
CITY OF KELOWNA

MEMORANDUM

Date: August 19, 2005
File No.: **DVP05-0127**

To: City Manager

From: Planning & Corporate Services Department

Subject:

DEVELOPMENT VARIANCE PERMIT
APPLICATION NO. DVP05-0127

OWNER: LEGUM MANAGEMENT
LTD.

AT: 1665 ELLIS ST.

APPLICANT: DEREK CRAWFORD
ARCHITECTS INC.

PURPOSE: TO SEEK A DEVELOPMENT VARIANCE PERMIT TO THE
REQUIREMENTS OF C7 – CENTRAL BUSINESS COMMERCIAL
TO VARY BUILDING STEP BACK PROVISIONS OF THE ZONE
FROM THE 15M LEVEL REQUIRED TO THE 18.81 M LEVEL
PROPOSED.

EXISTING ZONE: C7 – CENTRAL BUSINESS COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP05-0127; Lot A, DL 139, O.D.Y.D., Plan KAP75786, located on Ellis Street, Kelowna, B.C.;

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

1. Section 14.7.5(e) **Development Regulations** be varied from “any portion of a building above **15 m** in height must be a minimum of 3.0 m from any property line abutting a street...” required to **18.8 m** in height proposed;
2. Section 14.7.5(f) **Development Regulations** be varied from “Within Areas 1 and 2, as shown on C7 - Diagram A, attached to this bylaw, any portion of a building above **15.0 m** in height must be a minimum of 4.0 m from any property line abutting another property as illustrated on C7-Diagram B attached to this bylaw” required to **18.8 m** in height proposed;
3. Section 14.7.5(g) **Development Regulations** be varied from “Within Areas 1 and 2, as shown on C7 - Diagram A, attached to this bylaw, any portion of a building

above **15.0 m** in height must lie within the prescribed line illustrated on C7 - Diagram B, attached to this bylaw. This line will start at a geodetic elevation 15.0 m above all property lines adjacent to a street, and be inclined at an angle of 80 degrees” required to **18.8 m** in height proposed;

4. Section 14.7.5(h) **Development Regulations** be varied from “Within Areas 1 and 2, as shown on C7 - Diagram A, attached to this bylaw, any floor plate situated above **15.0 m** in height cannot exceed 676.0 m² as illustrated on C7 – Diagram B attached to this bylaw” required to **18.8 m** in height proposed;
5. Section 14.7.5(i) **Development Regulations** be varied from “Within Areas 1 and 2, as shown on C7 - Diagram A, attached to this bylaw, any portion of a building above **15.0 m** in height cannot exceed a continuous exterior horizontal dimension of 26.0 m. as illustrated on C7 – Diagram B attached to this bylaw required to **18.8 m** in height proposed;
6. Section 14.7.5(j) **Development Regulations** be varied from “Within Areas 1 and 2, as shown on C7 - Diagram A, attached to this bylaw, any floor plate situated above **15.0 m** in height cannot exceed a diagonal dimension of 39.0 m. as illustrated on C7 – Diagram B attached to this bylaw” required to **18.8 m** in height proposed.

2.0 SUMMARY

The applicant wishes to add additional floor areas to both the 4th and 5th floors of the existing building located on the subject property. The building is designed to incorporate the same finishes and details as the existing building. The form and character issues will be dealt with a “Direct Development Permit”, which will be reviewed for approval by the Director of Planning and Corporate Services.

However, the addition of the infill construction on the 4th storey creates construction along the property lines which exceeds the height limitation of 15m in the C7 – Central Business Commercial zone for the maximum building height at property line that is permitted without a building setback above. This application for a Development Variance Permit has been made to address this situation.

This application has not been forwarded to the Advisory Planning Commission as the applicant has provided signatures of the adjacent owners to support this application.

3.0 BACKGROUND

3.1 The Proposal

The building was constructed on the subject property in the early 1990’s. The applicant proposes the addition of a 5th floor area, and the infill of the existing 4th storey out to the exterior walls of that floor.

A review of the development proposal indicates that the new construction exceeds the limits of construction identified in the C7 – Central Business District zone, which requires construction above the 15 m level to be set back from the property boundaries, where the zone permits construction below that level to have a 0.0 m setback.

This application for a Development Variance Permit seeks permission to raise that 15 m height limit to the 18.81m level, to allow the infill construction located on the 4th storey to

occur at the outer limits of the building, which are at property line on the south, west, and north sides of the building. The proposed construction of the additions to the 5th storey are set back from the property lines, in conformance with the step back provision of the C7 – Central Business District zone.

There is an application for a Development Permit (DP05-0126) which will be reviewed at a staff level, and issued by the Director of Planning and Corporate Services, in compliance with the provisions of the Development Procedures Bylaw 8140.

The proposal as compared to the C7 zone requirements is as follows:

| CRITERIA | PROPOSAL | C7 - ZONE REQUIREMENTS (AREA 1) |
|--------------------------------------------|---------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| Site Area (m ²) | 1,672 m ² | 200 m ² |
| Site Coverage (%) | 81% | N/A |
| Total Floor Area (m ²) (gross) | 4,840 m ² | |
| F.A.R. | 2.6 | Max FAR = 9.0 |
| Storeys (#) | (5 storeys) 20.8m | 44m in Area 1 |
| Setbacks (m) | | |
| - Front (Leon Ave) | 0.0 m at 18.81m ht. ❶ | 0.0 m up to 15m in ht 4.0 m above 15m in ht |
| - Rear (lane) | 0.0 m ❶ | 0.0 m 3.0 m above 15m in ht |
| - West Side (Ellis St.) | 0.0 m at 16.3m ht. ❶ | 0.0 m up to 15m in ht 4.0 m above 15m in ht |
| - East Side | 8.0 m | 0.0 m |
| Parking Stalls (#) | 29 stalls on site. ❷ 31 stalls on Lot A 3 stalls Cash in Lieu | 1.3 stall per 100 m ² GFA 63 stalls required for entire bldg 14 stalls required for addition only |

Notes:

❶ Variances requested;

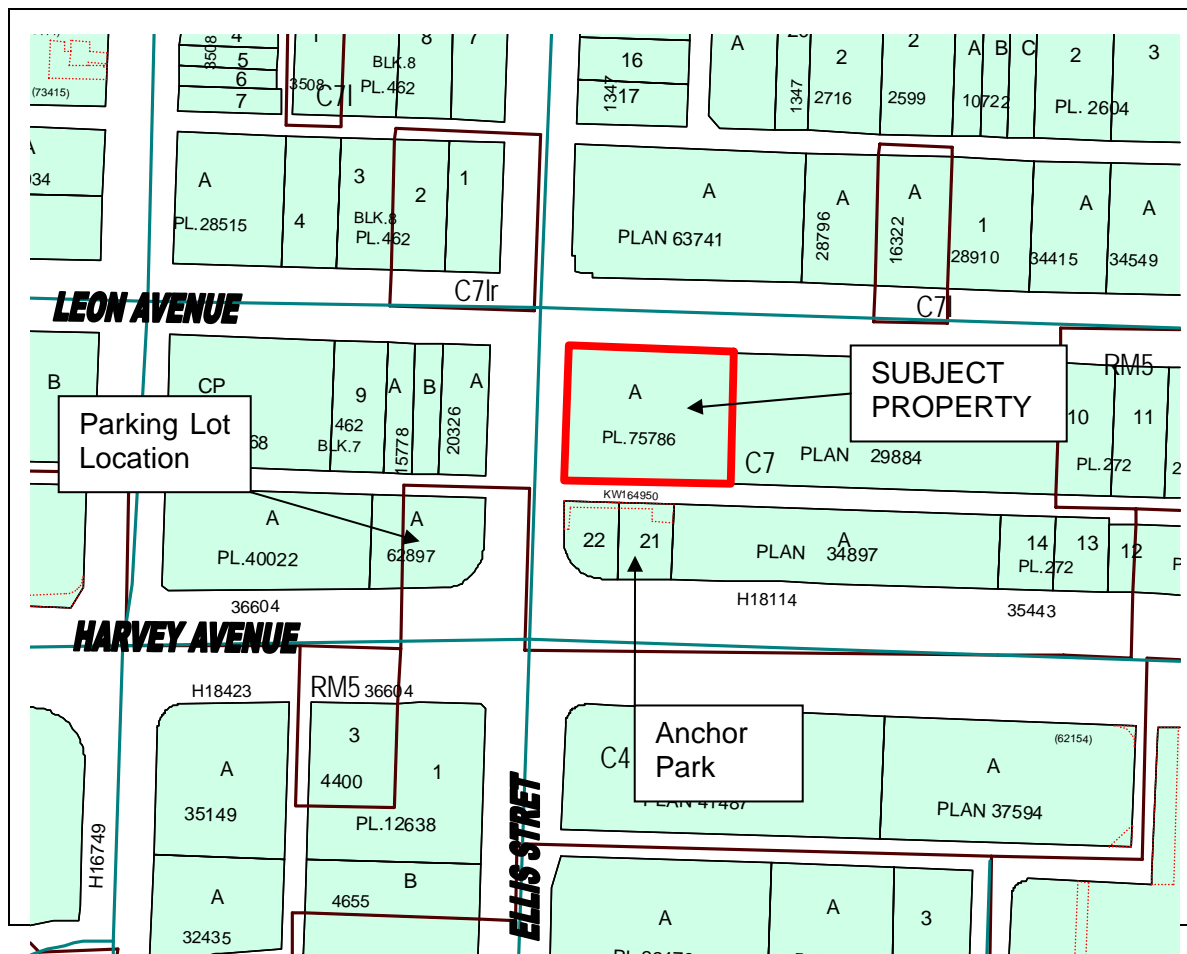
1. Section 14.7.5(e) **Development Regulations** be varied from “any portion of a building above **15 m** in height must be a minimum of 3.0 m from any property line abutting a street...” required to **18.8 m** in height proposed.....
2. Section 14.7.5(f) **Development Regulations** be varied from “Within Areas 1 and 2, as shown on C7 - Diagram A, attached to this bylaw, any portion of a building above **15.0 m** in height must be a minimum of 4.0 m from any property line abutting another property as illustrated on C7-Diagram B attached to this bylaw” required to **18.8 m** in height proposed.
3. Section 14.7.5(g) **Development Regulations** be varied from “Within Areas 1 and 2, as shown on C7 - Diagram A, attached to this bylaw, any portion of a building above **15.0 m** in height must lie within the prescribed line illustrated on C7 - Diagram B, attached to this bylaw. This line will start at a geodetic elevation 15.0 m above all property lines adjacent to a street, and be inclined at an angle of 80 degrees” required to **18.8 m** in height proposed
4. Section 14.7.5(h) **Development Regulations** be varied from “Within Areas 1 and 2, as shown on C7 - Diagram A, attached to this bylaw, any floor plate situated

above **15.0 m** in height cannot exceed 676.0 m², as illustrated on C7 – Diagram B attached to this bylaw” required to **18.8 m** in height proposed,

5. Section 14.7.5(j) **Development Regulations** be varied from “Within Areas 1 and 2, as shown on C7 - Diagram A, attached to this bylaw, any portion of a building above **15.0 m** in height cannot exceed a continuous exterior horizontal dimension of 26.0 m. as illustrated on C7 – Diagram B attached to this bylaw required to **18.8 m** in height proposed
6. Section 14.7.5(j) **Development Regulations** be varied from “Within Areas 1 and 2, as shown on C7 - Diagram A, attached to this bylaw, any floor plate situated above **15.0 m** in height cannot exceed a diagonal dimension of 39.0 m. as illustrated on C7 – Diagram B attached to this bylaw” required to **18.8 m** in height proposed.
- ② Parking is provided as; 29 stalls on site, 31 stalls on Lot A, Plan 62897, and 3 stalls “Cash in Lieu” as per bylaw 8125 @ \$7,500.00 for the Downtown Urban Centre.

3.2 Site Context

SUBJECT PROPERTY MAP



The adjacent zone uses are as follows:

- North - C7 – Central Business Commercial / Leon Ave – commercial uses
- East - C7 – Central Business Commercial / commercial uses
- South - C7 – Central Business Commercial / lane – “Anchor Park”
- West - C7 – Central Business Commercial / Ellis St. – commercial uses

3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

The Kelowna Official Community Plan designates the future land use of the subject property as “Commercial”.

3.3.2 City of Kelowna Strategic Plan (2004)

The City of Kelowna Strategic Plan 2004 describes a vision of what residents hope Kelowna will be like in the future and has identified as one of the themes that overall, residents aspire to live in a community that:

- works to develop and maintain a strong, diversified local economy that offers residents opportunities for high-paying jobs
- embraces the social, cultural and physical well-being of its residents through the delivery of quality services at a reasonable price, the development and maintenance of quality infrastructure and built forms, and meaningful opportunities to be involved in major decisions made by the City.

The City of Kelowna Strategic Plan 2004 also states as an Objective;

- Aid in the growth and progress of Kelowna as a desirable place to do business.

4.0 TECHNICAL COMMENTS

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

4.1 Fire Department

No Objections

4.2 Inspection Services Department

Spatial separation calculations; exits; code analysis; access for H/C to top floor

Note; There will be opportunity for further review of the proposed construction during the building permit review process

4.3 Works and Utilities Department

Sufficient parking must be provided to accommodate the building addition.

The requested building height variance does not compromise W & U as far as servicing is concerned.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The Planning and Corporate Services Department does not have concerns with this proposed development. The proposed building addition is designed to incorporate the same details as well as material as the original building.

As well, the request for the Development Variance Permit does not concern the Planning and Corporate Services Department as the proposed building development will not extend beyond the 5th storey addition proposed by this application. This 5th storey is stepped back from the edges of the 4th storey roof and parapet feature, as is required for development identified in the C7 – Central Business Commercial zone above the 15m level.

The associated Development Permit for the proposed building construction will be reviewed by staff for issuance by the Director of Planning and Corporate Services.

The parking triggered by the proposed building expansion has been provided by provision of parking on the subject property, and on an adjacent lot across Ellis Street. The shortfall in parking available to the renovated building is proposed to be dealt with by “Payment in Lieu of Parking” as permitted in Bylaw 8125.

In light of the above, the Planning and Corporate Services Department supports this application, and recommends for positive consideration by Council.

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

PMc/pmc
Attach.

Attachments

Subject Property Map

6 pages of; site plan, building elevations and cross-sections