

# REPORT TO COUNCIL



**Date:** March 21<sup>st</sup> 2017

**RIM No.** 0940-00 & 0940-50

**To:** City Manager

**From:** Community Planning Department (AC)

**Application:** DP16-0160 & DVP16-0161      **Owner:** Inc. No. 0984342 B.C. Ltd.

**Address:** 650 Swordy Rd      **Applicant:** Zeidler BKDI Architects (Jean Guy Beliveau)

**Subject:** Development Permit and Development Variance Permit

Existing OCP Designation: MXR – Mixed Use (Residential / Commercial) & S2RES Single / Two Unit Residential

Proposed OCP Designation: MXR – Mixed Use (Residential / Commercial)

Existing Zone: C9 – Tourist Commercial & RU6 – Two Dwelling Housing

Proposed Zone: C4 – Urban Centre Commercial

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## 1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11281 (Z16-0040) & OCP Amendment Bylaw No. 11280 (OCP16-0007) be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP16-0160 for Lot A, District Lot 134, ODYD, Plan EPP65105, located at 650 Swordy Rd, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in 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 Council authorize the issuance of Development Variance Permit DVP16-0161 for Lot A, District Lot 134, ODYD, Plan EPP65105, located at 650 Swordy Rd, Kelowna, BC;

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A, B, & C":

**Table 8.1 Parking Schedule**

To vary the required parking from 145 parking stalls permitted to 144 parking stalls proposed.

**S.14.4.5 (c) Development Regulations**

To vary the maximum height from '15.0m or 4 stories' permitted to '20.55m or 6 stories' proposed.

AND THAT Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated March 21 2017;

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

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 review the Form & Character Development Permit of a project known as 'The Shore' which consists of a 6 storey, mixed-use building with ground floor retail, second floor offices, and residential units on floors 3 to 6 and to review the project for two variances.

**3.0 Community Planning**

**3.1 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. The applicant has worked with City staff to review and refine the proposed building design, with particular consideration given to the base of the podium to provide a successful streetscape and pedestrian experience. The proponent and their consultants have proposed to include "green" landscaping features on all the private and amenity outdoor space.

The positive design features of the application include:

- Off-street parking located primarily within or below the building.
- A "Public Courtyard" within the central portion of the site designed for universal accessibility.
- Significant landscaping has been provided on-site and on the building.
- Three levels of rental residential units.
- Retail commercial at-grade which provides for a strong streetscape interface.
- A supplementary 67 stall surface parking lot on the adjacent Fortis site.

**3.2 Development Variance Permit**

There are two proposed variances associated with this permit:

1. One parking stall reduction; and
2. An increase in building height from 15 metres & 4 stories to 20.55 metres & 6 stories.

The site is within the South Pandosy Cash-in-Lieu of Parking Area and the parking variance will eliminate the need for the applicant to provide cash-in-lieu. The applicant has secured the adjacent Fortis Site and will be providing an additional 67 stall parking lot as a supplementary amenity. Therefore, the one vehicular

stall reduction is seen as a minor trade-off for the provision of an additional 66 stalls above the minimum required parking.

The other variance is related to building height. In the C<sub>4</sub> zone, the base height permitted is four storeys. The proposal is for six storeys, therefore, a height variance is necessary. The Official Community Plan states building heights for C<sub>4</sub> zoned properties that are within the South Pandosy area could achieve additional height between six and eight stories. The additional height should only be considered where an architecturally distinct and significant building can be achieved on a corner or gateway property in which the location is of significance to the community. Staff consider the proposed design of the Shore project to be an architecturally distinct building and the property is located on a prominent corner site at the entrance to the South Pandosy Urban Centre. Therefore, an extra 2 stories in height is readily supported by Staff. Further, Staff are generally supportive of taller mixed use developments within the C<sub>4</sub> zone and will engage in a comprehensive urban centre commercial zone review in the future in order to review and to align the desired policy objectives in the Official Community Plan with the Zoning Bylaw's regulatory provisions.

### 3.3 Notification

Council's Public Notification Policy #367 has been met by informing property owners within 50 metres of the proposed development and holding a public open house. The public open house was held on August 4<sup>th</sup> 2016 from 6:00pm to 8:00pm at 201 – 3975 Lakeshore Road.

## 4.0 **Proposal**

### 4.1 Project Description

The proposed building is six storeys high, with a retail base, a dedicated office-oriented second floor (that spans two floors in height), and three levels of market rental housing (83 units) located above the podium. The massing of the upper levels is stepped back allowing the retail area to frame the public plaza in manner that accentuates the pedestrian friendly feeling while hiding the parking facilities. The proximity of the beach naturally led the design to provide plenty of on-site open space for café and restaurant patios at grade. Fitted with a breezeway, the project allocates the commercial parking underneath the building and at the rear of the site. This frames multiple views to the beach from the mid-block public plaza. Residential parking is hidden in a semi-open air parkade integrated into the rear of the podium. This organizing principle for the massing also allows the project to exceed the zoning-required Daylighting Standards Vertical Angles by relying on voluntary setbacks on at the property line on Richter Street, and Swordy and Lakeshore Roads. The public plaza and rooftop landscaping afford the project the additional 0.28 Floor Area Ratio permitted by the Zoning Bylaw.

Vehicular access to the site is provided via Richter Street and Swordy Road satisfying the requirements of the Fortis right-of-way for service access to the existing facility to the east. Once out of the car, the visitor to the site is funneled through the breezeway into the central area of project. This design choice satisfies general accessibility requirements for commercial retail units. The main residential and office entrance for the pedestrian coming in from the parking area or the public plaza is located at the breezeway making it an active connector across the site. The designated firefighter access is located on Swordy Road. All of the floors are designed with ample outdoor amenity space. The office floors contain view responsive corner windows, and the fourth floor residential amenity level opens up to an amenity deck overlooking the Boyce-Gyro Beach Park. Visually, the project offers a fresh reinterpretation of the Kelowna vernacular, providing a contemporary twist on local materials.

Lastly, the design of the project actively responds to servicing needs. Waste and recycling facilities are enclosed underneath the building at the rear of the site. It is anticipated that waste and recycling will be staged in the lane with thru-access for the trucks. Loading stalls are located out of sight underneath the building. Sight lines to the service areas are clear of obstructions which is in compliance with CPTED principles. The site is provided with appropriate landscaping required on public plazas and adjacent public streets. It is also fitted with a few landscape buffer areas that screen the surface parking lot.

4.2 Site Context

The site is located at the south end of the South Pandosy Urban Centre across from Gyro Beach. Specifically, the adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C9 – Tourist Commercial	Vacant
East	P4 - Utilities	Utilities
South	RM3 – Low Density Multiple Housing	Residential
West	P3 – Parks and Open Space	Park

**Subject Property Map: 650 Swordy Rd**



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C4 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Height	15.0 m / 4.0 storeys	20.55 m / 6 storeys <sup>1</sup>
Front Yard (north)	0.0 m	0.0 m
Side Yard (east)	0.0 m	0.0 m
Side Yard (west)	0.0 m	0.0 m
Rear Yard (south)	0.0 m	0.0 m
Site coverage of buildings	75 %	58.4 %
FAR	Base Far: 1.3 + Parking within Bldg bonus: 0.1 <u>+ Public plaza bonus: 0.18</u> = 1.58	1.36
Parking Regulations		
Minimum Parking Requirements	145 parking stalls	Main floor / site: 61 stalls + 2 <sup>nd</sup> Floor: 36 stalls <u>+ 3<sup>rd</sup> Floor: 47 stalls</u> = 144 parking stalls <sup>2</sup>
Minimum Loading Spaces	2 spaces	2 spaces
Ratio of Parking Stalls	Full size: 50% Min Medium Size: 40% Max Small Size: 10% Max	Full size: 61% Medium Size: 34% Small Size: 5%
Minimum Drive Aisle Width	7.0 m	8.0 m
Other Regulations		
Minimum Bicycle Parking Requirements	Class 1: 50 bikes Class 2: 30 bikes	Class 1: 50 bikes Class 2: 30 bikes
Private Open Space	795 m <sup>2</sup>	869 m <sup>2</sup>
<sup>1</sup> A variance to increase the permitted height is proposed. <sup>2</sup> A variance to reduce the number of permitted parking stalls by 1 stall is proposed <sup>3</sup> A variance to amend the ratio of parking stalls may be needed. Detailed drawings outlining the exact proportions will be provided with the Development Permit / Development Variance Permit.		

5.0 Current Development Policies

5.1 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

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

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.

**Contain Urban Growth.**<sup>3</sup> Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

**Housing Mix.**<sup>4</sup> Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.

**Building Height**<sup>5</sup>:

- **Other Urban Centres:** Locate taller buildings in the geographic centre of Urban Centres and generally decrease height moving away from the centre, to a maximum of 4 storeys at the periphery of the Urban Centres, where adjoining land is designated for single/two unit housing.
- **South Pandosy:** Generally, 4 storeys. Six storeys within C<sub>4</sub> or C<sub>9</sub> zoned areas. Potential for 8 storeys where an architecturally distinct and significant buildings is placed at a corner, gateway or view terminus location that is of significance to the community or where a building is of cultural significance to the community.
- **Rutland:** Generally, 4 storeys. Six storeys within C<sub>4</sub> or C<sub>9</sub> zoned areas. Potential for up to 44 m height (12-14 storeys) in the core of Rutland, as identified in the C<sub>7</sub> zone of the Zoning Bylaw.
- **Midtown:** 16 storeys, where the OCP designation provides for high-density multiple-units.
- **Capri/Landmark:** Generally, 4 storeys. Greater height (up to 12 storeys) may be supported on the Capri Shopping Centre site and in the area bordered by Dickson Avenue, Dayton Avenue, Springfield Road and Kirschner Road upon approval of a Council-endorsed comprehensive development plan for the site that provides for a variety of housing types (including but not limited to ground-oriented and rental apartment housing) and the provision of commercial space that is of an amount that, at minimum, equals that which existed in 2010.
- **Elsewhere:** 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.

**Objective 5.5: Ensure appropriate and context sensitive built form.**

**Building Height.**<sup>6</sup> 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;

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

<sup>3</sup> City of Kelowna Official Community Plan, Goals for a Sustainable Future, Objective 1 (Chapter 1 Introduction)

<sup>4</sup> City of Kelowna Official Community Plan, Policy 5.27.11 (Development Process Chapter)

<sup>5</sup> City of Kelowna Official Community Plan, Policy 5.8.1 (Development Process Chapter)

<sup>6</sup> 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).



**Chapter 14: Urban Design Guidelines Amenities, ancillary Services and Utilities.<sup>5</sup>**

- 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;
- 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.<sup>3</sup>**

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

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- 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.
- 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.
- Requirements of the City of Kelowna fire prevention regulations bylaw No. 10760 for buildings 6 stories and greater are to be shown on the building permit drawings
- 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. An alternative solution proposal for code requirements must be accepted by the Chief Building Inspector prior to the release of the Development Permit
  - b. Door swings and proper exit distance for means of exiting are required. Door swings can not cross property and an additional stairwell may be required for travel distance of the residential floors
  - c. Additional doors and/or corridors may be required to meet minimum exiting requirements of the commercial space. This may include moving of the internal rated exit stairwells to meet minimum distances and addition of rated corridors and additional doors.
  - d. Spatial calculation are required between commercial units which may affect the form and character is glazing is required to be reduced.
  - e. Dedicated exits are required from the amenity deck to the public corridor.
  - f. Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
  - g. Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.

- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. A minimum Geodetic Elevation of 343.66 meters is required for all habitable spaces including the parking garage(s).
- 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.
- 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.
- 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.
- 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.
- 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.
- 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 Memo (Attachment 'A') dated August 15<sup>th</sup> 2016

#### 6.3 Fortis BC (Electric)

- There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Lakeshore Road and Swordy Road. However, given the proposed building and transformer location noted on the plans provided, extension work might be required to service the proposed development, the cost of which may be significant. Furthermore, FBC(E) requires guaranteed tractor trailer access in order to service the adjacent substation to the east. 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, FBC(E) has no concerns with this circulation.

#### 6.4 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. New hydrants on this property shall be operational prior to the start of construction and shall be deemed a private hydrant
- All buildings shall be addressed off of the street it is accessed from.



- 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 acceptable to the fire dept. is required by the fire dept. entrance and shall be flush mounted
- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met
- 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 - unobstructed.
- 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 - less than 7 feet from floor
- Dumpster/refuse container must be 3 meters from structures or overhangs or in a rated room in the parking garage
- Do not issue BP unless all life safety issues are confirmed

#### 6.5 Real Estate and Building Services

- No on-street parking on any of the frontage around this proposed development. This is a high parking demand area especially in the summer season.

#### 7.0 **Application Chronology**

Date of Application Received (complete):	July 4 <sup>th</sup> 2016
Date of Notification Letters:	July 20 <sup>th</sup> 2016
Date of Public Open House:	August 4 <sup>th</sup> 2016
Date of First Reading:	Sept 12 <sup>th</sup> 2016
Date of Public Hearing:	Oct 4 <sup>th</sup> 2016

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

#### **Attachments:**

Attachment A - Development Engineering Memo  
DP16-0160 & DVP16-0161