

# REPORT TO COUNCIL



**Date:** 6/28/2016  
**RIM No.** 0940-00  
**To:** City Manager  
**From:** Urban Planning Department (AC)  
**Application:** DP16-0074 & DVP16-0075      **Owner:** Boardwalk Housing Corp.,  
Inc. No. BC1030251  
**Address:** 925 Leon Ave      **Applicant:** Meiklejohn Architects Inc.  
**Subject:** Development Permit and Development Variance Permit Application  
**Existing OCP Designation:** MRH - Multiple Unit Residential (High Density)  
**Existing Zone:** RM6 - High Rise Apartment Housing

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## 1.0 Recommendation

THAT Council authorize the issuance of Development Permit DP16-0074 for Lot A, District Lot 138, ODYD, Plan EPP54864, located on 925 Leon 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 Council authorize the issuance of Development Variance Permit DVP16-0075 for Lot A, District Lot 138, ODYD, Plan EPP54864, located on 925 Leon Ave, Kelowna, BC;

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted subject to general conformance with the drawings (Schedule "A", "B", & "C") attached to DP16-0074:

### Section 13.12.6 (b) Development Regulations

To vary the maximum site coverage of buildings, driveways, and parking areas from 50% to 83.4%.

### Section 13.12.6 (d) Development Regulations

To vary the minimum front yard (west) setback from 6.0m to 2.9m.

Section 13.12.6 (e) Development Regulations

To vary the minimum flanking yard (south) setback from 6.0m to 3.3m.

Section 6.10 Setback from Provincial Highways

To vary the minimum setback from 4.5m to a Provincial Highway to 3.3m to a Provincial Highway.

Section 13.12.6 (f) Development Regulations

To vary the minimum rear yard (east) setback from 9.0m to 2.2m.

Section 8.1.14 Tandem Parking

To vary the number of parking spaces that may be configured in tandem from 0 to 8 parking stalls.

Section 8.1.11 (b) Size and Ratio Parking

To vary the minimum portion of full sized parking spaces from 50% to 45% and to vary the maximum portion of medium sized parking spaces from 40% to 46.5%.

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.

**2.0 Purpose**

To consider a Development Permit for a 5 storey mixed use building that includes 192 residential units and 2 commercial retail units and to consider a Development Variance Permit for setback reductions, a site coverage reduction, and parking configuration relaxations.

**3.0 Urban Planning**

Staff are supportive of the proposed Development Permit and Development Variance Permit. A Development Permit is necessary in this case as the subject property is located within a designated Comprehensive Development Permit Area for multiple unit residential development. The subject property has a RM6 - High Rise Apartment Housing zoning and the project is intended to fit within this existing zoning pending the applicant's request for seven (7) variances to the Zoning Bylaw. There are similar types of high density residential development in the vicinity along the Hwy 97 corridor.



Figure 1: 737 Leon Ave



Figure 2: 955-1005 Leon Ave

The WalkScore is 80 meaning the location is very walkable so most errands can be accomplished on foot. The TransitScore is 46 which indicates there are a few public transit options available including the #9 Shopper Shuttle, #10 North Rutland, #5 Gordon, and the RapidBus transit line (#97 Okanagan). The property is located between downtown and the Capri Centre area and in close proximity to several municipal parks (Martin Park, Knowles Heritage Park, and the future Rowcliffe Park). Further, it is a relatively short bike ride or 10 minute walk from the shops and services of Downtown. Due to the urban location and provision of amenities in the area coupled with significant on-site amenity space and the integration of a small neighbourhood commercial component, Staff are supportive of the Applicant's micro-suite residential concept.

The goals set out in the OCP encourage development to be pedestrian friendly on all sides of the building including successful transitions between the public and private realms. Overall, Staff are satisfied that the project has met a number of key OCP design guidelines. See "Section 6.0 Current Development Policies" for detailed description of those design guidelines.

### 3.1 Variances

The application needs seven variances:

1. Vary the maximum site coverage for principal buildings, accessory structures, parking areas and driveways from 50% allowed to 83.4% proposed.
2. Vary the minimum setback along Ethel Street from 6.0m required to 2.9m proposed.
3. Vary the minimum setback along Harvey Avenue from 6.0m required to 3.3 m proposed.
4. Vary the minimum setback from a Provincial Highway from 4.5m to 3.3m.
5. Vary the minimum setback along eastern property line from 9.0m required to 2.2m proposed.
6. Vary the maximum number of tandem parking spaces that may be configured in tandem from 0 to 8 parking stalls. minimum parking stalls from 139 parking stalls required to 126 parking stalls proposed.
7. Vary the minimum portion of full size parking stalls from 50% to 45% and to vary the maximum portion of medium sized parking stalls from 40% to 46.5%.

The applicant needs the site coverage and setback variances in order to achieve the necessary parking requirement for their desired density and massing of the project. The setback variances are only needed for the first storey portion of the parkade. The second storey and the stories above (which contain the residential units) do meet the Zoning Bylaw setback requirements. These setback reductions and site coverage variances allow an expansion of the number of parking stalls in order to meet the minimum parking requirement outlined in the Zoning Bylaw. Staff agree with the variances as they were, in part, necessitated by Staff's request for ground floor commercial facing Ethel Street and an amenity space above the parkade. The variances do not result in any potential conflict to the neighbouring properties. Further, the variances are smaller in scale relative to the previously approved Development Permit (DP15-0127) for the subject property which authorized a significant parking variance.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by individually contacting the neighbours within the 50 metre radius.

## 4.0 Proposal

### 4.1 Project Description

The proposal is for a 5 storey mixed use building that is 18.6 metres in height. There is a total of 192 residential units consisting of 8 two bedroom units and 184 micro-suite units. There are two commercial retail units facing Ethel Street with a combined area of 159m<sup>2</sup>. The project has two floors of under-structure parking with the first floor halfway below grade. The building is shaped in a 'U' configuration with a rooftop amenity space facing Harvey Avenue. There is a surface parking lot between the building and Leon Street that handles approximately 24% of the total required parking.

The building materials include a mixture of dark grey brick, dark grey stucco, light grey stucco, 'walnut' coloured longboard cladding, and 'maple' coloured longboard cladding. The building architecture uses vertically-proportioned 'framed elements' that breakdown the façade into smaller and friendlier scale. The building corners are accentuated with brick clad corner features with corner windows and sunscreen feature. In addition, the units are developed with a few interior layout options including some units with and without balconies. This variation is organized into a pattern that create further animation of the façade.

After working with City Planning staff, the applicant has changed the Ethel Street façade and elevation due to the City led beautification and multi-modal work done on Ethel Street last year. The ground floor facing Ethel Street now includes a glazed commercial frontage in a matching brick that creates a welcoming appearance and pedestrian connections to the building. The scale of the neighbourhood retail increases at the Harvey Avenue intersection to highlight the corner and announce the building to the highway. In addition to the framing elements, colour accent panels have been introduced into the façade in a modern 'random' pattern. Window glass is planned to be low emissivity glazing, with either triple-glazed or laminated glass units employed to control the sound impacts from Highway 97.

The building form enclosures a south-facing courtyard that collects sun while also placing distance and barrier elements to the busy highway. The patio has an upper social level and a lower passive level that can be used for recreation or lounging as well as a separate 'communal rooftop garden areas at the south east corner.

The main entry is on the north face of the building facing Leon Avenue and is highlighted using a smaller 'framing element' that echoes the building architecture. The garage elements are screened on both the north and south elevations using a modern trellis-shading structure.

Vehicle access is provided to the site from a single point of access off Leon Avenue. The access then forks into an upper visitor and drop-off area or a lower, secure under-building parking structure.

The landscape plan includes perimeter trees along all three frontages. A landscape berm is provided on the Harvey Ave side in front of the parkade in order to mitigate the visual impact. The parkade rooftop amenity space will include green roof plantings, turf areas, bbq areas, outdoor dining areas, outdoor games, benches, and raised garden plots for the residents.

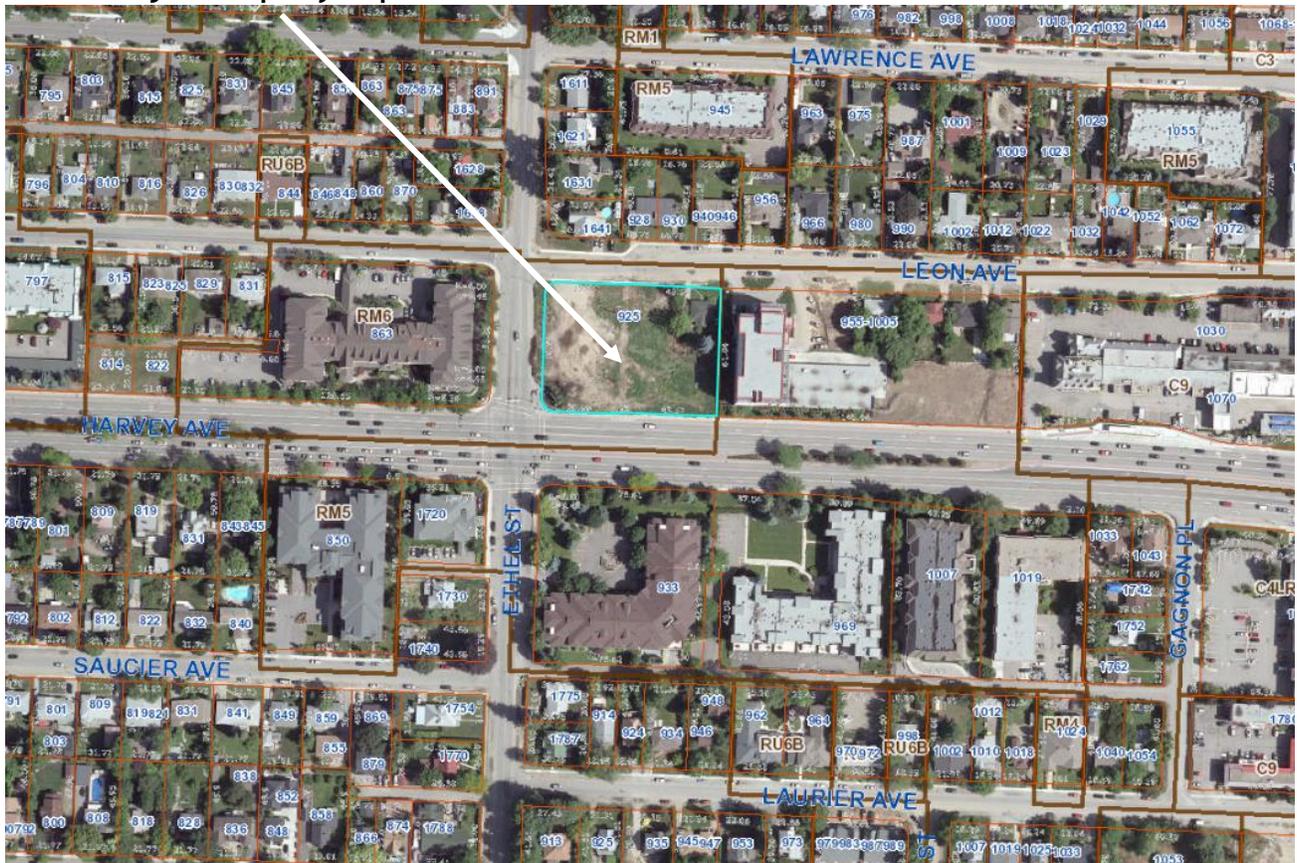
### 4.2 Site Context

The subject property is located along Harvey Ave just east of the downtown urban centre. The subject property has a Future Land Use designation of MRH - Multiple Unit Residential (High Density) in the Official Community Plan and the property is within the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 - Two Dwelling Housing RM5 - Medium Density Multiple Housing	Residential
East	RM5 - Medium Density Multiple Housing	Residential
South	RM5 - Medium Density Multiple Housing	Residential
West	RM6 - High Rise Apartment Housing	Residential

### 4.3 Subject Property Map



5.0 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM6 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
	Principal Bldgs	Principal Bldgs
Height	Max 55.0 m & 16 stories	18.6 m & 5.0 storeys
Front Yard (west)	Min 6.0 m	9.1 m to Residential Bldg 2.9 m to Commercial Units ❶
Flanking Side Yard (south)	Min 6.0 m	6.1 m to Residential Bldg 3.3 m to Parkade ❷
Setbacks from a Provincial Highway	Min 4.5m	3.3 m ❸
Flanking Side Yard (north)	Min 6.0 m	16.1 m
Rear Yard (east)	Min 9.0 m	9.7 m to Residential Bldg 2.2 m to Parkade ❹
Site coverage of buildings	n/a	n/a
Site coverage of buildings, driveways & parking	Max 50 %	83.4 % ❺
FAR	1.64	1.11
Other Regulations		
Number of Units	n/a	192
Min Parking Requirements	1.5 stalls per 2 bed dwelling unit = 12 stalls 1 stall / studio = 184 stalls 2.2 stalls per 100 m <sup>2</sup> (CRU) = 4 stalls (Total 200 stalls required)	200 parking stalls
Tandem Parking	Not Permitted	8 stalls ❻
Parking Stall Sizes	Min Full Size: 50 % Max Medium Size: 40% Max Compact Car: 10%	Full Size: 45% ❼ Min Medium Size: 46.5% ❼ Min Compact Car: 8.5%
Min Bicycle Parking Requirements	Class 1: 97 Class 2: 21	Class 1: 98 Class 2: 21
Private Open Space	1,462 m <sup>2</sup>	1,566 m <sup>2</sup>
<p>❶ Variance requested to reduce the front yard setback requirement.                  ❷ Variance requested to reduce the flanking yard setback requirement.                  ❸ Variance requested to reduce the setback to a provincial highway.                  ❹ Variance requested to reduce the rear yard setback requirement.                  ❺ Variance requested to increase the permitted site coverage.                  ❻ Variance requested to permit 8 parking stalls in tandem.                  ❼ Variance requested to reduce the amount of full sized parking stalls and increase the amount of medium sized parking stalls.</p>		

## 6.0 Current Development Policies

### 6.1 Kelowna Official Community Plan (OCP)

#### Chapter 5: Development Process

**Compact Urban Form.**<sup>1</sup> 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.**<sup>2</sup> 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.

#### Relevant Development Permit Guidelines

**Ch14 / S1.6** - Provide generous outdoor spaces, including rooftops, balconies, patios and courtyards, to allow residents to benefit from the favourable Okanagan weather;

**Ch.14 / S2.3** - Design new multi-storey buildings to transition in height where the OCP land use designation provides for smaller structures on adjoining lots;

**Ch.14 / S.3.2** - Develop visual and physical connections between the public street and private buildings (e.g. patios and spill-out activity, views to and from active interior spaces, awnings and canopies);

**Ch.14 / S.4.2** - Ensure developments are sensitive to and compatible with the massing of the established and/or future streetscape;

**Ch.14 / S.4.2** - Design for human scale and visual interest in all building elevations. This can be achieved principally by giving emphasis to doors and windows and other signs of human habitation relative to walls and building structure;

**Ch.14 / S.8.8** - Locate parking areas to the rear of buildings, internal to the building, or below grade;

**Ch.14 / S.8.12** - Incorporate decks, balconies and common outdoor amenity spaces into developments;

## 7.0 Technical Comments

### Building & Permitting

1. Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s). Any DCC exemptions for micro suites to be established at time of DP.
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.

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

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

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 for each building if separated by a firewall or defined as a separate building(s) and guard rails may be required. Guardrails should be reflected in the plans if required.
  - c. Hard surfaced paths leading from the egress door(s) to be clearly defined as part of the DP.
  - d. The egress door on the east side of the parking level 2 should not open onto a parking stall access.
5. A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. This property falls within the Mill Creek flood plain bylaw area and compliance is required. Minimum building elevations are required to be established prior to the release of the Development Permit. This minimum Geodetic elevation is required for all habitable spaces including parking garages. This building may be designed to low, 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 is to clearly identify how this rating will be achieved and where these area(s) are located.
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. 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.
10. 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.
11. 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.

#### Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- 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.

- A visible address must be posted as per City of Kelowna By-Laws.
- Sprinkler drawings are to be submitted to the Fire Dept. for review when available.
- 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.
- Fire Department access is to be met as per BCBC 3.2.5.
- Approved Fire Department steel lock box or key tube acceptable to the fire dept. is required by the fire department entrance.
- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met including the requirements for a high building - communication cable, etc.
- Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.
- Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- Fire department connection is to be within 45M of a fire hydrant.
- Ensure FD connection is clearly marked and visible from the street.
- Standpipes to be located on intermediate landings.
- Sprinkler zone valves shall be accessible as per fire prevention bylaw.
- Do not issue BP unless all life safety issues are confirmed.

#### Ministry of Transportation

- Prior to proceeding with work on Highway 97 right-of-way, permit application and drawings must be submitted to the Ministry for review and approval.

#### Fortis - Electric

- There are primary distribution facilities along Ethel Street and Lawson Avenue. There appears to be overhead facilities within the lane near the centre of the assembled lots shown on the plans provided. These facilities will need to be relocated to accommodate the proposed development. 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.
- Otherwise, FortisBC Inc. (Electric) has no concerns with this circulation.

#### Development Engineering

- See attached memorandum dated May 5<sup>th</sup> 2015.

## 8.0 Application Chronology

Date of Application Received: March 11<sup>th</sup> 2015  
Date of Neighbourhood Consultation Received (re: variance): May 31<sup>st</sup> 2016

### Report prepared by:

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Adam Cseke, Planner

### Reviewed by:



Terry Barton, Urban Planning Manager

### Approved for Inclusion by:



Ryan Smith, Community Planning Manager

### Attachments:

Subject Property Map

Development Engineering Memo

Draft Development Permit / Development Variance Permit

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