REPORT TO COUNCIL

Date:	1/10/2017		
RIM No.	1250-30		
To:	City Manager		
From:	Community Planning Department (AC)		
Application:	DP16-0206 / DVP16-0207 & DP16-0210 / DVP16-0211	**Owner:**	Watermark Developments Ltd.
Address:	755 Academy Way	**Applicant:**	Mission Group Enterprises – Michael Bacon
Subject:	Development Permit & Development Variance Permit Applications		
Existing OCP Designation:	Multiple Unit Residential (MRM)		
Existing Zone:	RM4 – Transitional Low Density Housing		

1.0 Recommendation

THAT Council authorize the issuance of Development Permits No. DP16-0206 & DP16-0210 for Lot 3, Section 3, Township 23, ODYD, Plan EPP53793, located at 755 Academy Way, 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 Permits DVP16-0207 for Lot 3, Section 3, Township 23, ODYD, Plan EPP53793, located at 755 Academy Way, Kelowna, BC;

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

Section 13.10.6 (c) Development Regulations:

- To increase the maximum height from 13.0m / 3 storeys to 14.0m / 4 ½ storeys.;

Section 8.1 Parking Schedule:

- To reduce the minimum number of required parking stalls from 155 stalls to 108 stalls;

AND THAT Council authorize the issuance of Development Variance Permit DVP16-0211 for Lot 3, Section 3, Township 23, ODYD, Plan EPP53793, located at 755 Academy Way, Kelowna, BC;

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

Section 13.10.6 (c) Development Regulations:

- To increase the maximum height from 13.0m / 3 storeys to 11.0m / 3 ½ storeys.;

Section 8.1 Parking Schedule:

- To reduce the minimum number of required parking stalls from 120 stalls to 86 stalls

AND THAT Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" in the Report from the Community Planning Department dated June 10th 2017;

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

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

2.0 Purpose

To review the Form & Character Development Permit for two multi-family buildings known as 'U5A' & 'U5B'. 'U5A' is a 4 ½ storey 108 rental unit project and 'U5B' is a 3 ½ storey 72 unit strata project.

3.0 Community Planning

3.1 Development Permit

Staff are recommending support for the proposed Development Permits due to the proposal's consistency with the Official Community Plan's (OCP) design guidelines and with the vision of the University Village Master Plan.

Specifically, the key design features are:

1. 'U5A' & 'U5B' emulate the desirable form and character of nearby buildings[1] by designing a sense of architectural cohesiveness[2] along Academy Way with the 'U' building design theme. Nonetheless, the U5 project is different enough from previous buildings on Academy Way to avoid an architecturally repetitive and banal treatment. An example, is the incorporation of brick material on the 'U5B' building.
2. 'U5A' & 'U5B' align architectural features (windows, street entrances, & the Stucco 'c' element) to be congruent with each other and neighbouring buildings[3].
3. The OCP design guidelines state buildings should be located in a manner that provides an effective street edge while respecting the desired streetscape rhythm[4]. Generally, the desired streetscape rhythm is achieved by locating buildings parallel to the street rather than perpendicular. All the 'U' buildings including 'U5' are sited perpendicular to the street due to topographical challenges. However, 'U5' does do an adequate job of achieving this guideline, despite the perpendicular siting, by providing a common entrance facing the street and improving the architectural features along that elevation.

[1] Policy 2.1 - Chapter 14 - Urban Design Development Permit Areas – City of Kelowna Official Community Plan

[2] Policy 2.7 - Chapter 14 - Urban Design Development Permit Areas – City of Kelowna Official Community Plan

[3] Policy 2.4 - Chapter 14 - Urban Design Development Permit Areas – City of Kelowna Official Community Plan

[4] Policy 3.1 - Chapter 14 - Urban Design Development Permit Areas – City of Kelowna Official Community Plan

4. The University Village Master Plan states all multiple family residential and mixed-use buildings should contain understructure (beneath habitable or commercial space) parking[5]. Both 'U5A' & 'U5B' meet this guideline and the parking structures are screened from view by proposing a comprehensive landscape plan on the downslope side of the parkade. Further, the parkade entrances are located to avoid pedestrian-vehicle conflicts.

5. A key principle of the University Village Master Plan was to feature a relatively compact and densely populated neighbourhood that has easy and immediate access to parks, trails, and open space/natural areas[6]. Further, the OCP's design guidelines have a number of relevant guidelines in relation to pedestrian access, provision for cyclists, vehicle circulation, and loading:

    a. Prioritize the safe and convenient mode of pedestrians above all other modes of transportation[7].
    b. Provide public access through sites to maintain or enhance the pattern of active transportation within the neighbourhood[8].
    c. Provide an identifiable and well-lit pathway to the front entrance of every building from all adjoining public sidewalks and all on-site parking stalls[9].
    d. Locate parking areas to the rear of the buildings, internal to the building, or below grade[10].

    The U5 project exemplifies these guidelines by encouraging outdoor recreation, exercising, hiking, cycling, nature walking, and socializing with their overall landscape plan, building design, amenities, and trail connections. A trail system will be integrated through the site with connections to: major open spaces, the commercial centre and the neighbourhood park. The archway feature within the 'U5A' building design further enhances the pedestrian connectivity of the area by connecting the two rental projects (U3A & U5A) and their shared amenities as well as connecting to the future commercial village centre site. Furthermore, all the building entrances and parking locations meets the design guidelines stated above.

3.2 Development Variance Permit

Staff are recommending support for the proposed Development Variance Permits. There are two variances for each building (height increase & parking reduction).

3.2.1 Parking Variances

The parking variances are similar to other variances Council has approved along Academy Way (See diagram below).

Project	Number of Units	Number of Parking Stalls per unit	Parking Variance
Academy Hill	78	1.49	0%
U1	66	1.41	7%
U2	112	1.38	7%
Veda (Micro Suites)	251	0.58	42%
U3A	63	1.10	26%

[5] Part 2 University Master Plan (October 2009) – Watermark
[6] Part 2 University Master Plan (October 2009) - Watermark
[7] Policy 8.1 - Chapter 14 - Urban Design Development Permit Areas - City of Kelowna Official Community Plan
[8] Policy 8.3 - Chapter 14 - Urban Design Development Permit Areas - City of Kelowna Official Community Plan
[9] Policy 8.4 - Chapter 14 - Urban Design Development Permit Areas - City of Kelowna Official Community Plan
[10] Policy 8.8 - Chapter 14 - Urban Design Development Permit Areas - City of Kelowna Official Community Plan

U3B	87	1.18	33%
U5A	108	1.00	30%
U5B	72	1.19	29%

The applicant suggests the reduction in the number of stalls is appropriate for this type of housing. This is based on the Applicant's experience in the neighborhood with similar types of developments at 'U1','U2', & 'U3'. Planning Staff have assessed the applicant's request in consideration to the OCP policy for parking relaxations:

> **Parking Relaxations.**[11] Consider parking requirement relaxations, in areas that are not part of a cash-in-lieu program, where an approved Transportation Demand Management strategy indicates a lower use of vehicles and the City is satisfied that parking relaxations would not create parking spill-over problems on adjoining neighbourhood streets. Parking relaxations will not be considered in hillside areas (as defined on Map 4.1 - Future Land Use).

The parking relaxation is further supported by the Applicant's Transportation Demand Management Strategy. The applicant is proposing a number of improved site development features to promote walking and cycling as well as unbundling the price of parking. By charging rent separate from the price of parking should help manage the demand for parking. While the parking variance represents a significant reduction from the Zoning Bylaw, staff have been supportive of the scale of the variance largely due to the unique character of the University Village neighbourhood and the project's intended niche demographic.

Staff acknowledge that the Zoning Bylaw's regulations for the provision of parking are broad-based in nature and do not consider the uniqueness of individual neighbourhoods in the City. The most significant neighbourhood variable in the University South Village is the combination of walkability (measured by distance to UBCO) and frequency of transit service (along John Hindle Way) within walking distance. As walkability and transit frequency become viable options, parking utilization should decrease.

While it is challenging to determine the 'appropriate' number of parking stalls for any given development, Planning staff are conscious of the community consequences of oversupplying parking. It can lead to increased automobile ownership, vehicle miles traveled and congestion on the City's roads. Parking availability affects travel mode choices for residents, increasing single-occupancy vehicle use and decreasing the use of transportation alternatives. This would not be in keeping with the OCP Vision and its livability objectives for the City. Therefore, Planning staff are recommending support to Council for the parking variance in consideration of the specific location of the property and the merits of the project as a whole.

3.2.2 Height Variances

The height variances are needed because the property is zoned RM4. 'U5A' is requesting an extra 2.0 metres in height and an extra storey and a half. 'U5B' meets the maximum height calculation but needs an extra half storey. If the property was zoned RM5 (similar to U3A & U3B to the north) then both buildings would comply with the height regulations.

The highest densities were envisioned to be around the commercial designated property at the top of the hill. Density is to transition lower in intensity for properties further south and down the hill until eventually transitioning to the future school site and the single family Sol Terra Ranch subdivision. This is the reason the property is zoned RM4 as it is the first transition property identified within the neighbourhood plan. The applicant could have built 3 storey townhomes with similar residential densities as, the lot is relatively large, and the current proposal is well below the maximum site coverage. However, Staff and the applicant

[11] City of Kelowna Official Community Plan, Policy 5.11.1 (Development Process Chapter).

concur that clustering the units in larger buildings is more consistent with the original vision and intent of the neighbourhood plan as this plan provides significant amount of open amenity space, trail connections, and natural areas. A transition to lower heights and scale of developments is still available on the two other undeveloped RM4 sites to the south.

4.0 Proposal

4.1 Background

The subject property is located within the University Village Neighbourhood, a comprehensive planned community under the University Village Master Plan (October 2009). The applicant has applied for a subdivision of the RM4 lot in order to develop two different types of residential buildings: 'U5A' as a rental building and 'U5B' and a condo building. There are two development permits for the parent parcel but both projects rely upon a coordinated approach to the site layout.

4.2 Project Description

The 'U5A' project is a 108 unit rental development. The 4 storey wood frame building is located on the north side of the site perpendicular to Academy Way. The proposed drive way will be located directly off Academy Way. The access connects to a 34 stall surface parking lot and a 74 stall parkade under the 'U5A' building.

The 'U5B' project is a 72 unit strata development. The 3 storey wood frame building is located on the south side of the site perpendicular to Academy Way. The proposed drive way will be located directly off Academy Way. The access connects to a 22 stall surface parking lot and a 64 stall parkade under the 'U5B' building.

The overall site planning for the U5 site is consistent with the pedestrian circulation patterns established in this neighbourhood. The site has a regional trail connection at the back of the site and has a direct connection to the pedestrian trail system incorporated into the U3 project. The two pedestrian connections will connect into the future commercial site at the top of the hill. The pedestrian connection was a major design element within the U5A building as the building architecture is framed by a two storey gateway element through the building which becomes the entry way to this pedestrian link.

U5A is also providing an outdoor pool as the major amenity for this building. Both U3A & U5A are proposed to have access to this amenity feature and will hopefully encourage more summer use in this area.

4.2.1 Character & Materials

The architectural form and character of the buildings is designed in a "campus modern" style and reflects similar architectural styles along the east side of Academy Way. The 'U5A' building includes two separate but complimentary lobby entrances that help break up the mass of the buildings. The 'U5A' building has a complimentary form, image, and colour to the previously approved 'U3A' building. The 'U5B' building has a similar material pallet as the other 'U' buildings but has incorporated brick elements to differentiate itself from the other buildings along Academy Way. Both buildings will use a combination of hardie panel, hardie siding, and stucco. Both buildings have incorporated significant vertical elements and building articulation. Similar to other buildings in the area, both buildings are built into the hill, so that one side of the building has ground oriented units at grade and the other side has an exposed parkade face hidden with a band of landscaping to aid in the visual transition.

Figure 1: U5A Concept Rendering

Figure 2: U5B Concept Rendering

4.3 Public Notification

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

4.4 Site Context

The 'U5' development project is located on the north slope adjacent to Academy Way. The property has a Future Land Use designation of MRM – Multiple Unit Residential (Medium Density) in the Official Community Plan and is within the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C3 – Neighbourhood Commercial RM5 – Medium Density Multiple Housing	Vacant U3a & U3b
East	A1 – Agricultural	Park
South	RM4 – Transitional Low Density Housing	Multiple family dwellings
West	RM3 – Low Density Multiple Housing RU1H – Large Lot Housing (Hillside Area)	Vacant – micro suite application Vacant – single family subdivision application

Subject Properties Map: 755 Academy Way

Zoning Analysis Table – U5A (DP16-0206/DVP16-207)		
CRITERIA	**RM4 ZONE REQUIREMENTS**	**PROPOSAL**
Development Regulations		
Site Coverage (buildings)	50 %	23.1 %
Site Coverage (buildings, driveways, and parking)	60 %	40.9 %
FAR	0.745	0.56
Height	13.0 m and 3 storeys	14.0 m and 4 ½ storeys ❶
Front Yard (west)	4.5 m for first 2 storeys 6.0m above 2nd storey	8.1 m
Side Yard (north)	4.5 m	5.2 m
Side Yard (south)	4.5 m	31.3 m
Rear Yard (east)	9.0 m	17.4 m
Other Regulations		
Private Open Space	2,420 m^2	5,112 m^2
Parking Stalls	155 stalls	108 stalls ❷ (74 stalls within parkade) (34 stalls @ grade)
Bicycle Spaces	50 Class 1 spaces 10 Class 2 spaces	70 Class 1 spaces 10 Class 2 spaces

❶ Indicates a requested variance to increase the maximum height from 3 storeys to 4 ½ storeys.
❷ Indicates a requested variance to reduce the minimum number of parking stalls by 29.4%.

Zoning Analysis Table – U5B (DP16-0210/DVP16-211)		
CRITERIA	**RM4 ZONE REQUIREMENTS**	**PROPOSAL**
Development Regulations		
Site Coverage (buildings)	50 %	36.8 %
Site Coverage (buildings, driveways, and parking)	60 %	53.8 %
FAR	0.7567	0.7567
Height	13.0 m and 3 storeys	11.0 m and 3 ½ storeys ❶
Front Yard (west)	4.5 m for first 2 storeys 6.0m above 2nd storey	4.75 m to parkade & 6.0 m to residential
Side Yard (north)	4.5 m	4.5 m
Side Yard (south)	4.5 m	23.9 m
Rear Yard (east)	9.0 m	9.0 m
Other Regulations		
Private Open Space	1,590 m^2	2,621 m^2
Parking Stalls	120 stalls	86 stalls ❷ (64 stalls within parkade) (22 stalls @ grade)
Bicycle Spaces	36 Class 1 spaces 8 Class 2 spaces	36 Class 1 spaces 8 Class 2 spaces
❶ Indicates a requested variance to increase the maximum height from 3 storeys to 3 ½ storeys. ❷ Indicates a requested variance to reduce the minimum number of parking stalls by 30.3%.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5 – Development Process	
Policy #	Description
5.2.5	**Integrated Land Use.** Integrate land use approaches wherever possible to improve opportunities for biodiversity, ecosystem connectivity, recreation, agriculture and local food production, while reducing conflicts.
5.5.1	**For all areas of the City outside the Urban Centres.** Buildings heights shall be a maximum of four storeys for residential and six storeys for apartment hotels and hotels. Additional height restrictions may be imposed as a result of airport-related zoning regulations.
5.10.1	**Maximize Pedestrian / Cycling Connectivity.** Require that pedestrian and cyclist movement and infrastructure be addressed in the review and approval of all City and private sector developments, including provision of sidewalks and trails and recognition of frequently used connections and informal pedestrian routes. With new developments, require dedication of on-site walking and cycling paths where necessary to provide links to adjacent parks, schools, transit stops, recreation facilities, employment nodes, cul-de-sacs and large activity areas.
5.11.4	**Multi-Unit Residential Parking.** Encourage developers / landlords to unbundle parking price from the multi-family housing or rental price.

5.22.1	**Cluster Housing.** Require new residential development to be in the form of cluster housing on / or near environmentally sensitive areas and areas of steeper slopes to lessen site disturbance and environmental impact on those areas identified on the Future Land Use Map 4.1 as single-two unit residential hillside. Steeply sloped areas should be retained as natural open space, public or private. The intent of the clustering would be to preserve features identified through the Development Permit process that otherwise might be developed and to maximize open space in order to: a) Protect environmentally sensitive areas of a development site and preserve them on a permanent basis utilizing the most appropriate tools available; b) Facilitate creative and flexible site design that is sensitive to the land's natural features and adaptive to the natural topography; c) Decrease or minimize non-point source (i.e. asphalt roofs, driveways and parking) pollution impacts by reducing the amount of impervious surfaces in site development; d) Promote overall cost savings on infrastructure installation and maintenance; and e) Provide opportunities for social interaction, walking and hiking in open space areas.

6.0 Technical Comments

6.1 Building & Permitting Department

a) Approval of the Airport manager is required to avoid issues with airport radar and communication to and from the planes.

b) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s).

c) 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.

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):

- An alternative solution accepted by the Chief Building Inspector in lieu of the required fire separations at both main entrances are required prior to the release of the Building Permit.
- Fire prevention department to provide comment of access to the building.
- Hard surfaced paths leading from the egress stairwells to a safe area are to be clearly defined as part of the DP.
- Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.

e) Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.

f) 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.

g) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.

h) 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.

i) 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.

j) 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 August 25th 2015

6.3 Fire Department

a) Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required. Template 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 operational prior to the start of construction and shall be deemed a private hydrant.

c) This building shall be addressed off of the street it is accessed from. A visible address must be posted on this street. as per City of Kelowna By-Laws.

d) Because one side of the building's balconies are not accessible, sprinklering the balconies would be prudent.

e) Sprinkler drawings are to be submitted to the Fire Dept. for review when available.

f) 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.

g) Fire Department access is to be met as per BCBC 3.2.5. - the turnaround facility shall accommodate KFD's largest truck that is 50 ft in length.

h) Approved Fire Department steel lock box acceptable to the fire dept. is required by the fire dept. entrance and shall be flush mounted.

i) All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met.

j) Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.

k) Contact Fire Prevention Branch for fire extinguisher requirements and placement.

l) Fire department connection is to be within 45M of a fire hydrant - unobstructed.

m) Ensure FD connection is clearly marked and visible from the street.

n) Standpipes to be located on intermediate landings.

o) Sprinkler zone valves shall be accessible as per fire prevention bylaw.

6.4 Real Estate & Building Services

a) As a parking variance is being requested, the applicant should be aware that most on-street parking in this area will be eliminated or restricted when the full design/build out is implemented.

7.0 Application Chronology

Date of Application Received: August 23rd 2016
Date of Public consultation: December 2nd 2016

Report Prepared by: Adam Cseke, Urban Planner
Reviewed by: Terry Barton, Urban Planning Manager
Approved by: Ryan Smith, Community Planning Manager

Attachments:
Development Engineering Comments dated August 25th 2016 (Attachment 'A')
Applicant Development Rationale
Development Permits and Development Variance Permits