

# REPORT TO COUNCIL



**Date:** December 5<sup>th</sup> 2017

**RIM No.** 0940-00 & 0940-50

**To:** City Manager

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

**Application:** DP17-0016 / DVP17-0019 & DP17-0207 / DVP17-0208

**Owner:** 0984342 BC Ltd Inc. and FortisBC Inc.

**Address:** 650 & 700 Swordy Rd

**Applicant:** Zeidler BKDI Architects (Jean Guy Beliveau)

**Subject:** Development Permit and Development Variance Permit

Existing OCP Designation: MXR – Mixed Use (Residential / Commercial) & MRL – Multiple Unit Residential (Low Density)

Existing Zone: C4 – Urban Centre Commercial & P4 - Utilities

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP17-0016 for Portion of Lot 2, Outlined Red on Plan A917, District Lot 134, ODYD, Plan 2864, located at 700 Swordy Rd, 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 applicant enter in a public parking agreement with the City of Kelowna for 27 stalls on evenings and weekends at 700 Swordy Road.

AND THAT Council authorize the issuance of Development Variance Permit DVP17-0019 for Portion of Lot 2, Outlined Red on Plan A917, District Lot 134, ODYD, Plan 2864, located at 700 Swordy Rd, Kelowna, BC;

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A, B, & C":

**Section 7.6 Minimum Landscape Buffers: 7.6.1 (c):**

To vary the minimum 3.0m landscape buffer from 3.0 m to 2.0 m.

AND THAT Council authorizes the issuance of Development Permit No. DP17-0207 for Lot A, District Lot 134, ODYD, Plan EPP65105, located at 650 Swordy Rd, 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;

AND THAT Council authorize the issuance of Development Variance Permit DVP17-0208 for Lot A, District Lot 134, ODYD, Plan EPP65105, located at 650 Swordy Rd, Kelowna, BC;

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A, B, & C":

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

To vary the required parking from 161 parking stalls permitted to 97 parking stalls proposed.

**Section 14 – Commercial Zones: 14.4.5 (c) Development Regulations**

To vary the maximum height from '15.0m or 4 stories' permitted '22.1m or 6 stories' proposed.

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**

The purpose is to review two Form & Character Development Permits and two Development Variance Permits for one project known as 'The Shore'. The first Development Permit and Development Variance Permit is for a 6 storey, mixed use building on 650 Swordy Road with variances to increase the maximum height and to reduce the number of parking stalls. The other Development Permit and Development Variance Permit is for the surface parking lot proposed at 700 Swordy Road immediately adjacent with one variance to reduce the landscape buffer widths.

## **3.0 Community Planning**

**Note: This project encompasses two properties with two different owners. This has necessitated the need for additional Development Permit and Development Permit applications. All of these files are related to the same comprehensive development known as "The Shore". Below staff have separated comments related to the Fortis BC land (future 'Shore' parking lot) and the main development site.**

### **3.1 Development Variance Permit DVP17-0019**

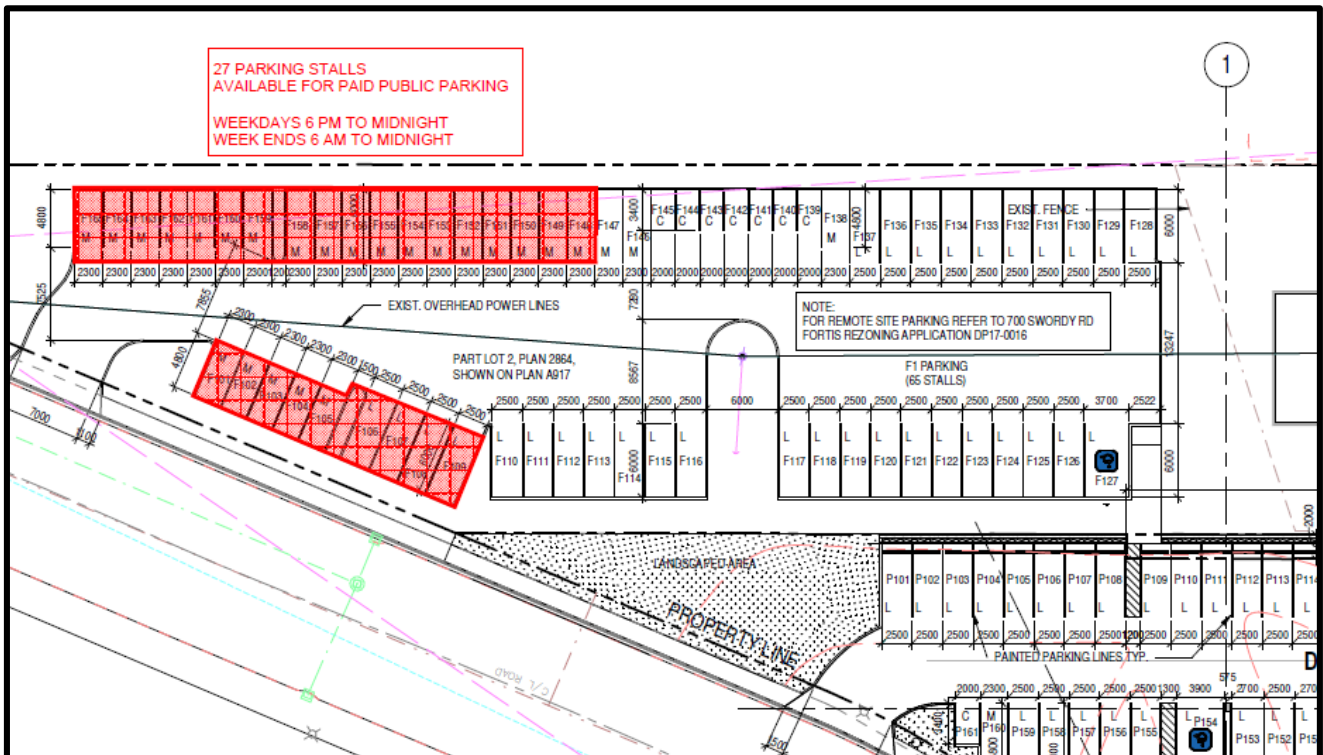
The applicant informed the City the original proposal (DP16-0160 & DVP16-0161) approved by Council on March 31<sup>st</sup> 2017 was not financially viable due to the forecasted costs of the proposed building. Therefore, the applicant engaged in a cost reduction and value engineering exercise to modify the project. The building's overall design and form & character remain intact with only minor reductions to the size of the building along Richter Street. The two major changes was the parking and the addition of another floor of residential units.

The original design had adequate parking onsite with a surface parking lot and two floors of above-grade parking. The entire Fortis parking lot site (at 700 Swordy Rd) was excess parking in the original proposal. Staff and Council were enthusiastic about excess parking in the Boyce-Gyro Beach Park area due to intense parking pressures during the summer months. A summary of the changes are listed below:

- The total retail area was reduced by 148 m<sup>2</sup>;
- The office area was reduced by 60 m<sup>2</sup>;
- The total number of residential units increased from 83 units to 103 units;
- The 47 stall 3<sup>rd</sup> floor parking level was eliminated;
- The adjacent Fortis site was excess parking and now will be all required parking;
- The overall height of the building increased by 1.52metres;
- A second public courtyard space was added along Richter Street;
- The original FAR was 1.359, the new proposal is 1.542, and the maximum FAR on the site is 1.542;

In the revised proposal, the applicant eliminated the 47 stalls provided within the 3<sup>rd</sup> floor parkade and relocated those stalls to the adjacent Fortis site. The addition of 20 extra units also required 20 extra stalls. Staff were concerned with regards to this proposed change of adding further residential densities to the project while having a greater reliance on the adjacent Fortis Site for surface parking without registering a covenant. Generally, Staff require applicants that relocate parking off-site to register a restrictive covenant on the parcel to ensure that the off-site parking is provided for in perpetuity. In this case, Fortis would not accept a restrictive covenant on title. Therefore, the City would rely on the lease agreement between 'The Shore' and Fortis to ensure parking is provided over the long term. Staff are satisfied with this arrangement as the high voltage overhead powerlines effectively limit the development potential of this site in the long term to parking as the highest and best use. The applicant has offered to provide 27 stalls on the Fortis Site for public parking on evenings and weekends (See image below). The 27 stalls correspond to the number of parking stalls required for the office use which tend not be utilized during evenings and weekends.

Overall, Staff feel the increase in height by 1.5m is a marginal and tolerable increase as well as the project has maintained the overall form & character (see previous report for detailed rationale).



### 3.2 Development Permit DP17-0016 & Development Variance Permit DVP17-0019 (700 Swordy Road)

A 65 stall surface parking lot was originally proposed on 700 Swordy Road to act as excess and supplementary parking to 'The Shore' development located immediately to the west. The developer is proposing a number of changes to 'The Shore' development that would reduce its on-site parking and designate the parking at 700 Swordy Road required parking under the Zoning Bylaw. The property will remain in the ownership of Fortis with a long-term lease to 'The Shore'. A landscape buffer variance for the surface parking lot, from 3.0m to 2.0m, is needed due to Fortis's vehicular maneuverability requirements to service the existing sub-station and to the location of the overhead power poles. The surface parking lot also does not meet the minimum number of trees per parking stall as described in the Official Community Plan design guidelines. However, this condition is tolerable as trees are usually provided in landscape islands within surface parking lots but in this case those landscape island would be located under power lines and Fortis would not permit trees in those areas.

### 3.3 Development Permit DP17-0207

Staff are recommending support for the proposed Development Permit due to the proposal's consistency with the Official Community Plan's (OCP) design guidelines. The applicant has worked with City staff to review and refine the design a number of times. The proposal is an excellent example of high quality architecture in a mid-rise form.

Staff are recommending support for the proposed Development Permit due to the proposal's consistency with the Official Community Plan's (OCP) design guidelines. The applicant has given particular consideration to the base of the podium to provide a successful streetscape and pedestrian experience. The proponent and their consultants have proposed to include "green" landscaping features on all the private and amenity outdoor space.

Key design features of the application is:

- Two "Public Courtyard" within the central portion of the site designed for universal accessibility.
- Significant landscaping has been provided onsite and on the building.
- Four levels of rental residential units.
- Retail commercial at-grade which provides for a great streetscape interface.
- Significant architectural features and building articulation coupled with varying and appropriate building materials.

### 3.4 Notification

Council's Public Notification Policy #367 has been met by informing property owners within 50 metres of the proposed development. Confirmation of a complete public notification was submitted to the City on October 31<sup>st</sup> 2017.

## **4.0 Proposal**

### 4.1 Project Description (650 Swordy Rd)

The proposed mid-rise building is six storeys high, with a retail base, a dedicated office-oriented second floor (that spans two floors in height), and four levels of market rental housing (103 units) located above the podium. The massing of the upper levels is stepped back allowing the retail area to frame the public plaza in manner that accentuates the pedestrian friendly feeling while hiding the parking facilities. The proximity of the Boyce-Gyro Beach Park naturally led the design to provide plenty of on-site open space for café and restaurant patios at grade. Fitted with a breezeway, the project allocates the commercial parking underneath the building and at the rear of the site. This frames multiple views to the beach from the mid-block public plaza. Residential parking is hidden in a semi-open air parkade integrated into the rear of the podium.

Overall, the massing of the six storey building has been successfully apportioned and well-articulated. The material selection is also of high quality.

Vehicular access to the site is provided via Richter Street and Swordy Road satisfying the requirements of the Fortis right-of-way for service access to the existing facility to the east. The main residential and office entrance for the pedestrian coming in from the parking area or the public plaza is located at the breezeway making it an active connector across the site. The designated firefighter access is located on Swordy Road. All of the floors are designed with ample outdoor amenity space. The office floors contain view responsive corner windows, and the fourth floor residential amenity level opens up to an amenity deck overlooking the Boyce-Gyro Beach Park.

Lastly, the design of the project actively responds to servicing needs. Waste and recycling facilities are enclosed underneath the building at the rear of the site. It is anticipated that waste and recycling will be staged in the lane with thru-access for the trucks. Loading stalls are located out of sight underneath the building. Sight lines to the service areas are clear of obstructions which is in compliance with CPTED principles. The site is provided with appropriate landscaping required on public plazas and adjacent public streets. It is also fitted with a few landscape buffer areas that screen the surface parking lot.

#### 4.2 Project Description (700 Swordy Rd)

The 65 stall parking lot will be screened with a landscape buffer and will be setback 9.2m from the existing Fortis sub-station at the south end. The 9.2m clearance is a safety setback required by the Fortis equipment. Access to the surface parking lot will be from Richter Street. Fortis will develop a new access for service vehicles from Swordy Road. The site currently contains high voltage power lines running in the north-south direction and contains two existing power poles. The power pole currently located in the middle of the site has a support guy wire. The power pole located at the north end will be fitted with a guy wire in the near future. As such, the power pole located in the middle of the site will have a landscaped area at its base and a new impact resistant barrier to prevent collisions of cars with the power pole. The rationale behind the parking layout was to spread the two parallel rows of cars as far away as possible from the overhead power lines while maintaining a landscape buffer to the neighbouring properties. A pedestrian link has been created at the south-western end of the surface parking lot to facilitate pedestrian movement between the two sites.

#### 4.3 Site Context

The site is located at the south end of the South Pandosy Urban Centre across from Gyro Beach. Specifically, the adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C9 – Tourist Commercial	Vacant
East	P4 - Utilities	Utilities
South	RM3 – Low Density Multiple Housing	Residential
West	P3 – Parks and Open Space	Park



**Subject Property Map: 650 Swordy Rd**



**4.4 Zoning Analysis Table**

Zoning Analysis Table		
CRITERIA	C4 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Height	15.0 m / 4.0 storeys	22.1 m / 6 storeys ❶
Front Yard (north)	0.0 m	0.0 m
Side Yard (east)	0.0 m	0.0 m
Side Yard (west)	0.0 m	0.0 m
Rear Yard (south)	0.0 m	0.0 m
Site coverage of buildings	75 %	49.6 %
FAR	Base Far: 1.3 + Parking within Bldg bonus: 0.062 <u>+ Public plaza bonus: 0.18</u> = 1.542	1.542
Parking Regulations		
Minimum Parking Requirements	161 parking stalls	Main floor / site: 61 stalls + 2 <sup>nd</sup> Floor: 36 stalls <u>+ Fortis Site: 65 stalls</u> = 162 parking stalls ❷
Minimum Loading Spaces	2 spaces	2 spaces

Zoning Analysis Table		
CRITERIA	C <sub>4</sub> ZONE REQUIREMENTS	PROPOSAL
Ratio of Parking Stalls	Full size: 50% Min Medium Size: 40% Max Small Size: 10% Max	Full size: 61% Medium Size: 34% Small Size: 5%
Minimum Drive Aisle Width	7.0 m	8.0 m
Other Regulations		
Minimum Bicycle Parking Requirements	Class 1: 59 bikes Class 2: 30 bikes	Class 1: 70 bikes Class 2: 30 bikes
<p>① A variance to increase the permitted height is proposed.</p> <p>② A variance to reduce the number of permitted parking stalls by 64 stalls is proposed</p>		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 5: Development Process

**Compact Urban Form.**<sup>1</sup> 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.

**Sensitive Infill.**<sup>2</sup> Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

**Contain Urban Growth.**<sup>3</sup> Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

**Housing Mix.**<sup>4</sup> Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.

#### Building Height<sup>5</sup>:

- **Other Urban Centres:** Locate taller buildings in the geographic centre of Urban Centres and generally decrease height moving away from the centre, to a maximum of 4 storeys at the periphery of the Urban Centres, where adjoining land is designated for single/two unit housing.
- **South Pandosy:** Generally, 4 storeys. Six storeys within C<sub>4</sub> or C<sub>9</sub> zoned areas. Potential for 8 storeys where an architecturally distinct and significant buildings is placed at a corner, gateway or view terminus location that is of significance to the community or where a building is of cultural significance to the community.
- **Rutland:** Generally, 4 storeys. Six storeys within C<sub>4</sub> or C<sub>9</sub> zoned areas. Potential for up to 44 m height (12-14 storeys) in the core of Rutland, as identified in the C<sub>7</sub> zone of the Zoning Bylaw.
- **Midtown:** 16 storeys, where the OCP designation provides for high-density multiple-units.

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

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

<sup>3</sup> City of Kelowna Official Community Plan, Goals for a Sustainable Future, Objective 1 (Chapter 1 Introduction)

<sup>4</sup> City of Kelowna Official Community Plan, Policy 5.27.11 (Development Process Chapter)

<sup>5</sup> City of Kelowna Official Community Plan, Policy 5.8.1 (Development Process Chapter)

- **Capri/Landmark:** Generally, 4 storeys. Greater height (up to 12 storeys) may be supported on the Capri Shopping Centre site and in the area bordered by Dickson Avenue, Dayton Avenue, Springfield Road and Kirschner Road upon approval of a Council-endorsed comprehensive development plan for the site that provides for a variety of housing types (including but not limited to ground-oriented and rental apartment housing) and the provision of commercial space that is of an amount that, at minimum, equals that which existed in 2010.
- **Elsewhere:** For all areas of the City outside the Urban Centres, buildings heights shall be a maximum of four storeys for residential and six storeys for apartment hotels and hotels. Additional height restrictions may be imposed as a result of airport-related zoning regulations.

**Objective 5.5: Ensure appropriate and context sensitive built form.**

**Building Height.**<sup>6</sup> 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 14: Urban Design Guidelines Amenities, ancillary Services and Utilities.**<sup>5</sup>

- 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 4: Land Use Designation Massing and Height.**<sup>3</sup>

- 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.

**6.0 Technical Comments**

**6.1 Building & Permitting Department**

**DP17-0207 (650 Swordy Rd)**

- This is not a plan review but the following items may apply at time of Building Permit application stage.
- Permits are required for any sales or office trailers that will be on site. The location(s) of these are to be shown at time of development permit application.

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<sup>6</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter). <sup>3</sup> City of Kelowna Official Community Plan, Chapter 14 (Urban Design Development Permits Area).



- A Hoarding permit is required and protection of the public from the staging area and the new building area during construction.
- 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.
- 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. The terrace / roof top areas require a secondary means of egress as per BCBC 3.3.1.3. (2)
- This property falls within 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.
- 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 matter and is the sole responsibility of the owner(s). 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.
- 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.
- 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.

#### DP17-0016 (700 Swordy Rd)

- A Building permit is required for the civil works portion of the parking lot. A Civil engineer is required to provide drawings and schedules at time of permit application.

#### 6.2 Development Engineering Department

- DP17-0016 / DVP17-0019
  - All the offsite infrastructure and services upgrades are addressed in the Rezoning Engineering Report under file Z17-0014.
  - The request to vary the landscape buffer for the front and side yards from 3.0m to 2.0m does not compromise any municipal services.
- DP17-0207 / DVP17-208
  - All the offsite infrastructure and services upgrades are addressed in the Rezoning Engineering Report under file Z16-0040.
  - The request to increase the height to six stories (22.07m) and a variance to allow for 65 off site parking stalls does not compromise any municipal services.

#### 6.3 Fortis BC (Electric)

- There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Lakeshore Road and Swordy Road. However, given the proposed building and transformer location noted on the plans provided, extension work might be required to service the proposed development, the cost of which may be significant. Furthermore, FBC(E) requires guaranteed tractor trailer access in order to service the adjacent substation to the east. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.
- Otherwise, FBC(E) has no concerns with this circulation.

#### 6.4 Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900. New hydrants on this property shall be operational prior to the start of construction and shall be deemed a private hydrant
- All buildings shall be addressed off of the street it is accessed from.
- 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
- Fire Department access is to be met as per BCBC 3.2.5.
- Approved Fire Department steel lock box acceptable to the fire dept. is required by the fire dept. entrance and shall be flush mounted
- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met
- Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.
- Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- Fire department connection is to be within 45M of a fire hydrant - unobstructed.
- Ensure FD connection is clearly marked and visible from the street
- Standpipes to be located on intermediate landings.
- Sprinkler zone valves shall be accessible as per fire prevention bylaw - less than 7 feet from floor
- Dumpster/refuse container must be 3 meters from structures or overhangs or in a rated room in the parking garage
- Do not issue BP unless all life safety issues are confirmed

#### 7.0 **Application Chronology**

Date of Application Received (complete):	July 4 <sup>th</sup> 2016
Date of Notification Letters:	July 20 <sup>th</sup> 2016
Date of Public Open House:	August 4 <sup>th</sup> 2016
Date of First Reading:	Sept 12 <sup>th</sup> 2016
Date of Public Hearing:	Oct 4 <sup>th</sup> 2016
Date of Council DP/DVP approval:	Mar 21 <sup>st</sup> 2017
Date of re-application:	Oct 2 <sup>nd</sup> 2017

**Prepared by:** Adam Cseke, Urban Planner  
**Reviewed by:** Terry Barton, Urban Planning Manager  
**Approved for:** Ryan Smith, Community Planning Department Manager

**Attachments:**

Applicant Rationale  
DP17-0016 & DVP17-0019  
DP17-0207 & DVP17-020