

REPORT TO COUNCIL



Date: June 27th 2017

RIM No. 0940-00 & 0940-50

To: City Manager

From: Community Planning Department (AC)

Application: DP17-0011 & DVP17-0012

Owner: RG Lot 3 Ltd., Inc.No. 556980

Address: 1232 Ellis St

Applicant: ICR Projects Inc. (Leo Mariotto)

Subject: Development Permit and Development Variance Permit

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

Existing Zone: CD5 – Multi-Purpose Facility

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP17-0011 for Lot 3, District Lot 139, ODYD, Plan KAP60698, located at 1232 Ellis St, 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;
5. Payment-in-Lieu of parking be provided for 39 stalls according to the fee structure in Bylaw No. 8358 prior to building permit issuance.

AND THAT Council authorize the issuance of Development Variance Permit DVP17-0012 for Lot 3, District Lot 139, ODYD, Plan KAP60698, located at 1232 Ellis St, Kelowna, BC;

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

Schedule 'B' – Comprehensive Development Zones (CD5 – Multi-Purpose Facility)

Section 1.6 [Maximum Height of Buildings and Structures]:

To vary the maximum height from 12 storeys or 37 metres to 14 storeys or 49 metres.

Section 1.4 (b)[Conditions of Use]:

To vary the minimum amount of commercial frontage on the front lot line from 90% to 67%; &

To vary the minimum ratio of commercial floor area on the first floor from 50% to 39%

AND THAT the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated June 27 2017 be completed prior to Building Permit issuance.

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 mixed-use project with ground floor commercial and a residential tower. To also consider two variances for the project: to increase the maximum height to 14 storeys and to reduce the amount of ground floor commercial.

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 majority of the Official Community Plan's (OCP) urban design guidelines. The applicant has worked with City staff to review and refine the proposed building design which included a number of design revisions recommended by Staff. Particular emphasis was given to the base of the podium and to the tower design. The goal was to provide: a successful streetscape, a pleasant pedestrian experience on the prominent corner property, and a visual interest to Kelowna's skyline.

The positive design features of this application that are congruent with the urban design guidelines are:

- The building has three distinct sections: a top, a middle, and a bottom. The applicant has added architectural overhangs on the rooftop in order to establish the visual 'top' of the building. The 'middle' of the building contains a series of different building materials and large balconies to provide visual interest. On corner lots, Staff have been encouraging applicants to design each façade and the corner of the building slightly different in order to provide visual interest and avoid repetitive or monotonous designs. In this case, the tower has significant visual difference on each façade and on the corner of the building which has exceeded the recommended design guidelines. The 'bottom' of the building (i.e the podium) has designed significant architectural variability. Generally, on corner lots Staff prefer to see 'corner cuts' in the building. However, in this case on the confluence of two busy streets and an adjacent large intersection the sweeping curvilinear façade at the corner of the building provides a good transition between each street façade. Further, the additional beneficial design choices on the podium are:
 - The use of red brick on the base of the podium to tie in the adjacent heritage architecture and create a cohesive streetscape.
 - The change in material from brick to glass for the area around the residential lobby entrance helps break up the visual impact on the façade and increases the visual interest.
 - The use of bronze spandrel glass as 'windows' within the 2nd & 3rd floors façade aids in 'hiding' the parkade and provides visual interest to those floors. Staff encourage applicants to design parkades in a manner where it is not readily apparent that those floors contain a parkade. Staff feel the applicant has succeeded in this design goal.
- Provides a pedestrian walkway between Prospera Arena and the building.

- Provides indoor and outdoor common amenity space.
- All vehicular access is from the lane.

An issue of utilizing the CD-5 zone is that there is no requirement for bicycle storage spaces. As a comparison, the C7 zone would require the provision of 47 long-term bicycle storage spaces and 13 short-term or visitor bicycle parking spaces. Despite no requirement, the applicant has provided a bicycle storage room in the underground parkade that can store up to 16 bicycles and 11 short term bicycle parking spaces located within the public boulevard along Ellis Street. In addition the applicant has provide 102 storage lockers which can be used by residents for a variety of needs, but could also be used for bicycle storage.

The City's Development Engineering department has raised some concerns with the access and manoeuvrability within the applicant's parking entrance area (See Memo - Attachment 'A' dated March 6th 2017). This concern relates to turning movements on the private property and not on the public laneway. The applicant has considered this issue and is confident that they can proved a safe access/egress system within the current design that is both safe and efficient for residents.

3.2 Development Variance Permit

There are two proposed variances associated with this permit.

1. A height increase of two stories; and
2. A reduction the amount of first floor commercial.

Staff are not concerned with the increase in height from 12 stories to 14 stories. If the property was zoned C7 then the maximum height would have been 26 stories and there is a number of towers (and proposed towers) in the greater area.

Staff consider the reduction in the amount of commercial on the first floor as minor. The site is relatively small for tower construction and the ratio of first floor area is primarily taken up with parking ramps, maneuvering aisles, services to the building like garbage & recycling, and the residential lobby. In order to keep those features, the developer has secondarily increased the amount of commercial area as much as possible. The commercial frontage is 100% on the Water street side but on the Ellis Street side a residential lobby, a parkade ramp, and an exit door contribute to the variance of 67% instead of 90% frontage.

3.3 Parking

The proposal is short 39 vehicle stalls as compared to the required parking outlined within the CD5 zone. The applicant is proposing to pay the cash-in-lieu of providing the parking. At today's cash-in-lieu rate of \$22,500 per stall, this would total \$877,500. The applicant's original proposal was to meet the parking requirements of the surrounding C7 zone. The applicant redesigned the parkade after that request was denied by Council. The current CD5 zone requires more parking and requires larger parking stalls compared to any other zone within Zoning Bylaw No.8000. Therefore, the parkade redesign focused on increasing vehicle parking stalls at the expense of bicycle parking and storage areas (See Table 3.3.1 for a comparison between the two designs).

Table 3.3.1 Development Statistic Comparison of the two Parkade designs		
Development Statistic	Original Parkade Plan	Current Parkade Plan
Number of Parking Stalls required	117	139
Number of Parking Stalls provided	117	100
Number of Class 1 bicycle stalls (long term bike parking)	60	16
Number of Class 2 bicycle stalls (short term bike parking)	11	11
Number of storage lockers	116	102

4.0 Proposal

4.1 Project Description

The proposed building is 14 storeys high, with a retail base, and 11 storeys of residential units. There is an underground parkade and a main floor that contains 597 m² of commercial space as well as a small parking area for 9 vehicles. The second and third floors are dedicated for vehicle parking and personal storage lockers. The total number of residential units is 91 with 27 one-bedroom suites, 62 two-bedroom suites, and 2 three-bedroom suites. The fourth floor is the beginning of the residential units but it also includes a common amenity room and common outdoor space located in the south-west corner of the site.

The residential tower consist mainly of spandrel glass with a glazing in clear anodized framing system. The decks and various other structural columns and architectural features include fiber cement and painted concrete in a series of colours alongside strategically placed white metal panels.

The base of the building consists mainly of a brick veneer. The first floor has a clear glazing to provide visual permeability into the commercial retail units. Directly above the commercial retail units includes a black metal panel system that will provide a location for commercial signage and provide weather protection for pedestrians. To identify the residential lobby the material switch from a brick veneer to a spandrel glass material. Floors two and three have the predominant material of brick veneer but spread throughout the Ellis St. and Water St facades are a series of bronze spandrel glass panels with black frames.

The site plan includes a pedestrian walkway from Water Street and the adjacent Prospera lot to the rear lane. All vehicular traffic and access will be from the lane.

4.2 Background

The applicant applied for a Text Amendment (TA16-0014) to reduce the residential parking rate within the CD5 zone. The proposal was to match the parking rate with the surrounding C7 zone. Council defeated the request at the April 10th 2017 regular Council meeting.

4.3 Site Context

The site is located at the north end of the Downtown Urban Centre directly adjacent to Prospera Place. Specifically, the adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4 – Urban Centre Commercial	Vacant
East	I4 – Central Industrial	Industrial

South	C10 – Service Commercial	Commercial
West	CD5lp – Multi-Purpose Facility (Liquor Primary)	Prospera Place Arena

Subject Property Map: 1232 Ellis St**4.4 Zoning Analysis Table**

Zoning Analysis Table		
CRITERIA	CD5 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Height	37.0 m / 12.0 storeys	49.0 m / 14 storeys ①
Front Yard (east)	0.0 m	~0.8 m
Side Yard (north)	0.0 m	~0.8 m
Side Yard (south)	0.0 m	~6.7 m
Rear Yard (west)	0.0 m	6.0 m
Site coverage of buildings	n/a	69 %
FAR	5.0	4.52
Parking Regulations		

Zoning Analysis Table		
CRITERIA	CD5 ZONE REQUIREMENTS	PROPOSAL
Minimum Parking Requirements	139 parking stalls	100 parking stalls *
Ratio of Parking Stalls	Small Size: 40% Max	Small Size: 29%
Other Regulations		
Minimum commercial	- Frontage on first floor must be 90% of front lot line; & - First floor must have a minimum 50% commercial total floor area	- Frontage on first floor is 67% of front lot line; & ❷ - First floor has 39% commercial total floor area ❷
Minimum Bicycle Parking Requirements	None required	Class 1: 16 bikes Class 2: 0 bikes But 102 storage lockers provided
❶ A variance to increase the permitted height is proposed. * Cash-in-lieu of parking based on current parking rates is \$877,500 ❷ A variance to reduce the minimum commercial frontage and the minimum commercial floor area.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Compact Urban Form.¹ 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.

Contain Urban Growth.² Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

Housing Mix.³ Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.

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;

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

² City of Kelowna Official Community Plan, Goals for a Sustainable Future, Objective 1 (Chapter 1 Introduction)

³ City of Kelowna Official Community Plan, Policy 5.27.11 (Development Process Chapter)

⁴ City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

- Overlook and privacy impact on neighbouring buildings;
- Impacts on the overall skyline;
- Impacts on adjacent or nearby heritage structures;

Chapter 4: Land Use Designation Massing and Height.³

- 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.

Chapter 14: Urban Design Guidelines Amenities, ancillary Services and Utilities.⁵

- 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 14: Decks, balconies, rooftops, and common outdoor amenity space.⁵

- Incorporate decks, balconies and common outdoor amenity spaces into developments;
- Integrate vents, mechanical rooms and equipment, and elevator penthouses with the architectural treatment of the roof, and/or screen these elements with materials and finishes compatible with the building's design;

Chapter 14: Signs.⁵

- Integrate signage that contributes to the overall quality and unique character of a development (e.g. coordinate proportion, materials, and colour);
- Do not compromise the scale and visual qualities of a building with the size and number of signs;
- Locate, size, and format signs such that they can be easily read by pedestrians.

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. Dewatering & Shoring plans must be provided to the Engineering Department for approval.

⁵ City of Kelowna Official Community Plan, Chapter 14 Urban Design Development Permit Areas, Guidelines

- 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. Please add these to the requirements outlined in BCBC 3.2.6 for High Buildings
- Fire Department access is to be verified with Kelowna Fire Department
- A Structural, Mechanical and Code Analysis peer review may be required at time of building permit application
- 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):
 - Any alternative solution must be accepted by the Chief Building Inspector prior to the release of the Building Permit.
 - Location, Heights, Colors of mechanical systems and the required screening are to be determined at time of DP
 - Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
 - Handicap Accessibility to the main floor levels to be provided, ramps may be required. Location of H/C parking is required on the drawings.
 - Protection of the south face exit stairwell is required at the top of the vehicle ramp leading to the lower level
 - 12% driveway slope into the parking area may be excessive.
 - Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
 - Main floor exit corridor can not be blocked by door swings reducing the minimum exit width.
 - 14th floor public corridor exiting may not meet code requirements and reconfiguration may be required.
 - 4th floor amenity area may require a 2nd exit and door swing based on occupant load calculations.
 - Exits are required for the 4th floor exterior deck.
- 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 Okanagan flood plain and compliance is required. Minimum building elevations and any applicable covenants are required to be established prior to the release of the Development Permit.
- 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.
- Mechanical Ventilation inlet and exhausts vents are defined in these drawings for the enclosed parking storeys and face the side of the adjacent building. The location and noise from these units should be addressed at time of Development Permit.
- Universal washroom requirements within the CRU areas of the building are to be addressed in the building permit application. This will be addressed at time of building permit application. Washroom requirements for the commercial space of base building are to be addressed in the building permit application
- 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

- See Memo (Attachment 'A') dated March 6th 2017

6.3 Fortis BC (Electric)

- There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Ellis and Water Street. Based on the plans submitted, it is unclear whether adequate space has been provided to accommodate the transformation required to service the proposed development. It is recommended that FBC(E) be contacted as soon as possible to determine servicing and land rights requirements for the proposed design. 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. 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 .
- 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 including those for high buildings and communications.
- 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 unless all life safety issues are confirmed.

7.0 **Application Chronology**

Date of Application:

January 24th 2017

Date of Notification Letters:

May 30th 2017

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

DP17-0011

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DVP17-0012