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**CITY OF KELOWNA**

**MEMORANDUM**

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**DATE:** November 15, 2006  
**FILE NO.:** DP06-0181/DVP06-0181

**TO:** Advisory Planning Commission

**FROM:** Planning and Development Services Department

**SUBJECT:**

**APPLICATION NO.** DP06-0181/DVP06-0181 **OWNER:** Simple Pursuits Inc.

**AT:** 1660 Pandosy St.

**APPLICANT:** Worman Resources Inc.

**PURPOSE:** TO OBTAIN A DEVELOPMENT PERMIT FOR THE FORM AND CHARACTER OF A NEW FREE STANDING COMMERCIAL BUILDING THAT WILL PREDOMINANTLY ACCOMMODATE OFFICE, RETAIL AND RESIDENTIAL SPACE.

TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO RELAX THE FRONT AND SIDE YARD SETBACKS AND CONSEQUENTLY THE SETBACKS APPLICABLE TO HEIGHT FOR ANY PORTION OF A BUILDING ABOVE 15M IN HEIGHT TO BE VARIED TO 16.46M WHICH REQUIRES A MINIMUM OF 3M FROM ANY PROPERTY LINE ABUTTING A STREET.

TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO RELAX THE PARKING STALL REQUIREMENTS FROM 54 REQUIRED TO 45 PROPOSED; AND TO VARY THE LOADING STALL REQUIREMENTS FROM 2 STALLS REQUIRED TO 0 PROPOSED.

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

**REPORT PREPARED BY:** DANIELLE NOBLE

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**1.0 SUMMARY**

The applicant is seeking a development permit to construct a 5,002.7 m<sup>2</sup> (53,850 ft<sup>2</sup>) commercial building in order to facilitate new retail and office space for the subject property. As proposed the building will be 6 storeys in height plus a penthouse level. A variance to front and side yard setbacks with respect to building height is being sought to facilitate improved parking accommodation via a two-tiered parkade structure. The variances are to relax the front and side yard setbacks that influence the building height where any portion of a building above 15 m in height must be a minimum of 3m from any property line abutting a street. The applicant is requesting to vary the 15m height requirement to be relaxed to 16.46m. Parking and loading variances are also being sought.

**2.0 PROPOSAL**

The applicant is proposing to construct a 6 storey commercial building, with mixed uses being incorporated to accommodate retail and office services. Previously on site was the Foursquare Gospel Church of Canada, however that building has since been demolished and the site is under

preparation for the proposed building. The subject property is situated at the corner of Pandosy and Leon Ave., and therefore will offer the opportunity for significant business commercial revitalization in the downtown core and establish a valuable precedent for future sites to be redeveloped.

The newly constructed building is to be predominantly finished with 'Standford' (red) brick as the base exterior finish for the bottom 4 floors. The upper floors will be finished in a stucco exterior color noted as 'willow', which will further be lightened on the penthouse level being finished in a 'greige' stucco color. The intent is to have the base of the building as the heaviest component of the building, and have an inviting streetscape/pedestrian appeal. The exterior detailing will include awnings, canopy and metal trim to be accented in black, with the window frames completed in a 'dark bronze' (essentially black). Architectural detailing on the building includes select covered entries on the ground floor, square-framed windows, subroofs and cornice features on the upper floors.

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

CRITERIA	PROPOSAL	C7 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	1,120.4m <sup>2</sup>	200m <sup>2</sup>
Lot Width	36.56m	6.0m
Lot Depth	30.62m	30.0m
F.A.R.	4.47	9.0
Height	25.6m	44.0m
Site Setbacks (m)		
- Front ❶	3m at 16.46m of height	3m at 15.0m of building height
- Rear	0.0 m	0.0m
- Side (North – Leon Ave) ❷	0.0 m	3m at 15.0m of building height
- Side (South – Lane) ❷	0.0 m	3m at 15.0m of building height
Parking Stalls ❸		
• Commercial	2	2
• Office Use	43	52
• Loading Stalls	0	2
Bicycle Parking	15 spaces	15 (Class I & II @ 0.3/100 m <sup>2</sup> )

❶ A variance is required to allow a setback of 0m at 15m of height where 3m is required (to the height of 16.46m).

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❸ A variance is required to relax parking and loading stall requirements.

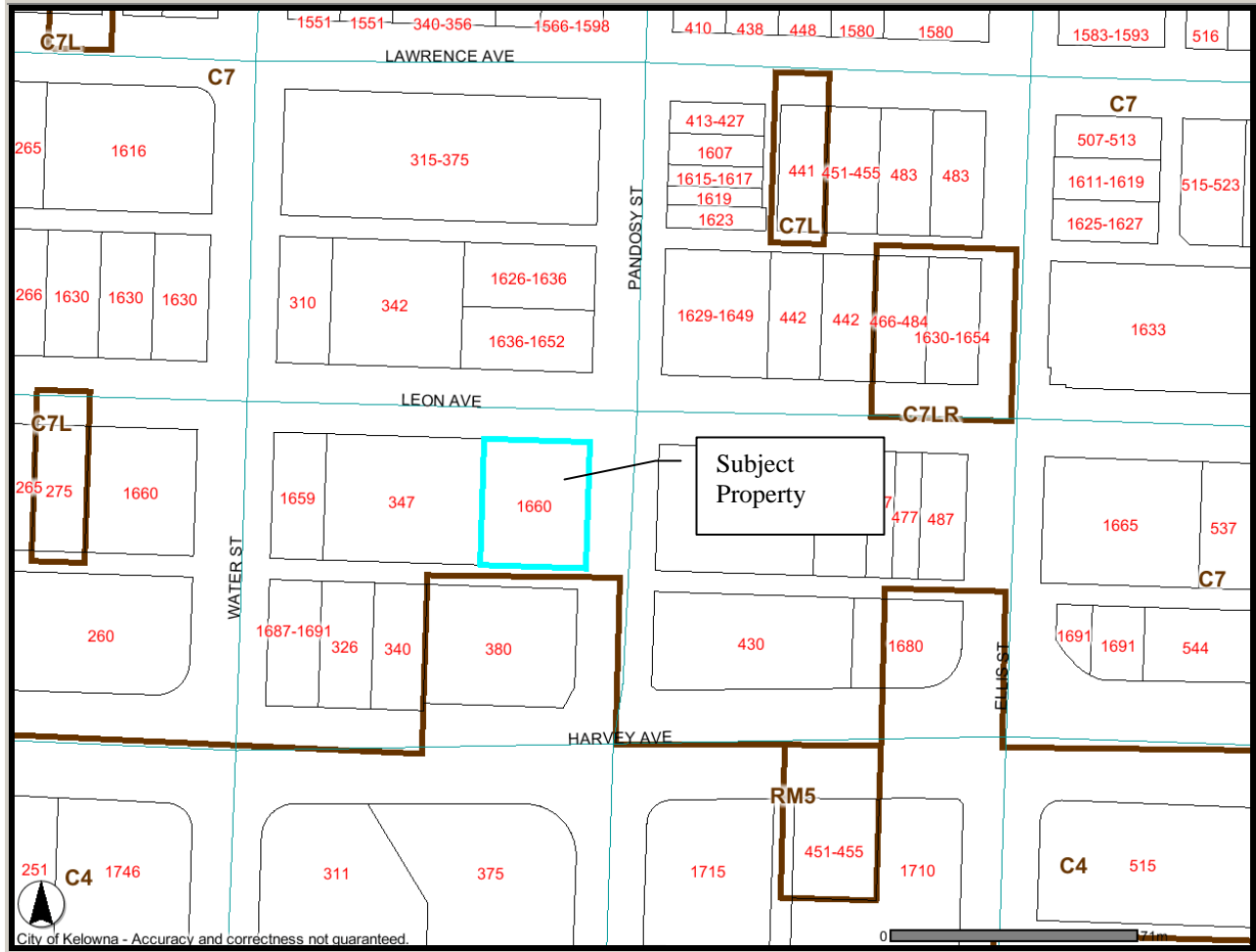
### 3.1 Site Context

The subject property is located at the corner of Pandosy St. and Leon Ave. Adjacent properties are included in the C7 Central Business Commercial Zone.

Adjacent zoning and existing land uses are:

North – C7 – Central Business Commercial  
 East - C7 – Central Business Commercial  
 South – C4 – Town Centre Commercial  
 West - C7 – Central Business Commercial

### 3.2 Site Location Map



### 3.3 Existing Development Potential

The site is located in the C7 - Central Business Commercial Zone. 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 Downtown, as well as the retail, entertainment and cultural core of Rutland, which shall provide for high density residential uses, and commercial uses.

### 3.4 Development Policies

#### 3.4.1 Urban Centre Policies (OCP)

Urban centre policies encourage densification in those designated areas through liaising with various associations and the local business communities to encourage new commercial enterprises to locate within designated Urban Centers. Additionally, to work cooperatively with other community organizations to encourage resident and visitor shopping in the Urban Centers, with priority effort being given to encouraging shopping with the City Centre and Town Centre locations. Additionally, to actively promote the benefits of living and working within the Urban Centres. Mixed uses are also supported by encouraging developers to incorporate retail uses on the lower storeys with office and/or

residential above. This policy also has overlap with employment benefits by encouraging increased employment opportunities within Urban Centers to support the Transportation Demand Management (TDM) strategies of Transportation objectives, and to continue to improve the economic health of the labor force residing within and adjacent to Urban Centers.

#### 3.4.2 Commercial Policies (OCP)

Commercial policies encourage commercial revitalization partnership initiatives in the Urban Centers, in cooperation with respective business communities. Additionally, it is also encouraged to work with downtown merchants to increase public awareness of downtown parking facilities.

#### 3.4.3 C7 Design/Development Guidelines

The OCP designates the future land use of the subject property as Commercial, and the proposed development is consistent with this designation. During the evaluation of this development permit application, Staff will consider the following criteria appropriate to the C7 design guidelines:

##### Occupancies

Retail occupancies provide the greatest degree of visual interest and are essential to active, people-oriented streets. Building owners are therefore encouraged to provide retail occupancies at grade.

##### Setbacks & Street Edges

The majority of existing buildings on properties that are zoned C7 have little or no setback from the adjoining streets. This characteristic gives a defined edge to the adjoining streets, and contributes to creation of a comfortable pedestrian environment and sense of place, and should generally, be maintained. Buildings are therefore encouraged to have zero setbacks from property lines.

Where a setback of a new building occurs, the side elevation of existing adjoining buildings could be exposed. In this situation, the new development should ensure that the exposed portions of adjoining buildings provide visual interest.

##### Vertical vs. Horizontal Proportions

Within the composition of any façade, there should be a balance of vertical and horizontal proportions. Vertical proportions are preferred for windows. Horizontally-extended glazed areas should be subdivided into vertically proportioned windows separated by mullions or building structure. Canopies and awnings that create horizontal proportions that dominate any building façade or portion of a building façade are emphatically discouraged.

### Entrances

Entrances should be easy to identify from the street. Entrances should also present an inviting face to the street, as well as make the act of entering a premise a comfortable and welcoming experience through attention to proportions, materials, lighting, etc. In particular, recessed entrances act as welcoming transition zones between indoors and outdoors are highly recommended (provided such entrances also meet the Crime Prevention through Environmental Design Guidelines).

### Windows and Building Transparency

Windows, along with doors, are the principal means of connecting the private realm with the public realm; of engaging passers-by and drawing them into a place of business.

Windows should ideally define a place for display of merchandise or services. Windows are also an opportunity to provide proportion within a storefront composition as well as to show detail and craftsmanship.

Obtrusive window security grates, glass block, dark-tinted reflective glass or any treatments that preclude views into building interiors at street level, are discouraged. Highly-reflective glass is discouraged because it tends to present an anonymous, unfriendly face to the street. Moreover, such glass reflects significant amounts of light and heat that can create discomfort for pedestrians. Where a building face is exposed to the sun, overhangs, awnings, and canopies can be used for solar protection.

### Canopies and Awnings

In addition to providing shade and shelter from the weather, canopies and awnings should focus attention on windows and complement retail window displays. As well, canopies, awnings, and marquees can be used to identify the principal entrance to a building or business, and to help create a transition between interior and outdoor spaces. Canopies and awnings should not be a predominant feature of a building façade and should not create visually-predominant horizontal proportions. They should not be continuous across vertical elements such as pilasters and should not wrap around corners.

Steel or aluminium awning frames should be painted a matching or complementary colour to the awning or building, or painted black.

### Colour

Colour is one of the most important design elements in determining and emphasizing the visual image of a commercial precinct. A limited colour palette is also more effective in conveying a quality business image than one that is extensively varied to gain attention. Colour should not be used as the predominant feature of a building. Rather colour should be used to tie together various elements of the façade, e.g., windows, doors, awnings, etc., using a base colour, lighter or darker shades of the base colour, and small amounts of accent colour(s) to highlight architectural features. Contrast and textural interest might be achieved by combining high gloss finishes with matte finishes.

Additionally, colours should be considered in relation to those of neighbouring buildings, as well as other colours within the streetscape. Care should be taken to not clash with other building facades and to otherwise contribute to a coordinated palette within the commercial area. However, when a site is re-developed or an existing building renovated or repainted, the existing context may be so ad hoc or chaotic that there is nothing from which to draw colour inspiration. In this instance, buildings are encouraged to use a colour palette derived from the Okanagan landscape, (i.e., the grasslands and ponderosa forest ecosystems).

### Materials

Materials should create pattern and texture as well as convey a feeling of quality and permanence. Hard, reflective, and “high-tech” surfaces are less successful from the point of view of creating visual interest and human scale at street level. Materials that create shadows are more successful and are therefore recommended. Moreover, smooth materials, depending upon colour and orientation, can reflect high levels of heat and light, making the adjoining sidewalks uncomfortable for pedestrians.

Limiting the number of materials on a facade is advisable. As well, where a transition between materials occurs, it should be seen as an opportunity to provide additional detail and visual interest.

Wood, painted or stained, is an appropriate material, although wood that conveys a single-family residential quality is not recommended.

Broken-surface (as opposed to smooth and/or polished) materials such as slate, granite, sandstone, and river rock are encouraged. Metal is encouraged when finished with an oxidized, decorative surface. Metal siding or sheathing is not recommended. Stucco finishes, especially sand finish acrylic stucco is acceptable when used in conjunction with other materials or elements such as mouldings and cornices. Brick should be retained in its natural state.

### Rooflines/Top of Building Face

Cornices and other elements and details along the top of a building, or at that point where the upper part of a building steps back from that portion immediately below it, add visual interest and give definition to the interface between building and sky. Cornices and other architectural elements and/or treatments along the top of a building face should not create a horizontal proportion that overpowers the composition of a building façade.

It is recommended that the horizontality of cornices, etc. be tempered by variations in the height or slope of the parapet wall, or by the expression of pilasters with capitals, or by any other treatment that preserves a balance of horizontal and vertical proportions. This is particularly important on buildings with wider frontages where the width exceeds 8 metres (approximately 25 feet)

### Signage

With respect to sign content, concise messages and simple graphics are appropriate. Extraneous information such as sub-text, including product descriptions, should be minimized. Corporate and store logos are encouraged if they form part of an overall sign

design, and are appropriately scaled to the façade composition. Store signs that incorporate a store name with that of a national distributor, are discouraged.

In addition to the limitations on sizes set out in the City of Kelowna sign bylaw, the size of any individual sign should take into consideration the overall scheme of building signage and the appearance of the building façade(s). Ultimately, the scale and visual qualities of the building should not be compromised by the size and number of signs. All signage should principally be pedestrian-oriented. This means that the size of signs should be within the first 3.7 m (approximately 12 feet) of grade and that the font size and sign location should be oriented to persons at street level.

#### 4.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

Overall, the proposed project conforms with the intent and spirit of the C7 zone. The newly constructed building incorporates design components that are consistent with the C7 Design Guidelines, and will enhance the pedestrian experience and gain significant street appeal to this section of the downtown core. Importantly, the form of the building is proposed to have a heavy base, and lightening up the massing as the building projects upward, aiming to accentuate the streetscape and pedestrian level rather than draw the attention to the top of the building. It has been suggested that given the proximity to the highway, this building should act as a transitional project with a mix of older and more modern elements. Additionally, other recent projects in the downtown core have incorporated extensive use of wood through integration of wood brackets or glulam beams (i.e. OK Library, Rotary Centre for the Arts, Cannery Lofts), signifying each of these buildings with a distinctive Okanagan flavor, of which this building is of similar scope and could benefit from. The proposed building materials are sensitive to both the existing immediate neighborhood, as well as incorporating natural earth tones that enhance and emulate the landscape of the Okanagan Valley. Signage is proposed to comply with the Zoning Bylaw, and to be solely aimed at advertising the ground retail components only. Lighting will enhance the exterior finishes, as well as to add to pedestrian safety and streetscape appeal.

The variances being sought to facilitate this project are solely driven by the parking requirements for the C7 zone. As outlined in the letter of rationale by the applicant, the original submission had restrictive parking and the parking variance was considerable. Through design refinements resulting from Planning staff recommendations, additional parking was achieved through a second level of parking which now accommodates an additional 21 parking stalls for the development project. Given the site limitations and restrictive size, alternate parking configurations are exceptionally restrictive and necessitate flexibility. Accordingly, to accommodate the second floor of parking, design refinements to the building form are necessary. Given the radical improvement in the parking allocation, the variances to the front and sideyard setback for commercial buildings at 15m in height to be relaxed to 16.46 is considered justifiable given the additional parking gained. The total parking variances being sought are 9 parking stalls and 2 loading stalls. Given the close proximity of the Chapman parkade and public transit en route, Staff are generally supportive of the relaxed parking variances and rationalize this by suggesting that the mixed uses and benefits of being within the downtown Urban Centre offset the negatives of not achieving the parking requirements prescribed as per the Zoning Bylaw.

As highlighted in the policy sections above, it is Council's direction to encourage densification in the downtown area, and support commercial/mixed use projects that are located within Urban Centers that are consistent with the principles of good urban design, facilitate access to public transit, have proximity to complimentary business and retail uses, that promote commercial revitalization, and diversify the economic base that fulfils the City's growth management and commercial objectives.

Overall, the addition of this project with mixed uses will be a positive addition to the downtown core, and be a valuable investment in the downtown Urban Centre stimulating comparable redevelopment projects within the C7 zone.

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Shelley Gambacort  
Acting Development Services Manager

Attach.  
SG/DN

**ATTACHMENTS**

- Location of subject property
- Site plan
- Elevations
- Letter of Rationale for Variances
- Colored Rendering
- Color Board