
CITY OF KELOWNA
MEMORANDUM

Date: June 22, 2006
To: City Manager
From: Planning and Development Services Department
Subject:

APPLICATION NO. DP06-0083/DVP06-0085 **OWNER:** Simple Pursuits Inc.

AT: 1626-1636 Pandosy Street **APPLICANT:** Simple Pursuits Inc.

PURPOSE: TO CONSTRUCT A SIX STOREY MIXED-USE COMMERCIAL/RESIDENTIAL BUILDING ON THE SUBJECT PROPERTY

TO VARY THE SETBACK PROVISIONS OF THE C7 – CENTRAL BUSINESS COMMERCIAL ZONE FOR BUILDINGS ABOVE 15M IN HEIGHT

TO VARY THE PARKING FROM 38 STALLS REQUIRED TO 11 STALLS PROPOSED

VARY THE NUMBER OF REQUIRED LOADING STALLS FROM 2 TO ZERO

EXISTING ZONE: C7 – CENTRAL BUSINESS COMMERCIAL

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DP06-0083 for Lot A, District Lot 139, ODYD, Plan 5934, located on Pandosy 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";

AND THAT Council authorize the issuance of Development Variance Permit No. DVP06-0085; for Lot A, District Lot 139, ODYD Plan 5934, located on Pandosy Street, Kelowna, B.C.;

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

Section 14.7 – Central Business Commercial: 14.7.5(f):

The applicant is seeking to vary all setbacks above 15 m in height from 4.0 m required to 0.0 m.

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

The applicant is seeking to vary a portion of the required commercial parking from 33 stalls required to 6 stalls proposed.

Section 8 – Parking and Loading: Table 8.2 – Loading Schedule:

The applicant is seeking to vary the loading stalls from 2 stalls required to 1 stall proposed.

2.0 SUMMARY

The applicant is proposing to construct a six storey mixed use building with commercial space on the first five storeys and one storey of residential units (5 units) above. This development permit application addresses the form and character of the proposed development. In addition, the applicant is seeking to vary the required parking, loading stalls, and the building setbacks above 15m in height.

3.0 ADVISORY PLANNING COMMISSION

At the regular meeting of May 23, 2006 it was resolved:

*THAT the Advisory Planning Commission **supports** Development Permit Application No. DP06-0083, for 1626 – 1636 Pandosy Street, Lot A, Plan 5934, Sec. 24, Twp. 25, ODYD, by Simple Pursuits Inc (Shane Worman), to obtain a Development Permit for the form and character of a 6 storey, 25.6 m² mixed use development. It was noted that improvements were needed to the exterior form and character for the 5th and 6th floors;*

*AND THAT the Advisory Planning Commission **supports** Development Variance Permit Application No. DVP06-0085, for 1626 – 1636 Pandosy Street, Lot A, Plan 5934, Sec. 24, Twp. 25, ODYD, by Simple Pursuits Inc (Shane Worman), to obtain a Development Variance Permit to vary parking from 37 stalls to the 4 stalls proposed; to vary the loading from 2 stalls to the 1 stall proposed subject to Council supporting a variance and parking credits for 25 parking stalls, the provision of 9 dedicated parking stalls in the Chapman parkade, and the provision of an overpass walkway between the development and the Chapman parkade.*

*Note: Plans were amended after APC consideration to provide additional parking stalls on-site and minor changes were made to the 5th and 6th storeys of the building to reduce the appearance of “bulk”.

4.0 THE PROPOSAL

The proposed building will house retail commercial type uses and parking at grade with four floors of office type uses above. The sixth storey of the building will house five

residential units. The building's exterior will be finished in red-brick, black aluminum window frames and grey stucco on the 5th and 6th floors. The applicant has designed both the 5th and 6th floors to allow for patio areas which will be ornamented with canopy features.

The applicant is proposing to vary a large portion of the required commercial parking for the development and will seek parking credits from Council and rely on the proximity of the Chapman Parkade. The eleven parking stalls that will be provided for the development will be located at the rear of the building with access from the alley.

The applicant is proposing several variances in order to achieve the proposed development. Variances include parking, loading and setbacks. The developer will seek Council's support for parking credits for 25 of the required 38 stalls and would be required to pay cash-in-lieu for the remaining 2 stalls.

The applicant is also exploring the possibility of linking this development to the Chapman Parkade via a third storey walkway. This amenity would help the developer to provide alternate parking arrangements to account for the shortfall in required on-site parking.

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

CRITERIA	PROPOSAL	C7 ZONE REQUIREMENTS
Lot Area (m ²)	708m ²	200m ²
Lot Width (m)	18.29m	6.0m
Lot Depth (m)	38.10m	30.0m
Storeys (#)	25.6m (6 storeys)	44m
Site Coverage (%)	100%	100%
Floor Area Ratio (FAR)	4.42	9.0
Setbacks (at grade)	N/A	N/A (no setbacks in C7 zone)
Setback Above 15m	❷	
Front	0.0m	4.0m
Side(n)	0.0m	4.0m
Side(s)	0.0m	4.0m
Rear	0.0m	4.0m
Parking Spaces	Commercial:6 Residential: 5 <u>Total Proposed:</u> <u>11❶</u>	Commercial: 33 Stalls Required Residential: 5 stalls Required <u>Total Required: 38 stalls</u>
Bicycle Parking	10	10
Loading	0❸	2
Private Open Space	50m ²	50m ²

❶ The applicant is seeking to vary all of the required residential parking and a portion of the required commercial parking. Four parking stalls are proposed where 37 are required.

❷ The applicant is seeking to vary all setbacks above 15m in height from 4.0m required to 0.0m.

❸ The applicant is seeking to vary the loading stalls from 2 stalls required to 0 stalls proposed.

5.0 SITE CONTEXT

The subject property is located on the western side of Pandosy Street between Lawrence Avenue and Leon Avenue and is separated from the Chapman Parkade by a laneway.

Adjacent zones and uses are:

- North - C7 – Central Business Commercial – Champan Parkade
- East - C7 – Central Business Commercial – Retail Uses
- South - C7 – Central Business Commercial – Office/Retail Uses
- West - C7 – Central Business Commercial - CHBC

6.0 SITE LOCATION MAP

Subject Property: 1626-1636 Pandosy Street



7.0 CURRENT DEVELOPMENT POLICY

7.1 Kelowna Official Community Plan

The Official Community Plan future land use designation for these properties is commercial. The proposed development is consistent with this future land use designation. This development is also subject to Guidelines for Development within Urban Centers contained in the OCP.

Objectives for Development within Urban Centers

- 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 contribute to the creation of pedestrian-oriented streets and public spaces (connections, social interaction).
- All development should contribute to a sense of community identity and sense of place (integration of development within larger community, belonging, and 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).

Guidelines for Development within Urban Centers

Access

Design facilitates pedestrian and bicycle access. Building abuts the sidewalks on Pandosy Street and future access to the Chapman Parkade has been discussed.

Vehicle access and on-site circulation minimizes interference with pedestrian movement. Vehicle access is planned from the lane and therefore will not interfere with the primary pedestrian access.

Amenities

Residential units are provided with access to balconies and roof-top patio areas may be a possibility.

Ancillary Services/Utilities

Utility service connections are to be screened from view or be located so as to minimize visual intrusion.

Building Massing

The proposed mixed-use development is reasonably sensitive to and compatible with the massing and rhythm of the established streetscape in that staff is optimistic that other such commercial re-development will come forward.

Crime Prevention (CEPTED)

Subject to CEPTED best practices.

Landscaping

Not+ applicable.

Lighting

Lighting shall be used to create a safe and comfortable environment for pedestrians.

Parking

Parking areas should, wherever possible and safe, be located either under buildings or at the rear or side of main buildings.

Relationship to the Street

People-oriented facilities (store entrances, café seating areas, displays, signage) should be focused along public streets and in front of buildings.

Storefronts should incorporate large windows such that passers-by can see in and occupants can “look out”.

Awnings or overhangs should be included, where suitable, to provide sheltered environments for pedestrians and to aid in energy conservation.

Buildings at key intersections should be designed to highlight the corner. Design treatments could include setbacks at the corner, accentuated entrances and additional height using, for instance, towers and cupolas.

Signs

The placement, size and format of signs shall be such that signs can be easily read by pedestrians (e.g. store signs should be at pedestrian eye level, not just on awnings).

Walls

End walls visible from a public street or residential lot should be finished to provide an attractive appearance.

Blank or solid walls (without glazing) should not be longer than 5 m. Walls longer than 5 m should incorporate wall detailing that will provide visual interest.

8.0 TECHNICAL COMMENTS

This development application was circulated to various internal departments and external technical agencies and the following comments were received:

8.1 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.

8.1.1 Domestic Water and Fire Protection

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 lot is serviced with a 13mm diameter connection. Service changes and removal of unused services will be at the applicant's cost. The estimated cost of this work for bonding purposes is \$7,000.00

Tie-ins and disconnections at the water main will be at the applicant's cost

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

8.1.2 Sanitary Sewer

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 a 100mm-diameter sanitary service. Service changes and removal of unused services will be at the applicant's cost. The estimated cost of this work for bonding purposes is \$3,000.00

Tie-ins and disconnections at the main will be at the applicant's cost

8.1.3 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. The on-site drainage system may be connected to the existing or proposed piped drainage system with an overflow service.

8.1.4 Road Improvements

Pandosy Street:

The road frontage upgrade will require the replacement of the existing substandard catch basin with a side-inlet catch basin. The estimated cost of the road improvement for bonding purposes is \$2,000.00

Protect the existing sidewalk and curb during construction. Replacement of damaged off-site street facilities during construction will be at the applicant's cost.

Public Lane

The lane fronting the development site will require fillet pavement in conjunction with the required lane widening to a commercial standard. The estimated cost of this construction for bonding purposes is \$2,000.00

8.1.5 Road Dedication and Subdivision Requirements

By registered plan to provide the following:

Provide an additional 0.75 meter widening of the lane.

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

8.1.6 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.

8.1.7 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.

8.1.8 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.

8.1.9 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.

8.1.10 Bonding and Levy Summary

Bonding

Pandosy Street frontage improvements	\$2,000.00
Lane Improvements	\$2,000.00
Water service upgrades	\$7,000.00
Sanitary service upgrade	\$3,000.00

Total Bonding	\$14,000.00
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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.

8.1.11 Development Variance Permit and Site Related Issues

The frontage setback and side yard variance do not compromise Works & Utilities servicing requirements.

The requested parking reduction variance will be considered by Council.

8.1.12 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.

8.2 Terasen, Telus, Shaw Cable, SD23, RCMP, Public Health Inspector

No concerns.

8.3 Inspection Services Department

Request for parking, and setback variances to be reviewed and approved by Planning Department prior to issuance of DP. Spatial separation and fire separation calculations required prior to issuance of Development Permit. Building code analysis required for the fire separations between different construction types.

8.4 Fire Department

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

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has no significant concerns with this Development Permit application nor the related development variance permit application. The proposed project is consistent with the C7 – Central Business Commercial Zone Design Guidelines. It demonstrates a high degree of visual interest and human scale in a building style appropriate to its context. Staff also support the mixed use concept of the development and hope that more such projects are proposed for this area given the variety of development incentives which now exist.

While the proposed parking variances appear to be quite large, given the proximity to the Chapman parkade and transit, staff is willing to support the proposed parking variance as long as Council is willing to provide parking credits for 25 stalls and the developer agrees to pay cash-in-lieu for the remaining 2 stalls. Staff point out that the proposal is not entirely consistent with Council Policy #314 which sets out guidelines for the Parking Credits for Mixed Use Developments within the Downtown Urban Centre. While mixed in use, the proposal does not incorporate more than 50% non-commercial uses as required by the policy. Despite this shortfall, staff recommends that Council, in this instance, waive this requirement and support the provision of 25 parking credits. This is the only significant mixed-use downtown re-development proposal that staff has considered to date in 2006 and as noted above, staff would like to encourage more re-development in the Downtown Urban Centre. Furthermore, as Council has amended the policy to allow for an additional 25 parking stall credits in the City Centre Tax Incentive Area, support of this proposal would not impact any development proposals in the tax incentive area which have yet to come forward this year.

Shelley Gambacort
Current Planning Supervisor
Acting Manager of Development Services

Approved for inclusion

Signe Bagh
Manager, Policy Research and Strategic Planning
Acting Director of Planning & Corporate Services

SB/SG/rs
Attach

ATTACHMENTS

(not attached to the electronic version of the report)

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