

Public HearingOctober 17, 2000

A Public Hearing of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Tuesday, October 17, 2000.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, R.D. Cannan*, B.A. Clark, C.B. Day, B.D. Given, R.D. Hobson, J.D. Nelson and S.A. Shepherd.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi; Current Planning Manager, A.V. Bruce; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 7:00 p.m.
2. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

Councillor Cannan entered the Council Chamber at 7:02 p.m. and took his place at the Council Table.

The City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on September 27, 2000, and by being placed in the Kelowna Daily Courier issues of October 10 & 11, 2000, and in the Kelowna Capital News issue of October 8, 2000, and by sending out or otherwise delivering 452 letters to the owners and occupiers of surrounding properties between September 27 & 29, 2000.

The City Clerk reminded the gallery of Council's policy that establishes time limits to ensure all speakers have an equal opportunity to make presentations to Council.

3. INDIVIDUAL BYLAW SUBMISSIONS

- (a) Bylaw No. 8602 (HRA00-001) - Martin Drew Johnson & D. Glenn Einfeld Law Corporation (Martin Drew Johnson) – 830 Bernard Avenue – To authorize the City of Kelowna to enter into a Heritage Revitalization Agreement under Section 966 of the Local Government Act to permit use of the heritage home on the property legally described as Lot 1, D.L. 138, O.D.Y.D. Plan 3081, being 830 Bernard Avenue, Kelowna, B.C., as a law office with an associated caretaker's dwelling.

Staff:

- The building is included in the City of Kelowna Heritage Register.
- The Heritage Revitalization Agreement (HRA) governs all aspects of development and land use on the subject property and requires the owners to preserve, maintain and protect the heritage character of the building.
- The HRA also permits a variance to RU6 zoning regulations with respect to parking and sign requirements.
- The main and second floor of the building would be law offices and the caretaker's suite would be in the attic floor.

Public HearingOctober 17, 2000

- The site plan indicates 7 parking stalls across the rear of the property and retention of a large mature tree at the front of the property. A new fence would be provided around the perimeter and a sign would be located at the front of the property.
- Displayed photos of the house before and after restoration.
- The application was reviewed and supported by the Advisory Planning Commission and the Community Heritage Commission subject to conditions that have been addressed by the applicant.
- If the HRA is denied by Council the building would have to be converted back to a residence and be subject to the regulations for a home based business.

The City Clerk advised that no correspondence or petitions had been received.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

Marty Johnson and Glenn Einfeld, applicants:

- Most of the renovations have already been done and the pictures do not do justice. It is a beautiful building that Kelowna can be very proud and all the neighbours are happy.
- They do personal injury work and deal with people with disabilities all the time.
- It is in their own best interests to ensure there is handicapped access to the building.

Kathinka Makela, resident of 868 Lawrence Avenue and president of the Kelowna South-Central Association of Neighbourhoods (KSAN):

- The renovated building is an improvement to the area and the residential component is important to the neighbourhood.

Sheri Lichtenstein, 304-1318 Richter Street:

- Concerned that 7 on-site parking stalls would not be adequate with 8 people working at the proposed law office and then clients coming and going.

Staff:

- Confirmed that there could be up to 8 people in addition to the resident caretaker.
- Any further intrusion of parking on the site would have detracted from the heritage character of the building.
- There is ability to have hard surface access from the rear parking lot to the wheelchair ramp.
- The wheelchair ramp is also accessible from on-street parking on Bernard Avenue.

Marty Johnson and Glenn Einfeld, applicants:

- Working with the disabled is their bread and butter and they will ensure the disabled have access to the building.

Staff:

- In the long term, Bernard Avenue will be upgraded to 4-lanes and that would remove the on-street parking.

There were no further comments.

- (b) Bylaw No. 8583 (Z00-1039) - 482627 B.C. Ltd.; Envirotech Real Estate Inc.; Gordon & Emelie Wallace; and Dorothy & Elizabeth Howe (Envirotech Real Estate Inc.) – 1681, 1683, 1667 & 1659 Ethel Street; 931 & 941 Leon Avenue; and 932 Harvey Avenue - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, D.L. 138, O.D.Y.D., Plan 3133, Lot 2, D.L. 138, O.D.Y.D., Plan 3133 Except Plan 36604, Lots 1, 2, 3, and 4, D.L. 138, O.D.Y.D., Plan 6535, and Lot 1, D.L. 138, O.D.Y.D., Plan 3007 Except Plan 36604, located on Harvey Avenue, Ellis Street, and Leon Avenue, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the RM6 – High Rise Apartment Housing zone in order to allow development of the site for uses permitted in the RM6 zone.

Staff:

- The zone amending bylaw was defeated by Council on August 29, 2000.
- When Council agreed to reconsider their resolution of defeat, Council decided that the Advisory Planning Commission should have an opportunity to review a revised proposal and instructed staff to place the item on the APC meeting of October 10, 2000. However, at that meeting the same application was presented with no changes. The APC made no further comment and their original recommendation of support still stands.
- The requested zoning is consistent with the future land use designation of the Official Community Plan which provides for high-rise development. The requested zoning is also consistent with the North Central Area Plan which when it was originally done in 1993 was under R6 zoning which allowed for maximum 12 storeys. When Zoning Bylaw 8000 was adopted, given the high-rise waterfront development that had occurred there was consensus in the construction industry to move to maximum 16 storeys and the OCP was changed to indicate up to 16 storeys in the RM6 zone.
- The proposed development is consistent with the regulations of the RM6 zone.
- The proposed congregate housing development would be situated on property proposed for consolidation if this application is approved.
- Site plans indicate underground parking accessed from Leon Avenue with an entry court located at the main floor level and limited temporary parking at that level. Service access is indicated at the rear of the building where the common facilities such as the dining area and kitchen are located.
- Concept plans indicate a 16 storey high-rise with a glass curtain wall design and no balconies. The development would be named the Emerald Chateau.
- If advanced for rezoning, staff would work with the applicant on further design work for the building.
- The applicant is prepared to consider amending the design to include roof structures similar to those on the Dolphins.
- The applicant has provided information clarifying that the building meets the 65° daylighting angle.

Council:

- Discussion about the impact on bonusing and floor area ratio if the proposed development was reduced from 16 storeys to 12 storeys.
- Comparison of the Dorchester property (4-storey seniors housing facility directly across Ethel Street from the subject property). Dorchester: 163 units and 50% site coverage with much of the open space area being used as parking. Emerald Chateau: 134 units, 30% site coverage and 70% open space with limited surface parking at the entry court area and landscaping on top of the parking deck above the underground garage.
- Clarification of the future land use designations in the South Central Neighbourhood Plan which calls for lower density and the North Central Neighbourhood Plan which provides for higher density at the gateway to the plan area.

Public HearingOctober 17, 2000

The City Clerk advised that the August 29, 2000 Public Hearing on this application was closed and is separate from this Public Hearing, but at that time 2 petitions bearing 150 signatures and 22 letters were received. All were opposed and all were circulated to Council in advance of the August 29th Public Hearing. Also the additional information submitted during the course of the August 29th Public Hearing, both in support and opposed, is all part of the package that Council will consider when the dealing with the subject bylaw later tonight.

The City Clerk advised the following correspondence and petitions were received as a result of the advertising for tonight's Public Hearing:

- Late letter from, Envirotech Real Estate, applicant, explaining why he is still seeking approval for a 16-storey development;
- Late letter from Tom Smithwick, solicitor for the applicant, enclosing a letter from the architect addressing issues raised at the August 29th Public Hearing; a memo from the City of Kelowna Planning & Development Services Department calculating density; information notes from the applicant; a letter from Greyback Construction estimating the anticipated benefit to the community from the proposed project through jobs and construction payroll; editorials from the newspapers; and developer's notes to residents at neighbourhood meetings.
- Petition bearing 20 signatures of which 16 were opposed and 4 in support with no reasons stated.

Support:

- letter from Marshall & Erika Calverley, 102-969 Harvey Avenue
- late letter from Southern Interior Construction Association
- late letter from John Ugyan, 205-260 Harvey Avenue
- late petition dated October 10, 2000 bearing 208 signatures

Opposition:

- 2 petitions bearing 18 and 72 signatures, citing incompatibility with the area, obstruction of views, increased traffic/pollution, and Council previously defeated the project as reasons for opposition.
- late letter from Walter Sharpe, resident on Rutland Bench, opposed because the proposed building may affect the view of Okanagan Lake from the houses on the Rutland Bench.
- late letter from Ronald Solmer, solicitor for Central Park Lodges (Dorchester retirement residence), advising that his clients are not opposed to a congregate housing facility on the subject property but the scale of development would significantly impact the existing scale and character of the neighbourhood; the rezoning is not consistent with the Official Community Plan; and the basis upon which Council voted for reconsideration was that the applicant had agreed to revise the building to 12 storeys.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

Tom Smithwick, representing the applicant:

- The applicant came to Kelowna specifically to assemble land for the proposed project and it was City staff that directed him to the subject properties, based on the future land uses in the Official Community Plan.
- The applicant did not know to hold neighbourhood meetings before the August 29th Public Hearing but has since held 3 different neighbourhood meetings and written information on the proposal has gone out to the area residents.
- One meeting was attended by 20-25 people and about half supported the 16-storey building because it would be less intrusive visually; the other half indicated preference for either a 12 or 8 storey building.

- The proposed development has now been revised to a 124-unit, 15-storey building shifted slightly more to the east and to an angle that will improve sightlines and reduce sunshadow for the residents to the north and for the Dorchester residents.
- Reducing the building height to 12 storeys would result in reduced floor area ratio (FAR) in addition to the loss of units. Reducing the building height from 16 storeys to 15 storeys still results in a loss of units but retains the same building footprint, greenspace and viewlines.
- Showed viewlines superimposed on top of one another from Leon Avenue at 15 storeys and at the 12 storey level which for viability would require a larger building footprint and therefore reduced greenspace and more intrusive viewlines.
- The Dorchester is a different style of development with smaller ground-oriented units, open space that is mostly covered with asphalt for parking and landscaping that is minimal. The Dorchester blocks a lot more views because of the larger building footprint.
- The proposed development would be concrete construction with 3 elevators, larger units, a rooftop garden area, significant landscaping at the road level terracing up to the parking lot level and then on top of that as well, and the smaller building footprint opens up the view.
- The Kiwanis senior's tower has not resulted in daylighting problems and has been a good neighbour.

Ronald Solmer, solicitor for the Dorchester:

- The basis on which Council agreed to reconsider was that the proposal would be revised to 12 storeys and the applicant was directed to have meaningful dialogue with the community. Apparently there has been no meaningful dialogue and the changes to the proposal were not taken to the community for consideration.
- Why would Council reconsider the application when the basis for the reconsideration has not been met by the applicant?
- The reconsideration has the affect of bringing the same application through the back door.
- The OCP states the need to protect from change that which would significantly alter the character, and that new development should be compatible with the existing context. The proposed development would not only alter the neighbourhood but would change its soul and its character and simply would not fit in this area of heritage homes and 4-storey structures.
- The OCP states the tallest buildings will rise generally to 12 storeys. The OCP was not changed from 12 to 16 storeys, it was the R-6 zone that was changed to RM6 which permits up to 16 storeys. 'Gradually' may have been a better word than 'generally' since that is what the diagrams depict.
- Section 884 of the Local Government Act states that bylaws have to be consistent with the OCP; on a technical legal position the subject bylaw is invalid because it is in direct conflict with the OCP.
- Council should consider getting a legal opinion on whether the RM6 zone is valid, and either table the matter pending consultation with the community during the current OCP review process to determine whether the increased building height is really supported by the public in this area of the city, or make the right decision and recognize the location is not appropriate and defeat the bylaw.
- The general consensus from the previous Public Hearing was preference for 8 storeys. Central Park Lodges did not rezone the Dorchester property to permit up to 12-storeys, the zoning was already in place when they purchased the property.

Dr. Ken Inze, community advocate:

- Support development of a 15 to 16 storey building on the site.
- All the apartments have easy access to the elevators and therefore to all the amenities in the building.
- No long hallways to get to the elevators.
- Seniors like greenspace where they can walk and integrate with the community and the proposed greenspace would be accessible to the public as well.
- The subject property is within a 3 block radius of 3 major grocery stores all on level ground for easy walking.
- Being a high-rise the building is concrete for fire safety with sprinklers throughout.
- In emergency situations when elevators cannot be used, people in wheelchairs are taken out first by the fire department.
- Highrises are good for crime prevention.
- Less vehicle problems because of close proximity to town centre.
- Support this project not just for seniors and people with disabilities but for the neighbourhood and for the community.

Courtney Pitcher, 1032 Leon Avenue:

- Support the proposed development whether 12 storeys or 16 storeys.
- Concept plans indicate an attractive building design that would improve the overall beauty of the area with the 70% greenspace.
- Purchased their property 4 years ago knowing the area would be developed.
- She and her husband signed a petition of opposition when they first heard about the proposed project but would like their names struck from the petition because last week they had meaningful discussion with the developer and are now satisfied that sun shadows and traffic would not be an issue.
- Attended a neighbourhood meeting last Saturday at the Mekong restaurant. The meeting was attended by 20-30 people. The meeting was very informative and it seemed the only opposition came from the residents of the Dorchester.
- The additional tenants would reduce the crime in the area and increase safety.

Wilma Newyens, 796 Leon Avenue:

- Attended the meeting at the Mekong and was told that the proposal was still for a 16 storey building and that there would be some minor changes to the building but information on those changes would not be available until tonight's Public Hearing.
- The developer has indicated that construction would not start until 50% of the building is either sold or rented. If that is not achieved, the property could be sold to someone else.
- Question how a 16 storey building with seniors would lower the crime rate unless all were sitting looking out their windows with binoculars. Single family homes with people going back and forth and working out in their yards would go further to reduce crime.
- The diagram shown by Tom Smithwick did not accurately reflect the difference in building height between the Dorchester and the building that is proposed.
- Would prefer more of a medium density development that retains the same character as the houses in the neighbourhood.

John Johnson, 933 Harvey Avenue:

- The proposed 16-storey building would be an asset to the community.

Frank Lansing, local business owner residing at 2677 Mappin Court:

- Support the proposed development and the direction of the OCP.
- Surprised at the lack of support at the first Public Hearing particularly when the proposed development meets the requirements of Planning documents.
- Congregate housing would fit in well and be an enhancement to the neighbourhood.

Public HearingOctober 17, 2000

- If Council wants support of the OCP by the citizens of the city, how can Council not support this application when it meets the OCP?
- If not at this location, where? And if not this proposal, what? And if not now, when?
- The area residents have to reconcile themselves that this is the future development direction of that area.
- Could potentially benefit if the proposed development was approved because he is in the construction industry.

Kathinka Makela, resident of 868 Lawrence Avenue and president of the Kelowna South-Central Association of Neighbourhoods (KSAN):

- Amazed how many people that do not live in the neighbourhood think they know what is best for it.
- Support higher density in the neighbourhood but want changes the neighbourhood can live with and not that are built and the neighbourhood gets stuck with.
- The applicant has not had meaningful public consultation.
- Of public meetings that were called, one was cancelled and then on Oct 5, Oct 12 and Oct 14 each time the applicant had no changes to present. When the application was referred back to the APC on October 10th, again nothing new was presented. Each time the applicant indicated there might be something new at the next meeting but each time nothing new was presented and the proposal was still for 16-storeys. The meetings were never for consultation or to hear what the neighbourhood wanted; they were always just giving information.
- Prefer a lower building like the Dorchester or 4-storeys stepping up to 8-storeys with less green space. There is already a neighbourhood park that meets the area needs for greenspace and the greenspace on the subject property would not be very useful because of noise and vehicle emissions.
- Urge Council to deny this application.

David Lovell, 795 Lawrence Avenue:

- Cannot believe Council is debating the same proposal as was previously defeated.
- Reconsideration of the application when the proposal has not been reduced to 12 storeys as directed and when there has been no meaningful dialogue with the neighbourhood could set a precedent for future development in Kelowna.
- The applicant has indicated no interest in hearing community concerns.
- Surprised that the proposed building height is only being reduced by 1 storey.
- If this application is approved, the whole process is nothing but a farce.
- Suggest that the Orchard Park area or Canada Lands property on the waterfront would be a better location for the proposed high-rise development.
- The heritage character of the area should be retained.
- A glass high-rise would loom over the entire area, disrupt views, cast shadows and introduce more highway noise into the neighbourhood.
- If the Ethel/Harvey corner is to be a gateway, would prefer 4-storeys or compatible lowrise up to 8 storeys if it is stepped.
- The developer has found a loop-hole in the OCP but that is no reason to support this proposal.
- Ask that Council again turn down the proposed development.

Margaret Christianson, 945 Lawrence Avenue:

- The proposed building would block views looking south and trees would be cut down.
- Residents of the proposed building would not be able to open windows for fresh air and even if they could, they would not get fresh air what with vehicle emissions.
- Pride Homes had to comply with regulations with respect to the design of Lawrence Villa; the building had to reflect the heritage character of the area and could not exceed a 3 storey building height. None of the residents of Lawrence Villa would have spent their retirement money to live in this area had they known that 16 storeys would ever be considered acceptable in the neighbourhood.

Public HearingOctober 17, 2000

- The seniors in Lawrence Villa and the other 2 seniors buildings in the area would be afraid to live in such a high building.
- Seniors do not walk downtown to shop they all go to Orchard Park where they can find parking.
- Would prefer a 4-storey building.

Brent McDonald, 4686 Miranda Street:

- Is a partner in Westwinds Landscaping and so has a vested interest in projects that maximize landscaping.
- The Dorchester is another of the dumpy, squat 4-storey buildings that predominate in the city; the proposed development is for a futuristic building that would be an elegant solution to high density which Kelowna needs more of.
- The proposed development provides both functional and decorative greenspace.
- The incorporation of trees and other soft landscaping features could provide good noise attenuation with the terraced landscaping that is proposed.

Tim Nakashoji:

- Spoke on behalf of Westwind Nurseries at the last Public Hearing on this application.
- Speaking on behalf of himself tonight.
- Support the proposed development because of the openness and the green space.
- If the neighbourhood would have had their way, the Lawrence Villa would never have been constructed either.

Gordon Sladen, speaking on behalf of his Mother who resides at 1641 Ethel Street:

- Met with the applicant on 2 occasions and he provided all the information he was asked for.
- The revised proposal is for 15 storeys but it is over below grade parking and so actually about 15 ½ storeys.
- Mother's main concern is loss of skyview and traffic.
- Mother would prefer living across from a 4-storey building with a larger footprint than a 16-storey building as proposed.
- The subject property is the wrong location for a high-rise building, particularly with the 4-storey Dorchester development directly across the street.
- Would not create a good gateway to the area.
- When his mother was contacted by a realtor on behalf of the applicant, it was just a feeler and no offer was made.

George Caldwell, 933 Harvey Avenue:

- Does not trust the developer.
- The developer should have to go back for a year and put together a proper plan.

Mable Montain, 945 Lawrence Avenue:

- Attended the October 5 information meeting at the Mekong when about 12 people received information on the proposal. The developer said that people from Vancouver and Calgary were looking for a place like what is proposed and that floors 3, 4 and 5 would be rental units. The residents questions were not answered.
- The meeting on Oct 12 was chaired by Tom Smithwick and nothing new was presented.
- The developer claims that the proposed development would bring life back into the downtown after 5 p.m.; not with seniors.
- One stairwell is proposed in the middle of the building and no exits directly to the outside. Would never put a friend or relative in a building of the proposed height and certainly not with this kind of a firetrap.
- Tom Smithwick said he agreed that the development would be better on Sunset Drive and asked the residents to please not support this because he did not support the building.

Public HearingOctober 17, 2000Vince Hughs, 980 Leon Avenue:

- Would accept 12 storeys but opposed to a 16 storey building.
- Concerned about the impact of increased traffic on turning movements that are already difficult at nearby intersections.
- Concerned about the potential for cracks to his basement from construction or redirected groundwater.
- Would like to see dust control in the neighbourhood during construction.

Lon Barrett, 933 Harvey Avenue:

- The proposed tall, slim 16 storey building would improve his sightline.
- Impressed with the proposed amount of greenspace around the development.

Joan Gordon, 597 Cadder Avenue:

- Speaking as vice-president of KSAN and as a citizen.
- Support a higher density and would not object to up to an 8-storey building sensitively designed to fit in with the surrounding area.
- The OCP should reflect the change from Zoning Bylaw 4500 to Zoning Bylaw 8000 with respect to building height.
- All bylaws enacted are to be consistent with the OCP and this is not.
- The proposed building is not compatible with the neighbourhood and would result in loss of privacy for the area residents.
- The landscaping would be stepped up 5 feet and so would not be decorative to the residents.

Edlone Carol, 1055 Lawrence Avenue:

- Pleased that at the last Public Hearing on this application most felt the developer would have to reduce the proposed building height to 8-storeys.
- Disappointed this has come back to Council still as 16-storey proposal.
- Expected to have an opportunity for input at the APC when a revised proposal was to be presented, but nothing different came forward and so the public had no opportunity for input at that time.
- Reducing the number of storeys from 16 to 15 does not sound like a height reduction if the building is over underground parking.
- Concerned that her view of Mt. Boucherie would be blocked by the proposed building.

Debbie Helf, 1813 Marshall Street:

- Participated in the process when the 1993 Neighbourhood Sector Plan was prepared and the most density that was agreed upon at that time was R-4 and that was after a lot of negotiation.
- Should stick with the 12-storey maximum height for the subject property.

Staff:

- Ms. Helf is referring to the South Central Neighbourhood Plan and it was scaled back to exclude the properties north of Harvey Avenue so that they could be included in the North Central Neighbourhood Plan and that included the higher density for the gateway.

Fred Marshall, 1361 Mountain Avenue:

- People have to recognize that probably within the next 25 years the population of Kelowna will double.
- Council has been forward looking in their ideas and Planning staff recognize this and are trying to find a way to accommodate the increased population without going out into the rural district.

Public HearingOctober 17, 2000

- Almost everyone is against change but without change we would still be with horse and buggies.
- Does not think of a 12 or 16 storey building as a high-rise.
- Support some sort of higher density along Harvey Avenue.
- The OCP is not set in stone.

Darryl Roberts, 795 Lawrence Avenue:

- The North Central Neighbourhood Plan indicates that design considerations would be implemented to assist in the enhancement and preservation of the heritage values.
- Questioned whether the proposed development would fit into a heritage area.

Keith Funk, New Town Planning:

- Representing only himself.
- The shadow representation that he presented at the last Public Hearing was incorrect; the height of the proposed building was calculated at 3 times what it should have been.
- The OCP indicates up to 12 storeys but that the majority of the buildings would be 6 storeys; the intent of the OCP was to cluster density in the town centre areas.
- Would prefer an 8-storey structure on the subject property.
- A bigger building footprint would do a better job of buffering noise and dust.
- The blocks from the subject property to the downtown or to the Capri Shopping Centre are long blocks to walk.
- If the density is so vital to the applicant he should investigate a Housing Agreement.
- There should be another opportunity for public input if Council decides to proceed with a high-rise on this site.
- Asked Council to wait and let this project be assessed with the OCP review.

Lambert Schmaltz, builder in Kelowna:

- The building design is beautiful.
- Would love to build a building like this before retiring.
- There is no more developable land in Kelowna and so it is necessary to go up.
- This might be the only 16-storey building in Kelowna for awhile but it will be a low rise building in 100 years time.

Sheri Lischenstein, 304-1318 Richter Street:

- Chose Kelowna to retire in because of the facilities and arts and cultural centres here.
- The proposed building may be beautiful but it does not conform with the neighbourhood character.
- The proposed development was advertised as a congregate seniors building with common facilities on the first floor, then 3 floors of small apartments similar to the Dorchester where residents would use the common facilities and then condos above. Would the condos also be for seniors?
- A 16-storey building is a fire hazard for elderly people.

Rita Milne, resident of the west side but with a business downtown:

- Support the subject application;
- The democratic process was followed with all the planning documents and that was the appropriate time to come out to voice these opinions – not now.

Oral Gustifsen, resident of the west side:

- Having built a number of high rise buildings can assure everyone that with all the requirements that must be met they are probably safer than any other building and most are non-combustible.
- Would put his mother in a high-rise before a 4-storey building if she was going into a seniors home.

Public Hearing

October 17, 2000

Tom Smithwick, representing the applicant:

- A lot of incorrect information was presented at the last meeting by Mr. Funk, representing the Dorchester, with only a hint of an apology now. That information created a fear about shadows and sight lines and left an incorrect impression with many people. Mr. Funk did not correct the record at neighbourhood meetings. What was presented at the last Public Hearing by Mr. Funk was in no way a proper representation.
- Clarified that he never said the proposed development should be on Sunset Drive but that he did say a 16-storey building would be appropriate on Sunset Drive, as it would be on the subject property, because the OCP says so.
- A number of different public meetings were scheduled in order to give options for people to attend according to their schedules.
- All City planning documents indicate that up to 16-storeys would be appropriate on the subject property and the applicant is not asking for anything other than what all the plans say should be permitted.
- The architect was told to see if a 12-storey building would work on the site, not to design a 12-storey building. The applicant felt that the site would be destroyed by expanding the building footprint to reduce the building height to 12-storeys.
- As revised, the applicant is now proposing the 12-storey density in a 15-storey building.
- The meetings held with the neighbourhood were advertised twice in the local newspaper and via handout sheets.
- The cap was suggested by City Planning staff for design changes in the roof. The cap would change the building dramatically and has not been agreed to by the applicant but the applicant has indicated he is willing to discuss design issues for the Development Permit.
- Saw no point in going back to the APC with a proposal the applicant had no intention of building just to present something different.
- There was no consensus of height at the various meetings held to obtain input from the public.
- When the applicant obtained the signatures of those Councillors who signed the request for reconsideration of the application, he said he would be willing to reduce the building height to 12 storeys if he could retain his density; he found he could not.

Staff:

- The issue tonight is land use. The applicant has provided their concept plan for development of the site but there is still a lot of work to be done on design issues with the building and general site layout if this application is advanced.

Sheri Lischenstein, 304-1318 Richter Street:

- Still have not heard what is proposed on floors 5-16 and why it is necessary to go that high.

Tom Smithwick, representing the applicant:

- The proposal is for a congregate housing facility with rental units on the lower floors and the upper level units in ownership.

Keith Funk, New Town Planning:

- The incorrect shadow plan drawings he showed at the last Public Hearing have been corrected and he never said the graphic that he presented to show the proportionate mass of the two buildings was to scale.
- The impact on the neighbourhood is not a fallacy – it is a fact.
- His points stand.

Public Hearing

October 17, 2000

Tom Smithwick, representing the applicant:

- Has never seen the shadow representations put forward by Mr. Funk from any of the other highrises in the city.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 11:48 p.m.

Certified Correct:

Mayor

City Clerk

BLH/bn