

REPORT TO COUNCIL



Date: 9/29/2015
RIM No. 0940-50
To: City Manager
From: Community Planning Department (PMc)
Application: DP14-0205/DVP15-0158 **Owner:** Valleywest Homes Inc.
Address: 710 Stockwell Ave. **Applicant:** Garry Tomporowski Architects
Subject: Development Permit application/Development Variance Permit Application
Existing OCP Designation: Multiple Unit Residential (Medium Density)(MRM)
Existing Zone: RM5 - Medium Density Multiple Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP14-0205 for Lot 1, D.L. 138, O.D.Y.D., Plan KAP85472, located at 710 Stockwell Ave., Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land to 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. 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 the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0158 for Lot 1, D.L. 138, O.D.Y.D., Plan KAP85472, located at 710 Stockwell Ave., Kelowna, BC;

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

1. **Section [2.3.3 General Definitions]: [Lot Line, Front - Urban and Rural Residential]**
To vary the definition of Lot Line, Front - Urban and Rural Residential to allow the larger of the street frontages to be considered as the front lot line.

2. Section [13.11.6(b)]: [RU5 - Medium Density Multiple Housing Development Regulations]

To vary the maximum site coverage from 40% permitted to 57.7% proposed.

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 a Development Permit application to address the form and character of a new 32 unit apartment building, and a Development Variance Permit application to vary the definition of "Lot Line, Front - Urban and Rural Residential", and to vary maximum permitted site coverage.

3.0 Community Planning

In 2013, the RM5 - Medium Density Multiple Housing zone was amended to increase the permitted building height, reduce the building setbacks for ground oriented housing, and to increase the base density permitted in the zone. The changes to the Zoning Bylaw adopted at that time also amended the parking provisions Section 8 of the Zoning Bylaw to add medium size and compact size parking stall categories, which has allowed for more variety in parking configuration. These changes have allowed the applicant to revisit the previously approved development proposal for this site, and has allowed for a larger number of units to be created on the property in a similar building form.

However, in order to take advantage of the reduced setback provisions of the zone for parking structures there needs to be a rear lane to the site. The subject property is a corner lot, with road frontages on two sides. By definition, the narrowest of the two road frontages is considered the Lot Line, Front. In this case the Richter Street frontage becomes the front yard, which makes the Stockwell Avenue frontage the Flanking Side Yard. This then makes the lane adjacent a side yard, not a rear yard. By seeking a variance to consider the Stockwell Avenue the front yard, the lane is then able to be considered as the rear yard, and the reduced setbacks to 1.5m to the parking structure that is less than 2m above grade can be applied. Otherwise, the setback to the lane would have to be 4.5m.

The applicant is also seeking a variance to the site coverage. This has been predicated by the overall dimensions of the under-building parking structure. With the reduced setbacks to the parking structure from the lane and the reduced setbacks to the road frontages allowed by ground-oriented housing, the parking structure results in a site coverage of 57.7%, where the zone limits site coverage to 40%. However, the zone does allow for a total site coverage for buildings, driveways and parking areas of 65%. The apartment component constructed on top of the parking structure has the equivalent site coverage of 36%.

The applicant has worked with Staff to revise the building plans to minimize impact on the neighbourhood, and has revised the landscape plan to ensure that the plantings proposed for the Richter Street frontage did not interfere with the major electrical infrastructure in the area.

The owner has provided copy of the neighbourhood notification letter, and information on the results of the neighbourhood consultation to staff, in compliance with Council Policy 367 - Public Notification and Consultation for Development Applications.

4.0 Proposal

4.1 Background

The subject property was previously considered under development applications for Rezoning (Z06-0065), Development Permit (DP06-0217) and Development Variance Permit (DP06-0218) in 2006. The zone amending Bylaw was adopted on February 5, 2008 and the applications for Development Permit and Development Variance permit were authorized for issuance. Those applications proposed a 28 unit apartment building. However, the permits were never issued.

Council again considered both the Development Permit and Development Variance Permit on April 27, 2009 to rescind the previous authorization for issuance in order that the security bonds associated with those applications could be returned to the applicant. Both of those application files were then closed.

4.2 Project Description

The applicant is proposing to develop a 32 unit apartment building constructed on top of a concrete parking structure set partially below grade. The form and character of the proposed building generally replicates the form and character of the previously approved Development Permit application.

The building is designed to incorporate 8 units per storey, (six 2 bedroom units and two 1 bedroom units). The first level units each have a exterior deck area located on top of the parking structure, along with a turfed area for private open space. Each of the units at this level facing Stockwell Avenue have direct access to grade. The units above the first level each have private deck areas. The main pedestrian entrance is located at the west end of the building, with direct pedestrian access to Richter Street, along with an accessible ramp. The building is proposed to be operated as rental accommodation.

The under-building parking structure is designed to be set partially below grade, with access from the lane, located near the east end of the building. The parking structure provides for a total of 46 parking stalls. This level also includes a secure storage area for 16 bicycle stalls. There are 5 exterior visitor parking stalls provided adjacent to the lane.

The landscape plan indicates a strong planting scheme for the boulevards on both Richter Street and Stockwell Avenue. The plan also shows ornamental deciduous trees on the top of the parking structure along the Richter Street frontage and adjacent to the lane frontage of the building. The area between the lane and parking structure is to be planted with ornamental grasses and perennial plantings. The east end of the development site is designed to buffer the adjacent residential properties with a solid panel screen fence, as well as columnar tree plantings. The area between back of sidewalk and the parking structure is to be planted with ornamental grasses. The top of the parking structure is to be finished with turf to provide for an outdoor amenity space for building residents.

The exterior form and character of the building is designed to be finished with a variety of stucco finishes. The background wall colour is white (Wedding Veil) and the major detail element wall colour is dark grey (Shadow Gray). There is also a third stucco finish colour of light beige (Winter Wood) proposed for the minor detail element wall areas. The wood build-out and framing for the canopy features is shown as brown. The metal railing system for the decks are to be finished in black.

4.3 Site Context

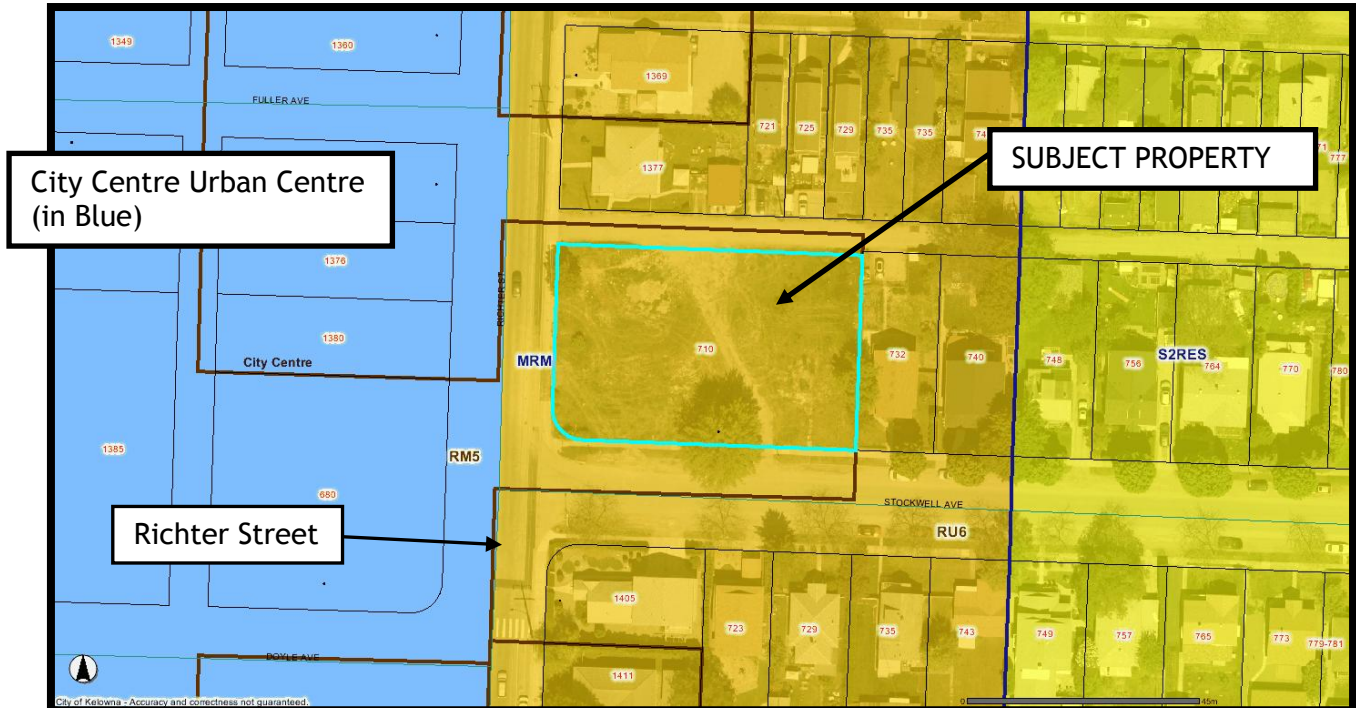
The subject property is located at the north-east corner of Stockwell Ave. and Richter St., within a Character Neighbourhood Development Permit area. The property was rezoned to RM5 in 2008. The limit of the City Centre Urban Centre is located across Richter Street to the west of the subject property, and therefore does not apply to this parcel.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 - Two Dwelling Housing	Single unit housing
East	RU6 - Two Dwelling Housing	Single unit housing
South	RU6 - Two Dwelling Housing	Single unit housing
West	RU6 - Two Dwelling Housing RM5 - Medium Density Multiple Housing	Single unit housing 3 storey apartment building

Subject Property Map:

710 Stockwell Avenue



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM5 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	1,400m ²	2,210m ²
Min. Lot Width	30.0m	58.8m ①
Min. Lot Depth	35.0m	37.6m ①
Development Regulations		
Floor Area Ratio	Max FAR = 1.2 with bonus	FAR = 1.2
Max. Height	4½ storeys/18.0m	4½ storeys/16m
Min. Front Yard (Stockwell Ave.) ①	1.5m for ground oriented housing 6.0m over 2½ storeys	1.5m to parkade 6.0m above parkade
Min. Flanking Side Yard (Richter St.) ①	1.5m for ground oriented housing 6.0m over 2½ storeys	1.5m to parkade 6.0m above parkade

Min. Side Yard (east) ❶	7.0m over 2½ storey	9.0m to parkade 11.25m above parkade
Min. Rear Yard (lane) ❶	7.0m with lane access 1.5m for parkades < 2.0m above grade	1.5m to parkade 10.0m above parkade
Max. Site Coverage	Max 40%	Parking structure 57.5% ❷
Max. Site Coverage including buildings driveways & parking areas	Max 65%	65%
Other Regulations		
Min. Minimum Parking Requirements	46 stalls required	52 stalls provided (inc. 5 visitor stalls)
Min. Bicycle Parking	Class 1 - 16 required Class 2 - 4 required	16 secure stalls provided 6 stall bike rack
Min. Private Open Space	720m ² required	723.3m ² provided
❶ Indicates a requested variance to consider the larger street frontage on a corner lot as the front lot line		
❷ Indicates a requested variance to allowable site coverage to allow for size of under building parking structure		

5.0 Current Development Policies

5.1 Development Process (Chapter 5) - Considerations in Reviewing Development Applications

Achieve high quality urban design¹.

Streetscaping (Policy 2). Urban Centre roads should be considered as part of the public space and streetscaped with full amenities (i.e. sidewalks, trees and other planting, furniture, bike facilities, boulevards, etc.).

Ensure opportunities are available for greater use of active transportation and transit to: improve community health; reduce greenhouse gas emissions; and increase resilience in the face of higher energy prices².

5.2 Urban Design Development Permit Areas³ - Character Neighbourhood Design Guidelines

Objectives

- Preserve and enhance the scale and character of individual neighbourhoods and streetscapes;
- Ensure compatibility with existing dwellings on a lot or with surrounding properties;
- Promote a high standard of design, construction and landscaping;
- Encourage building and landscape designs that promote privacy, safety, and accessibility;
- Contribute to the creation of pedestrian oriented streets; and
- Design for livability.

Guidelines

Site and Context Considerations

- Design buildings to limit the height difference between adjacent properties (i.e., step back upper floors, slope roofs towards side yards);

¹ OCP 2030 Chapter 5 - Development Process, Objective 5.8, Page 5.12

² OCP 2030 Chapter 5 - Development Process, Objective 5.10, Page 5.12

³ OCP 2030 Chapter 14 - Urban Design DP Guidelines - Character Neighbourhood, Page 14.25

- 1.4 Articulate front facades to create depth and architectural interest (i.e., variations in height, detailing and massing);
- 1.5 Incorporate an equal level and quality of design and architectural details on all street facing elevations (corner and double fronting lots);
- 1.19 Ensure all parking is screened from public view or contained within the structure.

Form and Character

- Maintain and complement established massing of the streetscape (i.e., design buildings with massing setback from the street or utilize architectural treatments to soften the massing);
- Ensure the same level of architectural detailing continues from the front elevations around to the midpoint of the side elevation or to the nearest articulated element;
- Incorporate colours similar to the traditional tones for the building’s architectural style;
- Incorporate high quality, low maintenance roofing and building materials similar to traditional materials;
- Incorporate a mixture of building materials to enhance visual appeal and building design;
- Avoid flat, monotonous facades with entry features and porches as the dominant feature facing the street;
- Entrances should adhere to the pattern of established architectural style.

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 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.
- 4) 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 security system that limits access to exiting needs to be addressed in the code analysis by the architect.
 - b. Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
- 5) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. This building may be designed too low if a high water table is present, which may affect the form and character of the building.
- 6) 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.

- 7) Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit are to clearly identify how these rating will be achieved and where these area(s) are located. The mechanical room in the parking level may need a vestibule to protect the exit
- 8) 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
- 9) 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.

6.2 Development Engineering Department

See attached report.

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 as per City of Kelowna By-Laws
- 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 Department access is to be met as per BCBC 3.2.5.6
- 7) Fire Department steel lock box or key tube acceptable to the fire dept. is required by the fire dept. 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. 3)
- 9) Fire Stairwells to be marked clearly (including roof access) as per Fire Department requirements. This would be standardized and approved by the Kelowna Fire Department (KFD).
- 10) All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met,
- 11) Fire alarm system is to be monitored by an agency meeting the CAN/ULC S562 Standard.
- 12) Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- 13) Fire department connection is to be within 45M of a fire hydrant - please ensure this is possible and that the FD connection is clearly marked and visible from the street.

6.4 FortisBC Electrical

There are primary distribution and transmission facilities along the east side of Richter St. The proposed landscaping appears to include trees adjacent to and/or underneath these powerlines. This would present a safety issue and should not be permitted. The applicant is responsible for costs associated any changes to the subject's existing service, if any, as well as the provision of appropriate land rights where required.

Otherwise, FortisBC Inc. (Electric) has no concerns with this circulation.

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

(NOTE - Revised Landscape drawings have been provided.)

7.0 Application Chronology

Date of Application Received: October 3, 2014

Revised Landscape dwg received: January 19, 2015

Site Elevation dwg received: February 3, 2015

Revised Drawings received; July 13, 2015

Report prepared by:

Paul McVey, Urban Planner

Reviewed by:



Ryan Smith, Community Planning Department Manager

Attachments:

Location Map

Site Plan

Design Rationale

Floor Plans

Conceptual Elevations

Landscape Plan

Development Engineering Technical Comments