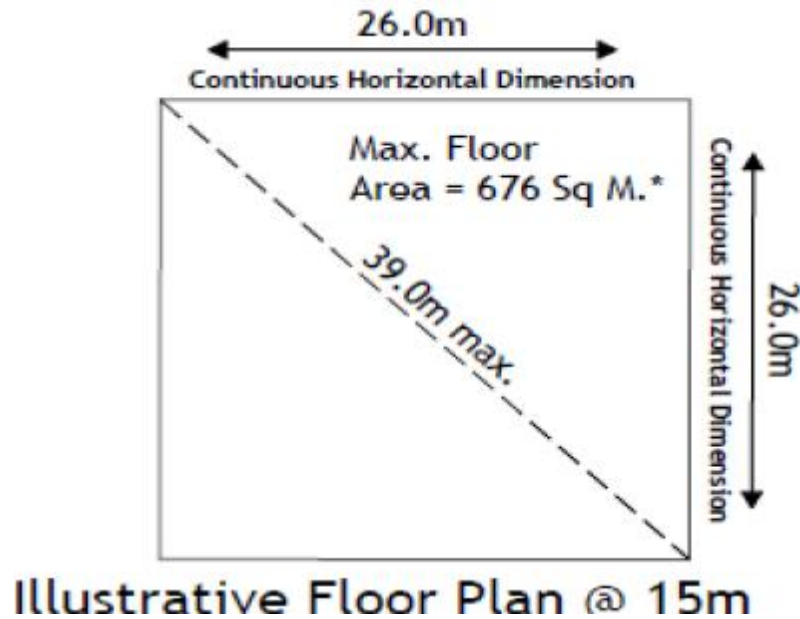
Staff have no objections to the proposed variances. The 6 storey building form is appropriate to St. Paul Street, which is developing into a mixed use transitional street. The building form will be similar to those of the original Sole building, the Interior Health Authority building and the Innovation Center.



Illustrative Building Section

Variances 6 and 7 - Variances to the maximum area and diagonal measurement of floorplate above 15.0 m.

Similar to the above mentioned variances, the restrictions on diagonal measurements and floorplate areas are intended to restrict the impact of tall point towers, above 13 storeys, by limiting their skyline effect. The restrictions render shorter building forms uneconomical.



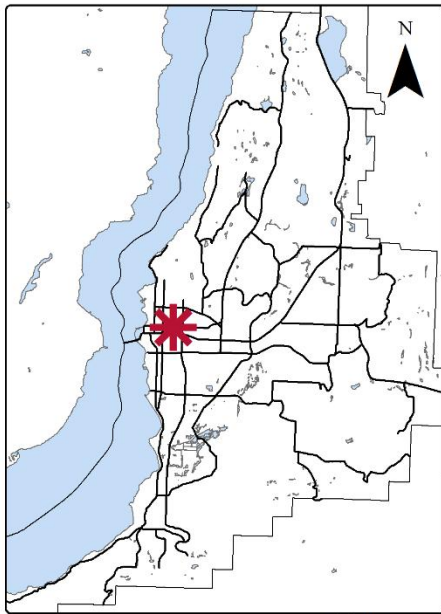
4.4 Site Context

St. Paul acts as a transitional street in Kelowna, between the first ring single family residential neighbourhood to the east and highly urbanized downtown to the west. Buildings along the west side of St. Paul range from two to six storeys in height.

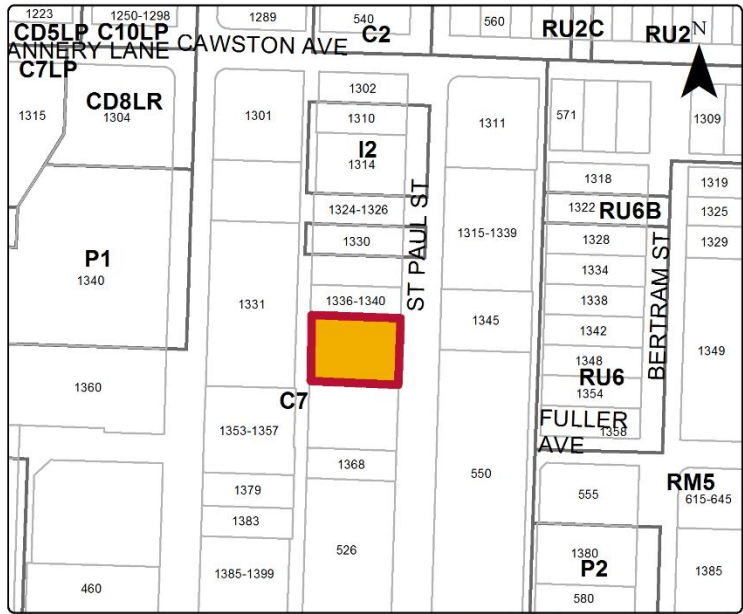
Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C7 - Central Business Commercial	Office Rental
East	C7 - Central Business Commercial	Office Rental
South	C7 - Central Business Commercial	Office Rental
West	C7 - Central Business Commercial	Multiple Unit Residential

Subject Property Map:



CONTEXT



NEIGHBOURING ZONING



SUBJECT PROPERTY

4.5 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C7 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Maximum Floor Area Ratio	9.0	3.8
Maximum Height	44.0 m	21.5 m
Minimum Front Yard	0.0 m	0.1 m
Minimum Side Yard (south)	0.0 m	0.1 m
Minimum Side Yard (north)	0.0 m	1.6 m
Minimum Rear Yard	0.0 m	0.0 m
Tower Regulations		
Minimum Front Yard above 15.0 m	3.0 m	0.1 m ❶
Minimum Side Yard (south) above 15.0 m	4.0 m	5.3 m
Minimum Side Yard (north) above 15.0 m	4.0 m	3.7 m ❶
Minimum Rear Yard above 15.0 m	0.0 m	0.0 m
Building Angle of Incidence	80 degrees	88.5 degrees ❶
Diagonal Floorplate Dimension	39.0 m	48.1 m ❶
Floorplate area above 15.0 m	676.0 m ²	956.7 m ² ❶
Maximum Horizontal Dimension above 15.0 m	26.0 m	
Other Regulations		
Minimum Parking Requirements	57 stalls	57 stalls
Minimum Bicycle Parking (Class 1)	23 spaces	23 spaces
Minimum Bicycle Parking (Class 2)	12 spaces	12 spaces
Minimum Private Open Space	320 m ²	452.9 m ²
Minimum Loading Space	1	0 ❶
Drive Aisle Width	7.0 m	6.0 m ❶
❶ Indicates a requested variance		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form. 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.

Revitalization Area Guidelines

Objectives:

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

6.0 Technical Comments

6.1 Building & Permitting Department

- 1 Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- 2 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.
- 3 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):
 - 3.1 Spatial calculations required to support the amount of glazing between commercial units and the neighboring property or an alternative solution accepted by the Chief Building Inspector in lieu
 - 3.2 Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
 - 3.3 Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
 - 3.4 Storage rooms are not allowed to open directly to an exit vestibule
- 4 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.
- 5 Mechanical Ventilation inlet and exhausts vents are not clearly defined in these drawings for the enclosed parking stories. The location and noise from these units should be addressed at time of Development Permit since there are residential units across the lane and at the same elevation as these parking levels.

- 6 A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.
- 7 Guards are required for all decks. The drawings provided don't clearly identify these requirements, but will be reviewed at time of building permit application.
- 8 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.
- 9 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
- 10 Washroom requirements for the commercial space of base building are to be addressed in the building permit application.
- 11 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.
- 12 Full Plan check for Building Code related issues will be done at time of Building Permit applications

6.2 Development Engineering Department

See Memorandum dated March 1, 2016.

6.3 Fire Department

- 1 Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- 2 Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900.
- 3 A visible address must be posted(COK subdivision manager)
- 4 Sprinkler drawings are to be submitted to the Fire Dept. for review when available.
- 5 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 or DVD to facilitate Fire Department pre-planning for this structure. The fire safety plan should clearly detail the unique requirements for this structure. A copy of the sprinkler system owner's certificate is to be included in the fire safety plan.
- 6 Fire Stairwells to be marked clearly (including roof access) as per Fire Department requirements. This would be standardized and approved by the KFD.
- 7 Fire Department steel lock box acceptable to the fire dept. is required by the entrance. Kurt's Lock & Safe at 100A - 1021 Ellis Street, Kelowna is the approved supplier for flush mount lock boxes.
- 8 The standpipes connections are to be installed on the transitional landings of the stairwells as per NFPA 14.
- 9 All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met
- 10 Fire alarm system is to be monitored by an agency meeting the CAN/ULC S562 Standard.

- 11 Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- 12 Fire department connection is to be within 45M, unobstructed, of a fire hydrant - ensure this is possible and that the FD connection is clearly marked and visible from the street.

7.0 Application Chronology

Date of Application Received: January 19, 2016
Date Public Consultation Completed: March 25, 2016

Report prepared by:

Ryan Roycroft, Planner

Reviewed by: ☐ Terry Barton, Urban Planning Manager

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

Attachments:

Draft Development Permit
Engineering Memorandum