
CITY OF KELOWNA
MEMORANDUM

Date: November 12, 2004
File No.: DP04-0121

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. DP04-0121

OWNER: The Woodfield Development Corporation

AT: 1327/1329 Ellis Street

APPLICANT: Patrick McCusker
New Town Planning Inc.

PURPOSE: TO CONSTRUCT AN ELEVEN STOREY MIXED-USE
COMMERCIAL/RESIDENTIAL DEVELOPMENT

EXISTING ZONE: C7 – CENTRAL BUSINESS COMMERCIAL

REPORT PREPARED BY: RYAN SMITH

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DP04-0121 for Lot B, District Lot 139, ODYD Plan KAP56315 and Lot C, District Lot 139, ODYD Plan KAP56315, located on Ellis Street, 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. 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 professional landscaper;

AND FURTHER 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.

2.0 SUMMARY

The applicant is seeking Council approval of a development permit for a proposed 16 storey mixed-use commercial/residential building on the east side of Ellis Street just south of Cawston Avenue. The building will house 46 residential units and 74.3m² of commercial retail space.

3.0 ADVISORY PLANNING COMMISSION

At the regular meeting of October 26, 2004 it was resolved:

THAT the Advisory Planning Commission supports Development Permit Application No. DP04-0121, for 1327/1329 Ellis Street, Lots B & C, Plan 56315, Sec. 25, Twp. 25, ODYD, by New Town Planning Architectural Services, to obtain a Development Permit to construct an 11 storey, mixed use development with 46 residential units and 75m² of retail commercial area as presented, subject to the provision of a public art component on the front façade and improvements to the north and south elevations.

4.0 BACKGROUND

The subject properties are currently undeveloped.

4.1 The Proposal

The proposed project is an 46 unit, 11-storey mixed-use development on two lots located on the east side of Ellis Street in Kelowna's Cultural District. The parking requirements for the development will be achieved through one level of underground parking with the remainder to be located at grade level within an enclosed parking garage. Access to both parking levels will be from the existing rear lane. Refuse bins will be enclosed within the grade level parking garage with access also from the lane. The refuse area will be concealed by way of an overhead garage door.

The main entry to the residential tower will be situated on Ellis Street as well as a small retail commercial component. Fixed metal and glass canopies will provide cover along the sidewalk. On the south side of the Ellis Street frontage the applicant will allocate a portion of the buildings frontage to an art component which has yet to be decided.

The units located on the second floor will each have private roof decks and a 74m² amenity area for residents will be located on the roof of the proposed building.

The proposed building will take the shape of slender vertical tower which steps back from the property lines above the first storey. The proposed exterior finish for the base of the building is a polished stone (granite). The applicant has chosen this finish to convey a strong base to the development and to accentuate the buildings pedestrian entry. Above the second floor of the building the dominant exterior finish is floor to ceiling tinted glass with an aluminum trim to blend into the sky. The roof will also be finished with an aluminum treatment.

The decks above the first storey will include planter boxes to accommodate landscaping.

The unit breakdown for the proposal is as follows:

- 18 x two bedroom units
- 10 x two bedroom + den units

- 18 x one bedroom + den units

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

CRITERIA	PROPOSAL	C7 ZONE REQUIREMENTS
Lot Area (m ²)	1356.97m ²	200m ²
Lot Width (m)	30.48m	6.0m
Lot Depth (m)	44.52m	30.0m
Residential Floor Area (Gross)	6327m ²	N/A
Commercial Floor Area (Gross)	74.32m ²	N/A
Commercial Parking	1 stall	1 stall
Residential Parking	52 stalls	46 stalls
Storeys (#)	43.5m	44m
Private Open Space	757.5m ²	690m ² (15m ² per unit)
Bicycle Parking (not shown on site plan)	25 stalls	23 stalls
Setbacks (m)		
- Front	0.0m	0.0m
- Rear	0.0m	0.0m
- Side (e)	0.0m	0.0m
- Side (w)	0.0m	0.0m
Compliance with C7-Diagram B	Yes	Required

4.2 Site Context

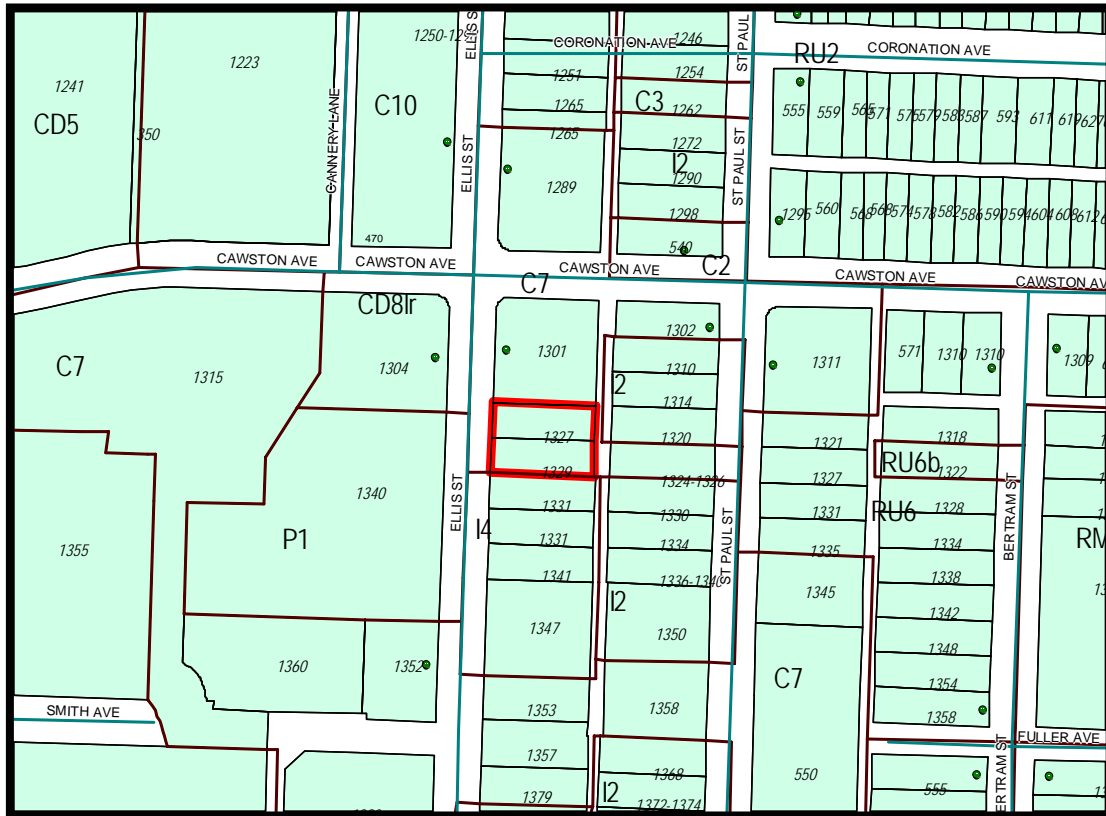
The subject properties are located on the east side of Ellis Street south of Cawston Avenue.

Adjacent zones and uses are:

North - C7 – Central Business Commercial – Vacant/Parking Lot
 East - I2 – General Industrial – Whightman Mechanical Services
 South - I4 – Central Industrial – Automobile Repair Shop
 West - P1 – Major Institutional – Interior Health

4.3 Site Location Map

Subject Properties: 1327 and 1329 Ellis Street



4.4 Existing Development Potential

The purpose of the C7 – Central Business Commercial zone is to designate and preserve land for the orderly development of the financial, retail and entertainment, governmental and cultural core of the City which shall provide for high density residential uses, and commercial uses.

4.5 Current Development Policy

4.5.1 Kelowna Official Community Plan

The future land used designation for the subject property identified in the Official Community Plan is commercial.

a) Commercial Development Objectives:

- Urban Centre Focus: Encourage new retail, service, office, hotel/motel, and entertainment facilities to locate within the urban centres, in accordance with the provisions of Map 6.2 and the policies of Chapter 6.
- All development should be an appropriate response to its physical context, or anticipated future context where an area is designated for increased density or land use transition in the OCP.
- All development should provide visual interest and human scale.
- All development should contribute to a sense of community identity and sense of place.
- All development should facilitate access by, and minimize conflicts among pedestrian, bicycle, and vehicular modes of transportation.
- All development should promote safety and security of persons and property within the urban environment (CEPTED).

b) Residential Development Objectives:

- Density Profile: Support a land use approach where residential densities increase as proximity to the core of Urban Centres increases as shown on Future Land Use Map 19.1.
- Apartments and Townhouses: Encourage development to contribute to the City's goal of, over the 1994 – 2013 timeframe, having 67% of new residential units be in the form of apartments, townhouses (and cluster housing), or other multiple unit buildings.

- Housing Variety: Encourage the development of a variety of housing forms to ensure that the housing supply meets the needs of Kelowna's diverse population and satisfies a range of life cycle and lifestyle choices.
- Mixed Use: Encourage commercial projects within urban centres to include a residential component wherever appropriate.

4.5.2 Kelowna Strategic Plan (1992)

- Support a pattern of urban development which ensures there will be a full range of housing types, densities, sizes and prices/rents;
- Develop a more compact urban form by increasing densities through infill and re-development within existing urban areas and to provide for higher densities within future urban areas.
- In its planning for new urban areas, the City will emphasize a density of development higher than presently occurring in the City to allow for more efficient use of land. The City will, however, allow for differing densities and scale of development in new urban areas to provide for choice in urban environments and to protect environmentally sensitive areas.
- Encourage a closer integration of residential, commercial, and employment oriented uses within existing and proposed future urban areas.
- Encourage a broader range of land uses within the City's downtown core area including multiple family residential uses and mixed use developments.

4.5.3 Kelowna Downtown Plan (1999)

The City of Kelowna will:

- Support retail and office related uses as the principal uses in the Downtown while encouraging the incorporation of residential development.
- Support residential units above street level as a component of mixed-use developments including the adaptive re-use of upper floor of existing buildings to residential occupancies.
- Continue to strive for a distribution and balance of housing types and tenures throughout Kelowna to accommodate the needs of a diverse range of population groups within the community.

4.5.4 Cultural District Charrette

- Tower structures within the district are blended with the existing built form or are isolated as landmarks.
- Buildings are setback from the street to create entry nodes, public plazas and streetscape amenity areas.
- Upper floors of buildings are setback from the street to preserve a pedestrian scale streetscape.

5.0 TECHNICAL COMMENTS

5.1 Inspection Services Department

Building Department will require:

- a) Full Building Code analysis
- b) Geotech report - note that lower parking level is below the 343.66m flood level.
- c) review of accessible entry from parking to main entrance/lobby. All amenity areas to be accessible.
- d) review exit paths - note limits through lobby.
- e) review vestibule requirements.
- f) separate garbage storage from emergency generator room
- g) separate signage and encroachment agreements required.

5.2 Fire Department

Engineered fire flows and hydrants as per BC Building Code and City of Kelowna Subdivision By-Law. Fire Dept. access as per BC Building Code.

5.3 Parks Department

- a) Parks encourages private property owners to incorporate native plants and xeriscape vegetation where practical.
- b) Street trees contribute to the livability of a street. Trees modify the microclimate and foster a sense of comfort and safety for drivers and pedestrians. The Parks Division recommends the planting of street trees along Ellis Street consistent with the City of Kelowna's Urban Forestry Tree Planting Guide (available at the Parks Division).

5.4 Public Health Inspector

No comment.

5.5 Community Development and Real Estate

Please contact the Land Agent for road dedications over 20 metres in width, land dedications and land transfers to or from the City of

Kelowna, road closures and road reserves. Depending on the type of land transaction being contemplated, the processing time can vary from 3 weeks to 3 months. The Land Department requires a full size copy, together with an 8 x 11 copy, of any survey plans.

5.6 Works and Utilities

The Works & Utilities Department have the following requirements associated with this development application. The road and utility upgrading requirements outlined in this report will be a requirement of the issuance of a building permit, but are outlined in this report for information only.

5.6.1 Domestic Water and Fire Protection

The existing water distribution and fire protection system in this vicinity is sufficient to support the proposed development.

The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish the required size of the new service and the need for additional hydrants, if required. Removal of existing unused water services and the tie-ins of the new services and hydrants will be by City forces at the developer's expense.

A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost.

5.6.2 Sanitary Sewer

The developer's civil consulting engineer must determine if there is sufficient downstream capacity prior to final approval. This may effect bonding requirements.

The proposed development site is serviced with a 100mm-diameter sanitary service. Only one sanitary service is permitted and all unused services must be removed by City forces at the applicant's cost. A larger sanitary sewer service will be required.

5.6.3 Storm Drainage

The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage

service for the lot and /or recommendations for onsite drainage containment and disposal systems.

On-site parking stalls must include on-site drainage disposal. The on-site drainage system may be connected to the existing piped drainage system in the lane with an overflow service.

5.6.4 Road Improvements

Ellis Street:

Ellis Street has been urbanized but the existing curb and 2.5 m wide monolithic sidewalk fronting this development is in a deteriorated state with a redundant driveway access. This work will require curb, gutter and sidewalk removal and replacement. The work must be constructed to City of Kelowna Standards.

Re-locate utility appurtenances if required to accommodate this construction.

The estimated cost of the road improvements for bonding purposes is \$11,600.00

If required, install ornamental street lighting fronting on the proposed development.

Public Lane

The lane will require pavement widening for the full frontage of this development.

The estimated cost of this construction for bonding purposes is \$2,200.00

5.6.6 Road Dedication and Subdivision Requirements

By registered plan to provide the following:

Lot consolidation is required.

Grant statutory-rights-of-way without charge, if required for utility services.

5.6.7 Electric Power and Telecommunication Services

This development is located within an urban centre. The electrical and telecommunication services to this building as well as the distribution wiring must be installed in an underground duct system, and the building must be connected by underground ducting. 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 which would be at the applicant's cost.

5.6.8 Street Lighting

If required, install ornamental street lighting on Ellis Street fronting on this development. The cost of this requirement is not included in the roads upgrading item.

5.6.9 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.

5.6.10 Geotechnical and Environmental Report

As a requirement of this application and/or prior to issue of a building permit, the following will be required:

A geotechnical assessment to verify the site suitability for development, unstable soils, etc.

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

Provide an environmental site profile to identify any site contamination, which may be the result of former land uses.

5.6.11 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.

5.6.12 Bonding and Levy Summary

Bonding

Ellis Street curb, gutter & sidewalk	\$11,600.00
Lane pavement widening	\$ 2,200.00
Service upgrades	\$15,200.00
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Total Bonding	\$29,000.00

NOTE: The bonding amounts shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so. Bonding for required off-site construction must be provided as a condition of subdivision approval or building permit issuance, and may be in the form of cash or an irrevocable letter of credit, in an approved format.

The owner must also enter into a servicing agreement in a form provided by the City prior to 4th reading of the zone amending bylaw or issuance of a building permit.

5.6.13 Development Permit and Site Related Issues

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 dry-wells and perforated pipe bedded in drain rock. The on-site drainage system may be connected to the constructed piped drainage system with an overflow service.

Provide a detailed, functional and dimensioned parking layout plan taking into consideration lane access etc. It should be noted that parking stalls with access from a public lane must be a minimum of 1.2m longer than stalls with driveway access from internal drive aisles.

Provide bicycle-parking space in a visible location at the front of the building.

5.6.14 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.

5.7 Telus

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

5.8 Shaw Cable

Owner/developer to supply and install an u/g conduit system.

5.9 Terasen

No comment.

5.10 RCMP

No response.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department is supportive of this development permit application. The proposal is generally consistent with the intent of the C7-Central Business Commercial zone and does not trigger any variances to the zoning bylaw. The design is also consistent with guidelines presented in the Official Community Plan and Cultural District Design Charrette.

The Planning and Corporate Services Department advised the applicant of several concerns at the Advisory Planning Commission stage. These concerns included:

- That bicycle racks be provided adjacent to the front entry. There is the opportunity for the developer to partner with the City of Kelowna to provide such racks.
- The lack of detail on the north and south elevations.
- The provision of a commercial space on the south side of the residential entrance, facing Ellis Street, would be highly desirable.

The applicant reviewed feedback from staff and agreed to “dress-up” the northern and southern walls by painting them the same colour as the tower and scoring the concrete with horizontal lines. Staff will support this as an interim solution noting that in the future the properties to the north and south will likely develop with buildings that abut either side of this property.

With regard to the south side of the residential entrance facing Ellis Street the applicant feels that the granite feature wall along Ellis Street is strong enough to stand on its own, however, has committed to the provision of a space for art features in two protected frames along the portion of the street frontage in order to satisfy staff by creating a higher degree of visual interest along this portion of wall.

The applicant will be providing bike lockers that will be accessed through the parkade but has also committed to the provision of bike racks fronting the development as well in order to meet the bylaw requirements.

Andrew Bruce
Manager of Development Services

Approved for inclusion ☐

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

RM/AB/rs

Attach.

FACT SHEET

1. **APPLICATION NO.:** DP04-0121
2. **APPLICATION TYPE:** Development Permit
3. **OWNER:** Woodfield
 - **ADDRESS** 406-1708 Dolphin Avenue
 - **CITY** Kelowna, BC
 - **POSTAL CODE** V1Y 9S4
4. **APPLICANT/CONTACT PERSON:** New Town Architectural Services Inc.
 - **ADDRESS** 1450 Pandosy Street
 - **CITY** Kelowna, BC
 - **POSTAL CODE** V1Y 1P3
 - **TELEPHONE/FAX NO.:** 860-8185
5. **APPLICATION PROGRESS:**
 - Date of Application:** September 16, 2004
 - Date Application Complete:** October 7, 2004
 - Servicing Agreement Forwarded to Applicant:** N/A
 - Servicing Agreement Concluded:** N/A
 - Staff Report to APC:** October 14, 2004
 - Staff Report to Council:** N/A
6. **LEGAL DESCRIPTION:** Lot B, District Lot 139, ODYD Plan KAP56315
Lot C, District Lot 139, ODYD Plan KAP56315
7. **SITE LOCATION:** The subject properties are located on the east side of Ellis Street south of Cawston Avenue.
8. **CIVIC ADDRESS:** 1327 and 1329 Ellis Street
9. **AREA OF SUBJECT PROPERTY:** 1356.97m²
10. **AREA OF PROPOSED REZONING:** N/A
11. **EXISTING ZONE CATEGORY:** C7-Central Business Commercial
12. **PROPOSED ZONE:** C7-Central Business Commercial
13. **PURPOSE OF THE APPLICATION:** TO CONSTRUCT A MIXED-USE
COMMERCIAL/RESIDENTIAL DEVELOPMENT
(60 RESIDENTIAL UNITS AND 562.6M² OF RETAIL SPACE)

14. MIN. OF TRANS./HIGHWAYS FILES NO.: N/A
NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Floor plans
- Elevations