
CITY OF KELOWNA

MEMORANDUM

Date: August 7, 2002

File No.: DP02-0055

To: City Manager

From: Planning & Development Services Department

Subject:

APPLICATION NO. DP02-0055

OWNER: ALLWINS DEVELOPMENT,
EUROTAI AUTOMOTIVE,
MACDONALD REALTY,
VICTOR INTERNATIONAL
HOLDINGS

AT: 1160 SUNSET DRIVE

APPLICANT: KEN WEBSTER / BILL SCUTT

PURPOSE: TO OBTAIN A DEVELOPMENT PERMIT FOR THE FORM AND
CHARACTER OF MIXED-USE DEVELOPMENT

EXISTING ZONE: C7 – CENTRAL BUSINESS COMMERCIAL

REPORT PREPARED BY: KIRSTEN G. BEHLER

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. 02-0055 for Lot B, D.L. 139, ODYD, Plan KAP 49982 except strata plan KAS1261, located on Sunset Drive, Kelowna, B.C, subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. Signage to be provided on the land be in general accordance with Schedule "D";
5. Parking to be provided as shown on Schedule "A" with the security gate being moved to ensure access of the stalls to visitors and clients;
6. The applicants 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;

THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued;

AND THAT Council consider DVP01-0066 concurrently, as described in the separate report from Planning & Development Services, dated July 23, 2002.

2.0 SUMMARY

The applicants propose to construct a mixed-use development on Sunset Drive in Downtown Kelowna. The project would have a commercial component of approximately 1000m² in size, as well as eight residential units. The applicants furthermore wish to vary the parking requirements for the residential component to reduce the number of parking stalls from ten required to eight proposed.

3.0 ADVISORY PLANNING COMMISSION

The Advisory Planning Commission reviewed the application at their meeting of July 9, 2002, and the following recommendation was passed:

THAT the Advisory Planning Commission support the Development Permit Application No. DP02-0055, 1160 Sunset Drive, Lot CP, Plan K1261, Sec. 25, Twp 25, ODYD, Ken Webster and Bill Scutt to permit a mixed use development consisting of 1085m² of commercial space and seven residential units.

4.0 BACKGROUND

4.1 The Proposal

The subject site is located in Downtown Kelowna, north of Clement Avenue, on the west side of Sunset Drive. The western portion of the lot was developed in the early 1990s with the 16-storey high Dolphins residential tower. The Development Permit issued at that time showed a future commercial development on the subject section of the lot, consisting of retail units on the main floor and office space on the second floor. The area of the future commercial development was shown as approximately 860m². The same concept with some amendments was shown in the plans submitted with the rezoning application in 1994, which requested the rezoning of the eastern portion of the lot to a commercial zone. A covenant is registered on the subject property, prohibiting cabarets, taxi dispatch offices and amusement arcades on the site.

The proposed development would consist of a commercial and a residential component. The commercial floor area would total 1000m², with approximately 580m² located on the main and the remainder on the second floor. The ground floor commercial units will have access from the front at Sunset Drive, except for the unit located in the southernmost corner of the site, which is oriented towards the southeast. The second floor commercial units would have access from the rear.

The eight residential units would be located on the second and third floors of the development. In addition to six one-bedroom units, the development would have one bachelor and one two-bedroom unit.

The grade on the western portion of the site will be raised to the equivalent of one storey height. While creating a three-storey building at the east, south and north elevations, the west elevation will be two storeys high. Changing the grades of the lot in this manner will create a unique upper level courtyard design. The upper level, however, can only be reached by stairs, a limiting factor of the proposed development to people with physical disabilities. The applicants were strongly

encouraged to revisit this design to ensure that all levels of exterior space are accessible. After review of the design, they decided to leave the layout as is and not make the second level accessible. The Inspection Services Department confirmed that an elevator to the upper level would not be required.

The overall form and character of the buildings is reminiscent of older downtown industrial/commercial buildings. The buildings have flat roofs, which can be used for rooftop patio space. A concrete parapet and a plain cornice line add visual interest to the roofline. The main and second floors will have large floor-to-ceiling windows, with low-arched concrete detailing, including cornerstones. The side elevations of each building have smaller windows, which are more residential in character. The buildings will be finished with split faced concrete block. All concrete detailing will be tan-coloured, and windows, doors and railings will be charcoal coloured.

The site will be landscaped with trees and shrubs in planters on the upper and lower level plazas and in the boulevard. Honeylocust trees will be used along Sunset Drive. The applicants will ensure that the upper courtyard will be lit in accordance with Crime Prevention Through Environmental Design (CPTED) guidelines. Motion detectors will be used, as well as wall mounted lighting illuminating all stairs.

Signage on the buildings would consist of fascia signs above the first and second storeys on the east elevation and one fascia sign above the first storey on the south elevation. Decorative light fixtures will be used on the ground level of each building.

When the high-rise residential development was approved, 21 stalls in the parkade were allocated towards the future commercial development on the subject property. Under current parking requirements, the commercial component of the development would require 13 stalls, and 10 stalls would have to be provided for the proposed residential units. Therefore, the 21 stalls in the parkade would be two stalls short of the current zoning bylaw requirement. The applicants have asked Council to vary the requirements for residential parking to one stall per unit. The requested variance is consistent with proposed changes to the C7 zone, which are currently prepared by the Planning and Development Services Department. The proposed changes would reduce parking requirements for residential uses to one stall per unit. The 21 stalls provided for the development are located in the secure section of the parkade and therefore will not be accessible to clients or visitors of the proposed development. In order for the stalls to be available to the public, the security gate would have to be moved, as was originally intended at the time of the construction of the parkade. The applicants would like to leave the gate in its current position and subsequently not make the parking stalls available to clients and visitors. However, planning staff feels that it is important that the stalls be open to visitors of the commercial and residential space and therefore recommends making the moving of the gate a condition of the Development Permit. Bicycle parking will be provided in a bicycle room for residents and employees, and bicycle racks for visitors will be placed along Sunset Drive.

The application meets the requirements of the C7– Central Business Commercial zone as follows:

CRITERIA	PROPOSAL	C7 ZONE REQUIREMENTS
Lot Area (m ²)	5623m ² lot 1133.5m ² portion of lot to be developed	200m ²
Lot Width	43.0m	6.0m
Lot Depth	28.2m portion of lot to be developed	30.0m
F.A.R.	1.557	5.0
Height (# of storeys/m)	3 storeys	6 storeys / 22m
Setbacks (m)		
- Front	0.0m	0.0m
- Rear	2.4m	0.0m
- North Side	2.4m	0.0m
- South Side	3.0m	0.0m
Private Open Space	50m ² per unit rooftop patio space	10.0m ² per 1-bdrm unit 15.0m ² per 2-bdrm unit
Bicycle Parking	14 spaces provided indoor and in exterior racks	Class I: 0.5 per dwelling unit: 4.0 0.2 per 100m ² GLA: 2.0 Class I total: 6 Class II: 0.1 per dwelling unit: 0.8 0.6 per 100m ² GLA: 6.0 Class II total: 7
Parking Stalls (#)	21 ^❶	1 stall per bachelor unit: 1 1.25 stalls per 1-bdrm unit: 7.5 1.5 stalls per 2-bdrm unit: 1.5 1.3 stalls per 100m ² GFA of commercial space: 13 Total: 23

Notes:

- ❶ The applicants wish to reduce the number of stalls required for the residential component to one stall per unit for a total of eight residential parking stalls. They have made application for the variance under DVP02-0066.

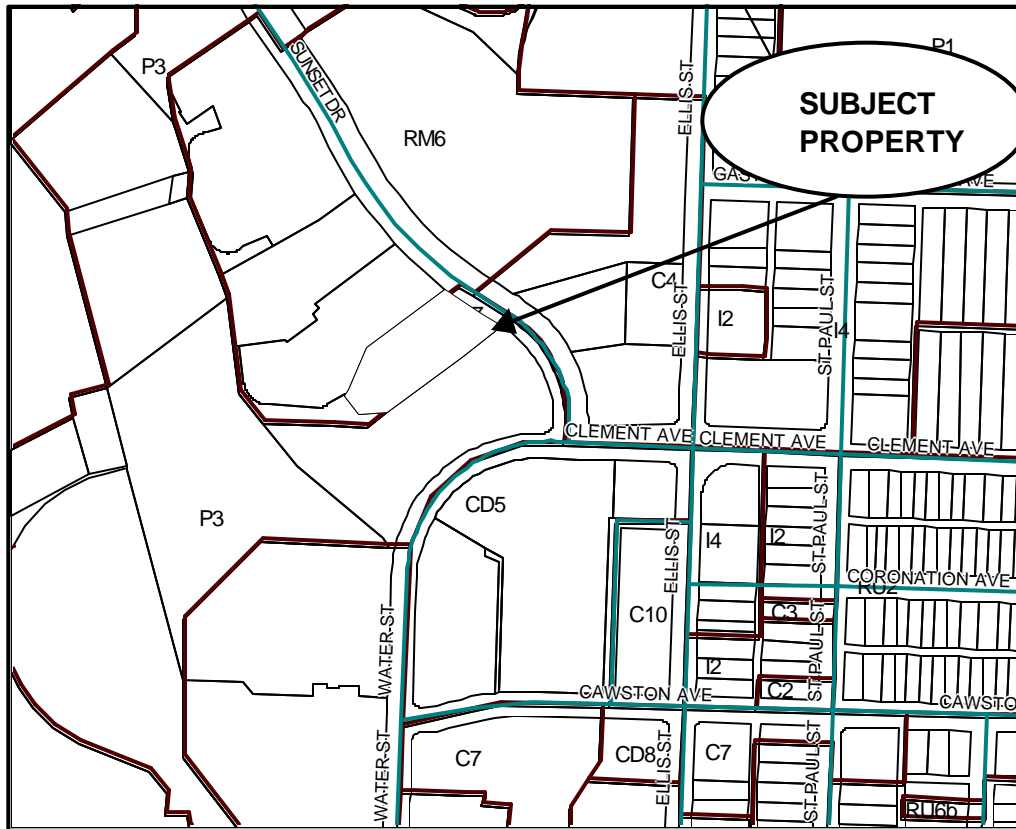
4.2 Site Context

The subject site is located in Downtown Kelowna, north of Clement Avenue on the west side of Sunset Drive. Over the last decade, the area has evolved into a high-density residential neighbourhood, with tourist commercial uses to the south.

Adjacent zones and uses are to the:

- North - RM6 – High-Rise Apartment Housing – townhomes and high-rise apartment building
- East - C4 – Town Centre Commercial – vacant, future hotel
- South - P3 – Parks and Open Space – Plaza and parking lot
- West - RM6 - High-Rise Apartment Housing – 16- storey residential tower

Site Map



4.3 Existing Development Potential

The property is zoned C7 – Central Business Commercial, a zone intended for the development of the financial, governmental and cultural core of the City. The zone permits a large number of commercial uses.

4.4 Current Development Policy

4.4.1 Kelowna Official Community Plan

The Official Community Plan designates the future land use of this site as high-density multi-unit residential. The proposed development is not consistent with this designation; however, the current zoning permits the proposed uses. Since no rezoning is required, an OCP amendment is not necessary.

4.4.2 Kelowna Strategic Plan

The plan encourages a closer integration of residential, commercial and employment oriented uses within existing and proposed future urban areas. The mixed-used concept introduced in this application is consistent with this objective.

5.0 TECHNICAL COMMENTS

The application has been circulated to various departments and agencies, and the following relevant comments have been submitted:

5.1 Works & Utilities

1. Domestic Water and Fire Protection

- (a) The existing water main on Sunset Drive is a 250mm-diameter pipe and is sufficient to supply the proposed development.
- (b) The developer's consulting mechanical engineer will determine the domestic and fire flow requirements of this proposed development and establish if a new service is required. Installation of all new services and decommissioning and removal of any unused service will be at the applicant's cost.

2. Sanitary Sewer

- (a) A 530mm-diameter sanitary sewer main fronts this lot and is sufficient to support this proposed development. The developer's consulting mechanical engineer will determine the requirements of this proposed development and establish if a new service is required. Decommissioning and removal of any unused service and the installation of all new services will be at the applicant's cost.

3. Storm Drainage

- (a) A 1050mm-diameter AC storm sewer main fronting this property is sufficient to support the proposed development.
- (b) The developer's consulting mechanical engineer will determine the requirements of this proposed development site and establish the required size and preferred location of the new service. The service will be provided at the applicant's cost.
- (c) The developer must engage a consulting civil engineer to provide a storm water management plan for this site which meets the requirements of the City Storm Water Management Policy and Design Manual. The plan must accommodate the requirements to contain a 1 in 10-year storm event within pipes and identify overland drainage routes for a 100-year storm event and possible provision of storm water retention facilities. The storm water management plan must also include provision of a lot grading plan, provide minimum basement elevation (MBE), and provide on-site drainage containment and disposal systems. The on-site drainage system may be connected to the street drainage system with an overflow service. A direct pipe discharge to the lake is not permitted.

4. Road Improvements

Sunset Drive was constructed to an urban standard by the City of Kelowna several years ago. This developer must contribute a share of the cost for widening the carriageway pavement and relocating the centre-line apex to create a symmetrical carriageway. The existing curb, gutter and sidewalk alignment will remain in place, as the carriageway widening occurred on the east side. A one-time cash payment is required in the amount of \$6,500.00 as this applicant's share of the cost of widening Sunset Drive to an acceptable standard.

Damage to existing curb and sidewalk sections will likely occur during the excavation and construction period. Replacement of damaged works will be at the developer's expense.

5. Road Dedication and Subdivision Requirements

- (a) Grant statutory rights of way if required for utility services.

6. Electric Power and Telecommunication Services

The electrical and telecommunication services to this building as well as the local distribution wiring must be installed in an underground duct system, and the building must be connected by an underground service. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services.

7. Street Lighting

Ornamental street lighting including underground ducts has been installed on the road fronting on the proposed development. It may be necessary to relocate or add new light standards. The cost of this requirement will be at the applicant's cost.

8. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked "issued for construction" by the City Engineer before construction may begin.

9. Development Cost Charge Reduction Consideration

Not applicable.

10. Latecomer Protection

Not applicable.

11. Geotechnical Report

As a requirement of this application and building permit approval the applicant must provide a comprehensive geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics, including water sources on the site.
- (b) Site suitability for development; i.e. unstable soils, foundation requirements etc.
- (c) Drill and/or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.

- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

12. Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

13. Bonding and Levy Summary

(a) Levies

Sunset Drive pavement widening	\$6,500.00
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NOTE: The foregoing levies if over \$5,000.00 may at the applicant's option be temporarily secured by the provision of a separate irrevocable letter of credit to cover the amount of the levy, with the understanding that the City will convert the letter of credit to cash upon final adoption of the zone amending bylaw or prior to issue of a building permit.

If the applicant elects to secure the levies by an irrevocable letter of credit rather than cash, a \$50.00 non-refundable processing fee must be paid to the City upon provision of the letter of credit.

14. Development Permit

- (a) The development will be required to contain and dispose of site generated storm water on the site by installing a ground recharge system consisting of drywells and perforated pipe bedded in drain rock.

- (b) Access and Manoeuvrability

Perimeter access must comply with the BC Building Code.

15. Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as 3% of the total off-site construction costs, not including design. 7% GST will be added.

5.2 BC GAS

Gas is available to this site. An application is required allowing a min. of 8 wks lead time to installation.

5.3 CANADA POST

This application will require the installation of centralized mail delivery equipment.

5.4 FIRE DEPARTMENT

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law. Engineered fire flows will be required.

5.5 INSPECTION SERVICES DEPARTMENT

Inspection Services has reviewed the application as presented. The project is 3 storeys in building height, therefore access for the disabled is required (a ramp or an elevator) to the second level. If occupancies other than residential are on the 3rd floor access shall extend to the 3rd floor also.

The Inspection Services Department has since reviewed the application and revised the original comments. An elevator for access to the upper storey units will not be required.

5.6 PARKS MANAGER

1. All entry feature signs for the proposed development to be located on private property and not on city Blvd. This includes any landscape treatment.

Landscape Plan Requirements:

2. The following applies for all boulevard (BLVD) landscape on city ROW and is standard information required on a landscape plan:
 - A. Planting plan to include a plant materials list:

i) Latin name	iv) plant symbol key
ii) common name	v) indicate existing trees
iii) size at planting	vi) indicate existing trees to be removed
 - B. Minimum plant material specifications for blvds. as follows:
 - i) Deciduous Tree – caliper @300mm above rootball (min. 60mm)
 - ii) Deciduous Shrub - spread (min. 450mm)
 - iii) Coniferous Tree - height (min. 2.5m)
 - iv) Coniferous Shrub - spread (min. 450mm)
 - v) Seed/Sod Mix according to location and proposed activity use.
 - C. Shrub beds require plastic edge beside all areas abutting a city sidewalk or city land to prevent migration of mulch.
 - D. Scale of plan and north arrow clearly indicated on plan.
 - E. Planting plan to include all u/g utility locations in BLVD.
3. All plant material (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by City Parks Division. All materials located in BLVD to meet city standard for size and method of installation.
4. BLVD maintenance (irrigation, shrubs, ground cover, sod, and seeded areas) is the responsibility of owner/occupant.
5. BLVD tree maintenance is responsibility of Parks Division.
6. Planting plan to include all u/g utility locations in BLVD.
7. All trees planted in sidewalk and not in grass Blvd will require a vault and grate and/or root shield barriers. All trees in grass Blvd to use root shield barriers beside concrete infrastructure.

8. All plant material (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by City Parks Division. All materials located in BLVD to meet city standard for size and method of installation.
9. Planting plan to include all u/g utility locations in BLVD.

5.7 SHAW

Owner/contractor to supply & install conduit system as per Shaw Cable drawings and specifications

5.8 TELUS

Telus will provide underground facilities to this development. Developer will be required to supply and install as per Telus policy.

6.0 PLANNING COMMENTS

The Planning and Development Services Department generally has no concerns with the form and character of the proposed mixed-use concept. Combining commercial and residential uses on this lot is appropriate given the site's downtown location. The unique form and character of the development would be a welcome addition to the existing adjacent residential buildings. The strong orientation of the buildings to the street will enhance the character of Sunset Drive.

The department is still concerned about the lack of accessibility of the second level for people with physical disabilities, however, as it is not a requirement of the building code, the department has no means to require it. Of further concern is the location of the commercial parking spaces in the secure area of the parkade. These spaces would not be available for clients of the commercial spaces, unless the security gate is moved as recommended by staff.

Andrew Bruce
Current Planning Manager

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

KGB
Attach.

FACT SHEET

- | | |
|---|---|
| 1. APPLICATION NO.: | DP02-0055 |
| 2. APPLICATION TYPE: | Development Permit |
| 3. OWNER: | Allwins Development Ltd.,
Eurotai Automotive Corporation,
MacDonald Realty Investment Ltd.,
Victor International Holdings Ltd. |
| . ADDRESS | 3000 Royal Centre, PO Box 11130 |
| . CITY | 1055 West Georgia Street |
| . POSTAL CODE | Vancouver, BC
V6E 3R3 |
| 4. APPLICANT/CONTACT PERSON: | Ken Webster and Bill Scutt |
| . ADDRESS | 105 – 251 Lawrence Avenue |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1Y 6L2 |
| . TELEPHONE/FAX NO.: | 763-6600 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | May 31, 2002 |
| Date Application Complete: | June 11, 2002 |
| Servicing Agreement Forwarded to Applicant: | |
| Servicing Agreement Concluded: | |
| Staff Report to APC: | July 4, 2002 |
| Staff Report to Council: | August 1, 2002 |
| 6. LEGAL DESCRIPTION: | Lot B, D.L. 139, ODYD, Plan KAP
49982 except strata plan KAS1261
(Phase 1) |
| 7. SITE LOCATION: | Downtown Kelowna, on the west side
of Sunset Drive |
| 8. CIVIC ADDRESS: | 1160 Sunset Drive |
| 9. AREA OF SUBJECT PROPERTY: | 5623m", 1134m" of which to be
developed under this DP |
| 10. EXISTING ZONE CATEGORY: | C7 – Central Business Commercial |
| 11. TYPE OF DEVELOPMENT PERMIT AREA: | Urban Centre DP |
| 13. PURPOSE OF THE APPLICATION: | To construct a mixed-use
development |
| 14. MIN. OF TRANS./HIGHWAYS FILES NO.: | N/A |
| NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY | |
| 15. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | |
| City Centre DP | Mandatory DP |

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Elevations
- Typical residential floor plan
- Landscape plan
- Colour samples
- Plan of parking stalls in the parkade