

REPORT TO COUNCIL



Date: November 21, 2017

RIM No. 0940-00

To: City Manager

From: Community Planning Department (EW)

Application: DVP17-0002 DP17-0001 **Owner:** Kelowna East Investments Ltd.,
Inc.No. BC1084469

Address: 1915 Enterprise Way **Applicant:** Mara + Natha Architecture Ltd.

Subject: Development Variance and Development Permit Application

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

Existing Zone: C4 – Urban Centre Commercial

Proposed Zone: CD17 – Mixed Use Commercial – High Density

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11487 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. 17-0001 and Development Variance Permit No. DVP17-0002 for Lot A District Lot 140 ODYD Plan KAP58184, located at 1915 Enterprise Way, 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. The completion of the outstanding requirements set out in Schedule 'A' attached the Report from the Community Planning Department dated September 18, 2017;
6. The height restricting covenant, to a maximum of six (6) storeys and 26.5 metres, be registered on title.

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

Section 18 CD17 – Mixed Use Commercial – High Density Subsection 1.4(b):

Development Regulations

To vary the maximum site coverage including parking areas and driveways from 75% to 78.2% proposed;

Section 8: Parking and Loading, Table 8.1: Parking Schedule

To vary the required number of parking stalls from 242 required to 231 proposed;

Section 8: Parking and Loading, Table 8.2: Loading Schedule

To vary the required number of loading spaces from 5 required to 2 proposed;

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 the form and character of a hotel and mixed-used building on the subject property and to vary maximum site coverage, minimum parking requirements, and the minimum loading space requirements.

3.0 Community Planning

Mid-rise redevelopment within the City's town centres has the ability to address a significant portion of the City's anticipated growth needs over the next twenty years helping to reduce the impact of fringe development. The proposed mid-rise development project is located appropriately on the corner of two main streets with existing infrastructure, including transit, retail, and nearby community services. The proposed form and character is moderate in height and scale providing an appropriate transition to the adjacent existing lower-scaled buildings in the neighbourhood in a context sensitive manner.

An important planning consideration is the proportion of the building height to the width of the adjacent street right-of-ways. The hotel has an overall height of 25.2m, which corresponds with the 25.0m road for Enterprise Way and the 30.0m road with for Spall Rd. Similarly, the mixed-use building has a height of 24.3m and the width of Enterprise Way is 25.0m. In the case of both buildings, the ratio of the height of the building to the street does not exceed 1:1. This combined with the addition of retail at-grade along Enterprise Way and the use of the hotel will create an attractive streetscape and public realm.

Three variances are requested by the applicant: an increase in site coverage from 75% to 78.2%, a reduction in parking spaces from 242 to 231, and a reduction in loading spaces from 5 to 2. The applicant plans to mitigate the variances through permeable concrete paving for the hotel's porte-cochère and working with the civil engineer on on-site storm-water management. The 4.5% reduction in parking to 231 spaces can be addressed through several transit demand strategies including a hotel shuttle service and nearby bus transit and cycling pathways. The applicant has indicated that two loading spaces: one for the hotel and one for the mixed-use building is sufficient for anticipated deliveries to the site.

Overall, the proposal meets the majority of the Official Community Plan Urban Design Guidelines for Multiple Unit Residential, Commercial, and Midtown Revitalization Area in design, materials, and landscaping and in consideration of the requested variances and their proposed rationale, Community Planning Staff recommend support for the proposed form and character Development Permit and associated variances.

4.0 Proposal

4.1 Background

Council gave rezoning Bylaw No. BL11487 2nd and 3rd readings on October 3rd, 2017. The proposed rezoning is from C4- Urban Centre Commercial to CD17 – Mixed Use (Residential/Commercial).

4.2 Project Description

The applicant is proposing the construction of two, six-storey buildings on the subject property: a hotel on the west side of the site and a commercial/residential building on the east side of the site. Two accesses off of Enterprise Way are proposed with the main entrance in the middle of the site restricted to right in, right out and the second access along the eastern edge of the property restricted to left in, right in, and right out. Most of the parking is provided underground with some parking provided at grade behind the mixed-use building and in front of the hotel.

The proposed Hyatt hotel features 161 hotel rooms, a restaurant, banquet/business rooms, a pool, and a roof garden on the 3rd floor. Recognizing the prominence of the Enterprise Way and Spall Rd frontage, the pool enclosure wraps around the corner and has a wood trellis feature on top of the three-storey massing. The hotel has an active frontage along Spall Rd with windows along the first storey and concrete planters. The six storey elevation along Spall Rd is broken up with a concrete cornice below the second storey.

The mixed-use building is six-storeys at the maximum and steps down to four-storeys with the adjacent proposed four-storeys building to the east. 8 commercial retail units on the ground floor are proposed with a small plaza fronting Enterprise Way. Above the commercial units, 56 condo units with bedroom sizes ranging from studio to three bedrooms are proposed. Private amenity spaces include private balconies and a rooftop deck. Recognizing the close proximity to Rails with Trails, two Class I bicycle storage areas are proposed with a bicycle washing area.

The proposal meets the majority of the Official Community Plan Urban Design Guidelines for Multiple Unit Residential, Commercial, and Midtown Revitalization Area in design, materials, and landscaping.

Variances

The applicant is requesting three variances in order for the project to proceed as proposed, which are outlined below. The applicant has provided a design and variance rationale (Attachment B).

1. *Section 18 CD17 Development Regulations 1.4(b)*: to vary the maximum site coverage including parking areas and driveways from 75% to 78.2%.

Permeable concrete paving is proposed for the hotel's porte-cochère and the applicant will work with the civil engineer on providing increased onsite stormwater management.

2. *Section 8 Table 8.1 Parking Schedule*: to reduce the required number of parking spaces from 242 required to 231 proposed (4.5% reduction in parking).

The subject property is located in the Midtown Urban Centre, in close proximity to a rapid transit network, Rails with Trails, and nearby amenities including shopping plazas, a recreation centre, and employments hubs. Residential parking can be mitigated through the use of transit, cycling, and walking. The applicant has indicated that Hyatt will be providing an airport shuttle which can decrease the demand for hotel parking.

3. *Section 8 Table 8.2 Loading Schedule:* to reduce the required number of loading spaces from 5 required to 2 proposed.

The applicant has indicated that two loading spaces: one for the hotel and one for the mixed-use building is sufficient for anticipated deliveries to the site.

4.3 Site Context

The subject property is located in the Midtown City Centre at the corner of Enterprise Way and Spall Rd. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4 – Urban Centre Commercial RM5 – Medium Density Multiple Housing	Commercial Residential
East	C4 – Urban Centre Commercial	Vacant/ Proposed Commercial
South	C4lp – Urban Centre Commercial (Liquor Primary)	Commercial
West	RM5 – Medium Density Multiple Housing	Residential

Subject Property Map: 1915 Enterprise Way



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	CD17 ZONE REQUIREMENTS	PROPOSAL
Existing Lot		
Lot Area	10,000m ²	7,191m ²
Lot Width	13.0m	33.27m
Lot Depth	30.0m	149.53m
Development Regulations		
Floor Area Ratio	2.0	1.72
Site Coverage (buildings)	45%	41.6
Site Coverage (buildings + parking areas + driveway)	75%	78.2% ^❶
Height	55.0m/16 storeys	25.2m/6 storeys
Front Yard (west)	0.0m	1.29m
Flanking Side Yard (north)	0.0m	0.16m
Side Yard (south)	0.0m	2.92m
Rear Yard (east)	0.0m	7.39m
Other Regulations		
Minimum Parking Requirements	242 spaces	231 spaces ^❷
Bicycle Parking	Class I: 40 Class II: 22	Class I: 43 Class 2: 22
Private Open Space	836m ²	921.2m ²
Loading Space	5	2 ^❸
<p>❶ Indicates a requested variance to site coverage from 75% to 78.2%.</p> <p>❷ Indicates a requested variance to the minimum number of required parking stalls from 242 spaces to 231 spaces.</p> <p>❸ Indicates a requested variance to number of loading spaces from 5 required to 2 proposed.</p>		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5 Development Process

- Ensure opportunities are available for greater use of active transportation and transit to: improve community health; reduce greenhouse gas emissions; and increase resilience in the face of higher energy prices.¹
- Parking Relaxations.² Consider parking requirement relaxations, in areas that are not part of a cash-in-lieu program, where an approved TDM strategy indicates a lower use of vehicles and the City is satisfied that parking relaxations would not create parking spill-over problems on adjoining neighbourhood streets. Parking relaxations will not be considered in hillside areas (as defined on Map 4.1 - Future Land Use).
- Ensure development is compatible with surrounding land uses.³
- Housing Mix.⁴ Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.

¹ Objective 5.10 (Development Process Chapter 5).

² Policy 5.11.1 (Development Process Chapter 5).

³ Objective 5.19 (Development Process Chapter 5).

⁴ Policy 5.27.11 (Development Process Chapter 5).

Chapter 14 Comprehensive and Revitalization Development Permit Area Objectives

- 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.
- Provide for a scale and massing of commercial buildings that promotes a safe, enjoyable living, pedestrian, working, shopping and service experience.
- 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.
- Create open, architecturally-pleasing and accessible building facades to the street.

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). One Building permit required for the below ground parkade and one building and a separate permit for the 2nd building.
- 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.
- HPO (Home Protection Office) approval or exemption is required at time of Building 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.
- 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, turn a rounds and private hydrant locations are to be verified with Kelowna Fire Department.
- 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 & number of H/C suites to be defined. Location of H/C parking is required on the drawings.
 - Hard surfaced paths leading from the egress stairwells to a safe area are to be clearly defined as part of the DP

- Additional vestibules may be required to exit from the underground parking area to the exit stairwell
- Glazing to meet minimum provincial standards as outlined in the Building Code.
- Access to the roofs are required per NFPA and guard rails may be required and should be reflected in the plans if required
- Additional exits may be required from the roof top terraces.
- 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.
- This property falls within a defined flood plain area and compliance is required to Mill Creek Bylaw No. 10248 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
- 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 etc.
- Size and location of all signage to be clearly defined as part of the development permit. It appears that signage is proposed on the back of the building. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
- 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.
- Universal washroom requirements for hotel and 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.
- Mechanical Ventilation inlet and exhausts vents are not clearly defined in these drawings for the enclosed parking storeys. The location and noise from these units should be addressed at time of Development Permit.
- 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

- See Attachment 'A' memorandums dated January 31, 2017.

7.0 Application Chronology

Date of Application Received: January 12, 2017
Date Public Consultation Completed: February 25, 2017
Date of Public Hearing (Rezoning): October 3, 2017

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

Attachments:

Attachment 'A' – Development Engineering Memorandums dated January 31, 2017
Attachment 'B' – Applicant's Design Rationale
Draft DVP17-0002 DP17-0001
Schedules 'A' & 'B' – Site Plan, Floor Plans, and Elevations
Schedule 'C' – Landscape Plan