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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** August 26, 2002  
**File No.:** (3090-20) **DVP02-0046**

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:**

APPLICATION NO. DVP02-0046                      OWNER: CITY OF KELOWNA

AT: 421 CAWSTON                                      APPLICANT: HOTSON BAKKER  
ARCHITECTS

PURPOSE: TO SEEK A VARIANCE TO THE SIGN BYLAW IN ORDER TO  
PERMIT FASCIA SIGNS TO PROJECT ABOVE WALL OR  
PARAPET TO WHICH THEY ARE ATTACHED

EXISTING ZONE: C7 – CENTRAL BUSINESS DISTRICT

REPORT PREPARED BY: PAUL McVEY

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**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

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**1.0    RECOMMENDATION**

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP02-0046; Hotson Bakker Architects; Lot A, DL 139, O.D.Y.D., Plan KAP67454, located on Cawston Avenue, Kelowna, B.C.;

AND THAT variances to the following section of Sign Bylaw No. 8235 be granted:

Section 5.5.1(a) be varied to permit a fascia sign to project a maximum of 1.5 m above the roofline or parapet to which it is attached.

**2.0    SUMMARY**

The applicants are the architectural consultants for the City owned arts and cultural facility known as the Rotary Centre for the Arts. This application seeks a variance to the Sign Bylaw to permit signs on both the front and rear of the building to project above the parapet or wall to which they are attached. As these signs form a major component of the architectural character of the proposed building façade, the designers are seeking the appropriate variances to the sign bylaw to incorporate the proposed signs into the building design.

## 2.1 Advisory Planning Commission

The above noted application (DVP02-0046) was reviewed by the Advisory Planning Commission at the meeting of June 18, 2002 and the following recommendation was passed:

THAT the Advisory Planning Commission support Development Variance Permit Application No. DVP02-0046 at 1315 Water Street/Lot A, Plan 67454, Sec. 25, Twp. 25, ODYD by Hotson Bakker Architects (Kate Gerson), to vary the Sign Bylaw to permit two fascia signs to project above the roofline or parapet to which it is attached.

## 3.0 BACKGROUND

### 3.1 The Proposal

Construction for the Rotary Centre for the Arts was commenced in September of 2001. Construction was authorized by DP01-10,005, which was issued on September 12, 2001.

This current application for a Development Variance Permit has been the result of the ongoing evolution of the exterior building design, which has resulted in the addition of design elements along the Cawston Avenue frontage that include major sign elements facing Cawston Avenue and the lane/parking lot to the south, which project above the parapet of the adjacent wall to which the sign is attached.

The City of Kelowna Sign Bylaw #8235 states in section 5.5 **Fascia Signs**, in clause 5.5.1 that;

“A **fascia sign** is permitted only if it: (a) does not project above the roofline or parapet to which it is attached”.

The proposed sign facing Cawston Avenue is designed to project 1.5 m above the top of the wall to which it is attached. The proposed sign facing south is designed to project 0.60 m above the top of the wall to which it is attached.

The areas of the proposed signs conforms to the size limits for the C7 zone, as the signs are fixed upon large wall frontages.

It has only become apparent that the proposed signage does not conform to the sign bylaw when the exterior design drawings were developed to the point where the sign details were included with the exterior building elevations.

This development Variance Permit application has been made to address these nonconforming sign design issues.

### 3.2 Site Context

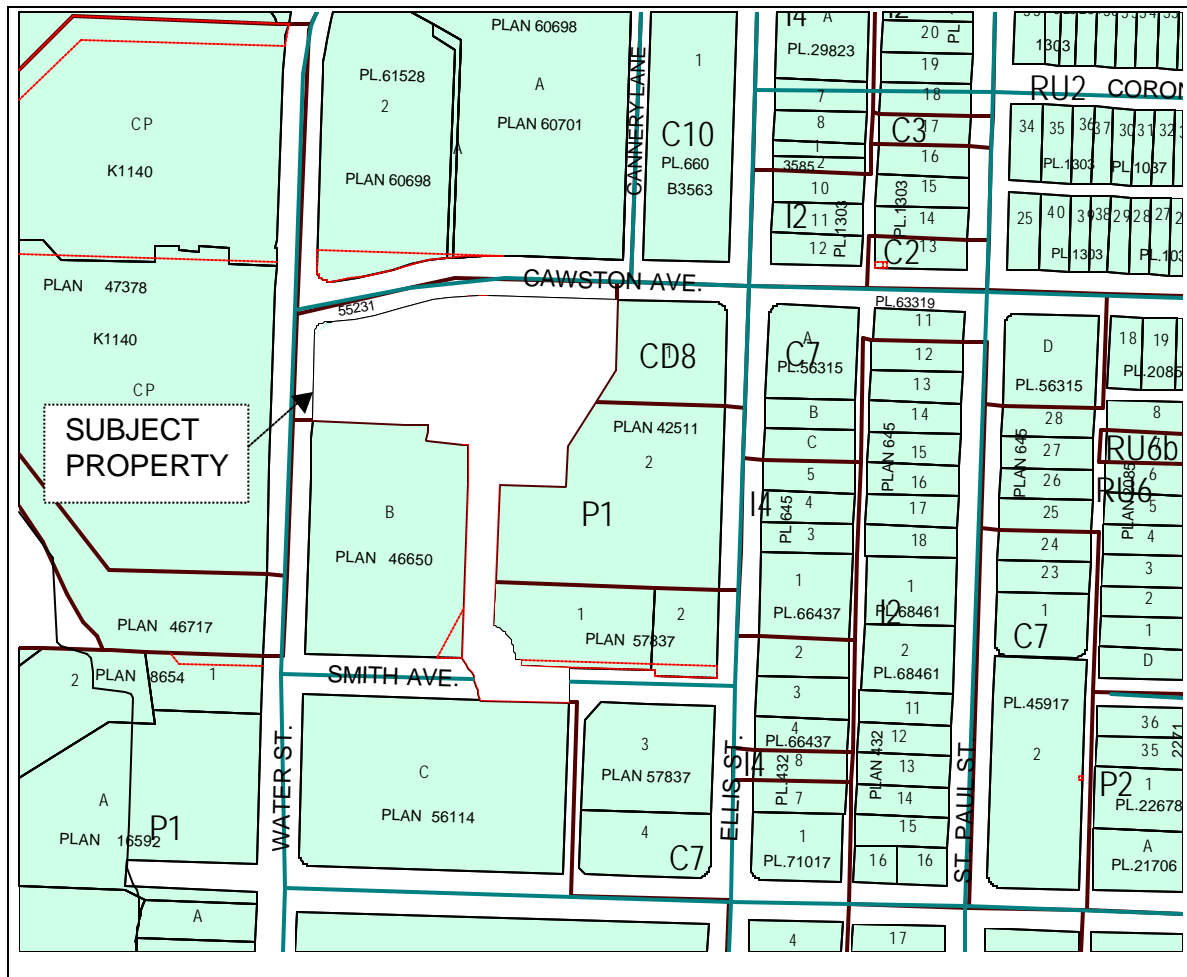
Adjacent zones and uses are, to the:

- North - CD5 – Skyreach Place multi-purpose facility
- East - CD8 – Laurel Building
- South - P1 – Major Institutional/Health Unit, Law Courts
- West - C8 – Convention Hotel Commercial – The Grand Okanagan Lakefront Resort and Convention Centre

### 2.3 Existing Development Potential

The existing zoning of C4 – Town Centre Commercial allows for; amusement arcades – major, animal clinics, apartment hotels, business support services, care centres – intermediate and major, commercial schools, congregate housing, custom indoor manufacturing, eating and drinking establishments – major and minor, emergency and protective services, financial services, funeral services, gas bars, government services, group homes – major, health services, hotels, motels, non-accessory parking, offices, participant recreation services – indoor, personal service establishments, private clubs, public libraries, recycled materials drop-off centres, religious assemblies, retail stores – convenience and general, spectator entertainment establishments, temporary shelter services, used goods stores, utility services – minor impact, and beer/wine stores as principal permitted uses, and amusement arcades – minor, apartment housing, care centre – minor, and home based businesses – minor as permitted secondary uses.

## Subject Property Map



### 3.3 Current Development Policy

#### 3.3.1 Kelowna Official Community Plan

Chapter 15 Arts and Cultural of the Official Community Plan includes the following statements;

Section 15.9 **Arts and Cultural Policies and Initiatives.** Work co-operatively with interested agencies (e.g. the Downtown Kelowna Association, the Economic Development Commission, the Visitors and Convention Bureau, arts and cultural groups) to implement Kelowna's arts policies and initiatives.

Chapter 9 – Commercial Policy, section 9.1.9 **Arts and Cultural Businesses.** also includes the following statement “Promote economic opportunities in the arts and cultural sectors”.

#### 3.3.2 City of Kelowna Strategic Plan (1992)

The proposal is consistent with the Primary Goal #13 which states “To encourage and support a vibrant and lively arts community” as well as Objective 4.7 which states “To enable the development of a vibrant arts and cultural community of the City.”

#### 3.3.3 Cultural District Plan

the proposal is consistent with the Cultural District Plan which designates the site for a Community Arts Centre.

#### 3.3.4 Kelowna Centre Plan (1992)

The Kelowna Centre Plan proposed a mix use building comprising commercial and multi-family residential uses. This plan has been superseded by the Cultural District Plan in the area of the subject property.

### 4.0 TECHNICAL COMMENTS

#### 4.1 Fire Department

This department has no objection to this application.

#### 4.2 Inspection Services Department

No Comment.

#### 4.3 Works and Utilities Department

No Comment.

## 5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department does not have concerns with the variance under application. The proposed signage forms an integral component of the architectural design on the proposed building façades. While the proposed signs do project above the top of the walls to which they are attached, the actual projection is not obtrusive given the size and configuration of the building façades, as well as other building elements that project above the roof.

A review of the proposal to install a fabricated metal feature to the building façade has determined that a variance is not required, as long as the feature can be easily removed from the building façade. The proposed construction is fastened to the building by means of bolts, and will be demountable in the future, as the need to remove may occur. As well, this feature was noted on the previously approved development permit, and requires no further action.

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Andrew Bruce  
Current Planning Manager

Approved for inclusion

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

PMc/pmc  
Attach.

**FACT SHEET**

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|---|---|
| 1. APPLICATION NO.:                             | DVP02-0046  |
| 2. APPLICATION TYPE:                            | Development Variance Permit   |
| 3. OWNER:                                       | City of Kelowna   |
| . ADDRESS                                       | 1435 Water St.  |
| . CITY  | Kelowna, BC   |
| . POSTAL CODE                                   | V1Y 1J4   |
| 4. APPLICANT/CONTACT PERSON:                    | Hotson Bakker Architects /  |
| . ADDRESS                                       | Kate Gerson   |
| . CITY  | #406 – 611 Alexander St.  |
| . POSTAL CODE                                   | Vancouver, BC   |
| . TELEPHONE/FAX NO.:                            | V6A 1E1<br>(604)255-1169/(604)255-1790  |
| 5. APPLICATION PROGRESS:                        |   |
| Date of Application:                            | May 22, 2002  |
| Date Application Complete:                      | May 29, 2002  |
| Servicing Agreement Forwarded to Applicant:     | N/A   |
| Servicing Agreement Concluded:                  | N/A   |
| Staff Report to Council:                        | August 26, 2002   |
| 6. LEGAL DESCRIPTION:                           | Lot A, DL 139, O.D.Y.D.,<br>Plan KAP67454   |
| 7. SITE LOCATION:                               | South side of Cawston Avenue, east<br>of Water Street   |
| 8. CIVIC ADDRESS:                               | 421 Cawston Ave.  |
| 9. AREA OF SUBJECT PROPERTY:                    | 12,423 m <sup>2</sup>   |
| 10. TYPE OF DEVELOPMENT PERMIT AREA:            | Urban Town Centre – Downtown  |
| 11. EXISTING ZONE CATEGORY:                     | C7 – Central Business District  |
| 12. PURPOSE OF THE APPLICATION:                 | To Seek A Variance To The Sign<br>Bylaw In Order To Permit Fascia<br>Signs To Project Above Wall Or<br>Parapet To Which They Are Attached                           |
| 13. DEVELOPMENT VARIANCE PERMIT<br>VARIANCES:   | To Vary Sign Bylaw No. 8235, Section<br>5.5.1 To Permit A Fascia Sign To<br>Project A Maximum Of 1.5 M Above<br>The Roofline Or Parapet To Which It<br>Is Attached. |
| 14. VARIANCE UNDER DEVELOPMENT<br>PERMIT:       | N/A   |
| 15. DEVELOPMENT PERMIT MAP 13.2<br>IMPLICATIONS | N/A   |

Attachments

Subject Property Map

2 pages of site elevations / diagrams