REPORT TO COUNCIL

Date:	1/10/2017		
RIM No.	1250-30		
To:	City Manager		
From:	Community Planning Department (AC)		
Application:	DP16-0258 / DVP16-0259	**Owner:**	Windmill Ventures Ltd.& 0797989 BC. Ltd.
Address:	332 Lake Ave	**Applicant:**	Norr Architects Planners
Subject:	Development Permit & Development Variance Permit Applications		
Existing OCP Designation:	Multiple Unit Residential (MRM)		
Existing Zone:	RM5 – Medium Density Multiple Housing		

1.0 Recommendation

THAT Council authorize the issuance of Development Permit No. DP16-0258 for Lot A, District Lot 14, ODYD, Plan KAP90495, located at 332 Lake 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 DVP16-0259 for Lot A, District Lot 14, ODYD, Plan KAP90495, located at 332 Lake Ave, Kelowna, BC;

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

Section 13.11.6 (d) Development Regulations:

- To decrease the front yard setback for the parkade from 6.0m to 3.0m;

Section 13.11.6 (e) Development Regulations:

- To decrease the side yard setbacks for the eastern property:
  - From 1.5m for the parkade to 0.22m;
  - From 4.5m (up to 2 ½ stories) to 1.6m (up to 2 ½ stories);
  - From 7.0m (above to 2 ½ stories) to 1.6m (above to 2 ½ stories).

- To decrease the side yard setbacks (south) facing the adjacent single family dwelling:
  - From 4.5m (for the parkade & up to 2 ½ stories) to 2.8m (for the parkade & up to 2 ½ stories);
  - From 7.0m (above to 2 ½ stories) to 1.6m (above to 2 ½ stories).
- To decrease the side yard setbacks (west) facing the adjacent single family dwelling:
  - From 4.5m (for the parkade & up to 2 ½ stories) to 2.8m (for the parkade & up to 2 ½ stories);
  - From 7.0m (above to 2 ½ stories) to 5.2m (for the 3rd level) and 6.2m(for the 4th level);
- To decrease the flanking side yard setbacks (facing Water St):
  - From 6.0m for the parkade to 1.5m;
  - From 6.0m to 3.7m (for the 1st & 2nd levels);
  - From 6.0m to 5.8m (for the 3rd level);

Section 13.11.6 (f) Development Regulations:

- To decrease the rear yard setbacks (north):
  - From 7.0m to 6.7m (for the 1st, 2nd, & 3rd levels).

Section 13.11.6 (b) Development Regulations:

- To increase the maximum site coverage from 40% to 80%;
- To increase the maximum site coverage of buildings, driveways, and parking areas from 65% to 80%.

Section 8.1.11 (a) (Parking) Size and Ratio:

- To reduce the minimum extra width for a parking stall when it abuts an obstruction on one side from 0.2m to 0.0m.

Section 8.1.11 (b) (Parking) Size and Ratio:

- To reduce the minimum percentage of full sized parking stalls for Apartment Housing from 50% to 48%;
- To increase the maximum percentage of medium sized parking stalls for Apartment Housing from 40% to 43%.

AND THAT Council's consideration of the Development Permit and Development Variance 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 Permit / Development Variance Permit applications in order for the permits to be issued;

AND FURTHER THAT the 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 review the Form & Character Development Permit for a 4 ½ storey, 35 unit condominium multi-family buildings known as Magala Place and to review the project for a number of variances.

3.0 Community Planning

3.1 Background

The subject property is located at the southern edge of the downtown urban centre. The applicant has previously applied for two development permits (DP08-0250/DVP08-0251 & DP15-0173/DVP15-0174). The first development permit (DP08-0250/DVP08-0251) was approved by Council on March 23rd 2010. There were extensions granted, but the applicant failed to complete the final conditions prior to the permit expiry date (File closed March 28th 2012).

The second development permit (DP15-0173/DVP15-0174) was turned down by Council with Staff's recommendation of non-support on April 5th 2016. That proposal was 25 units which is 10 less units than the current proposal but the previous proposal had a number of design guideline contraventions. For a detail review of the non-support rationale, please see the Community Planning report dated April 5th 2016.

3.2 Development Permit

Staff are recommending support for the proposed Development Permit due to the proposal's consistency with the Official Community Plan's (OCP) design guidelines.

Specifically, the design features are:

1. The key OCP design guideline that the previous project failed to achieve was "to design new multi-storey buildings to transition in height where the OCP land use designation provides for smaller structures on adjoining lots" [1]; Staff did not support the original height variance since the site is located directly across from the heritage conservation area (a protected single family neighbourhood). The new proposal is consistent with the RM5 zone height regulations and as the building rises it is stepped back to provide a better transition to the adjacent single family lot and the heritage conservation area.

2. Another important OCP design guideline that the previous project underperformed in was to "locate parking areas to the rear of buildings, internal to the building, or below grade" [2]; Although, the previous proposal did have 43% of the parking located below grade within a parkade, the remainder was located adjacent to Lake Ave as surface parking. Lake Ave is the first street to enter into the heritage conservation area and it was important to have an articulated face facing Lake Ave. The new proposal has achieved that goal and has provided 100% of the parking below grade within a parkade.

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[3]. Generally, the desired streetscape rhythm is achieved by locating buildings parallel to the street rather than perpendicular. Magala Place exemplifies this design by locating the buildings parallel to the street and by providing ground oriented units along each streetscape and on the northern lanescape.

3.3 Development Variance Permit

Staff are recommending support for the proposed Development Variance Permit. There are ten variances. See Zoning Analysis table for specific details. The ten variances can be split into three categories of variances: i) building setbacks, ii) site coverage, and iii) parking variances.

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[1] Policy 2.3 - Chapter 14 - Urban Design Development Permit Areas – City of Kelowna Official Community Plan

[2] Policy 8.8 - Chapter 14 - Urban Design Development Permit Areas – City of Kelowna Official Community Plan

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

1. Building Setback Variances:
    a. The RM5 zone has different setbacks for the: parkade, first 2 ½ stories, and above 2 ½ stories. The variances generally reduce the setback at each level and on most elevations. There are some building setbacks that are in excess of the bylaw requirement (most notably the sections adjacent to the single family dwelling). However, the townhouse style units facing Lake Ave are wider than the rest of the building which consequently require a building setback variance facing the existing single family dwelling. This will impact the adjacent single family dwelling. However, the extra width along Lake Ave was needed to have the desired streetscape along Lake Ave with two walk-up style townhouse units.

    b. The building setback variances facing the lanes are considered appropriate by Staff as this should provide an adequate interface to the surface parking lots and adjacent utility lot along that lane.

    c. Reducing the building setback for the parkade is acceptable by Staff as the parkade wall is hidden with a well-defined set of retaining walls and extensive landscape treatment.

    d. Reducing the building setback from Water Street is considered an adequate compromise by Staff as the initial reduction is relatively small (0.8m closer to Water St) and the applicant is proposing to step back that building greater than what is required by the Zoning Bylaw. The Zoning Bylaw only requires a setback of 2.5m from the first floor to the top floor and the applicant is proposing to step back the building 4.1m between the first floor and the top floor. This provides a transitional façade feeling. This is an important design consideration as the project sited across form the heritage conservation area.

2. Site Coverage Variances:
    a. Most multi-family buildings need to vary both site coverage regulations in order to meet the desired densities outlined in the OCP especially when a site is located within an infill urban centre setting. This project is further proposing a partial green roof to aid in stormwater detention of the site and the overall aesthetics of the project.

3. Parking Variances
    a. Reduce the ratio of parking stalls is a common variance and helps increase the efficiency of a particular site to achieve the maximum number of parking stalls. This proposal is only short one parking stall and will be providing cash-in-lieu of parking. The proposal includes a variance to reduce the size of every parking stall when abutting an obstruction (including columns). This variance will almost affect every parking stall in the parkade. Staff are comfortable with the variance as the applicant has shown that their target market will likely include owners with smaller vehicles. Staff feel it is appropriate to allow a developer to innovate and to provide a product that discourages larger vehicles in an urban centre.

4.0 Proposal

4.1 Project Description

'Magala Place' is a 4 ½ storey condominium project with 35 units. The project consists of ten 3-bedroom units, fourteen 2-bedroom units, and eleven 1-bedroom units. The project is one parking stall short but a parking variance is not necessary as the applicant will instead pay cash-in-lieu of parking in accordance with the Payment in Lieu of Parking Bylaw No. 8125.

Character & Materials

The proposed building steps back on the west and south facades decreasing the massing of the building as well as providing a more sensitive transition to the adjacent single family dwelling. The

below grade parkade is partially exposed but is screened extensively with landscaping, tiered retaining wall, stairs, railings, and gates which serve to provide a definition of public, semi-public, and private space.

The project has been designed using extensive use of overhangs, structural brackets, and exterior decks. All of these elements were used to minimize the visual massing of the building as well as adding visual interest to the facades of the project. The project uses brick at visually exposed areas of the main and second floors. This provides a defined building base. Cementitious panels are being used to maintain the contemporary (and contextual) look of the project.

Figure 1: Proposed building materials

All the units on the main floor facing the north lane, Water Street, and Lake Ave will have direct access to grade. This is provided through the integrated use of stairs and gates. The entry point to these residential units are to include integrated lights which will be used as a means of wayfinding and also to animate the street during the evening.

Figure 2: Example of Ground Oriented Units

The project meets the landscape requirements and guidelines and goes further by providing a partial green roof. The specific plantings were chosen based upon the following design considerations:

- Ornamental shrubs / flowering species to provide colour around the site throughout the year;
- Drought tolerant plant types for arid micro-climate;
- Use of coniferous plants to provide greenery during the winter months;
- Use of ornamental grasses to provide soft screening at the edges of the project and to minimize the visual impact of the (partially) exposed garage;
- Use of perennials to provide colour in areas that are physically constrained.

Figure 4: Magala Place Rendering

4.2 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.

4.3 Site Context

The 'subject property is located adjacent to the Abbott Street Heritage Conversation area and within the edge of an Urban Centre. The site is level, and is designated as MRM – Multiple Residential (Medium Density) in the OCP Future Land Use Map. Specifically, the adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P4 - Utilities	Utilities
East	RM5 - Medium Density Multiple Housing	Residential
South	RM5 - Medium Density Multiple Housing & RU1 – Large Lot Housing	Residential
West	RU1 – Large Lot Housing	Residential

Subject Property Map: 332 Lake Ave

4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	**RM5 ZONE REQUIREMENTS**	**PROPOSAL**
Development Regulations		
Height	18.0 m / 4.5 storeys	12.7 m / 4.5 storeys
Front Yard Setback (Lake Ave) [1]	Min 6.0 m except for 1.5 m for ground oriented housing that is below 2 ½ stories	3.0 m to parkade 5.3 m to 1st & 2nd Levels 7.8 m to 3rd Level 10.6 to 4th Level
Side Yard Setback (east) [2]	1.5 m to parkade 4.5 m (up to 2 ½ storeys) 7.0 m (above 2 ½ storeys)	0.22 m to parkade 1.6 m to 1st, 2nd, 3rd, & 4th Levels
Side Yard Setback (south) facing single family dwelling [3]	4.5 m (up to 2 ½ storeys) 7.0 m (above 2 ½ storeys)	3.9 m to parkade 6.6 m to 1st, 2nd, 3rd, & 4th Levels
Side Yard Setback (west) facing single family dwelling [4]	4.5 m (up to 2 ½ storeys) 7.0 m (above 2 ½ storeys)	2.8 m to parkade 2.8 m to 1st & 2nd Levels 5.2 m to 3rd Level 6.2 m to 4th Level
Flanking Side Yard Setback (Water St) [5]	Min 6.0 m except for 1.5 m for ground oriented housing that is below 2 ½ stories	1.5 m to parkade 3.7 m to 1st & 2nd Levels 5.8 m to 3rd Level 7.8 m to 4th Level
Rear Yard Setback (north) [6]	1.5 m to parkade 7.0 m to building	3.0 m to parkade 6.7 m to 1st, 2nd & 3rd Levels 8.0 m to 4th Level
Site coverage of buildings [7]	40 %	80%
Site coverage of buildings, driveways & parking [8]	65 %	80%
FAR	1.1 +0.1+0.2 = 1.4 Max	1.4
Parking Regulations		
Minimum Parking Requirements	55 parking stalls	54 parking stalls [*] [*]Variance not needed; cash-in-lieu of parking to be provided
Ratio of Parking Stalls [9]	Full size: 50% Min Medium Size: 40% Max Small Size: 10% Max	Full size: 48% (26 stalls) Medium Size: 43% (23 stalls) Small Size: 9% (5 stalls)
Minimum Drive Aisle Width	7.0 m	7.0 m
Minimum Parking Stall Width [10]	Where a parking stall abuts an obstruction (including a column) the stall shall be 0.2m wider	0.0m wider

Zoning Analysis Table		
CRITERIA	**RM5 ZONE REQUIREMENTS**	**PROPOSAL**
Minimum Bicycle Parking Requirements	Class 1: 18 bikes Class 2: 4 bikes	Class 1: 35 Class 2: 4 bikes
Private Open Space	765 m^2	1249 m^2
[1 - 10] Ten Variances Proposed.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.23 Address the needs of families with children through the provision of appropriate family oriented housing.

Policy 1 Ground-Oriented Housing. Encourage all multiple-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with 2 or more bedrooms so as to provide a family housing choice within the multi-unit rental or ownership markets. High density residential projects in the Downtown area are encouraged to include a ground-oriented housing component, especially where such can be provided on non-arterial and non-collector streets.

Objective 5.5: Ensure appropriate and context sensitive built form.

Building Height. [4] In determining appropriate building height, the City will take into account such factors as:

- Contextual fit into the surrounding neighbourhood
- Shadowing of the public realm
- View impacts
- Overlook and privacy impact on neighbouring buildings
- Impacts on the overall skyline
- Impacts on adjacent or nearby heritage structures

Chapter 14: Urban Design Guidelines

Amenities, ancillary Services and Utilities.[5]

11.1 - Locate loading, garbage, storage, utilities and other ancillary services away from public view. All such areas shall be screened and designed as an integral part of the building to minimize impact;

11.3 - Create attractive rear alley facades with high quality materials on buildings facing residential areas (e.g. rear building entrances, windows, balconies, plazas, and plantings).

Chapter 4: Land Use Designation

Massing and Height.[3]

4.1 - Mitigate the actual and perceived bulk of buildings by utilizing appropriate massing, including:

[4] City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).
3 City of Kelowna Official Community Plan, Chapter 14 (Urban Design Development Permits Area).

- Architectural elements (e.g. balconies, bay windows, cantilevered floors, cupolas, dormers);
- Visually-interesting rooflines (e.g. variations in cornice lines and roof slopes);
- Step back upper floors to reduce visual impact;
- Detailing that creates a rhythm and visual interest along the line of the building;
- Wall projections and indentations, windows and siding treatments as well as varied material textures should be utilized to create visual interest and to articulate building facades;
- Building frontages that vary architectural treatment in regular intervals in order to maintain diverse and aesthetically appealing streets.

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) Demolition Permit required for any existing structures.

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 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.

e) A Building Code analysis is required for the structure at time of building permit applications:

- Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
- 12% driveway slope into the parking area may be excessive.
- Spatial calculation should be provided for the building face adjacent to the existing residential lot to confirm if within limits.
- An alternative solution may be required to establish safe H/C access from the building due to unprotected glazing in the exit path.
- An alternative solution may be required for a safe exiting path past a suite windows from 2nd stairwell or redesign of the floor plan may be required
- Location of the main entrance should be clearly defined on the drawings along with location of fire alarm panel to meet minimum distances as defined in BCBC 12.

f) 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.

g) 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.

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, door swing direction, handrails on each side of exit stairs, width of exits etc.

j) 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.

k) Mechanical Ventilation inlet and exhausts vents are not clearly defined in these drawings for the enclosed parking storey. The location and noise from these units should be addressed at time of Development Permit.

l) 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

- See attached Memo dated December 6th 2016

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 - main entrance appears to be on Water Street. A visible address must be posted on this street. as per City of Kelowna By-Laws.

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

e) 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.

f) Fire Department access is to be met as per BCBC 3.2.5.

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

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

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

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

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

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

m) Standpipes to be located on intermediate landings.

n) Sprinkler zone valves shall be accessible as per fire prevention bylaw (10760).

o) Dumpster/refuse container must be 3 meters from structures or overhangs or in a rated room in the parking garage.

7.0 Application Chronology

Date of Application Received: October 21st 2016
Date of Public Notification: December 7th 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 December 6th 2016 (Attachment 'A')
Applicant Development Rationale
Draft Development Permit and Development Variance Permit