

REPORT TO COUNCIL



Date: November 21, 2017

RIM No. 0940-00

To: City Manager

From: Community Planning Department (TB)

Application: DP17-0231 DVP17-0232

Owner:

Green Square Development Ltd Inc. No.
BC0928148

Address: 3626 Mission Springs Drive

Applicant:

Green Square Development Ltd.

Subject: Development Permit and Development Variance Permit

Existing OCP Designation: MRM – Multiple Unit Residential (Medium Density)

Existing Zone: RM5 – Medium Density Multiple Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP17-0231 and DVP17-0232 for Lot 1 DL 134 ODYD Plan EPP23035, located at 3626 Mission Springs Drive, 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 "AA";
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "BB";
3. Landscaping to be provided on the land be in accordance with Schedule "CC";
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 variances to the following sections of Zoning Bylaw No. 8000 be granted in accordance with Schedule "DD":

Section 13.11.6(c): RM5 – Medium Density Multiple Housing Development Regulations

To vary the maximum height from 18.0 m or 4 ½ storeys required to 21.7 m or 6 storeys proposed;

Section 13.11.6(d): RM5 – Medium Density Multiple Housing Development Regulations

To vary the front yard (east) setback for portions of a building over 2 ½ storeys from 6.0 m required to 1.5 m proposed;

Section 13.11.6(e): RM5 – Medium Density Multiple Housing Development Regulations

To vary the side yard (south) setback for portions of a building over 2 ½ storeys from 7.0 m required to 4.5 m proposed;

AND THAT the applicant be required to complete the requirements of Schedule “A” as attached to the Report from Community Planning dated November 21st, 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 Application 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 Development Permit for the form and character of a multi-family housing project; and to vary the minimum side (south) yard setback from 7.0 m required to 4.5 m proposed, the minimum front yard (east) setback from 6.0 m required to 1.5 m proposed, and to vary the maximum height from 18.0 m or 4.5 storeys required to 21.7 m or 6 storeys.

3.0 Community Planning

Community Planning recommends support for the proposed Development Permit for the Form and Character and the associated variances for Phase 2 of the Green Square development at 3626 Mission Springs Drive. The subject property is located near the South Pandosy Urban Centre and is a suitable location for maximizing density in the RM5 zone. It is in close proximity to Casorso Elementary School, the future Casorso Park, transit stops along Gordon Drive and Lakeshore Road, and Rotary Beach Park. There are several other complementary RM5 – apartment housing projects in the neighbourhood at four storeys in height. Phase 1 of the Green Square development is already completed and is located on the north and west sides of the subject property. It includes 56 2 ½ storey townhomes providing a height transition to the existing single-family neighbourhood north of Barnes Rd.

The original application for Phase 2 of Green Square was presented to Council on September 19, 2017 and was defeated for the approval and issuance of the Development Permit and the Development Variance Permit based on concerns related to parking and height. On October 16, 2017, Council voted on a motion brought forth by the Mayor to waive the 6-month minimum wait time for a new application as required in the Development Application Procedures Bylaw No. 10540 (Section 2.13). The applicant re-applied on October 19th, 2017 with changes to the floor plans and unit count in order to reduce the parking requirements and eliminate the parking variance. Several two bedroom units on the 6th floor of building B and C were converted into larger units, effectively reducing the number of units (from 141 to 134) and therefore the parking requirement (from 209 required to 202 stalls). In addition, the applicant was able to re-configure the parkade plan under building A by reducing the size of a storage area to provide 3 additional compact stalls in tandem with existing medium stalls for a total of 30 tandem stalls (see Figure 2 on Page 3), and was able to provide 1 additional stall at-grade. With these changes, the parking requirements are met according to the Zoning Bylaw and no variance is needed. The form and character of the buildings remain the same, as do the other three variances including height, side yard setback, and front yard setback.



Figure 1: Proposed Site Plan

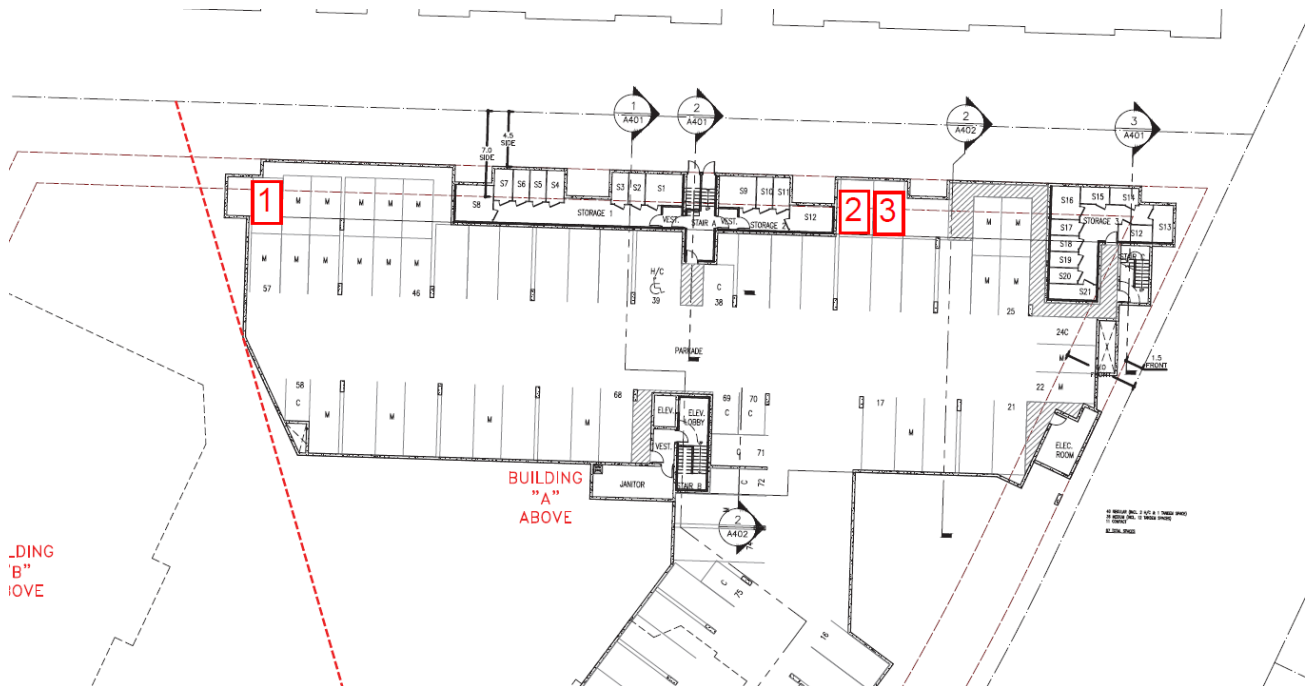


Figure 2: Additional 3 compact parking stalls in Parkade "A" Level 0

The proposed built form takes the shape of ground-oriented townhomes that wrap around a parkade at-grade. Four buildings are situated on top of this common parkade oriented around a central outdoor amenity space. The site layout allows for ample outdoor space including a community garden, large balconies for the majority of the units, and rooftop amenity space on two of the buildings. The proposal meets the majority of the Official Community Plan Urban Design Guidelines for multi-family buildings including material selection, landscaping, and interaction between public and private spaces.

There are three variances being requested by the applicant: i) side yard setback (south), ii) front yard setback (east), and iii) height (to six storeys). The side yard and front yard setbacks relate to the provision of 3-bedroom at-grade townhouses that should result in a positive interface to the streetscape along Mission Springs Drive and the City's future Casorso Park. The variance only applies to the third storey of the townhomes, as the setback for the first two storeys is met. The height variance is due to the applicant's desire to reach the maximum Floor Area Ratio for the RM5 zone (1.2) while reducing building footprint to provide increased open space at ground level. This rearrangement in massing creates a large central green courtyard that should become a key feature of the project. A taller building form allows the mass of the overall project to be broken into 4 thinner buildings reducing the potential horizontal massing of shorter, wider buildings.

4.0 Proposal

4.1 Background

The subject property was created in 2011 when the City acquired 4.22 acres of land to the south for future community park space (Casorso Park), leaving a 5.95-acre parcel for future development. In 2012, the applicants submitted a proposed rezoning for the subject property. The initial submission made by the applicants was for RM4 – Transitional Low Density Housing for the entire site. Conceptual plans were provided that showed the entire development conforming with the RM4 zone which has a maximum height of 3 storeys. Through discussions with Staff at the time, it was determined that split zoning the property would be preferred and would promote a greater mix of housing types including ground-oriented townhome units and higher density apartments. The direction at that time was to rezone to RM3 – Low Density Multiple Housing on a portion of the site, and RM5 – Medium Density Multiple Housing on the remainder.

The applicant subsequently adjusted their application to amend the Official Community Plan and to Rezone the property RM3 – Low Density Multiple Housing, and RM5 – Medium Density Multiple Housing. The maximum height of RM3 is 3 storeys and the maximum height of RM5 is 4.5 storeys. In the Report to Council from January 10, 2012 Staff provided additional rationale that the split zone approach should provide a level of transition between the existing single-family residential neighbourhood to the north and the school site to the west while allowing higher densities and height with the RM5 parcel fronting Mission Springs Drive.

A Council issued Development Permit was approved on July 10, 2012 for 56 three bedroom townhomes 2 ½ storeys in height on the RM3 parcel. The height was selected to be sensitive to the single family neighbourhood to the north. That project is now fully built out and the applicant has come forward with a revised Development Permit and Development Variance Permit application for the RM5 portion of the site.

The Development Engineering Requirements that were established in 2012 as a function of the OCP Amendment and rezoning included a Servicing Agreement which required upgrades to Barnes Road and Mission Springs Drive to improve traffic flow and safety. The dedication and construction of Mission

Springs Drive to a full urban standard is included in this agreement and will be required as a function of this phase of the development. This will alleviate traffic on Barnes Avenue and provide a second route for traffic to flow rather than using Gordon Drive or the neighbourhood to the north.

4.2 Project Description

The application for the RM5 portion of the subject property features 134 units in a mix of housing types including one, two, and three bedroom units. A parkade podium sets the layout of the site, with townhome units wrapping around the exterior of the parkade and four buildings constructed on the podium. The buildings are arranged such that an outdoor central amenity area is provided for all residents of the development.

In pre-application meetings the applicant stated that the four buildings would have one 4 storey building, two 5 storey buildings, and one 6 storey building. However, in order to maximize Floor Area Ratio while preserving the central amenity space, the applicant has increased the heights to three 6 storey buildings and one 5 storey building. The buildings are designed to be tall and narrow in order to minimize massing and preserve ground level outdoor space. Each unit features a large balcony, and two of the buildings will have rooftop amenity space.

A key component of this application is the large amount of outdoor amenity space provided for the residents. This is achieved through a site layout with smaller building footprints, clustered around an internal courtyard that includes pedestrian pathways and green space. Fire aisle access is maintained between Building A and D leading into the courtyard on an engineered reinforced turf lane. Formal review of Building Code and Fire Regulations will be completed through the Building Permit review process. Should any changes affect the Form and Character Development Permit or the Council approved variances, the applicant will be required to apply for an amendment which would need to come back to Council for re-approval as per the Development Applicant Procedures Bylaw No. 10540. For full comments from the Fire Department – see Section 6.3.

All resident parking is provided in a parkade with a mixture of compact, medium, and regular stalls including 30 tandem stalls. Several of the townhomes have direct access from the parkade to their unit which is a unique layout feature. The parkade is shielded from public view by the townhomes that flank them. The units meet the OCP guideline of Ground-Oriented units as they provide 3 bedrooms and have a defined entrance on the ground floor. Visitor parking and loading is provided at grade, and portions of the parkade roof have been designed as a green roof, providing increased private outdoor space for the townhomes. Bicycle parking is achieved in common secure bicycle rooms that will include a maintenance and washing station.

The material is predominantly cement board in brown, blue, white, and wood grain appearance. Balconies feature glass railings, and windows and doors are scaled appropriately. The entrances to the townhomes are at grade, contributing to the ground-oriented feel and improving the pedestrian experience. Public entrances to the larger buildings are well defined off of the central green common amenity area. The proposed project meets the majority of the Comprehensive Design Guidelines for multi-family as shown in Section 5.2 of this report.



Figure 3: Proposed Rendering from Mission Springs Drive

4.3 Variances

The proposed development requires 3 variances to side yard setback (south), front yard setback (east), and height. The setback variances predominantly apply to the townhomes that wrap around the complex and only apply to the third floor. Zoning Bylaw No. 8000 Section 13.11.6 (d) states that for portions of a building greater than 2 ½ storeys the front yard setback increases from 1.5 m to 6.0 m. Similarly, Section 13.11.6 (e) states that for portions of a building greater than 2 ½ storeys the side yard setback increases from 4.5 m to 7.0 m. In order to maximize the living space of the townhomes on the east and south sides, the applicant requests a variance to the third storey setback to match the setbacks of the first and second storeys. Staff feel this variance is reasonable as it only applies to the third storey after which the four buildings are stepped back to meet the required setbacks. This allows 3 full bedrooms to be achieved in each of the townhomes by increasing the interior space.

The height variance to the tallest building is to vary the maximum height from 18.0 m or 4.5 storeys to 21.7 m or 6 storeys. The other three buildings feature heights of 20.1 m, 19.9 m, and 17.0 m. By increasing the height, the applicant is able to achieve more outdoor space both at grade and on the podium level rather than having shorter, wider buildings which would have a larger footprint. The taller thinner buildings also allow potential for view corridors through the site.

This revised application has eliminated the parking variance by adjusting the floor plan on the top floor of building B and C to create fewer larger units, thereby reducing the parking requirement to 202 stalls. By reconfiguring the parkade and reducing the storage space under Building A, three additional compact tandem stalls were achieved, as well as one additional surface stall for visitor parking. In addition, the applicant has provided increased bicycle parking in secure bike rooms that also feature a maintenance area and bike wash. As a further transportation benefit, the applicants have provided an agreement with OGO

CarShare to locate provide and locate one electric car in a surface parking stall for the benefits of the residents and community.

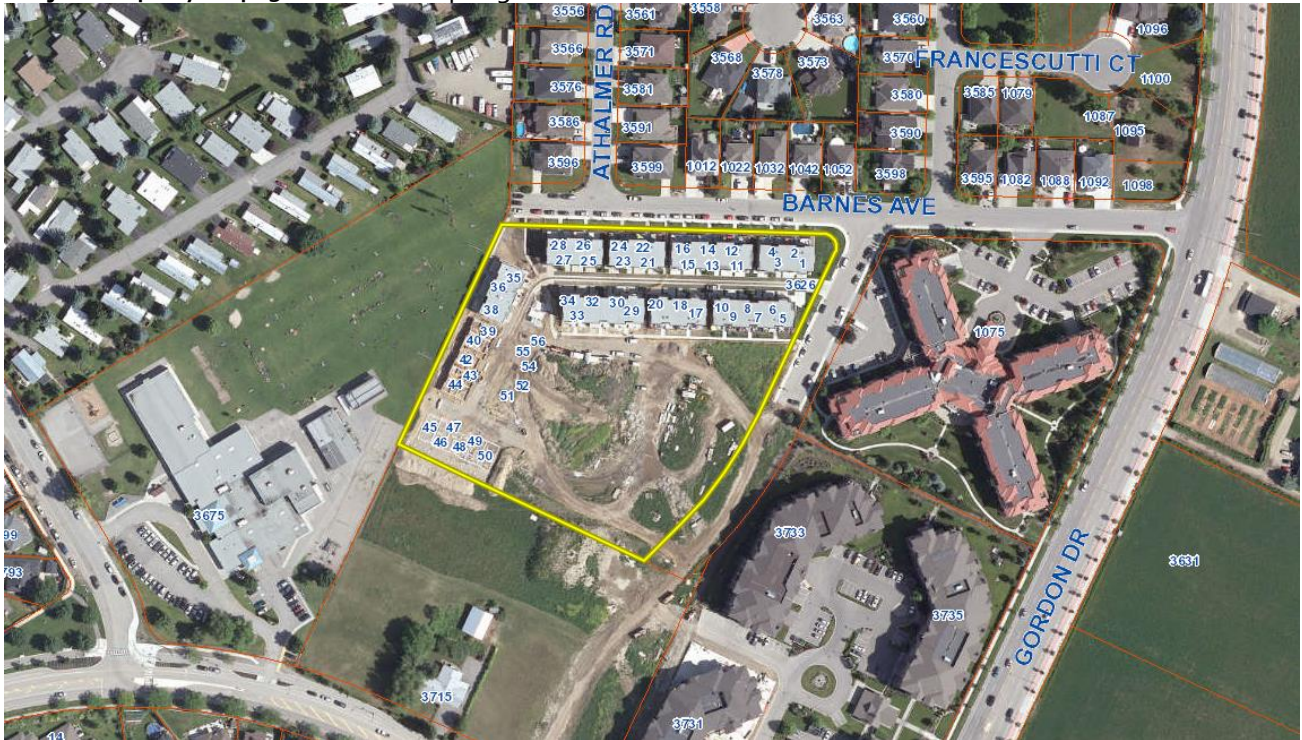
4.4 Site Context

The property is located between Gordon Drive and Lakeshore Drive, north of Casorso Road. It is approximately a 500 m walk to the edge of the nearby South Pandosy Urban Centre. Amenities in the area include Casorso Elementary School, Mission Recreation Park, Lakeshore Road Active Transportation Corridor and Rotary Beach Park. The walk Score of the property is 34, meaning it is a car-dependent site, and the Transit Score is 37 meaning there are some public transportation options.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU2 – Medium Lot Housing	Single Family Residential
East	RM5 – Medium Density Multiple Housing	Multi-Family Residential
South	A1 – Agriculture	Casorso Park
West	P2 – Educational & Minor Institutional	Casorso Elementary

Subject Property Map: 3626 Mission Springs Drive



4.5 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM5 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Floor Area Ratio	1.2	1.18
Site Coverage of Buildings	50%	43%
Site Coverage of Buildings, Driveways, and Parking	60%	50%
Height	4.5 storeys or 18.0m	Building A: 6 storeys or 19.9m Building B: 6 storeys or 21.7m ^① Building C: 6 storeys or 20.1m Building D: 5 storeys or 17.0m
Side Yard (north)	4.5 m & 7.0 m (over 2 ½ storeys)	Part of existing RM3 site
Front Yard (east)	1.5 m & 6.0 m (over 2 ½ storeys)	1.5 m ^②
Rear Yard (west)	9.0 m	Part of existing RM3 site
Side Yard (south)	4.5 m & 7.0 m (over 2 ½ storeys)	4.5 m ^③
Other Regulations		
Minimum Parking Requirements	202 stalls	202 stalls
Full Size	Minimum 50%	103 stalls or 50%
Medium & Compact	Maximum 50%	99 stalls or 50%
Bicycle Parking Class I	72 Spaces	18 spaces
Bicycle Parking Class II	15 spaces	32 spaces
Private Open Space	2,960.0 m ²	4,287.6 m ²
^① Indicates a requested variance to City of Kelowna Zoning Bylaw No. 8000 Section 13.11.6.c to vary the maximum height from 18.0 m or 4 ½ storeys required to 21.7 m or 6 storeys proposed. ^② Indicates a requested variance to City of Kelowna Zoning Bylaw No. 8000 Section 13.11.6.d to vary the front yard setback for portions of a building over 2 ½ storeys from 6.0 m required to 1.5m proposed. ^③ Indicates a requested variance to City of Kelowna Zoning Bylaw No. 8000 Section 13.11.6.e. to vary the side yard setback for portions of a building over 2 ½ storeys from 7.0 m to 4.5 m.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

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.

Ground-Oriented Housing.² Encourage all multiple-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with 2 or more bedrooms so as to provide a family housing choice within the multi-unit rental or ownership markets.

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

² City of Kelowna Official Community Plan, Policy 5.23.1 (Development Process Chapter)

5.2 Development Permit Guidelines

Comprehensive Development Permit Area – Multi-Family

Consideration has been given to the following guidelines as identified in Section 14.A. of the City of Kelowna Official Community Plan relating to Comprehensive Development Permit Areas:

- Convey a strong sense of authenticity through urban design that is distinctive for Kelowna.
- Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures.
- Integrate new development with existing site conditions and preserve the character amenities of the surrounding area.
- Promote interesting, pedestrian friendly streetscape design and pedestrian linkages.
- Incorporate architectural features and detailing of buildings and landscapes that define an area's character.
- Encourage an appropriate mix of uses and housing types and sizes.

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) HPO (Home Protection Office) approval or release is required at time of Building Permit application.
- 4) 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
- 5) A Structural, Mechanical and Code Analysis peer review may be required at time of building permit application
- 6) 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.
- 7) 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.
- 8) Dewatering & Shoring plans must be provided to the Engineering Department for approval.
- 9) Fire Department access to site, turn a rounds requirement for equipment, travel distance from the truck access to the front doors of the units and private hydrant locations if required are too be verified with Kelowna Fire Department. The Fire truck is required to be able to drive up to access the front door within a range of 3 meters to 15 meters on an unobstructed hard surface path. Distance from the building to the outside garbage collection area is to be reviewed with the Fire Department. The suspended concrete slab is to be designed for the Fire Department vehicle loads on the road access path.
- 10) 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. Access to the roofs are required per NFPA and guard rails may be required and should be reflected in the plans if required.
 - e. Vestibules are required between suites and parking areas and are to be air pressurized spaces which may require a rated horizontal shaft. BCBC 3.3.5.7. (4). This may affect the unit layouts in phase two where the units back onto the parking garage
 - f. Single exit units are required to have a second exit if the single exit proposed is higher than 1.5 meters above the adjacent ground level BCBC 3.3.4.4. (3)
 - g. The terrace / roof top areas require a secondary means of egress as per BCBC 3.3.1.3. (2).
 - h. The elevator lobbies should be separated from the exit stair shafts per BCBC 3.4.4.1 (1).
- 11) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. Minimum building elevations are required to be established prior to the release of the Development Permit. If a soil removal or deposit permit is required, this must be provided at time of Development Permit application.
 - 12) 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.
 - 13) 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.
 - 14) 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.
 - 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

Please see Schedule "A" attached to the Report from the Community Planning Department dated November 21, 2017.

6.3 Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- NFPA 1710 (the best practice and widely accepted code for fire service deployment) KFD cannot meet the minimum manning for an initial alarm.
- Fire Department access is to be met as per BCBC 3.2.5. including the main entrance to be within 3m-15m from the closest access route.
- Building B appears to have a challenging access for a ladder truck with the road being constructed from reinforced turf. The turf must support the weight of a truck at 38,500 KG including during periods of significant rain and/or snow.
- Access to building B is unsafe for firefighting. The close proximity of the NE corner of Building B and west side of Building A would leave Building B unprotected in a fire event. A truck would NOT be committed to this confined space. As recently seen in the Truswell fire, adjacent buildings are vulnerable while under construction even when the Fire Department does have access. The collapse zone of building A and B would hinder chance of access to Building B.
- 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 as well as a fire pre-plan as per City of Kelowna Fire and Life Safety Bylaw No. 10760.
- Approved Fire Department steel lock box acceptable to the Fire Department is required by the entrance and shall be flush mounted.
- All requirements of the City of Kelowna Fire and Life Safety Bylaw No. 10760 shall be met for communications.
- The fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.
- Sprinkler zone valves shall be accessible as per City of Kelowna Fire and Life Safety Bylaw No. 10760 - less than 7 feet in height.
- Standpipe connections to be on intermediate landings in stairwell. Where a standpipe system is to be installed in a building under construction, the system shall be installed progressively and shall not be more than one floor below the highest forms, staging, and similar combustible elements at all times.
- Fire department connection is to be within 45m of a fire hydrant - unobstructed.
- Ensure FD connection is clearly marked and visible from the street.
- Upon completion an owners certificate and copy of NFPA 25 shall be provided for the sprinkler system.
- Upon completion, a certificate is required to verify CANULC 561 Compliance

7.0 Application Chronology

Date of Initial Application (DP17-0125 DVP17-0126) Received:	May 3, 2017
Date of Council Consideration (DP17-0125 DVP17-0126):	September 19, 2017
Date of Revised Application (DP17-0231 DVP17-0232) Received:	October 19, 2017
Date of Neighbourhood Consultation Submitted:	October 27, 2017

Report prepared by:	Trisa Brandt, Planner
Reviewed by:	Terry Barton, Urban Planning Manager
Approved for Inclusion:	Ryan Smith, Community Planning Department Manager

Attachments:

Schedule "A": Development Engineering Requirements
DRAFT Development and Development Variance Permit DP17-0231 DVP17-0232
Schedule "AA": Site Plan, Floor Plans, Roof Amenity Plan
Schedule "BB": Elevation, Sections, and Colour Board
Schedule "CC": Landscape Plan
Schedule "DD": Zoning Analysis Table for Variances