

REPORT TO COUNCIL



Date: 5/16/2016
RIM No. 0940-40
To: City Manager
From: Community Planning Department (AC)
Application: DP16-0065 **Owner:** Paramount Court Inc., Inc.
No. A0086803
Address: 247-261 Bernard Ave **Applicant:** McKinley Burkart - Tyson
Bolduc
Subject: Development Permit Application
Existing OCP Designation: MXR - Mixed Use (residential / Commercial)
Existing Zone: C7 - Central Business Commercial

1.0 Recommendation

THAT Council authorize the issuance of Development Permit DP16-0065 for Parcel Z (Plan B5763), Block 13, District Lot 139, ODYD, Plan 462, located on 261 Bernard 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 to be in general accordance with Schedule "C";
4. 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 the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permit to be issued;

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

2.0 Purpose

To review a form and character Development Permit for the re-use of the former Paramount Theatre.

3.0 Community Planning

Staff supports the proposed Development Permit as the proposed development is consistent with the Official Community Plan (OCP) urban design guidelines and considers the unique character of the iconic Paramount Theatre.

The Paramount Theater, opened on June 16th, 1949 and has operated in downtown Kelowna until March 2016. The building has significant community character. Certain elements like the "Paramount" sign and the existing marquee, hold intrinsic value to the streetscape and reference the historic nature of the surrounding community. As such, the proposed redevelopment maintains the existing sign and part of the marquee sign but revives the remaining building elevation. Although the east commercial retail unit will keep the structure of the existing marquee, the final layout and font of the text may change as required by the selected tenant. The property is not included on Kelowna's Heritage Register.

The design includes a flat roof with a parapet that varies in height as well as balcony roofs to modulate the massing, break up long continuous surfaces and provide visual complexity without rendering the elevation too cluttered. The proposed brick material (charcoal brick) is complimentary to the existing materials of adjacent buildings. The flat roof design is different from the neighbouring buildings which incorporate sloping roofs. This provides a diversity of design styles along Bernard Ave.

3.1 Notification Policy

Council Policy No. 367 respecting public consultation does not apply to Development Permits.

4.0 Proposal

4.1 Project Description

The former Paramount Theatre is proposed to be divided into two commercial units. The larger unit (west CRU) is approximately 75% of the existing building area and is proposed to be a food primary restaurant with 'Craft Beer Market' as the tenant. The applicant has stated they value the history of the building and as such their intentions are to re-use the rest of the existing marquee theatre sign within the space as an interior element. There will also be consideration to the interior to mimic some of the qualities of the former theatre, such as projecting movies within the space for Craft patrons and possibly having movie-theatre-inspired menu items. The proposed seat count within the west CRU:

Main Floor: 230
Mezzanine: 48
Second Floor Patio: 204
Total: 482

The other, smaller tenant (east CRU) is proposed to be a retailer; the proposed retailer is not known at this time.

4.2 Site Context

The subject parcel is located downtown and is designated as MXR -Mixed Use (Residential / Commercial) in the OCP and is zoned C7 - Central Business Commercial. The lot is within the Permanent Growth Boundary and the adjacent land uses are C7 - Central Business Commercial.

Subject Property Map: 261 Bernard Ave



4.3 Zoning Analysis

The change of use does not trigger any new zoning requirements including parking. The Zoning Bylaw states parking is exempt for buildings under 3 stories that are located within the first few blocks along Bernard Ave.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Compact Urban Form.¹ 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.

Sensitive Infill.² 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.

¹ City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

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

³ City of Kelowna Official Community Plan, Housing, Chapter 2.1 (Regional Context).

⁴ City of Kelowna Official Community Plan, Policy 5.23.1 (Development Process Chapter).

6.0 Technical Comments

6.1 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):
 - Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
- e) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. Structural Engineer is required to review the entire structure for the additional load of the roof top deck and a report provided at time of permit application.
- f) 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.
- g) 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.
- h) Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering

- See attached Memo dated March 21st 2016

6.3 Fire Department

- a) Construction fire safety plan to be submitted and reviewed prior to construction.
- b) Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per Bylaw #7900.
- c) A visible address must be posted (COK subdivision manager).
- d) Sprinkler drawings are to be submitted to the Fire Dept. for review when available (if sprinklered).
- e) sprinkler zone valves shall be accessible as per fire prevention bylaw.
- f) sprinkler isolation valve to have 1.0 meter unobstructed access.
- g) 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.
- h) Include a copy of the sprinkler system owner's certificate with fire safety plan.
- i) Copy of referenced NFPA 25 document to be on site.

- j) Fire Stairwells to be marked clearly (including roof access) as per Fire Department requirements. This would be standardized and approved by the KFD.
- k) 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.
- l) If installed, standpipes connections are to be installed on the transitional landings of the stairwells as per NFPA 14.
- m) All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met
- n) Fire alarm system is to be monitored by an agency meeting the CAN/ULC S562 Standard.
- o) Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- p) 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.
- q) Do not issue BP unless life safety requirements complete.

7.0 Application Chronology

Date of Application Received: March 8th 2015

Date of Public Consultation¹: n/a

¹There are no public consultation/notification requirements for a Development Permit.

Report prepared by:

Adam Cseke, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved by: Ryan Smith, Community Planning Manager

Attachments:

Development Engineering Comments dated March 21st 2016

Applicant's rationale

Draft Development Permit

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