

REPORT TO COUNCIL



Date: Sept 12, 2017

RIM No. 09400-00 & 0940-50

To: City Manager

From: Community Planning Department (AC)

Application: DP16-0246 & DVP16-0247 **Owner:** Burro Developments Ltd.
BC0971320.

Address: 1330 St Paul St **Applicant:** Andrew Gaucher & Steve
Huculiak

Subject: Development Permit & Development Variance Permit Application

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

Zone: C7 – Central Business Commercial

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11338 (Z16-0067) be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP16-0246 for Lot 16, District Lot 139, ODYD Plan 645, located at 1330 St Paul 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";

AND THAT Council authorize the issuance of Development Variance Permit DVP16-0247 for Lot 16, District Lot 139, ODYD Plan 645, located at 1330 St. Paul Street, Kelowna, BC;

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

Section 14.7.5 Development Regulations (h)

1. To vary the setback above the 16.0 height mark for the front yard from 3.0 metres to 0.77 metres.
2. To vary the setback above the 16.0 height mark for the side yard (north) from 4.0 metres to 0.025 metres.
3. To vary the setback above the 16.0 height mark for the side yard (south) from 4.0 metres to 2.72 metres.

4. To vary the setback above the 16.0 height mark for the rear yard from 3.0 metres to 0.61 metres.

Section 8.1.11 Size and Ratio (a)

5. To vary the two-way drive aisle with from 7.0m to 6.0m.

Section 8.1.11 Size and Ratio (a)

6. To vary the extra width of a parking stall when the parking stall abuts an obstruction from 0.2m to 0.0m.

Section 8.1.11 Size and Ratio (b)

7. To vary the maximum ratio of compact car parking spaces from 10% to 24.2%.

Section 8 Table 8.2 Loading Schedule

8. To vary the required number of loading spaces from 2 spaces to zero spaces.

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 consider a Form & Character Development Permit of a six storey office and retail commercial building as well as to consider 8 variances to the Zoning Bylaw.

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.

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

- 1) The building has three distinct sections: a top, a middle, and a bottom and the applicant has provided a positive design in each category.
 - a. The top of the building contributes positively to the visual interest with plenty of rooftop trees and landscaping visible from street view. Staff's preference would be to have an architectural feature or some overhang feature to frame the top of the building. The landscaping does an adequate job of this but landscaping is not as permanent as architectural features would be.
 - b. The 'middle' of the building contains a series of different building materials and large amounts of glazing to provide visual interest. The angled portion of the building at the south-east corner provides a visually distinct and architecturally unique design compared to other building designs downtown. The addition of the second floor parkade helps greatly with the parking stalls available to tenants, however, Staff strongly recommended that the parkade not be exposed on the St. Paul frontage. The applicant concurred and located offices between the 2nd floor parking and the street façade.

- c. The ground floor level provides a pleasant pedestrian experience with plenty of glazing as recommend by the OCP design guidelines. The north-east corner of the building is setback at the ground floor to provide a distinctive main entrance and to enhance the pedestrian experience for building users and passing pedestrians.
- 2) The applicant has added a 2nd floor of parking which reduces their parking shortfall to 4 stalls with the addition of a car elevator. The developer will provide cash-in-lieu for those 4 parking stalls and at \$22,500 per stall, the total amount owed would be \$90,000. The developer is also encouraging alternative transportation methods for the office and commercial tenants by providing extra secure (Class 1) bike storage facilities as well as providing a shower and change room areas (end of trip facilities).
- 3) The building is only six stories in height within an area of the downtown slated for the tallest buildings in Kelowna according to the C7 height map. However, to achieve that height multiple properties would need to be consolidated in order to achieve an efficiently designed parkade. The applicant has indicated that further land acquisition is not possible at this time for this project. While the project will not be as tall as the downtown C7 height map suggests, the proposal is significantly taller than adjacent properties and will contribute to an interesting streetscape and urban environment.

3.2 Development Variance Permit

The variance to increase the amount of compact car stalls by 24.2% is considered relatively minor, especially in consideration with the variance to reduce the minimum drive aisle width from 7 metres to 6 metres and the variance to reduce the extra stall width when abutting an obstruction. These variances will inherently make the parkade feel tight and discourage the use of large vehicles or trucks. Further, by adding additional secure bike storage areas, a shower, and change rooms, the applicant is encouraging alternate transportation methods to get to and from work.

Staff does not feel loading spaces should be applied to office buildings as there is not significant demand for loading trucks. Minor and infrequent loading can occur from the street (i.e. on-street parking area).

There are four variances related to the required setback above 16 metres. Generally, the 16 metre mark before a setback is required was intended for large tower and podium projects. The tower and its associated podium would need to have the setback in order to create a pedestrian friendly streetscape environment. This principal generally applies to mid-rise buildings too. However, in this case, this project is seen as an exception due to the narrow width of the building and the limited mass of the building. As soon as a building gets wider and/or the massing increase and assuming no setbacks then the negative impact and overall detriment to the pedestrian environment increases.

4.0 **Proposal**

4.1 **Project Description**

The proposal is to build a mixed-use commercial development with ground floor retail, two level parkade, and upper floor offices. The current proposal is to have a six storey building that contains 1,860 m² (approx. 20,020 ft²) of commercial space.

During the rezoning process, there was concern with the amount of parking provided for the development. The applicant has always intended to pay cash-in-lieu for the shortfall in parking. The initial design proposal provided 13 parking stalls (with 12 cash-in-lieu stalls). The current proposal added an extra floor in height for additional office space but also added a second floor parkade. The parking now contains 28 stalls (with 5 cash-in-lieu stalls).

The building materials contain white, neutral, and accent colour panels with natural finish aluminium windows. The trim is accented with wood finish features, soffit, wall panels, and interiors. Floors two to six employ a triangular feature of curtainwall the chamfers the floor plates (south-east and north-west corners) providing a strong design signature at the same time creating unique interior spaces. The roof top patio deck is animated with outdoor activity and gestures of greenery. Planters are arranged around the roof perimeter. The rooftop patio will for tenants and guests only.

The retail at street level is designed to accommodate 1-2 tenants with floor to ceiling storefront glazing. The boulevard is intended to be developed with landscaping, sidewalk bike parking, patterned pavers, and potential café seating. Signage will be refined and intentional within the architectural design as per the attached drawings. On-street parking will be removed in favour of a wider sidewalk and landscape area which should not only benefit this development but also the overall street.

The second floor contains approximately 2,000 ft² of office space that overlooks the sidewalk with operable folding windows. A car elevator accessible from the lane serves the second floor parking making great use of limited space by avoiding ramps.

The third, fourth, fifth, and sixth floors will contain class 'A' office space. Class 'A' office space is typically within the most prestigious buildings, has the most amenities, and is situated in the best locations. Generally, these buildings usually have a professional manager, good access, and are typically located in highly visible areas on high traffic streets. Due to the exceptional quality, Class 'A' office space is usually leased to reputable tenants at the highest rental rates in the market.

The owner's current intention is to have a 'virtual office' company to secure a long term lease. Potentially the users will be made up of a variety of business's sharing common aspects: reception at 2nd floor, meeting rooms, roof top deck, lunchroom, wifi, and workstations.

4.2 Site Context

The subject property is located at the east side of St Paul Street between Cawston Avenue & Doye Avenue. The site is also located between two mixed use projects; Ellis Courtyard located to the west and St Paul Place located to the east.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C7 – Central Business Commercial, I2 – General Industrial	MXR – Mixed Use (Residential / Commercial)
East	C7 – Central Business Commercial, P1 – Major Institutional	MXR – Mixed Use (Residential / Commercial) EDINST – Educational / Institutional
South	C7 – Central Business Commercial	MXR – Mixed Use (Residential / Commercial)
West	C7 – Central Business Commercial	MXR – Mixed Use (Residential / Commercial)

Subject Property Map: 1330 St. Paul**4.3 Zoning Analysis Table**

The zoning analysis table shows the requirements of the C7 zone compared to the proposal:

Zoning Analysis Table		
CRITERIA	C7 ZONE REQUIREMENTS	PROPOSAL
For portion of building between 0.0 metres & 16.0 metres in height		
Front Yard (St Paul)	0.0 m	1.07 m
Side Yard (North)	0.0 m	0.025 m
Side Yard (South)	0.0 m	0.025 m
Rear Yard (Lane)	0.0 m	0.61 m
Floorplate	No restriction	650 m ²
For portion of building between 16.0 metres & above in height		
Front Yard (St Paul)	3.0 m	0.77 m ❶
Side Yard (North)	4.0 m	0.025 m ❷
Side Yard (South)	4.0 m	2.72 m ❸
Rear Yard (Lane)	3.0 m	0.61 m ❹
Floorplate	1,221 m ²	486.4 m ²

Zoning Analysis Table		
CRITERIA	C7 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Height	76.5m (approx.. 26 storeys)	26.5 m (6 storeys)
FAR	9.0	2.86
Parking Regulations		
Minimum Parking Requirements	33 parking stalls	29 parking stalls (4 cash-in-lieu stalls)
Two-drive aisle minimum	7.0m	6.0m ❶
Min. Loading Spaces	2 stalls	0 stalls ❷
Ratio of Parking Stalls	Small Parallel: n/a Compact Size: 10% Max Medium Size: 40% Max Regular Size: 50% Min	Small Parallel: 5 stalls Compact Size: 24.2% (7 Stalls) ❸ Medium Size: 6.9% (2 Stalls) Regular Size: 51.7% (15 Stalls)
Additional Parking Stall width when adjacent to an obstruction	0.2m	0.0m ❹
Minimum Bicycle Parking Requirements	Class 1: 4 bikes Class 2: 12 bikes	Class 1: 13 bikes Class 2: 12 bikes
Other Regulations		
Minimum frontage for commercial, civic, cultural, or ground oriented residential on 1 st floor	90%	100%
❶ Variance to reduce the front yard setback for portions of building between 16.0 metres & above in height ❷ Variance to reduce the side yard (north) setback for portions of building between 16.0 metres & above in height ❸ Variance to reduce the side yard (south) setback for portions of building between 16.0 metres & above in height ❹ Variance to reduce the rear yard setback for portions of building between 16.0 metres & above in height ❺ Variance to reduce the minimum drive aisle width ❻ Variance to reduce the minimum number of loading spaces ❼ Variance to increase the maximum ratio of compact vehicle stalls ❽ Variance to decrease the extra stall width requirement when adjacent to an obstruction.		

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;
- 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).

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).

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

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

- 1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s).
- 2) 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.
- 3) 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.
- 4) Geotechnical and Structural pier review(s) may be required prior to issuance of any Building permits. Requirements to be established at time of Building Permit application.
- 5) HPO (Home Protection Office) approval or release is required at time of Building Permit application.
- 6) 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
- 7) 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 alternative solution must be accepted by the Chief Building Inspector prior to the release of the Building Permit.
 - b. Location, Heights, Colors of mechanical systems and the required screening are to be determined at time of DP
 - c. Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
 - d. The Garbage and Recycling must have a fire separation system and cannot block access to exit.
 - e. Main floor exit stairwell requires a door at the bottom of the exit stair shaft
 - f. skylights offset from upper floors are required to meet the minimum distance as defined in BCBC
 - g. Roof top area will be defined as an A2 Occupancy which will affect exiting (panic hardware required, so no exterior lockable doors at this level), the code analysis which will affect the fire separations and the mechanical engineer needs to provide protection for the plumbing from freezing.
- 8) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. This property borders the Okanagan flood plain limits of a minimum

Geodetic Elevation of 343.66 meters. This minimum elevation is required for all habitable spaces including the parking garage(s). Minimum building elevations are required to be established prior to the release of the Development Permit or alternative approval from the subdivision approving officer as per section 5.3 of the bylaw is required prior to issuance of any building permits. If the Architect, Mechanical Engineer and Structural Engineer decide to water proof the foundation the drawings submitted for permit application must clearly define the details for protection of the walls and slab.

- 9) 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, undermining & underpinning of existing foundation, additional snow drift on neighbour roofs, excessive noise from mechanical units, vibration damage during foundation preparation work, water infiltration systems, etc.
- 10) 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.
- 11) Washroom requirements for base building are to be addressed in the building permit application. This will be addressed at time of building permit application.
- 12) 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.
- 13) Mechanical Ventilation inlet and exhausts vents are not clearly defined in these drawings for the enclosed parking level. The location and noise from these units should be addressed at time of Development Permit.
- 14) Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s) / area(s). The drawings submitted for building permit are to clearly identify how this rating will be achieved and where these area(s) are located.
- 15) 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 attached memorandum dated November 8th 2016.

6.3 Fire Department

- 1) Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required. Template at Kelowna.ca.
- 2) 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.
- 3) This building shall be addressed off of the street it is accessed from.
- 4) 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.
- 5) Fire Department access is to be met as per BCBC 3.2.5.
- 6) Approved Fire Department steel lock box acceptable to the fire dept. is required by the fire dept. entrance and shall be flush mounted.

- 7) All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met including those for high buildings and communications.
- 8) Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.
- 9) Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- 10) 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 Received:	October 5 th 2016
Date of First Reading:	January 9 th 2017
Date of Public Hearing:	January 24 th 2017
Date of Re-designed DP/DVP:	May 29 th 2017

Report prepared by:	Adam Cseke, Planner Specialist
Reviewed by:	Terry Barton, Urban Planning Manager
Approved for Inclusion:	Ryan Smith, Community Planning Department Manager

Attachments:

DP16-0246 & DVP16-0247