

# REPORT TO COUNCIL



**Date:** December 5, 2017

**RIM No.** 0940-00

**To:** City Manager

**From:** Community Planning Department (LK)

**Application:** DP17-0204 & DVP17-0235      **Owner:** Whitworth Holdings Ltd. Inc.  
No.1059455

**Address:** 1250-1298 Ellis Street      **Applicant:** Meiklejohn Architects

**Subject:** Development Permit & Development Variance Permit

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

Existing Zone:      C1oLP – Service Commercial (Liquor Primary)

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP17-0204 for Lot 1 District Lot 139 ODYD Plan 660, located at 1250-1598 Ellis Street, 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 authorizes the issuance of Development Variance Permit No. DVP17-0235 for Lot 1 District Lot 139 ODYD Plan 660, located at 1250-1598 Ellis Street, Kelowna, BC;

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

**Section 14.10.5(d): C10 – Service Commercial Development Regulations**

To vary the required minimum front yard from 2.0 m permitted to 0.0 m proposed.

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 the form and character and one variance to facilitate an addition to an existing commercial building on the subject property.

### 3.0 Community Planning

Community Planning staff supports the proposed addition and variance on the subject parcel. The application meets the Official Community Plan (OCP) Urban Design Guidelines and the addition is appropriate for the context of the site.

The property is within the City Centre Urban Centre and fronts onto Ellis Street, one block south of Clement Avenue. The property is unique as it is the only commercial parcel that is zoned C10 – Service Commercial within the downtown area that is not located along Harvey Avenue. All other commercial properties in the downtown area are generally zoned C7 – Central Business Commercial. The C7 zone would allow the proposed addition without triggering a front setback variance. Rezoning the property to align with the downtown area will be undertaken in the future if/when the property redevelops.

Council Policy No 367 with respect to public consultation was undertaken by the applicant and all neighbours within a 50 m radius of the subject parcel.

### 4.0 Proposal

#### 4.1 Background

The existing building is a historic building and is on the Kelowna Heritage Register. It is important for connections to both the tobacco industry and the fruit packing industry. It represents the industrial development that occurred along the north end of Ellis street and in the surrounding area. The building was constructed in 1912 as offices and a cigar factory for the British North American Tobacco Company. It later became a cannery for the Occidental Fruit Company which closed its doors in 1960. The building was then occupied by multiple industrial uses over the years. The building is recognized for the bold brickwork and as having an attractive and ornate street facing elevation.

Earlier this year, the nightclub 'Flashbacks', closed their business. Since that time, the second floor space has been vacant. The building owners have taken this opportunity to do some building façade upgrades/changes. This included the removal of the former entry to flashbacks (refer to photo). The entry area occupied approximately 40 m<sup>2</sup> area along the Ellis Street frontage.



Figure 1 - Ellis Street building frontage

#### 4.2 Project Description

The cannery row building has three distinct sections (refer to Figure 2). The north section is occupied by BNA Brewpub and Moto Vida. The former Flashbacks area is also part of the two storey north section of the building. The centre section consists of three stories and has the most ornate front façade. The south portion has a number of commercial bays that front onto Ellis Street, Cawston Avenue and Cannery Lane.



Figure 2 – Image shows the three distinct sections of the building (south, middle & north).

The applicant is proposing a 33 m<sup>2</sup> addition along the Ellis Street frontage directly north of the centre section of the building. The proposed addition is a new glass enclosed space to house a staircase and elevator which will service all three floors of the central portion and two stories of the north portion of the building. The canopy and signage are not included in this application and have been shown to illustrate how the final street elevation would appear. The canopy will match the existing canopy/sign located at the entry to BNA Brewpub.



Figure 3 – Glass façade addition to house stairs and elevator.

Additions to a historic building can either try to emulate the original building design or create a contemporary contrast to the existing historical building. The addition follows the latter by providing a glazed box which allows for the brick wall to be visible from the exterior. The enclosure will consist of large glass panels with metal accents. The interior staircase will be steel to provide a lightness and contrast to the existing brick façade. The elevator shaft is located behind the stairs, so as to be less visible from Ellis Street and will allow accessibility for visitors to all three levels of the building.

The addition will require one variance to reduce the required 2.0 m front setback to 0.0 m proposed. The stairwell addition will match the foremost façade of the central portion of the existing building, which is also constructed to the front property line. Staff is supportive of the requested front setback variance as it matches the existing building. The glass façade addition will provide a visually pleasing update to the existing building and does not detract from the historical character.

#### 4.3 Site Context

The subject property is located on Ellis Street, east of Prospera Place.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	CD5 – Multi-Purpose Facility	Vacant lot
East	I4 – Central Industrial C7 – Central Business Commercial	Metal Fabricators Food Bank & Mixed Use Commercial/Residential
South	CD8LR – Heritage Industrial (Liquor Primary/Retail Liquor Sales)	Laurel Packing House
West	CD5LP - Multi-Purpose Facility (Liquor Primary)	Prospera Place

Subject Property Map:



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C10LP ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	1000 m <sup>2</sup>	5596 m <sup>2</sup>
Lot Width	30 m	42.7 m
Lot Depth	30 m	131 m
Development Regulations		
Height	3 storeys	3 storeys
Front Yard (Ellis Street)	2.0 m	0.0 m <span style="color: red;">●</span>
Side Yard (south – Cawston Street)	2.0 m	2.3 m
Side Yard (north)	0.0 m	0.94 m
Rear Yard	0.0 m	0.0 m
<span style="color: red;">●</span> Indicates a requested variance to the required front setback of 2.0 m to 0.0 m proposed (to match setback of existing building).		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Accessibility Measures.**<sup>1</sup> Review all development proposals to ensure that accessibility needs have been addressed in compliance with City Guidelines for Accessibility in Outdoor Areas. Consult with stakeholders and/or other appropriate agencies, as required, to ensure accessibility measures in development projects are addressed.

**Cultural District.**<sup>2</sup> Support the development of the Kelowna Cultural District as outlined in the adopted cultural plans, as a centre for arts and entertainment and a catalyst for downtown revitalization.

**Downtown.**<sup>3</sup> Recognize that a unique, attractive, thriving and livable downtown is strategically important to Kelowna's overall prosperity and success. Towards this end, the City will plan and manage the Downtown as a single and special entity and will take a proactive, comprehensive, integrated and collaborative approach towards providing services and infrastructure, delivering programs, and developing a supportive regulatory and financial environment.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- 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.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

### 6.2 Development Engineering Department

- Refer to Attachment 'A'.

### 6.3 Fire Department

- Construction/renovation fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- An updated 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 bylaw 10760.

## 7.0 Application Chronology

Date of Application Received: September 25, 2017

Date Public Consultation Completed: November 2, 2017

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<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.6.1 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.20.3 (Development Process Chapter).

<sup>3</sup> City of Kelowna Official Community Plan, Policy 8.9.2 (Economic Development Chapter).

**Report prepared by:** Lydia Korolchuk, Planner

**Reviewed by:** Terry Barton, Urban Planning Manager

**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

**Attachments:**

Attachment A: Development Engineering Memorandum

Schedule A: Site Plan

Schedule B: Conceptual Elevations

Site Photos

Conceptual renderings