

REPORT TO COUNCIL



Date: October 16th, 2017

RIM No. 0940-00

To: City Manager

From: Community Planning Department (AC)

Application: DP17-0161 **Owner:** Nor-Can Ventures Ltd Inc No. BC0951544

Address: 1502-1504 Sutherland Ave **Applicant:** Randi Fox – Fox Architecture

Subject: Development Permit Application

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

Zone: C3 – Community Commercial

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP17-0161 for Lot 1, District Lot 141, ODYD Plan EPP51966, located at 1502 Sutherland Ave, 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 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;
5. That the applicant complete the riparian restoration and landscaping works identified in the Natural Environment Development Permit (DP14-0230) prior to issuing any building permits on the subject property.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit applications 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 a Form & Character Development Permit of a 2 storey commercial building.

3.0 Community Planning

3.1 Development Permit

Staff are supportive of the proposed Development Permit. The subject property is located within a designated revitalization area. Kelowna's revitalization areas represent the city's core commercial centres with associated, supporting mixed-use and residential development. The intent of the Revitalization Development Permit areas is to enhance and catalyze these areas as they continue to experience rapid growth, pressures to intensify, and increasing design expectations. The purpose of the Revitalization Design Guidelines is to ensure that the siting, form, landscaping, exterior design and finish of buildings, and character of the development is of high quality and compatible with the vision for these urban centres.

The intersection at Sutherland Ave and Burtch Rd is a significant underdeveloped corner lot that will inform any future development in the area. The proposed building is placed close to the property lines and the intersection to enhance the pedestrian experience and to provide for a more visually appealing urban setting. The development of this corner lot will add another traffic lane along Burtch Rd which has been a priority improvement from a transportation perspective. The integrated parking within the building is supported by the design guidelines and avoids surface parking surrounding the building which is common in similar forms of development.

While Staff support the form and character development permit due to the project's consistency with the OCP design guidelines, Staff are recommending no building permit be issued on the subject property until the works originally identified in the Natural Area Development Permit (DP14-0230) be installed. This development permit was issued in September 2015 and the applicant has not proceeded with the necessary creek restoration and landscaping. See Section 4.2 Background (Environment) for further details and history of the original environmental development permit.

4.0 Proposal

4.1 Project Description

The original Development Permit and Development Variance Permit (DP15-0033 / DVP15-0034) was approved (May 13th 2015) to construct a car wash and a 4-storey building with a mix of uses; laundromat, insurance office, coffee shop, parking on the main level and second level with a car-lift elevator, professional offices on the third level, and residential units on the fourth level. The construction of the car wash (phase 1) proceeded but for various factors, the applicant deemed the 4-storey project unfeasible and decided to reduce the scope of the work. The main provisions within the original Development Permit and Development Variance Permit remain the same, including site access, servicing, landscaping, setbacks, and covenants. Staff decided the same variances did not need to be re-approved but since the form and character of the building significantly changed a new Council Development Permit was necessary.

The revised proposal reduces the size of the building, eliminating the second floor of parking and the fourth floor of residential. Programmatically, the remaining land uses are the same meaning the main floor still contains a laundromat, coffee shop, insurance office and parking, while the revised second floor contains the professional offices.

The main entry faces south with a feature canopy and stair. Multiple access points at street level will enhance the pedestrian-oriented uses, and an outdoor seating plaza will active the streetscape. Plentiful glazing on

all sides of the buildings helps the street presence, provides the occupants with dynamic street and Creekside views, while also assisting in CPTED “eyes on the street”.

The proposed building uses a “gridiron” form to showcase the pointed corner of the trapezoidal site, and uses a combination of steel frame, curtain wall, stucco, wood and concrete to provide a professional looking building at the intersection.

4.2 Background (Environment)

The original form and character Development Permit and Development Variance Permit (DP15-0033 / DVP15-0034) was accompanied with a Natural Environment Development Permit (DP14-0230) that outlined how the riparian restoration and landscaping should occur adjacent to Mill Creek. This included an environmental monitor to ensure the works are monitored throughout the duration of the project, especially since it is an offence under the Federal Fisheries Act to allow sediment laden water to enter Mill Creek at any time. This means erosion and sediment controls must be planned for and taken into account during restoration of the riparian area. No works associated with this Development Permit have occurred to date.



Approximate area supposed to be restored where vacuum cleaners were relocated into.

Staff are recommending that all the conditions outlined in DP14-0230 be installed prior to allowing a building permit on 1502 Sutherland Ave in order to ensure compliance by the applicant. Other items within DP14-0230 include installing black powdered coated chain link fencing around both properties and along Burtch Avenue, installing the plantings as per the Ecora Engineering report, removal of the invasive and dangerous Siberian Elm tree, and providing the City with a 3-year maintenance and irrigation plan for the completed landscaping.

4.3 Public Notification Policy #367

Development Permits do not require any public notification and the applicant did not do any public notification.

4.4 Site Context

The subject property is located in the 'Capri-Landmark' Urban Centre. The developable portions of the subject properties have a Future Land Use designation of MXR - Mixed Use (Residential / Commercial) in the Official Community Plan and are within the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C ₃ – Community Commercial	Commercial
East	C ₃ – Community Commercial	Commercial
South	RU ₁ – Large Lot Housing C ₃ – Community Commercial Land Use Contract	Residential Commercial Commercial
West	P ₂ – Education and Minot Institutional	Church – Salvation Army

Subject Property Map: 1502-1504 Sutherland Avenue



4.5 Zoning Analysis Table

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

Zoning Analysis Table		
CRITERIA	C3 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Floor Area Ratio	1.0 commercial only	0.61
Max. Site Coverage	50%	44.4%
Max. Height	15m or 4 storeys	11m (2 storeys)
Min. Front Yard Setback (South)	3.0m	1.5m ❶
Min. Side Yard Setback (North)	0.0m	2.2m
Min. Flanking Side Yard Setback (Burtch Rd)	2.0m	1.5m ❷
Min. Rear Yard Setback	0.0m	Approx. 12m
Other Regulations		
Min. Parking Stalls	Laundry (5 stalls) Office 1 st floor (1.68m stalls) Office 2 nd floor (12.24 stalls) <u>Coffee (0.52 Stalls)</u> = 19.44 stalls	22 stalls
Min. Bicycle Stalls	Class 1: 2 stalls Class 2: 6 stalls	Class 1: 2 stalls Class 2: 6 stalls
Min. Parking Ratio	Full size: Min 50% Medium Size: Max 40% Compact Car: Max 10%	Full size: Min 50% (11 stalls) Medium Size: Max 40% (9 stalls) Compact Car: Max 10% (2 stalls)
Min. Loading Stalls	1 loading stall	1 loading stall
❶ & ❷ Variances already approved by Council with DVP15-0034		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 5.5: Ensure appropriate and context sensitive built form.

Chapter 4: Land Use Designation Massing and Height. ¹

- 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;

¹ City of Kelowna Official Community Plan, Chapter 44 Future Land Use;

- 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.²

- 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: Signs.³

- 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.

Chapter 14: Relationship to the Neighbourhood.⁴

- Design sites, buildings, and streetscapes adjacent to non-revitalization areas to create a distinct but appropriate transition.
- Unify and connect individual buildings within a development and with the surrounding neighbourhood (e.g. Use similar paving treatment as adjacent public spaces, consistent street furniture, fencing, light standards, etc.);

Chapter 14: Relationship to the Street.⁵

- Provide for public movement, street furniture, and building access zones to be incorporated into sidewalks adjacent to development.
- Design buildings to occupy 100% of a property's frontage along streets, eliminating elements that disrupt the streetwall such as off -street parking, dead spaces, empty lots, or driveways;
- Provide a high quality public realm consistent with the character of urban development (i.e. incorporate focal points/plazas, pedestrian pathways, parks and open space, enhanced streetscapes, and landscaping).

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) 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):

² City of Kelowna Official Community Plan, Chapter 14 Urban Design Development Permit Areas, Guidelines;

³ City of Kelowna Official Community Plan, Chapter 14 Urban Design Development Permit Areas, Guidelines;

⁴ City of Kelowna Official Community Plan, Chapter 14 Urban Design Development Permit Areas, Guidelines;

- 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. Handicap Accessibility to the main floor levels to be provided, ramps may be required. The access ramps appear to be to long for the percentage of grade shown.
 - e. Hard surfaced paths leading from the egress stairwells to a safe area are to be clearly defined as part of the DP
 - f. Fire separations and vestibule(s) may be required on main floor level between the pubic corridor and the enclosed parking area. Fire separations may be required between the lease office space and the public corridor.
 - g. Elevator size to meet minimum standards as per BCBC
- 5) 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.
 - 6) 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.
 - 7) 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.
 - 8) Washroom requirements for base building are to be addressed in the building permit application. This will be addressed at time of building permit application.
 - 9) 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.
 - 10) 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.
 - 11) 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 attached memorandum dated July 19th 2017.

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 (with unit numbers for each CRU).

- 4) Should a fire alarm be installed, a fire safety plan as per section 2.8 BCFC is required at occupancy.
- 5) The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD.
- 6) Fire Department access is to be met as per BCBC 3.2.5. including the main entrance to be within 3-15 metres from the closest access route.
- 7) Approved Fire Department steel lock box acceptable to the fire dept. is required by the fire dept. entrance and shall be flush mounted - should a fire alarm be installed.
- 8) All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met for communications and high buildings.
- 9) Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- 10) Dumpster/refuse container must be 3 meters from structures or overhangs.

6.4 Parks Department

- 1) Street trees along Burtch as Red Rocket Maple is acceptable (trees must be 6cm caliper size – ensure availability when tendering, as this is a popular size/variety).
- 2) Street trees along Sutherland to be Green Ash, to match existing along this street corridor.

6.5 Shaw Cable

- 1) In response to DP17-0161 Shaw would request the developer to install 1x3' (75mm) DB2 (white) duct to nearest point of connection.

7.0 **Application Chronology**

Date of Application Received: June 7th 2016

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

Attachments:

DP17-0161