

# REPORT TO COUNCIL



**Date:** May 2, 2017

**RIM No.** 0940-40

**To:** City Manager

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

**Application:** DP16-0297 & DVP16-0298      **Owner:** Suntec Holdings Corporation Inc. No. BC0995201

**Address:** 225 Rutland Road S      **Applicant:** Blue Green Architecture Inc.

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

Existing OCP Designation: MXR – Mixed Use Residential/Commercial

Existing Zone: C4 – Urban Centre Commercial

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP16-0297 for Lot A Section 23 Township 26 ODYD Plan KAP84050, located at 225 Rutland Road S, Kelowna, BC subject to the following:

1. The dimensions and siting of the buildings to be constructed on the land be in accordance with Schedule "A";
2. The exterior design and finish of the buildings 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 authorizes the issuance of Development Variance Permit NO. DVP16-0298 for Lot A Section 23 Township 26 ODYD Plan KAP84050, located at 225 Rutland Road S, Kelowna, BC;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

**Section 14.4.5(e): C4 – Urban Centre Commercial Development Regulations**

To vary the required minimum side yard from 4.5 m permitted to 2.0 m proposed

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department date January 31, 2017;

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

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

## **2.0 Purpose**

To consider the form and character and one variance to facilitate the construction of the proposed 4-storey, mixed-use building on the subject property.

## **3.0 Community Planning**

Community Planning Staff are supportive of the proposed development as it is consistent with the objectives of the Official Community Plan Comprehensive Development Permit Guidelines for the Rutland Urban Centre to achieve a high quality design that enhances the Urban Centre's main street character and that promotes interesting, pedestrian-friendly streetscapes.

While designed as a contemporary building, the proposed development also incorporates a 'historic flavour', notably along the ground level, to address the main street context of the Rutland Urban Centre. Together with the newer Interior Savings building located directly adjacent, the proposed development will extend a strong street interface along Rutland Road South. A strong sense of street identity is provided through the use of significant glazed openings and brick at the street level and above, and through the use of pedestrian-scale elements such as precast concrete entry archways and fabric awnings. The contrasting use of brick and stucco has been used at different heights to generate visual interest and to contribute to perceived facade depth. The primary building entry is highlighted by a central component of full-height brick finishing and a precast concrete archway with wrought iron gate.

The proposed development transitions well to the established single family area to the south, with a stepped facade above the first storey, and with street-level design detail wrapping the building's corner and extending along the Robson Road frontage. The building also transitions well to the existing single family property to the east, with the majority of the building set back 13.2 m from the side property line.

A variance is being sought to reduce the required side yard setback for the north portion of the site to accommodate one storey of covered parking. The proposed residential building above this area is setback 6.0 m from the side property line and complies with the minimum side yard setback requirement of the C4 zone. Staff supports the proposed variance to accommodate this discrete portion of covered parking. It will be of negligible impact, as it is limited to one storey in height (approx. 3.0 m), and set back 2.0 m from the side property line with a continuous 2.0 m landscaped buffer and 1.8 m high fence. Arguably, providing low-profile covered parking where adjacent to the residential neighbour's side yard area may yield more privacy than a permitted open parking area.

In fulfilment of Council Policy No. 367, the applicant completed public notification and consultation with property owners within 50 m of the subject property.

## **4.0 Proposal**

### **4.1 Background**

In 2014, Council approved DP14-0016 & DVP14-0017 for the same development. The owner did not proceed with the project and has since sold the parcel. The previously approved applications have now expired. The new owner is coming forward with new applications for the same project and is eager to see this project through to completion.

#### 4.2 Project Description

The applicant is proposing to develop the subject site with a 4-storey, mixed-use building under the existing C<sub>4</sub> – Urban Centre Commercial zone. The proposed development is an L-shaped configuration, with the long elevation fronting Rutland Road South, and consists of ground-floor commercial with 3 storeys of residential development above. A combination of covered and open at-grade parking is provided on the east side of the property, with access from Robson Road.

The proposed, ground-floor commercial will accommodate a minimum of two commercial units, with primary frontage on Rutland Road South and separated by a central building access and pedestrian walkway. The proposed walkway creates an active access between the street and the residential lobby, and adds to the project's main street entry identity. In response to the perceived demand for affordable student housing in proximity to the UBC Okanagan campus, the residential component is largely intended to provide market rental student housing. Of the 22 residential units proposed, the majority are configured as four-bedroom suites. A caretaker's suite is also provided in the development to accommodate a full-time, on-site caretaker.

The primary proposed building materials include a traditional red/brown brick and beige stucco, with black accents. Precast concrete archway entries are provided along Rutland Road South and Robson Road. The brick finishing is employed at the street level and for portions of the building at the second level. It is also used to full-height above the central entry. Larger glazed openings with black mullions and awnings are provided along the street level to highlight the ground-level commercial space.

A variance is proposed to reduce the required rear yard setback adjacent to the existing residential property to the east from 6 m required to 2 m proposed, to accommodate one storey of covered parking at the north end of site. The proposed residential building above is setback 6 m from the rear property line and complies with the minimum rear yard setback requirement. A minimum 1.8 m fence will be provided along the full length of the rear property line, as well as a 2 m landscaped buffer with trees and shrubbery. The exterior east wall of the covered parking area adjacent to the existing residential property will also be visually softened by planting of creeping evergreen vines.

The property owner has submitted an application for a Revitalization Tax Exemption (RTE), which is presently under review. The RTE Agreement would be forwarded for Council consideration should the subject Development Permit and Development Variance Permits be approved.

#### 4.3 Site Context

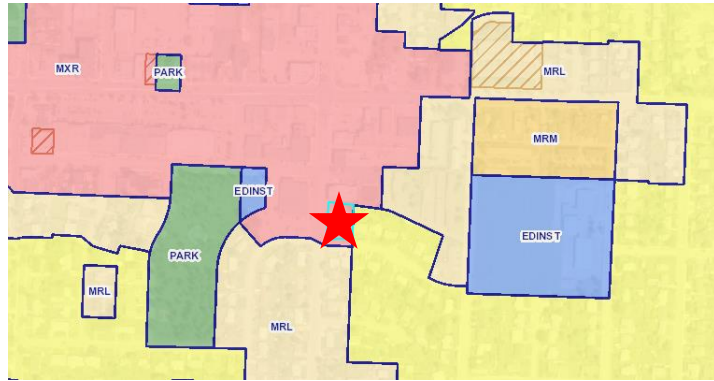
Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C <sub>4</sub> – Urban Centre Commercial	Commercial (Interior Savings)
East	RU <sub>1</sub> – Large Lot Housing	Single Family Residential
South	RU <sub>1c</sub> – Large Lot Housing with Carriage House	Single Family Residential
West	C <sub>4</sub> – Urban Centre Commercial	Commercial (Salvation Army Thrift Store)

Context Map:



Future Land Use:



Subject Property Map:



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C4 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	1,300 m <sup>2</sup>	1,767 m <sup>2</sup>
Lot Width	40 m	51.43 m
Lot Depth	30 m	36.68 m
Development Regulations		
Floor Area Ratio	1.44	1.43
Height	Lesser of 15 m or 4 storeys	15 m and 4 storeys
Site Coverage	75 %	63.1 %
Front Yard (Robson Rd)	0 m	1.4 m

Side Yard (East)	4.5 m abutting a residential zone	2.0 m <span style="color: red;">●</span>
Side Yard (Rutland Rd)	0 m (flanking street)	1.0 m
Rear Yard (North)	0 m	0 m
<b>Other Regulations</b>		
Minimum Parking Requirements	30 spaces (8 commercial + 22 residential)	30 spaces
Bicycle Parking	14 Class 1 spaces 6 Class 2 spaces	14 Class 1 spaces 6 Class 2 spaces
Private Open Space	525 m <sup>2</sup>	534.9 m <sup>2</sup>
<span style="color: red;">●</span> Indicates a requested variance to reduce the required side yard from 4.5 m minimum to 2.0 m proposed.		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Rutland & Downtown Revitalization Tax Exemption.**<sup>1</sup> Provide a revitalization tax exemption for the municipal portion of the annual taxes on improvements for development within the City Centre and Rutland Town Centre as per Revitalization Tax Exemption Bylaw No. 9561.

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

#### Revitalization Design Guidelines.<sup>3</sup>

Objectives:

- Use appropriate architectural features and detailing of buildings and landscapes to define area character;
- Convey a strong sense of authenticity through high quality urban design that is distinctive of Kelowna;
- Enhance the urban centre’s main street character in a manner consistent with the area’s character;
- Provide for a scale and massing of buildings that promotes an enjoyable living, pedestrian, working, shopping and service experience;
- Encourage an appropriate mix of uses and housing types and sizes;
- Design and facilitate beautiful public open spaces that encourage year-round enjoyment;
- Create open, architecturally-pleasing and accessible building facades to the street;
- Improve existing streets and sidewalks to promote alternative transportation.

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.1.3 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

<sup>3</sup> City of Kelowna Official Community Plan, Objectives (Urban Design DP Guidelines Chapter).

## 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).
- Demolition Permit required for any existing structures.
- 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.
- 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. Handicap Accessibility to the main floor levels to be provided, ramps may be required. Location of H/C parking is required on the drawings.
  - c. Glazing to meet minimum provincial standards as outline in the Building Code.
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. 7) 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.
- HPO (Home Protection Office) approval or release is required at time of Building Permit application.
- Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s) / area(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 and all corridors, number of required exits per area, door swing direction, handrails on each side of exit stairs, width of exits, spatial calculation for any windows in exit stairs, 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.
- 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 complex at time of permit application.

### 6.2 Development Engineering Department

- Refer to Attachment A.

### 6.3 Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required. Template at Kelowna.ca.
- 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.
- This building shall be addressed off of the street it is accessed from.
- 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 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 4.5M 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 (10760)

### 7.0 **Application Chronology**

Date of Application Received: December 5, 2016  
Date Public Consultation Completed: December 27, 2016

**Report Prepared by:** Lydia Korolchuk, Planner

**Reviewed by:** Terry Barton, Urban Planning Manager

**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

#### **Attachments:**

Attachment A: Draft Development/Development Variance Permit  
Attachment B: Development Engineering Memorandum  
Schedule A: Site Plan  
Schedule B: Conceptual Elevations  
Schedule C: Landscape Plan