**CITY OF KELOWNA**

**MEMORANDUM**

**Date:** July 4, 2006

**To:** City Manager

**From:** Planning and Development Services Department

**Subject:**

**APPLICATION NO.** DP06-0106/ DVP06-0107

**OWNER:** NORTH ELLIS STREET DEVELOPMENTS LTD.

**AT:** 510 Doyle Avenue

**APPLICANT:** STEVE HYNDMAN

**PURPOSE:** TO AMEND THE APPROVED DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT TO ALLOW FOR MINOR CHANGES TO THE FLOOR PLATE SIZES, NUMBER OF UNITS AND FAÇADES OF THE PROPOSED MIXED-USE BUILDING

**EXISTING ZONE:** C7 – CENTRAL BUSINESS COMMERCIAL

**REPORT PREPARED BY:** RYAN SMITH

## 1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DP06-0106 for LOT A DISTRICT LOT 139 OSOYOOS DIVISION YALE DISTRICT PLAN KAP81002 located on Ellis Street and Doyle Avenue, 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 THAT Council authorize the issuance of Development Variance Permit No. DVP06-0107; for LOT A DISTRICT LOT 139 OSOYOOS DIVISION YALE DISTRICT PLAN KAP81002 located on Ellis Street and Doyle Avenue, Kelowna, B.C.;

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

**Section 14.7: Development Regulations: 14.7.5(f):**

Vary the setback requirement of 4 m to 0.0 m for portions of the building above 15 m in height to allow for a small encroachment measuring 9 m in length on the north side of the building (similar to a daylighting standard).

**Section 14.7: Development Regulations: 14.7.5(a):**

Vary the maximum height from 44.0 m permitted to 51.3 m proposed.

**Section 14.7: Development Regulations: 14.7.5(h):**

Vary the maximum floor plan size for portions of the building above 15 m in height from 676 m² permitted to 1300 m² proposed (floors 4-7) and 815m$^2$ (floors 8-15).

**Section 14.7: Other Regulations: 14.7.6(d):**

Vary the minimum amount of commercial building frontage on a secondary street from 75% required to 31% proposed.

**Section 8.1 – Off-Street Vehicle Parking: 8.1.2:**

Vary the maximum number of parking spaces permitted from 125% of the minimum number required to 164% of the minimum number required.

**Section 14.7: Development Regulations: 14.7.5(g):**

Vary the 80° building setback requirement above 15 m in height for a trellis projection of 1.2m at the 12$^{th}$ storey on the building's west elevation.

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 applicants received Council approval to construct a 15 storey mixed-used development on the subject property in February of this year. The applicants have decided to make several minor design amendments to the development including minor increases to the floor plate size between the 4$^{th}$ and 8$^{th}$ storeys and revision to the floor layouts allowing for 55 residential units rather than the 45 units originally proposed. A total of 835m$^2$ was added to the building which is broken down by floor below:

- 4th Floor – 22m$^2$
- 5th Floor – 93m$^2$
- 6th Floor - 361m$^2$
- 7th Floor – 312m$^2$
- 8th Floor - 47m$^2$

The applicant also decreased the amount of building terrace/private open space by 84m$^2$ between the 4$^{th}$ and 8$^{th}$ floors.

3.0 ADVISORY PLANNING COMMISSION

At the regular meeting of December 20, 2005 it was resolved:

THAT the Advisory Planning Commission supports Development Permit Application No. DP05-0220, 510 Doyle Avenue/1385 – 1387 Ellis Street/Lot 1, Plan 71017, and Lot 7, Plan 432, Sec. 25, Twp. 25, ODYD; by North Ellis Dev. Ltd. (Steve Hyndman) to obtain a Development Permit for a 15 storey mixed use development which will house 45 residential suites with the commercial area at grade measuring 200$m^2$ in size.

AND THAT the Advisory Planning Commission supports Development Variance Permit Application No. DP05-0221, 510 Doyle Avenue/1385 – 1387 Ellis Street/Lot 1, Plan 71017, and Lot 7, Plan 432, Sec. 25, Twp. 25, ODYD; by North Ellis Dev. Ltd. (Steve Hyndman) to obtain a Development Variance Permit to vary the maximum height from 44.0 m permitted to 51.3 m proposed.

AND THAT the Advisory Planning Commission supports Development Variance Permit Application No. DP05-0221, 510 Doyle Avenue/1385 – 1387 Ellis Street/Lot 1, Plan 71017, and Lot 7, Plan 432, Sec. 25, Twp. 25, ODYD; by North Ellis Dev. Ltd. (Steve Hyndman) to obtain a Development Variance Permit to vary the setback requirement of 4 m for portions of the building above 15 m in height to allow for a small encroachment measuring 9 m in length on the north side of the building.

AND THAT the Advisory Planning Commission supports Development Variance Permit Application No. DP05-0221, 510 Doyle Avenue/1385 – 1387 Ellis Street/Lot 1, Plan 71017, and Lot 7, Plan 432, Sec. 25, Twp. 25, ODYD; by North Ellis Dev. Ltd. (Steve Hyndman) to obtain a Development Variance Permit to vary the maximum floor plan size for portions of the building above 15 m in height from 676 m² permitted to 800 m² proposed.

AND THAT the Advisory Planning Commission supports Development Variance Permit Application No. DP05-0221, 510 Doyle Avenue/1385 – 1387 Ellis Street/Lot 1, Plan 71017, and Lot 7, Plan 432, Sec. 25, Twp. 25, ODYD; by North Ellis Dev. Ltd. (Steve Hyndman) to obtain a Development Variance Permit to vary the 80° setback requirement above 15 m in height for a trellis projection of 1.2 m at the 12$^{th}$ storey on the building's west elevation.

AND THAT the Advisory Planning Commission supports Development Variance Permit Application No. DP05-0221, 510 Doyle Avenue/1385 – 1387 Ellis Street/Lot 1, Plan 71017, and Lot 7, Plan 432, Sec. 25, Twp. 25, ODYD; by North Ellis Dev. Ltd. (Steve Hyndman) to obtain a Development Variance Permit to vary the minimum amount of commercial building frontage on a secondary street from 75% required to 31% proposed.

AND THAT the Advisory Planning Commission supports Development Variance Permit Application No. DP05-0221, 510 Doyle Avenue/1385 – 1387 Ellis Street/Lot 1, Plan 71017, and Lot 7, Plan 432, Sec. 25, Twp. 25, ODYD; by North Ellis Dev. Ltd. (Steve Hyndman) to obtain a Development Variance Permit to vary the maximum number of parking spaces permitted from 125% of the minimum number required to 196% of the minimum number required.

*Note: The resolution above was forwarded by the Advisory Planning Commission after considering the original application.

4.0 **ZONING CHECKLIST** (UPDATED)

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

| CRITERIA | PROPOSAL | C7 ZONE REQUIREMENTS |
|---|---|---|
| Lot Area (m²) | 2183m$^2$ | 200m$^2$ |
| Lot Depth (m) | 45.91m | 30.0m |
| Lot Width (m) | 49m | 6.0m |
| Area of Buildings at Grade | 1992m$^2$ | N/A |
| Area of Pavement, Accessory Buildings, etc… | 175m$^2$ | N/A |
| Site Coverage (%)(Buildings) | 92% | N/A |
| Site Coverage (%)(Buildings and paved areas) | 100% | N/A |
| Site Coverage (Soft/Hard Landscaped Areas at grade) | 0% | N/A |
| Gross Floor Area (m²) | 15,087m$^2$ | N/A |
| Net Floor Area(m$^2$) | 8780m$^2$ | N/A |
| Floor Area Ratio (FAR) | 6.9 | 9.0 |
| Floor Plan Diagonal Dimension Above 15m | 39.0m Max. | 39.0m |
| Floor Plan Size Above 15m | 800m$^2$❻ | 676m$^2$ |
| Building Envelope | Generally 80$^0$ except for minor variance at 12$^{th}$ storey on west elevation❷<br><br>3.2m on north elevation❸<br><br>3.0m minimum | 80$^0$ Setback from 15m in height<br><br>4m setback above 15m in height abutting neighboring properties<br><br>3.0m setback from a street ab 15m |
| Parking Spaces | Commercial: 7<br>Residential: 95 | Commercial: 7<br>Residential: 55 |
| **Total Parking** | **102❹** | **62** |
| Bicycle Parking | As Required | As Required |
| Storeys (#) | 51.3m❶ | 44.0m |
| **Setbacks at Grade(m)** | | |

| | | |
|---|---|---|
| Front | 0.0m | 0.0m |
| Rear | 0.0m | 0.0m |
| Side (n) | 0.0m | 0.0m |
| Side (s) | 0.0m | 0.0m |
| Private Open Space | 2200m$^2$ | 45 units (2 bedroom) x 15.0m$^2$=<br><br>**Total: 675m$^2$** |
| Drive Aisle Width | 7.0m | 7.0m |
| Commercial Frontage Requirements at Grade | 100%<br><br>31%❺ | Primary Street Frontage: 100%<br><br>Secondary Street Frontage: 75% |

❶ THE APPLICANT IS SEEKING TO VARY THE MAXIMUM HEIGHT FROM 44.0M PERMITTED TO 51.3M PROPOSED

❷ THE APPLICANT IS SEEKING TO VARY THE 80$^0$ SETBACK REQUIREMENTABOVE 15M IN HEIGHT FOR A TRELLIS PROJECTION OF 1.2M AT THE 12$^{TH}$ STOREY ON THE BULDING'S WEST ELEVATION

❸ THE APPLICANT IS SEEKING TO VARY THE SETBACK REQUIREMENT OF 4M FOR PORTIONS OF THE BUILDINIG ABOVE 15M IN HEIGHT TO ALLOW FOR AN SMALL ENCROACHMENT MEASURING 9M IN LENGTH ON THE NORTHEAST SIDE OF THE BUILDING

❹ THE APPLICANT IS SEEKING A VARIANCE TO ALLOW 164% OF THE REQUIRED PARKING WHEN ONLY 125% IS PERMITTED

❺ THE APPLICANT IS SEEKING TO VARY THE MINIMUM AMOUNT OF COMMERCIAL BUILDING FRONTAGE ON A SECONDARY STREET FROM 75% REQUIRED TO 31% PROPOSED

❻ THE APPLICANT IS SEEKING TO VARY THE MAXIMUM FLOOR PLAN SIZE FOR PORTIONS OF THE BUILDING ABOVE 15M IN HEIGHT FROM 676M$^2$ PERMITTED TO 1300M$^2$ PROPOSED (floors 4-7) AND 815m$^2$ (floors 8-15)

4.1 Site Context

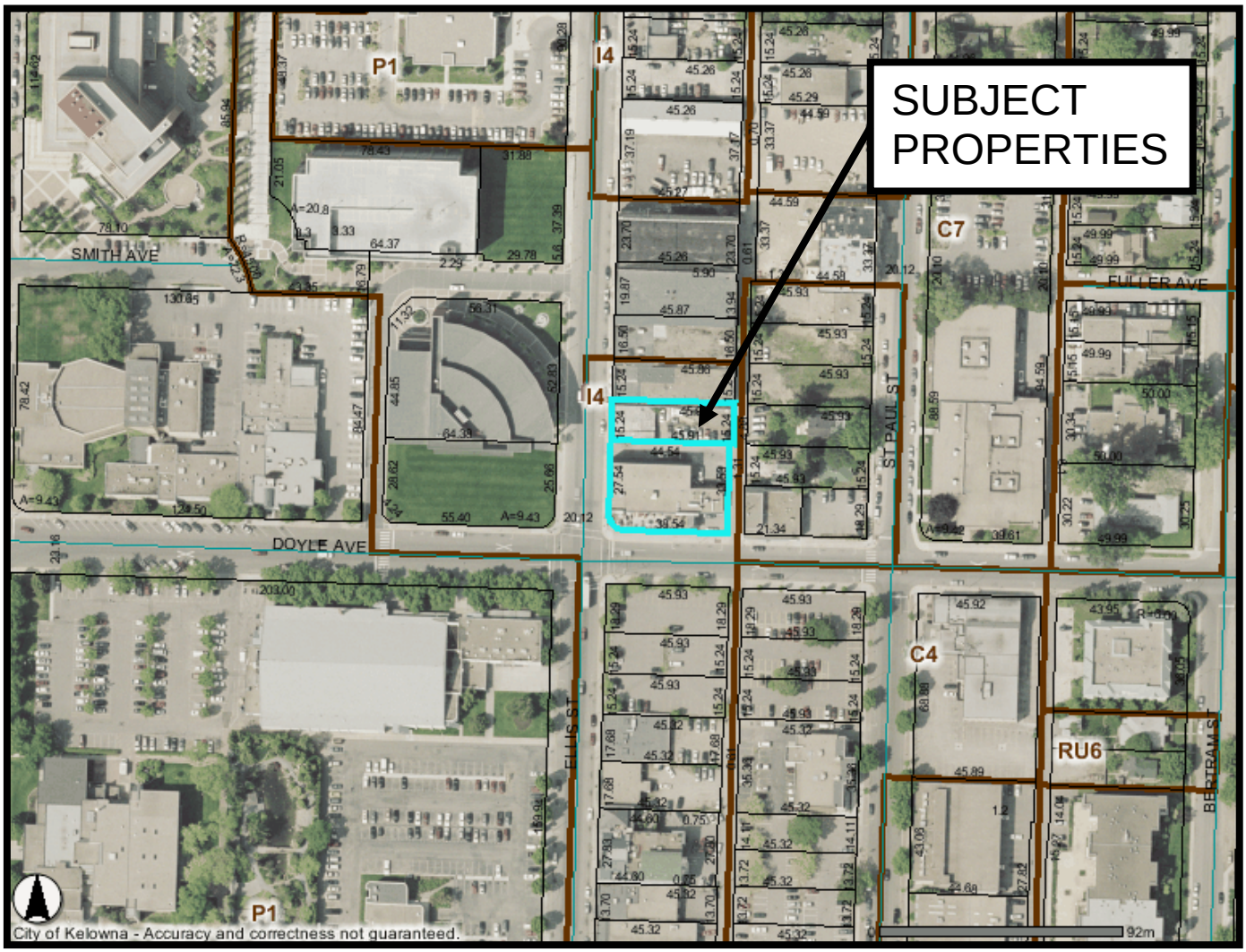
The subject properties are located on the northeast corner of Ellis Street at Doyle Avenue.

Adjacent zones and uses are:

North - I4 – Central Industrial – Valley Canvas and Awning
East - I2 – General Industrial – The Old Bike Shop Cafe
South - C7 – Central Business Commercial – Parking Lot
West - C7 – Central Business Commercial – Vacant/Library

4.2 Site Location Map

Subject Property: 510 Doyle Avenue




4.3 Development Potential

The subject properties are currently zoned C7 – Central Business Commercial. The purpose of the C7 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.

4.4 Current Development Policy

4.4.1 Kelowna Official Community Plan

The future land use designation of the subject properties identified in the Official Community Plan is Commercial. The proposed mixed-use development is generally consistent with this future land use designation.

**Objectives for Development within Urban Centres**

- 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, 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 Centres**

Access

Design facilitates pedestrian and bicycle access.

Vehicle access and on-site circulation minimizes interference with pedestrian movement

Vehicle access is achieved from a local road or lane.

Pedestrian access is clearly marked.

Ancillary Services/Utilities

Loading, garbage and other ancillary services is located at the rear of buildings.

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

Building Massing

The front of the building incorporates “stepbacks” at the upper floors to reduce visual impact.

Proposed building is compatible with the massing and rhythm of the emerging streetscape.

Sub-roofs, dormers, balconies, and bay windows are provided to engage visual interest.

Variation between architectural bays within each façade is provided.

Crime Prevention

Guidelines for Crime Prevention Through Environmental Design Guidelines (CPTED) should be followed.

Environmental Considerations

Projects should be designed to minimize the impacts of climatic conditions such as excessive heat, cold and wind. At this time the applicant has not indicated what type of measure may be taken to minimize these impacts.

Multiple unit residential projects located along arterial roads should be designed to minimize residents’ exposure to noise and exhaust emissions. At this time the applicant has not indicated what type of measure may be taken to minimize these impacts.

Lighting

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

Parking

Parking areas are safe, and located under the buildings and accessed via the rear lane.

While underground parking is encouraged it cannot be provided in this location due to the level of the water table.

Relationship to the Street

The commercial portions of the building are located close to the property line and have transparent facades to engage public interest.

Awnings are included to provide sheltered environments for pedestrians and to aid in energy conservation.

This building is located at a relatively busy intersection and is designed to highlight the corner. Design treatments include setbacks at the corner, accentuated entrances and additional height using, for instance, towers and cupolas.

Within multiple-unit residential portion of the project, first storey units should provide ground-level access and outdoor amenity space

4.4.2 Kelowna Strategic Plan (2005)

The City of Kelowna Strategic Plan encourages the development of a more compact urban form by increasing densities through infill and redevelopment within existing urban areas and to provide for increased densities within future urban areas. Also redeveloping transitional areas to increase densities for more efficient use of existing land. In addition it is recommended that the City will emphasize a density of development higher than presently occurring to allow for more efficient use of the land.

4.4.3 Crime Prevention Through Environmental Design

**Natural Surveillance**

- dumpsters should not create blind spots or hiding areas;
- lighting should be even to avoid casting shadows where people can hide; using numerous low wattage lights accomplishes this better than a few high wattage lights;
- loading areas should not create hiding places;
- all four facades of a building should have windows;
- the lower branches of existing trees should be kept at least ten feet (3 metres) off the ground;
- exterior of buildings should be well-lit;
- wherever it is appropriate, a mix of uses should be encouraged to increase natural surveillance at different times of the day; placement of residential uses above commercial is a good example of this;
- elevators and stairwells should be clearly visible from windows and doors;
- shrubbery should be no more than three feet (one metre) high for clear visibility;
- stairwells should be well-lit and open to view; not behind solid walls.

**Territorial Reinforcement**

- property boundaries, where possible, should be marked with hedges, low fences or gates;
- private and semi-private areas should be easily distinguishable from public areas;

- all public and semi-private areas should be well-maintained to convey pride and ownership, which discourage negative activity;

**Natural Access Control**

- Public paths should be clearly marked;
- signs should direct patrons to parking and entrances;
- there should be no easy access to the roof;
- entrances to dwellings within a commercial building should be separate from the commercial entrance to enable distinction of residential visitors from those frequenting businesses;
- rear access to shops should be provided from rear parking lots**.**

5.0 TECHNCIAL COMMENTS

5.1 Environment Manager

Ensure a satisfactorily completed Site Profile is completed, or compliance letter is included in the file.

5.2 Fire Department

a) Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law.

b) Engineered fire flows are required.

c) Hydrant required within 45m of fire department connection.

d) Contact FPO for preferred location(s) of new hydrant(s) and/or Fire Dept. connection.

5.3 Fortis BC/Public Health Inspector/RCMP/School District #23/Shaw Cable/Terasen

No concerns.

5.4 Inspection Services Division

Must comply with BC Building Code. Code analysis at to be completed at building permit stage.

5.5 Works and Utilities Department

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 or the subdivision approval, but are outlined in this report for information only. The Development Engineering Technologist for this project is John Filipenko. AScT.

5.5.1 Domestic Water and Fire Protection

The existing lots are serviced with small diameter water services. The developer must engage a consulting mechanical engineer to determine the domestic and fire flow requirements of this development. The applicant, at his cost, will arrange for the removal of existing services and the installation of one larger metered water service and if determined, the installation of fire hydrants. The estimated cost of this construction for bonding purposes is $18,000.00

Tie-ins and disconnections at the existing watermain must be by City forces and 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. 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.

Site servicing issues will be further reviewed and comments related to site servicing and hydrant spacing will be addressed when a detailed site plan is received.

5.5.2 Sanitary Sewer

The existing lots are serviced with 100mm-diameter sanitary sewer services. The developer must engage a consulting mechanical engineer to determine the requirements of this development. The applicant, at his cost, will arrange for the disconnection of two existing services and the installation of one new larger service. The estimated cost of this construction for bonding purposes is $11,000.00

Tie-ins to the mains and the disconnections of existing services must be by City forces and at the applicant's cost.

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

5.5.3 Storm Drainage

The proposed development site is serviced with a 200mm diameter storm drainage service connected to Doyle Ave as well as a 100mm diameter service connected to Ellis St. The 200mm service may be retained for the proposed development if it is of suitable size and location. A manhole must be installed over the service at main tie-in location as required by the current Development Servicing Bylaw. The applicant, at his cost, will also arrange

for the disconnection of the small diameter service. The estimated cost of this construction for bonding purposes is $8,000.00

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.

It will be necessary for the developer to construct some storm drainage facilities (catch-basin) on Ellis Street fronting the proposed development. The cost of this construction is included in the roads item.

Upgrade the existing catch basins within the Lane and on Doyle Avenue to meet current standards. The cost of this construction is included in the roads item.

5.5.4 Road Improvements

Doyle Avenue:

Remove and reconstruct the lane access to a commercial driveway standard. Replace approximately 10.0 meters of damaged curb, gutter and sidewalk just west of the lane access. Adjust existing utility service vaults and appurtenances to accommodate this construction. Upgrade the existing sub-standard catch basin on Doyle Avenue. The estimated cost of the road improvements for bonding purposes is $21,000.00

Ellis Street:

The existing curb and 2.5 m wide monolithic sidewalk fronting this development is in a deteriorated state with a redundant driveway letdown. 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 at the curb return. Re-locate or adjust existing utility appurtenances to accommodate this construction. The estimated cost of the road improvements for bonding purposes is $28,000.00

Public Lane

The lane is in poor condition and the drainage is not functioning properly. Upgrade the existing sub-standard catch basin and reconstruct the lane to a paved standard. The cost of this construction for bonding purposes is $24,000.00

Boulevard Treatment

Provide a boulevard landscaping treatment plan complete with streetscape details of proposed surface treatments, tree pocket locations, ornamental

tree pocket locations and street lighting details for review by the City Urban Design Planner. Additional bonding may be required.

5.5.5 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 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.

5.5.6 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.

5.5.7 Latecomer Protection

Under provisions of Section 990 of the BC Municipal Act, and in conformance with the City of Kelowna Subdivision Development & Servicing Bylaw No. 7900, the owner is eligible to apply for latecomer protection for the following:

(a) Lane paving.

5.5.8 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.

5.5.9 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.

5.5.10 Bonding and Levy Summary

Bonding

| | |
|---|---|
| Water, sanitary and storm service upgrades | $37,000.00 |
| Doyle Ave frontage improvements | $21,000.00 |
| Ellis St. frontage improvements | $28,000.00 |
| Lane reconstruction | $24,000.00 |
| Total Bonding | $110,000.00 |

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.

5.5.11 Development Permit and Site Related Issues

The developer must provide a location for screened garbage bins on the site that is accessible to an SU-9 standard-size garbage truck.

The site access and egress design onto the frontage roads and lane as well as the parking lot configuration must be submitted for approval by the City Works & Utilities Department before final adoption of the development permit. This is required to guarantee that the requirements and the limitations of access and egress required by the City have been addressed to the City's satisfaction.

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

The requested height variance does not compromise Works and Utilities requirements

5.5.12 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.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department has no significant concerns with this development permit and the related development variance permit applications. Council approved the original development permit and variance permit earlier this year and the exterior form of the building remains very similar to that which was originally approved.

Shelley Gambacort
Acting Development Services Manager

Signe Bagh
Acting Director of Planning & Development Services

SB/SG/rs
Attach.

## ATTACHMENTS

**(not attached to the electronic version of the report)**

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