
CITY OF KELOWNA

MEMORANDUM

Date: March 27, 2002
File No.: (3060-20) **DP02-10,005**

To: City Manager

From: Planning & Development Services Department

Subject:

DEVELOPMENT PERMIT APPLICATION OWNER: CITY OF KELOWNA &
NO. DP02-10,005 CANADA LANDS
COMPANY CLC LTD.

AT: 1175 & 1195 SUNSET DRIVE APPLICANT: BKDI ARCHITECTS INC.
AND 1150 ELLIS,

PURPOSE: TO SEEK A DEVELOPMENT PERMIT TO AUTHORIZE
CONSTRUCTION OF A 350 UNIT HOTEL ON THE SUBJECT
PROPERTIES

EXISTING ZONE: C4 – TOWN CENTRE COMMERCIAL
RM6 – HIGH RISE APARTMENT HOUSING

PROPOSED ZONE: C4 – TOWN CENTRE COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Final Adoption of OCP Amending Bylaw No. 8797 be considered by the Municipal Council;

AND THAT Final Adoption of Zone Amending Bylaw No. 8798 be considered by the Municipal Council;

AND THAT Municipal Council authorize the issuance of Development Permit No. DP02-10,005; for Part of lot 7, Lots 8, 9, & 10, DL 139, O.D.Y.D., Plan KAP68693, located on Clement Avenue, Sunset Drive, and Ellis 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";

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 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 applicant proposes the development of a 350 room hotel facility on the subject properties. This proposed development is the result of a Request for Proposals by Canada Lands to develop the subject properties for a hotel use. There have been applications made by Canada Lands Company for an Official Community Plan amendment (OCP01-007) and to rezone (Z01-1047) for both part of Lot 7 and for Lot 8, to change the zone to the C4 – Town Centre Commercial zone. These applications have been reviewed separately by the APC and have been presented to Council. The OCP amendment and Rezoning applications have had successful Public Hearing and are currently at 3rd. reading, pending Council's consideration of a Development Permit to address proposed form and character issues, and a Development Variance Permit to vary the flanking street setback from 2.0 m required to the 0.0 m setback proposed from the south property line adjacent to Clement Ave, and to vary the building height up to a maximum of 37 m or 12 storeys to permit the development of the second phase of construction in the form of a tower feature. This current application for a Development Permit deals with the proposed form and character of the development. The associated Development Variance Permit application has been circulated separately to Council for consideration.

2.1 Advisory Planning Commission

The above noted applications were reviewed by the Advisory Planning Commission at the meeting of February 26, 2002 and March 12, 2002 and the following recommendations were passed:

THAT the Advisory Planning Commission does not support Development Permit Application No. DP02-0005, (W of) & 1150 Ellis Street / 1175 & 1195 Sunset Drive, Lots 7, 8 9 & 10, Plan 68693, Twp. 25, Sec. 25, ODYD, BKDI Architects (Brian Kilpatrick), Canada Lands Co. / City of Kelowna, to allow for the construction of a 358 unit hotel and associated parking structure, as there is concern regarding the massing of the structure on Ellis Street, the lack of visual interest/articulation of the roof line for the hotel and that the ground floor seems incongruent with the remaining structure;

AND THAT the Advisory Planning Commission does not support Development Variance Permit Application DP02-0006, (W of) & 1150 Ellis Street / 1175 & 1195 Sunset Drive, Lots 7, 8 9 & 10, Plan 68693, Twp. 25, Sec. 25, ODYD, BKDI Architects (Brian Kilpatrick), Canada Lands Co. / City of Kelowna, to vary the east side yard setback from 2.0 m required from a flanking street, to 0.0 m proposed.

Note;

The applicant presented revised drawings at the March 26th 2002 meeting for the 5 storey phase 1 and 12 storey phase 2 proposal and there was a unanimous decision that the APC is in favour of the revisions.

3.0 BACKGROUND

3.1 The Proposal

The subject properties are located within the Downtown North Area Structure Plan boundaries (Canada Lands). An Area Structure Plan was commenced in 1996 and adopted by Council in December 2000. There is an application by Canada Lands (Z01-1047) to rezone the Lot 8 and part of Lot 7, Plan 86893 with a view to consolidating it with the adjacent Lots 9 & 10, Plan 86893 in order to create a 1.542 Ha. (3.8ac). development site. As the outstanding subdivision issues and servicing issues have been addressed, it is now appropriate for Council to consider the associated Development Permit and Development Variance Permit applications.

This current application seeks a Development Permit to authorize construction of a 350 unit hotel development and a 2 storey parking structure proposed to be developed in 2 construction phases. It is anticipated that the first phase of construction will consist of 185 rooms in the form of a 5 storey building with ground floor pedestrian uses and provision of surface parking stalls.

In the future, as Phase 2, there will be a 12 storey, 165 room addition to the hotel and construction of a 3 level, 2 storey parking structure for 368 ± vehicles located adjacent to the north property line of the consolidated properties. The surface parking lot is proposed to be reconfigured to provide 9 ± stalls adjacent to the entry loop. The remaining stalls will be provided for within the parking structure. This provides for a total of 378 ± parking stalls for the entire 2 phases of development. The associated landscape plan indicates a substantial amount of plantings located in planters on the terrace level above the meeting rooms. The landscape plan shows a berm feature with substantial amount of landscaping located adjacent to the surface parking located near the main entrance from Sunset Drive. The landscape plan also shows a substantial level of landscaping around the Phase 1 surface parking lot located to the north of the proposed building along with a substantial number of landscaped islands within the parking lot. For Phase 2, the surface parking located at the north end of the site will be replaced with the parking structure, and the landscaping along Ellis Street will be replaced by the proposed retail units that are designed as part of the parking structure located adjacent to Ellis Street.

The site plan indicates the main vehicle access to the development site is taken from Sunset Drive, located across from the parking lot access to the City Owned parking lot across Sunset Drive from the subject property. The main entry to the hotel is in the form of a "Porte Cochere" feature constructed over a portion of this circular access drive. There is an access driveway to the surface parking area located in front of the hotel building which provides access to the parking lot beyond. In the future, this surface parking and driveway will provide access to the 3 level, 2 storey parking structure proposed to be constructed as part of phase 2. There is an area located adjacent to Ellis Street behind the hotel building that provides a "loading court", which provides for a total of 8 loading stalls. The site plan also shows a 5 storey high tower feature located on top of the terrace deck that is designed with detail features reminiscent of a railway water tower which provides for a launching platform for a proposed water slide feature which is designed to terminate at an outdoor swimming pool. The roof area of the "Porte

Cochere” feature is accessed from grade by means of a semi-circular stairway that surrounds a water fall feature. The roof deck terrace area provides an outdoor amenity space that has a swimming pool and splash-down landing area from the water slide, and a hot tub area. Phase 2 of the proposed development is designed as a 12 storey tower connected to the phase 1 building by an enclosed elevated bridge.

The plans submitted for the first phase of development show that the main floor area is comprised of the main entrance lobby centred on the west façade of the proposed building, which includes the front desk and administration area, and retail areas. The area to the south of the lobby includes kitchen, dining, and meeting room areas. There are areas that are designated for restaurant, lounge and bar uses located adjacent to the meeting room area. The ground floor building area that is located north of the entrance lobby is designed to provide for 6 hotel units, with the remaining floor area anticipated to be used for building support services for the hotel, such as housekeeping and building engineering.

The second level provides for not only for 44 hotel units, but also for locker rooms and a fitness area, as well as access to the exterior pool, terrace deck areas, and to the waterslide tower feature. The hotel rooms facing onto the deck areas are designed to have direct access from the rooms to the adjacent deck areas. Storeys 3 and 4 provide for 46 hotel units each level. The 5th storey provides for 43 hotel units which includes three penthouse units with a loft areas.

The exterior of the proposed hotel development is designed to be finished with a combination of “dark tan” coloured stucco on the upper storey of the building and “light tan” coloured stucco finishes on the 2nd through 4th storeys. The building exterior at the ground floor level is proposed to be finished with a combination of cultured stone, painted bracket details, and sloped roof details with “eyebrow” roof details to complement the heritage aspect of the former railroad use of the site and original CN Rail train station located across Ellis Street to the east. The perimeter of the meeting room areas facing Clement Avenue are also finished with the same cultured stone and wall details as the base of the hotel building. It is anticipated that this same form of wall and roof details will be utilized on the commercial units that are planned for the east wall of the phase 2 parking structure development which faces Ellis Street. The proposed sloped portions of the building roof are designed to be finished with black coloured asphalt roofing, while the sloped portions of the first storey canopies are designed to be finished with “Dark Grey” coloured concrete roofing tiles. There is also a “cream” coloured cornice detail moulding located at the 5th floor level which separates the two colours of stucco finish applied to the building walls.

The main entrance area is distinguished from the remainder of the building by the use of a higher gabled wall feature and the use 2 storey high curtain wall glazing to the penthouse units located there. The windows in this area of the building are also differentiated from the remainder of the building through the use of curtain wall window units for the entire wall height. This feature is further complemented by a similar feature located on the east side of the building facing Ellis Street which accommodates the elevator lobby for the building and the associated machinery for the elevator. The window areas of the remaining hotel units of the top floor incorporate gable roof features which also include the use of timber like elements which complement the roof bracket features of the lower floor details.

The pedestrian entrances located adjacent to the sidewalk along Clement Avenue also include design elements of the historic CNR stations that have been located in the Okanagan valley in the past. There are a number of dominant entrance features located

along Clement Avenue and Ellis Street. There is a grand recessed entrance portal to the hotel located on Ellis Street, which incorporates the curved roof line and multiple door leafs, reminiscent of an old style train station. This entry detail is repeated at the corners of the single story portion of the building, located at the intersection of Clement Avenue and Sunset Drive, and at the intersection of Clement Avenue and Ellis Street. These corner entrances are angled to provide improved visual sight lines and to provide increase in pedestrian space, as recommended in The Downtown North Area Structure Plan. The Clement Frontage also includes an major entrance feature midway between Ellis Street and Sunset Drive that is incorporated into the base of the water tower feature which forms part of the water slide component. This entrance is further set apart from the remainder of the building façade by utilizing a glazed canopy over the entrance doorway that is located at the same height as the remainder of the perimeter canopy feature. These pedestrian entrance features provide access to various eating and drinking establishment uses and other pedestrian oriented uses.

The associated Development Variance Permit application requesting the variance to the flanking street setback and to the building height variance for the 12 storey tower have been circulated separately to Council for consideration simultaneously with the development permit application.

The proposal as compared to the C4 zone requirements is as follows:

CRITERIA	PROPOSAL	C4 ZONE REQUIREMENTS
Site Area (m ²)	15,430 m ²	1,300 m ²
Site Width (m)	71 m	40 m
Site Coverage (%)	65% (Phases 1 & 2)	75%
Total Floor Area (m ²)	21,385m ² (gross) 15,430 m ² (net)	15,430 m ² max floor area at FAR = 1.0
F.A.R.	1.00 FAR	FAR = 1.0 (max)
Storeys (#)	12 storeys (37.0 m) ❶	7 storeys (apartment hotel)
Setbacks (m)		
- Front (Sunset Drive.)	0.0 m	0.0 m
- Front (Ellis St.)	0.0 m	0.0 m
- North Side	4.5 m	2.0 m for residential zones other than RU1, RU2, RU3, & RU4
- South Side (Clement Ave.)	0.0 m ❷	2.0 m for flanking side yard
Parking Stalls (#)	370 stalls provided	1.75 stalls per 100 m ² GFA 21385/100x1.75= 375 stalls req'd
Loading Stalls (#)	8 loading stalls provided	1 loading stall per 2800 m ² GFA 21385/2800 = 8 loading stalls

Variance Required:

- ❶ Section 14.4.5.(c) maximum building height be varied from 25 m or 7 storeys permitted to 37 m or 12 storeys proposed,
- ❷ Section 14.4.5.(e) minimum side yard of 2.0 m from a flanking street be varied to 0.0 m.

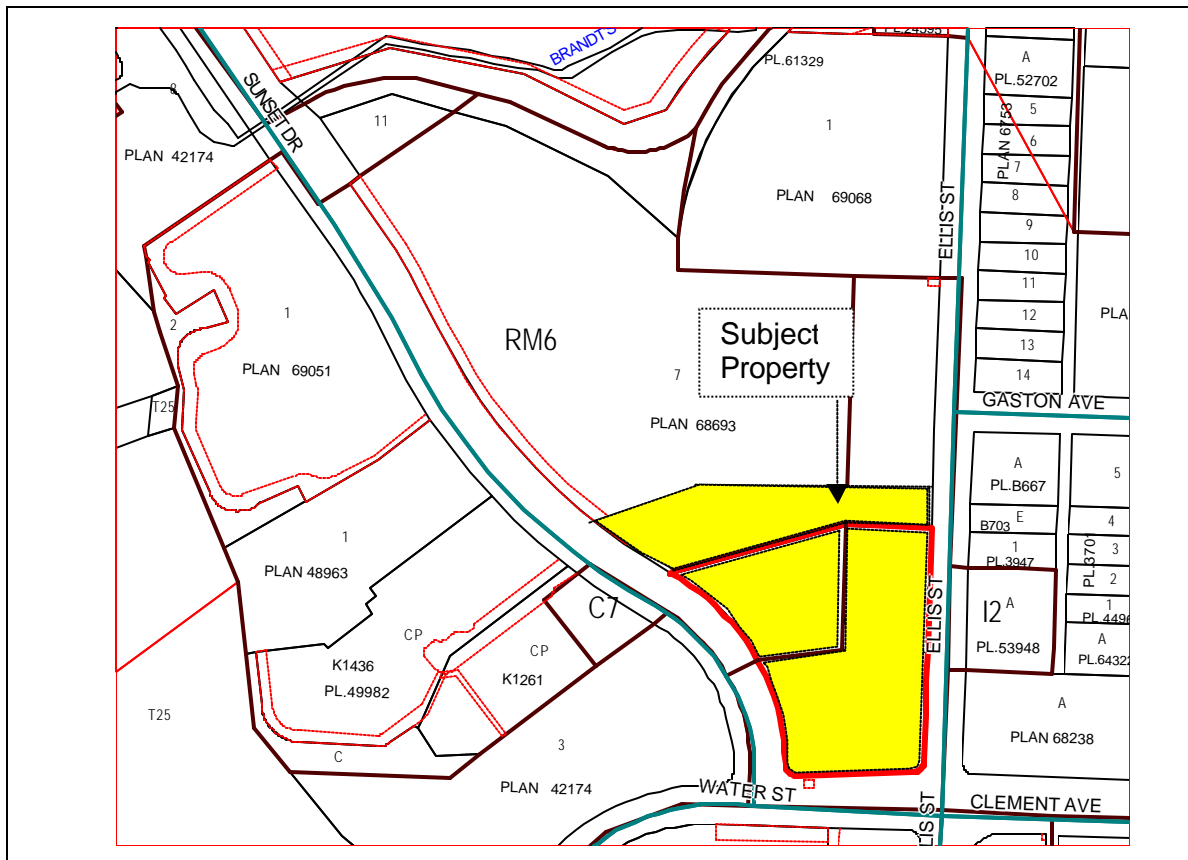
3.2 Site Context

The subject property is located on the east side of Sunset Drive, north of the intersection of Sunset Dr. with Clement Ave. The property is generally level with the adjacent properties. It is anticipated that as part of the development program, that Part of Lot 7 and Lot 8, Plan 68693 will be consolidated with the adjacent lots (Lots 9 & 10, Plan 68693) to create a development site of approximately 3.8ac (15,420m²) proposed for the development of a hotel complex.

Adjacent zones and uses are, to the:

- North - RM6 – High Rise Apartment Housing / vacant
- East - I2 – General Industrial, Ellis Street / various industrial uses
I4 – Central Industrial, former CN Rail Station
- South - CD5 – Comprehensive Development 5 zone, Clement Avenue /
Skyreach Place facility
- West - C7 – Central Business Commercial / Sunset Dr. - Dolphins complex
P3 – Parks and Open Space / Sunset Dr. – Waterfront Park fountain

Subject Property Map



3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

The Kelowna Official Community Plan designates the subject property as a “Multiple Family Residential – high density” future land use. An application to change the future land use designation to “Commercial” has been made as part to this rezoning application.

The Official Community Plan also contains the following statements;

6.2 Development Permit Guidelines to Encourage Revitalization within All Urban Centres

Building Massing

- Developments with multiple, separate buildings should be designed in such a manner that individual buildings are of different, but compatible shapes, masses, and exterior finishes.
- Commercial, industrial and multiple-unit residential developments should be sensitive to and compatible with the massing and rhythm of the established streetscape. Detailed design features of existing buildings should be emulated if such features are of design value.
- Commercial, industrial, and multiple-unit residential developments should have no more than a one storey height gain between adjacent uses within 5.0 m of the side property line where the adjacent property is not designated for higher density redevelopment. Height gains will also need to comply with Zoning Bylaw provisions.
- Within multiple-unit residential developments, sub-roofs, dormers, balconies, and bay windows are encouraged.
- Within multiple-unit residential developments, variation between architectural bays within each façade is encouraged.

Relationship to the Street

- Buildings containing uses attracting visits from the general public should be located as close to the front property line as practical and as permitted under prevailing zoning regulations.
- People-oriented facilities (store entrances, café seating areas, displays, signage) should be focussed 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.
- Restaurants are encouraged to provide outdoor patio dining areas.

Section 9.2 Development Permit Guidelines for Form and Character of Commercial Development of the Official Community Plan also includes the following statements;

In issuing conditions relating to a development permit the City will specify how development permit objectives can be satisfied. This should include consideration of the following guidelines, as examples of how to meet the objectives:

Access

- Design should facilitate pedestrian and bicycle access.
- Within multiple unit residential projects, vehicle access and on-site circulation shall minimize interference with pedestrian movement.

- Within multiple unit residential projects, vehicle access from arterial or collector roads is discouraged. Where possible, such access should be achieved from a local road or lane.
- Vehicle access should not interfere with pedestrian movement.
- Vehicle access (including parking and loading) should be, wherever possible, from a lane.
- Pedestrian access should be clearly marked.

Buildings, Structures and Additions

- Buildings, structures and additions should be designed and sited in a manner compatible with adjacent buildings and open areas.

3.3.2 City of Kelowna Strategic Plan (1992)

The project is consistent with the Urban Form objectives of the Strategic Plan which encourages a “more compact urban form by increasing densities through infill and redevelopment within existing urban areas...”.

3.3.3 North End Neighbourhood Structure Plan

North End Neighbourhood Structure Plan identifies the subject property as part of a “mixed use district”.

3.3.4 Downtown North Area Structure Plan

The Downtown North Area Structure Plan identifies the subject properties as for “Mixed Use Commercial/Residential”. The ASP also states that the purpose is to “promote the redevelopment of the area in a consistent manner based on the character of the Railway Station Historic Village Theme. This theme will enhance the image of the Downtown North Area and create a unique neighbourhood within the City of Kelowna”.

The Downtown North Area Structure Plan also states that “Development as an urban village will provide for:

- a variety of conveniences such as dry cleaners, grocers, coffee houses, and restaurants
- the consistent use and style of signage, lighting, landscape treatments, and street furnishings to create a distinguishable district
- architectural integrity in which facades will use consistent materials and massing to give buildings human scale and a character that is rooted in the area’s history”

The Downtown North Area Structure Plan for the specific Mixed Use Commercial/Residential area includes the following recommendations; “all setbacks shall conform to the City of Kelowna Zoning Bylaw, a zero setback is encouraged along Ellis Street in order to promote an enhanced sense of street density and activity”.

3.3.5 Kelowna Centre Plan

The subject properties are located north of Clement Avenue, which is the northern boundary of the Kelowna Centre Plan. The Kelowna Centre Plan identified the potential future land use of a mixed residential and

hotel development on what has become the Skyreach Place, Multi-Use facility site. At the time that the Kelowna Centre Plan was written, it was acknowledged that the anticipated hotel development would be “good quality, but not high end. It would offer overflow space for the nearby convention hotel and possibly offer a lower priced accommodation alternative for convention delegates.”

3.3.6 Crime Prevention Through Environmental Design

The Crime Prevention Through Environmental Design (CPTED) include the following guidelines for Town Centre locations;

Natural Surveillance

- dumpsters should not create blind spots or hiding areas, particularly when located in lanes;
- recessed doorways, alcoves or other dark niches should not be created or should be removed to eliminate hiding places for potential assailants, vandals or other criminal activity;
- 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;
- signs placed within windows should cover no more than 15% of the window area, to ensure that natural surveillance of the street is maintained;
- parking areas should be clearly visible from the building or street;
- paths in commercial areas should be provided in locations with good surveillance, not blocked in by blank walls and dense landscaping;
- exterior of buildings should be well-lit;
- windows should face rear parking lots for increased visibility;
- clear visibility should be maintained from the store to the street, sidewalk, parking areas and passing vehicles;
- lanes should be well-lit and should have windows overlooking them;
- all entrances should be under visual surveillance or monitored electronically;

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;
- shops should be identified by wall signs for those parking in the rear;
- awnings should be installed over rear doors and windows;
- blank walls should be avoided, but can be improved by the installation of windows, vertical landscaping (e.g. ivy), non-paint-able surfaces, or the use of mural art; which all discourage graffiti;
- all public and semi-private areas should be well maintained to convey pride and ownership, which discourages negative activity.

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

4.1 BC Gas

Possible conflict with 60 mm PE gas main west side Ellis 0.9 m off P/L foundation/roof overhang - possible abandonment - require more detail.

4.2 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law. Engineered fire flows will be required.

4.3 Inspection Services

Consolidate lots. No code concerns at this time. Complete code analysis required

4.4 Parks Manager (from Z01-1047)

1. A landscape plan will be required at development/building permit review.
2. All entry feature signs for the proposed development to be located on private property and not on city Blvd. This includes any landscape treatment.
3. All trees planted in sidewalk and not in grass Blvd will require a vault and grate and/or root shield barriers. Trees in grass Blvd to use root shield barriers if blvd width less than 2m.
4. The following applies for all boulevard (BLVD) landscape and park and is standard information required on a landscape plan:
 - A. Planting plan to include a proper plant materials list:
 - i) Latin name
 - ii) common name
 - iii) size at planting
 - iv) plant symbol key
 - v) indicate existing trees
 - B. Plant material specifications are as follows:
 - i) Deciduous Tree – caliper @ 300mm above rootball (min. 60mm)
 - ii) Deciduous Shrub - spread (min. 450mm)
 - iii) Coniferous Tree - height (min. 2.5m)
 - iv) Coniferous Shrub - spread (min. 450mm)
 - v) Seed/Sod Mix according to location and proposed activity use.
 - C. Shrub beds require plastic edge beside all areas abutting a city sidewalk of city land to prevent migration of mulch.
 - D. Scale of plan and north arrow clearly indicated on plan.
 - E. All plant materials (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by Parks Division. All materials located in BLVD to meet city standard for size and method of installation.
5. All plant material (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by City Parks Division. All materials located in BLVD to meet city standard for size and method of installation.

6. BLVD maintenance (irrigation, shrubs, ground cover, sod, and seeded areas) is the responsibility of owner/occupant.
7. BLVD tree maintenance is responsibility of Parks Division.
8. Planting plan to include all u/g utility locations in BLVD.

4.5 Shaw Cable

Owner/Contractor to supply and install an underground conduit system as per Shaw Cable drawings and specifications.

4.6 Telus

Telus will provide underground facilities to this development. Developer will be required to supply and install as per Telus policy.

4.7 Utilicorp Networks Canada

UNC will provide underground electrical service on behalf of the City of Kelowna.

4.8 Works and Utilities Department

The Works & Utilities Department has 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 subdivision approval, but are outlined in this report for information only.

1. Domestic Water and Fire Protection

- (a) Lots 8, 9, & 10 have been pre-serviced with 200mm-diameter water services in anticipation that each lot would be developed independently. The developer must engage a consulting mechanical engineer to determine the domestic and fire flow requirements of this building, and establish if any of these services can be utilized, or if a larger service is required. Unused services must be decommissioned at the applicant's cost, and if a larger service is required it can be provided at the applicant's cost.
- (b) 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.

The developer must also purchase an irrigation sewer credit meter from the City and prepare a meter setter at his cost.

2. Sanitary Sewer

- (a) Lots 8, 9, & 10 have been pre-serviced with 200mm-diameter sanitary sewer services in anticipation that each lot would be developed independently. The developer must engage a consulting mechanical engineer to determine the requirements of this building, and establish if

any of these services can be utilized, or if a larger service is required. Unused services must be decommissioned at the applicant's cost, and if a larger service is required it can be provided at the applicant's cost.

3. Storm Drainage

- (a) Lots 8, 9, & 10 have been pre-serviced with 250mm-diameter storm drainage services in anticipation that each lot would be developed independently. The developer must engage a consulting civil engineer to determine the requirements of the building and site drainage, to establish if any of these services can be utilized, or if a larger service(s) are required. Unused services must be decommissioned at the applicant's cost, and if a larger service is required it can be provided at the applicant's cost.
- (b) The developer must engage a consulting civil engineer to provide a storm water management plan for this site which meets the requirements of the City Storm Water Management Policy and Design Manual. The plan must accommodate the requirements to contain a 1 in 10-year storm event within pipes and identify overland drainage routes for a 100-year storm event and possible provision of storm water retention facilities. The storm water management plan must also include provision of a lot grading plan, provide minimum basement elevation (MBE), and provide on-site drainage containment and disposal systems. The on-site drainage system may be connected to the street drainage system with an overflow service. The consulting engineer at the time of subdivision (Stantec) had provided a storm management plan (MBE, etc.) which may be sufficient.

4. Road Improvements

- (a) Clement Avenue in front of this proposed development must be reconstructed to fit the widened right of way, by relocating the curb, gutter, sidewalk and landscaped boulevard including underground irrigation. Widened pavement and new curb returns at Ellis St. must also be constructed. It may be necessary to install ornamental streetlights as required and to re-locate or adjust existing utility appurtenances if required to accommodate the upgrading construction.
- (b) We understand that the land sale agreement stipulated that the Clement Ave reconstruction will be completed at the developer's cost. The cost for bonding purposes is \$58,000.00.
- (c) Ellis Street fronting these lots must be upgraded by constructing a new curb and gutter and installation of a 2.35 meter width monolithic sidewalk. The cost for bonding purposes is \$53,800.00.

5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Lot consolidation.
- (b) Grant statutory rights of way if required for utility services.

6. 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 an underground service. 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.

7. Street Lighting

Ornamental street lighting including underground ducts has been installed on all roads fronting on the proposed development. It may be necessary to relocate or add new light standards. The cost of this requirement is included in the roads upgrading item.

8. 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.

9. Development Cost Charge Reduction Consideration

Not applicable.

10. Latecomer Protection

Not applicable.

11. Geotechnical Report

As a requirement of this application and building permit approval the applicant must provide a comprehensive geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics, including water sources on the site.
- (b) Site suitability for development; i.e. unstable soils, foundation requirements etc.
- (c) Drill and/or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

A comprehensive geotechnical report was provided at the time of subdivision creating lots 8, 9 & 10 and extensive soil remediation was carried out. Additional geotechnical survey may be necessary for building foundations, etc.

12. 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.

13. Bonding and Levy Summary

(a) Bonding

Clement Ave upgrading	\$58,000.00
Ellis St. upgrading	<u>\$53,800.00</u>

Total Bonding	<u>\$111,800.00</u>
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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.

14. Development Permit and Site Related Issues

(a) The development will be required to contain and dispose of site generated storm water on the site by installing a ground recharge system consisting of drywells and perforated pipe bedded in drain rock.

(b) Access and Manoeuvrability

The site plan should illustrate the ability of an SU-9 standard size vehicle to manoeuvre onto and off the site without requiring a reverse movement onto public roadways. The site plan provided by the Architect, drawing DP-04, does not provide sufficient room at the service court to accommodate SU-9 standard sized vehicles. If the development plan intends to accommodate larger vehicles, the site plan should be modified and illustrated accordingly.

(c) We have no objection to the proposed side yard setback variance provided there is no sight-line obstruction created at the Clement Ave. / Ellis St. intersection and that no existing nearby utilities within Ellis St. are affected.

15. 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.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The original development proposal contemplated the construction of a 358 unit 7 storey hotel building on the subject properties. That proposal was presented to the APC and did not receive support. This revised concept proposes the construction of phase 1 as a 5 storey building, and the phase 2 portion as a 12 storey tower connected to the first phase by an elevated enclosed walkway.

The Planning and Development Services Department does not have concerns with this revised proposed hotel development. The application for a Development Variance Permit to reduce the flanking side yard set back from 2.0 m to 0.0 m. is considered supportable as there are initiatives in other urban town centres to reduce the separation between the pedestrian realm and the building façade. The application for a Development Variance Permit to increase the maximum building height from 7 storeys to 12 storeys is also considered supportable as the location of the 12 storey tower element will form a natural transition element to the maximum building height permitted in the RM6 – High Rise Apartment zone which supports a maximum building height of 16 storeys.

The form and character of the proposed building is supported by the Planning and Development Services Department. The finishes of the proposed building facades incorporates a substantial amount of historic design elements from the nearby CNR train station building. The proposed building design also utilizes a high level of detail along the first storey level to provide an enhanced visual experience for the pedestrian. The roof line along the first storey level utilizes a number of design elements from the nearby train station building, such as the ‘eyebrow’ features and the eave bracket details reminiscent of 1900’s railway station architecture. The revised roof form proposed for the 5 storey portion of the building will introduce a larger pitched roof element which provides for an opportunity to create an interesting roof form with additional dormer elements over the bay windows. The addition of the sloped roof form also provides additional complementary design elements that tie the hotel portion of the building to the first storey pedestrian oriented uses of the ground floor of the proposed development.

While the Downtown North Area Structure Plan does not specifically support the reduction of the building setback along Clement Avenue, there is specific mention of the 0.0 m setback along Ellis Street. The reduction of the required building setback along Clement Avenue to 0.0 m will locate the proposed building closer to the sidewalk and the pedestrian corridor. The Downtown North Area Structure Plan identifies Ellis Street, Clement Avenue, and Sunset Drive as major pedestrian connections throughout the Downtown North Area Structure Plan area. The continuation of the single storey building height, the richness of building detail incorporating elements of the railway heritage of the area, and the reduction of the building setbacks to 0.0 m along the clement Avenue and Ellis Street frontages will serve to reinforce the pedestrian connection of the proposed building with the neighbourhood and the railroad history of the area.

In light of the above, the Planning and Development Services Department supports this application, and recommends for positive consideration by Council.

Andrew Bruce
Current Planning Manager

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

PMc/pmc
Attach.

FACT SHEET

- | | |
|---|--|
| 1. APPLICATION NO.: | DP02-10,005 |
| 2. APPLICATION TYPE: | Development Permit |
| 3a. OWNER: | Canada Lands Company CLC Ltd.
Inc. No. A47912 |
| . ADDRESS | #1500 – 200 King St. W. |
| . CITY/POSTAL CODE | Toronto, ON / M5H 3T4 |
| 3b. OWNER: | City of Kelowna |
| . ADDRESS | 1435 Water St. |
| . CITY/POSTAL CODE | Kelowna, BC / V1Y 1J4 |
| 4. APPLICANT/CONTACT PERSON: | BKDI Architects Inc. / Brian Kilpatrick |
| . ADDRESS | #300 – 640 8 th Ave. SW |
| . CITY/POSTAL CODE | Calgary, AB / T2P 1G7 |
| . TELEPHONE/FAX NO.: | 860-8604/(403)262-2055 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | February 12, 2002 |
| Date Application Complete: | February 12, 2002 |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to Council: | March 27, 2002 |
| 6. LEGAL DESCRIPTION: | Part of lot 7, Lots 8, 9, & 10, DL 139,
O.D.Y.D., Plan KAP68693 |
| 7. SITE LOCATION: | North Side of Clement Ave. Between
Sunset Drive, and Ellis Street. |
| 8. CIVIC ADDRESS: | 1175 Sunset Dr., 1195 Sunset Dr.,
and 1150 Ellis St. |
| 9. AREA OF SUBJECT PROPERTY: | 1.54 ha. |
| 10. TYPE OF DEVELOPMENT PERMIT AREA: | Urban Town Centre – Downtown |
| 11. EXISTING ZONE CATEGORY: | C4 – Town Centre Commercial &
RM6 – High Rise Apartment Housing |
| 12. PROPOSED ZONE: | C4 – Town Centre Commercial |
| 13. PURPOSE OF THE APPLICATION: | To Seek A Development Permit To
Authorize Construction Of A 358 Unit
Hotel On The Subject Properties |
| 14. DEVELOPMENT VARIANCE PERMIT
VARIANCES: | Vary Section 14.4.5(e) Development
Regulations, minimum side yard from
2.0 m from a flanking street required
to 0.0 m proposed. |
| 15. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | N/A |

Attachments

Subject Property Map
Schedules A, B & C
11 pages of site elevations / diagrams