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**CITY OF KELOWNA  
MEMORANDUM**

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**Date:** October 7, 2005  
**To:** City Manager  
**From:** Planning & Corporate Services Department  
**Subject:**

**APPLICATION NO.** Z05-0058      **APPLICANT:** Tessco Inc.  
(Ross Manning)

<b>AT:</b>	<b>OWNER:</b>
1331 Ellis Street (Lot 5 Plan 645)	Tessco Inc.
1331 Ellis Street (Lot 4 Plan 645)	Tessco Inc.
1341 Ellis Street (Lot 3 Plan 645)	Tessco Inc.
1337 Ellis Street (Lot A Plan 79056)	Tessco Inc.

**PURPOSE:** TO REZONE THE SUBJECT PROPERTY FROM I4 CENTRAL INDUSTRIAL TO C7 – CENTRAL BUSINESS COMMERCIAL

**EXISTING ZONE:** I4 – CENTRAL INDUSTRIAL

**PROPOSED ZONE** C7 CENTRAL BUSINESS COMMERCIAL

**REPORT PREPARED BY:** NELSON WIGHT

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## **1.0 RECOMMENDATION**

THAT Rezoning Application No. Z05-0058 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of the following parcels:

Lot 5, District Lot 139, O.D.Y.D. Plan 645;  
Lot 4, District Lot 139, O.D.Y.D. Plan 645;  
Lot 3, District Lot 139, O.D.Y.D. Plan 645; and  
Lot A, District Lot 139, O.D.Y.D. Plan KAP79056

all located on Ellis Street, Kelowna, B.C. from I4 – Central Industrial zone to C7 – Central Business Commercial zone, be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of the accompanying Development Permit and Development Variance Permit for the subject property.

## **2.0 SUMMARY**

This rezoning application seeks to have the subject property rezoned from I4 – Central Industrial to C7 – Central Business Commercial to allow for the construction of a mixed use building. This building is to be comprised of an 86-unit apartment building above ground floor commercial space and parking.

## **3.0 ADVISORY PLANNING COMMISSION**

At a meeting held on March 1, 2005 the Advisory Planning Commission reviewed this application, and the following recommendation was passed:

THAT the Advisory Planning Commission support application Z05-0010 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 25, 26, 26, and 28 Plan 645, located at 1321, 1327, 1331, and 1335 St. Paul Street, Kelowna, B.C. from I4 – Central Industrial zone to C7 – Central Business Commercial zone.

#### 4.0 COMMUNITY HERITAGE COMMISSION

At a meeting held on September 13, 2005 the Community Heritage Commission reviewed this application, and the following recommendation was passed:

THAT the CHC supports Application Z05-0058 to rezone the four properties to allow for the construction of a four storey commercial and residential building provided that the following items be incorporated on the subject property: (a) recognition of the Heritage Site through signage, photos, and plaques, and (b) retail on the south side facing the courtyard.

#### 5.0 BACKGROUND

##### 5.1 The Proposal

Construction of a mixed-use, 4 ½-storey apartment building is proposed for the subject property. There are 66 two-bedroom units and 20 one-bedroom units proposed above approximately 450.8 m<sup>2</sup> (4,852 ft<sup>2</sup>) of commercial space. All of the required parking is to be provided in a below-building parking structure, which is to be 1.0 m below grade.

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

Project details	Site area (after lane widening): 3,623 m <sup>2</sup> (0.895 ac)	
	Footprint: 3,291.7 m <sup>2</sup>	
	Commercial Floor Area: 450.8 m <sup>2</sup>	
	Residential Floor Area: 9,350.8 m <sup>2</sup>	
	Units: 66 two-bedroom units 20 one-bedroom units 86 total	
CRITERIA	PROPOSAL	C7 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	3,623 m <sup>2</sup> (0.895 ac)	200 m <sup>2</sup>
Lot Width	82.81 m	6.0 m
Lot Depth	44.52 m <sup>2</sup>	30.0 m
Development Regulations		
Floor Area Ratio	2.7	9.0
Height	21.6 m	44.0 m
Setback above 15.0 m	Does not meet requirements A	3.0 m setback from street or alley, and 4.0 m setback from adjacent property.

80 degree line above 15.0 m	Meets requirements	Portion of building above 15.0 m must fall within prescribed 80 degree line
Maximum Floor plate above 15.0 m	Meets requirements	Floor plate above 15.0 m cannot exceed 676 m <sup>2</sup>
Continuous horizontal dimension above 15.0 m	Meets requirements	Portion of building above 15.0 m cannot exceed continuous external horizontal dimension of 26.0
Diagonal dimension above 15.0 m	Meets requirements	Floor plate above 15.0 m cannot exceed diagonal dimension of 39.0 m
Front Yard	0.3 m	0.0 m
Side Yard (south)	1.8 m	0.0 m
Side Yard (north)	0.0 m	0.0 m
Rear Yard	0.63 m	0.0 m
Other Regulations		
Minimum Parking Requirements	91 <sup>B</sup>	<u>Residential:</u> 1 per dwelling unit <u>Commercial:</u> 1.3 per 100m <sup>2</sup> GFA <b>Total required: 92 spaces</b>
Bicycle Parking	Does not meet requirements <sup>C</sup>	<u>Residential</u> Class I: 0.5/unit = 43 Class II: 0.1/unit = 9 <u>Commercial</u> Class I: 0.2/100 m <sup>2</sup> = 1 Class II: 0.6/100 m <sup>2</sup> = 3
Private Open Space	1,298.8 m <sup>2</sup> of open space provided, according to site calculations by Applicant	10 m <sup>2</sup> per one-dwelling bedroom; 15 m <sup>2</sup> per two-bedroom dwelling, 15 m <sup>2</sup> x 66 units = <b>990 m<sup>2</sup></b> 10 m <sup>2</sup> x 20 = <b>200 m<sup>2</sup></b>
Loading	1 loading stall width: 3.5 m, area: 28.3 m <sup>2</sup> , overhead clearance: unlimited	1 per 1,900 m <sup>2</sup> GFA min. 3.0 m width, 28 m <sup>2</sup> area, 4.0 m overhead clearance.

<sup>A</sup> The Applicant has applied to vary this requirement for a 3.0 m setback above 15.0 m – DVP05-0183.

North C7 – Central Business Commercial  
East I2 – General

	C7 – Central Business Commercial
South	C7 – Central Business Commercial
West	P1 – Major Institutional
	C7 – Central Business Commercial

#### **5.4 Existing Development Potential**

The purpose 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.

#### **5.5 Current Development Policy**

##### **5.5.1 City of Kelowna Strategic Plan (2004)**

Goal #1 – To maintain, respect, and enhance our natural environment.

Goal #2 – To foster a strong, stable, and expanding economy.

Goal #3 – To foster the social and physical well-being of residents and visitors.

##### **5.5.2 Kelowna Official Community Plan (OCP)**

###### **Future Land Use**

The subject properties are designated as “commercial” in the OCP. Consequently, the proposal to rezone to the C7 – Central Business Commercial zone is consistent with that designation.

###### **Objectives for Commercial and Residential Development**

- 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 (integration of development within larger community belonging, community cohesiveness);
- All development should facilitate access by, and minimize conflicts among pedestrian, bicycle, and vehicular modes of transportation (access, mobility);
- All development should promote safety and security of persons and property within the urban environment (CPTED);
- All development within Urban Centres and Village Centres should contribute to the creation of pedestrian-oriented streets and public spaces (connections, social interaction).

###### **Housing Policies:**

- Housing Agreements: Support the use of housing agreements to assist in creating affordable and special needs housing;
- Affordable and Special Needs Housing: Encourage the private sector to provide housing that is innovative and affordable and that is targeted to groups identified in the Housing Study, a Housing Reserve Fund Bylaw, or a list published by the City;
- Mixed Use: Encourage commercial projects within Urban Centres to include a residential component wherever appropriate.

## 6.0 TECHNICAL COMMENTS

### Environment Manager

Requires satisfactory completion of a Site Profile. No reports to be reviewed by City staff. All reports are to be filed with Ministry of Environment officials for a determination.

**NOTE:** In their letter dated September 27, 2005, the Applicant's consultant, Morrow Environmental Consultants Inc., indicated that—under the supervision of an Approved Professional—they are working through the application process for a Certificate of Compliance (C of C) from the Ministry of the Environment. The anticipated date of issuance of this C of C is November 7, 2005.

### Fire Department

Fire department access and hydrants as per BC Building Code and City of Kelowna Subdivision Bylaw. Engineered fire flows should determine fire hydrant requirements and locations.

### FortisBC

No comments.

### Inspection Services

No comments.

### Parks Department

The proposed 86 unit condo development and anticipated population of 190 people generates a significant need for recreational amenities. Parks recommends that the Applicant provide an area of private open space for common recreational facilities i.e. rooftop garden, children's play equipment, dog run area, etc.

### Public Health Inspector

Any public facilities or strata shared pool, whirlpool facilities, plans must be submitted to health unit prior to construction.

### Shaw Cable

Owner/developer to supply and install an underground conduit system as per specifications.

### Telus

Will provide underground facilities. Developer will be required to supply and install conduit.

### Terason

No comment.

### Works and Utilities

#### Domestic water and fire protection

- (a) The developer's consulting mechanical engineer will determine the domestic and fire flow requirements of the proposed development and establish the required service needs. Our records indicate that the existing lots are serviced with connections which vary in size. If suitable, one of the existing services may be utilised for this development. Service changes and removal of unused services will

be at the applicant's cost. The estimated cost of this work for bonding purposes is \$23,000.00

- (b) Tie-ins and disconnections at the watermain must be by City forces and at the applicant's cost
- (c) 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.

#### Sanitary Sewer

- (a) The developer's consulting civil / mechanical engineer will determine the requirements of this proposed development and establish the required service needs. The proposed development site is serviced with 100mm-diameter sanitary services. 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.
- (b) The existing 200mm diameter VIT sanitary main within Ellis Street fronting this development was installed in 1948. The main is relatively shallow and is likely insufficient in grade to support the proposed development needs. The extent of main replacement will be determined by the consulting civil engineer and the construction will have to be at the owner's cost. The estimated cost for this construction including the new service, for bonding purposes is \$40,000.00.

#### Storm Drainage

- (a) 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. The on-site drainage system may be connected to the existing or proposed piped drainage system with an overflow service.
- (b) It will be necessary for the developer to construct a piped storm drainage system within the lane fronting the proposed development. The cost is included in the Road upgrading item...

#### Road Improvements

##### Ellis Street:

- (a) The existing curb and 2.5 m wide monolithic sidewalk fronting this development is in a deteriorated state with redundant driveway letdowns. It is anticipated that the existing curb and sidewalk will be replaced for the full frontage of this development and upgrades will also include the installation of a side-inlet catch basin and re-location or adjustment of existing utility appurtenances to accommodate this construction. The estimated cost of the road improvements for bonding purposes is \$36,000.00

#### Public Lane

- (a) It will be necessary to upgrade the lane fronting this development to a (SS-R2) commercial standard complete with a piped storm drainage system. It is anticipated that the existing lane will be resurfaced for the full frontage of this development.
- (b) Upgrades will also include the removal of all concrete slabs and redundant railway tracks within the lane as well as the re-location or adjustment of existing utility appurtenances to accommodate the upgrading construction. The estimated cost of this work for bonding purposes is \$46,000.00.

#### Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Lot consolidation is required.
- (b) Provide an additional 0.75 meter widening of the lane.
- (c) Grant statutory-rights-of-way without charge, if required for utility services...
  - a. Grant statutory rights-of-way if required for utility services.

#### 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. This includes the removal and undergrounding of the overhead wiring within the Lane.

#### 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.

#### 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.

#### Geotechnical Report

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

- (a) A geotechnical assessment to verify the site suitability for development, unstable soils, etc.



- (b) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.
- (c) Provide an environmental site profile to identify any site contamination, which may be the result of former land uses.

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

Bonding and Levy Summary

Bonding

Ellis Street frontage improvements	\$36,000.00
Lane Improvements	\$46,000.00
Water service upgrades	\$23,000.00
Sanitary main upgrades	<u>\$40,000.00</u>
<b>Total Bonding</b>	<b>\$145,000.00</b>

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 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 4<sup>th</sup> reading of the zone amending bylaw or issuance of a building permit.

Development Permit and Site Related Issues

- (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 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
- (b) 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.
- (c) Provide bicycle-parking space in a visible location at the front of the building.

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.

## 7.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

With regard to the proposed rezoning, there is strong support in the OCP to allow the transition to the C7 zone in this location. Consequently, Staff is supportive of this rezoning application.

Staff have met several times with the Applicant and their architect to try and resolve design issues. However, the Applicant seems committed to this particular design. Staff, therefore, still has some concerns with the accompanying development permit and development variance permit applications (DP05-0145 & DVP05-0183), as detailed below:

### DVP05-0183

- Setback above 15.0 m – Although the building envelope does not technically conform to this requirement of the Bylaw, it is a comparatively minor conflict. The design guidelines in the OCP address the need for development to be an appropriate response to its physical context, and contribute to a sense of community and a sense of place. With specific reference to the Cultural District Design Charette, it should be noted that the building proposed for this site conforms to the 3-6 storey height limit recommended for the Cultural District. Staff, therefore, is supportive of this variance to the building envelope.
- Vehicle Parking – This variance is to allow 91 stalls where 92 are required. Because this, too, is a minor variance, and because there are alternatives to providing parking (cash-in-lieu or parking credits,), Staff is supportive of this variance to parking, pursuant to COUNCIL POLICY #314 – PARKING CREDITS FOR MIXED USE DEVELOPMENTS WITHIN THE DOWNTOWN URBAN CENTRE.
- Bicycle Parking – This variance seeks to allow an alternative solution to bicycle parking in the form of individual wall-mounted bike racks above some of the vehicle parking stalls within the parking structure. Staff will not be supporting this variance to bicycle parking.

### DP05-0145

- Height Difference from Street to Commercial Space – in this case the change in grade from the sidewalk to the commercial spaces is awkward. It also does not achieve a spatial continuity of the private and public realm. While this strategy is acceptable (and even desirable) where private/public split leads to residential space, the same is not true of commercial activity. The type of commercial activity desired for this area may be compromised by this design flaw.
- Context – Staff are encouraged by some elements (like the large windows, mullion pattern of windows, and brick detail on lower level), which reference the warehouse and packing house industrial history of the area.

It is recommended, however, that the Applicant reconsider the colour choices for the building. In particular, there is no precedent in the area for the pink- and peach-toned colours (Melted Ice Cream, Honey Nut, and Burlap) proposed by the Applicant.

- Visual Interest – there are some excellent features that could create strong visual interest in this building: (a) pedestrian level shows good bay rhythm, broken by build-outs, good use of awnings, good use of window openings; (b) upper levels also show

good use of windows, interrupted horizontal and vertical plane of the building works well.

Staff recommends that the Applicant revise the drawings in accordance with the artistic rendering. For example: enhance the build-outs at the street level (more depth), set back the building to allow for some soft landscaping along the sidewalk.

- Inviting Commercial Space – the internal grade transition is an improvement from the St. Paul design (see DP05-0015), but could be better. A greater effort should be made to connect to the street. Suggestions include: (a) setback building to allow for enhanced pedestrian streetscape (e.g.: street furniture, street trees, entry feature for commercial units, patios); (b) encourage uses that enhance activity in the area. Instead of office use, build to accommodate retail or service industry uses; (c) ensure appropriate glazing is used (no reflective glass).
- Pedestrian Mall – the pedestrian link from Ellis to the lane on the south side of the proposed building represents a missed opportunity for additional commercial use. Consider wrapping the commercial use around this side of the building to create a “pedestrian mall” to complement the proposed development on adjacent lands.
- Signage Plan – the artist who did the rendering shows good consideration to the type of signage appropriate for this building. Please submit a signage plan to be reviewed as part of the development permit.
- CHC Comments – address the CHC recommendations detailed on page 2 of this report.

Although Staff has some specific design and use-related concerns, the Applicant should be commended for pursuing an interesting design for this type of building. The Applicant is encouraged to continue to work with Staff to refine the design concept for this building.

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Andrew Bruce

Manager of Development Services

Approved for inclusion



R.L. (Ron) Mattiussi, ACP, MCIP

Director of Planning & Corporate Services

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#### **ATTACHMENTS**

**Location of subject property**

**Site Plan**

**Parkade Layout**

**Main Floor Plan**

**Elevations**

**Cross-sections**

**Landscape Plan**