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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** May 21, 2003  
**File No.:** (3060-20) **DP03-0011**

**To:** City Manager

**From:** Planning & Corporate Services Department

**Subject:**

DEVELOPMENT PERMIT APPLICATION NO. DP03-0011 OWNER: THE GRAND OKANAGAN RESORT LTD.  
(reg. #30660A)

AT: 1310 WATER STREET

APPLICANT: BKDI ARCHITECTS

PURPOSE: TO SEEK A DEVELOPMENT PERMIT TO AUTHORIZE CONSTRUCTION OF A NEW 5 STOREY, 8,490 m<sup>2</sup>, 61 UNIT APARTMENT HOTEL BUILDING WITH A 60 SEAT RESTAURANT AS THE LAST PHASE OF CONSTRUCTION OF THE GRAND OKANAGAN RESORT HOTEL DEVELOPMENT

TO SEEK A DEVELOPMENT PERMIT TO AUTHORIZE CONSTRUCTION OF A 3<sup>RD</sup> STOREY TO THE NEW PARKADE ADDITION, AND TO ADD A PARTIAL 4<sup>TH</sup> STOREY TO THE EXISTING PARKADE.

EXISTING ZONE: C8 – CONVENTION HOTEL COMMERCIAL

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 Council authorize the issuance of Development Permit No. DP03-0011 for Lot B, DL 139,3454,& 4082, O.D.Y.D., Plan KAP47378, located on Water 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 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 wishes authorization to construct the last phase of development for the Grand Okanagan Resort hotel complex. The proposed development is designed as a 5 storey, 8,490 m<sup>2</sup> building with 61 apartment hotel units and a 60 seat restaurant facility on the 5<sup>th</sup> storey. As well, the applicant wishes to add one additional storey to the recently approved parkade addition (DP02-0101), as well as add a partial storey to the original parking structure.

Because the proposed location of the 5 storey portion of the proposed building does not comply with the building setback provisions of the C8 – Convention Hotel Commercial zone, there has also been an application for a Development Variance Permit made concurrently with the Development Permit application to address these setbacks. This DVP application has been circulated separately to Council for consideration.

### 2.1 Advisory Planning Commission

The above-noted application was reviewed by the Advisory Planning Commission at the meeting of February 25, 2003 and the following recommendations were passed:

THAT the Advisory Planning Commission support application DP03-0011 to seek a Development Permit to authorize construction of a 5 storey, 8490 m<sup>2</sup> building consisting of 61 apartment hotel units on 4 storeys, and a 60 seat restaurant and conference rooms on the 5<sup>th</sup> storey.

## 3.0 BACKGROUND

### 3.1 The Proposal

The applicants seek authorization for the last phase of construction for the Okanagan Grand Resort hotel development.

The site of the original Okanagan Grand Resort hotel development was created in 1990 through a development agreement that was originally negotiated between the Relax Development Corp. Ltd. and the City of Kelowna. This agreement set out the form and character of the proposed development, which became the Okanagan Grand Resort hotel development.

The original proposal has been modified somewhat during the development of the Okanagan Grand Resort hotel development in response to the real estate market. However the overall form and character of the development has been maintained.

This current application proposes the development of the last phase of construction as a 5 storey, 8,490m<sup>2</sup>, 61 unit apartment hotel with a 60 seat restaurant located on the 5<sup>th</sup> storey, identified as the "Royal Private Residence Club".

The proposed development site is located at the west end of the northern lot that the Grand Okanagan Resort hotel is located on. This lot is currently developed with the smaller tower of the hotel building, the recreation and entertainment (casino) building, and the existing phase 1 parking structure. DP02-0101 recently authorized the construction of the second phase of construction of the parking structure. There is also a pending subdivision application to create the site of the "Royal Private Residence Club" as a separate titled lot. The main vehicle access to this new lot will be through the existing entry court and drop off area that is located between the north end of the existing hotel development and the parking structure. The landscape plan indicates that this area will be finished with a textured pavement finish to mark off a "members only" parking area. The area immediately south of this parking area is noted as a "private garden". The landscape plan indicates that the perimeter of the site adjacent to the lagoon network is proposed to be finished with grass and a number of trees located along the pathway, as well as denser shrub planting beds located along the grade level deck areas of the new apartment hotel.

It is interesting to note that the building setbacks for the proposed building are measured to the original lot lines of the proposed development. Section 237(2)(b) of the Strata Property Act, allows the municipality to "treat the development of the subsequent phase as if it were a part of the phased development rather than a separate parcel." For this application, this permits the building setback to the south end of the new proposed building to be measured to the outer limit of the development, rather than the currently adjacent existing lot line. If the phased strata plan had been registered during the development process, this lot line would have disappeared.

The building is designed in a "V" configuration, with the point of the "V" facing west towards the lake. The interior area of the "V" is designed to have an octagonal shaped lobby area that provides access to the new "Royal Private Residence Club" facility. There is also a stairway access to the 2 storey high wine tasting area that is located on the lower floor. The south end of the building is connected to the existing building Okanagan Grand Resort hotel development by means of an elevated pedestrian bridge.

The apartment hotel units are arranged so that the units are accessed from a corridor that is located along the east side of the proposed building. Each of the units has a balcony area that faces Okanagan Lake. The units located at the point of the "V" are designed as 243 m<sup>2</sup>, 3 bedroom units, while the majority of the units located within the legs of the "V" are designed as 107m<sup>2</sup>, 2 bedroom units. The units located at the south end of the building are designed as 149m<sup>2</sup>, 3 bedroom units, while the units at the north end are designed as 120m<sup>2</sup> 2 bedroom units. 5 of the 2 bedroom units located on the 4<sup>th</sup> storey have loft areas on the 5<sup>th</sup> storey that provide additional area for a formal dining room and exercise space. The 5<sup>th</sup> storey also has one 232m<sup>2</sup>, 3 bedroom unit with a large amount of exterior deck area, and a 60 seat restaurant located at the point of the "V", facing the lake. The basement level of the proposed building is designed to be used for wine storage and tasting, and other speciality uses for the guests of the apartment hotel.

The exterior of the buildings are designed with the same colour and finishes as the remainder of the development; "medium beige" to the main wall areas, "light beige" to the cornice and accent areas, and "dark beige" to the first storey wall area. The sloped roof areas are designed to be finished with a "red terra cotta" coloured concrete roof tiles. However, the proposed building design differs somewhat from the remainder of the development by the introduction of a domed roof rotunda element over the restaurant area, and a smaller rotunda that has small curved roof and rosette windows at the north end of the building. The roof areas of the rotundas are proposed to have "red

terra cotta” coloured concrete roof tiles. The deck and balconies are designed to have “dark green” painted railings.

The proposal as compared to the C8 zone requirements is as follows:

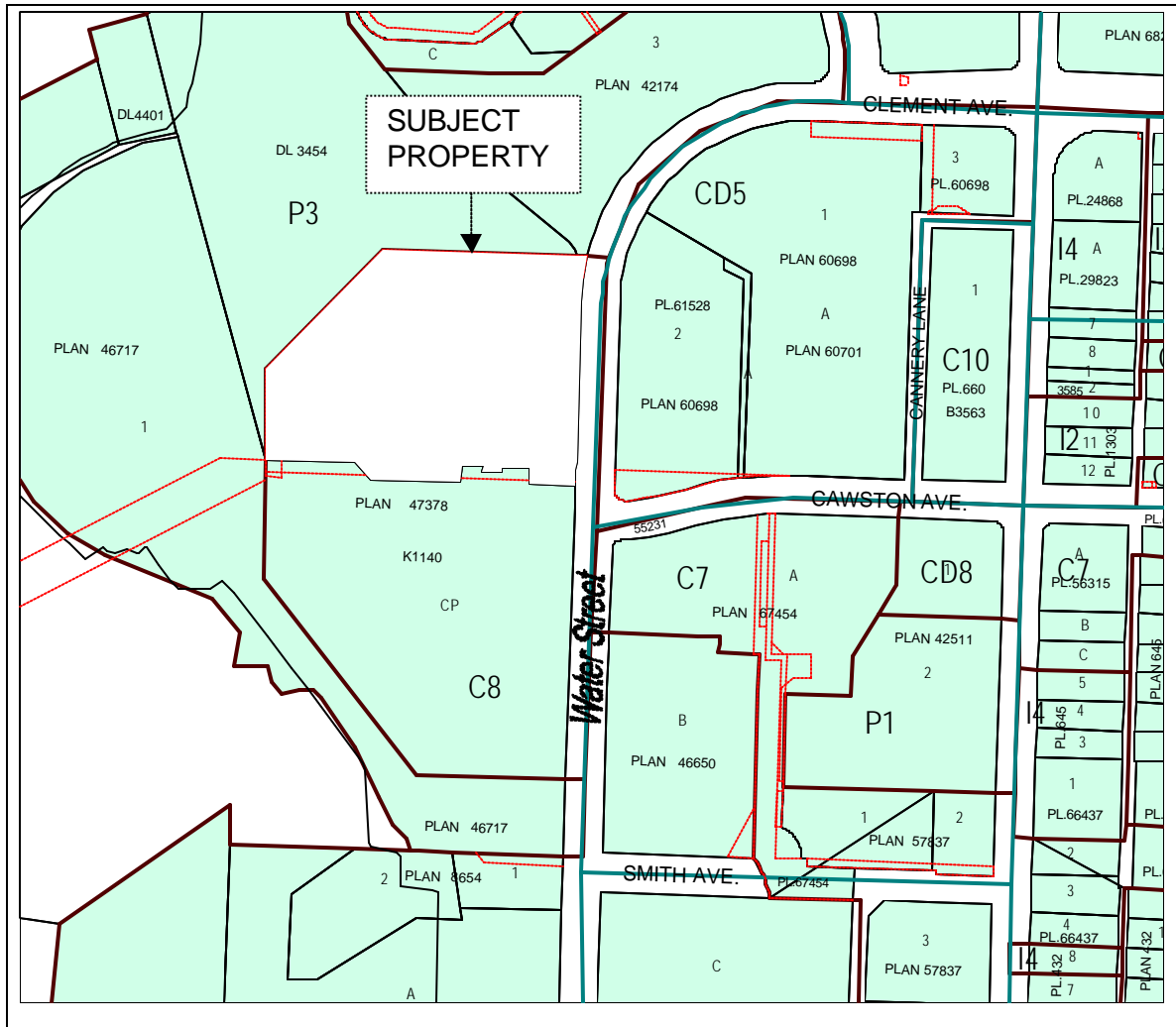
CRITERIA	PROPOSAL	C8 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	1.68 ha entire lot 5,800 m <sup>2</sup> site only	1.0 ha
Site Width (m)	118 m	40.0m
Site Coverage (%)	44%	50%
Total Floor Area (m <sup>2</sup> )	8,490m <sup>2</sup> (net)	
F.A.R.	1.46	FAR = 1.5 max.
Storeys (#)	5 storeys	12 storeys or 37.0 m
Setbacks (m)		
- Front	97.5 m	The minimum front yard is 4.5 m for a building 3 storeys or less, 15.0 m for a 4 storey portion of a building, and 26.0 m for any portion of a building over 4 storeys.
- Rear	9.0 m ❶	The minimum rear yard is 4.5 m for a building 3 storeys or less, 30.0 m for a 4 storey portion of a building, and 41.0 m for any portion of a building over 4 storeys.
- North Side Parking structure (4 storey) Apartment Hotel (over 4 Storey)	9.0 m ❷ 12.0 m ❸	The minimum side yard is 4.5 m for a building 3 storeys or less, 15.0 m for a 4 storey portion of a building, and 26.0 m for any portion of a building over 4 storeys.
- South Side	89 m	The minimum side yard is 4.5 m for a building 3 storeys or less, 15.0 m for a 4 storey portion of a building, and 26.0 m for any portion of a building over 4 storeys.
Parking Stalls (#)	582 stalls provided	574 stalls required
Loading Stalls (#)		1 stall per 2,800m <sup>2</sup>

Notes;

Variance requested (DP03-0012);

- ❶ Vary rear yard from 41.0 m required to 9.0 m proposed for any portion of a building over 4 storeys,
- ❷ Vary north side yard from 15.0 m required to 9.0 m proposed for a 4 storey portion of a building (parking structure),
- ❸ Vary north side yard from 26.0 m required to 12.0 m proposed for any portion of a building over 4 storeys (apartment hotel)

SUBJECT PROPERTY MAP



The subject site is the last remaining undeveloped area of the Grand Okanagan Resort Hotel site. The site is located on the west side of the property, adjacent to the lagoons and Okanagan Lake.

Adjacent zones and uses are, to the:

- North - P3 – Parks and Open Space/City Park (Waterfront Park)  
 East - CD5 – Multi-Purpose Facility/Water St., Sky Reach Place  
 South - C8 – Convention Hotel Commercial, existing hotel and time share  
 West - P3 – Parks and Open Space/City Park (Waterfront Park)

### 3.3 Current Development Policy

#### 3.3.1 Kelowna Official Community Plan

The proposal is consistent with the commercial land use designation of the Official Community Plan.

The Official Community Plan also contains the following statements;

General Commercial Development Permit Areas Objectives;

- Ensure that the siting, form and character of commercial development enhances the positive qualities of the area and that site access, parking, storage and landscaping matters are satisfactorily resolved,
- Improve the visual qualities of roadways and marketability of commercial establishments by situating new commercial buildings adjacent to the street and incorporation parking areas behind the structure,

General Commercial Development Permit Areas Guidelines;

- All buildings structures, and additions thereto shall be designed in a manner which gives consideration to the relationship with adjacent buildings and open area, the efficiency of the circulation system, and the design and siting compatibility with surrounding development,
- All facades of commercial buildings shall be designed in a manner which appropriately addresses adjacent uses and structures,
- Courtyard style of development with parking at the rear is to be encouraged rather than commercial strip development

#### 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 Crime Prevention Through Environmental Design

The City of Kelowna Crime Prevention Through Environmental Design guidelines include the following suggestions for Commercial Developments;

##### **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;
- lanes should be well-maintained with pavement treatment and landscaping, wherever possible;
- entrances onto lanes and use of the space in the lane (e.g. shopping entrances or outdoor cafes), increases public ownership and safety of the lane;
- 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 discourage negative activity;
- benches should be placed in public spaces and along paths or sidewalks to provide a resting place, particularly for seniors or those with disabilities; elevated seating positions allow for broad observation and give users a greater sense of control.

**Natural Access Control**

- public paths should be clearly marked;
- signs should direct patrons to parking and entrances;
- there should be no easy access to the roof;
- entrances to dwellings within a commercial building should be separate from the commercial entrance to enable distinction of residential visitors from those frequenting businesses;
- wall treatments, such as climbing plants or trellises, should not provide a means to climb the wall;

**Management**

- operating hours should coincide with those of other neighbouring businesses;
- pay phones should be call-out only and under surveillance at all times; interior space should be well-lit.

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 Aquila Networks Canada

Aquila on behalf of the City of Kelowna, will provide underground electrical service to this development.

4.2 B.C. Gas

Comments Pending.

4.3 Ministry of Water, Land, and Air Protection

The standards for sediment and erosion control outlined in the jointly published BC Environment/Fisheries and Oceans Canada “Land Development Guidelines for the Protection of Aquatic Habitat” must be adhered to.

4.4 Fire Department

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

4.5 Inspection Services Department

A Code analysis is required, possibly an equivalency report will be needed.  
The lower level is 3 m below the minimum building elevation required.  
The lower level is a combination of Assembly (A2) and Industrial (F2 or F3) occupancies.  
The fifth floor is a combination of A2 and Residential (C) occupancies.

A fire rating is required between the light shaft and the corridors and bedrooms.  
The exiting for the lower level must be reviewed. Access to exits are through other rooms rather than corridors.  
The laundry and garbage room shall not open into the north exit stair on the fifth floor.  
How are the kitchens in the lofts on the 5th floor to be used?

4.6 Parks/Leisure Services Director

Request right of public pedestrian access around the perimeter of the lagoon connecting to the water front park at both ends

4.7 Public Health Inspector

A professional engineer or architect registered in British Columbia must submit plans and certify the work for the swimming pool. These plans must be submitted and approved by the Public Health Engineer prior to construction.

Plans of the restaurant, spa, winery, and retail outlets must be submitted to the health unit prior to construction and inspected prior to operation.

4.8 Shaw Cable

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

4.9 Telus

TELUS has No Comment regarding this Application.

4.10 Works and Utilities Department

The Works & Utilities Department has the following requirements associated with this development application. The utility upgrading requirements outlined in this report will be a requirement of the issuance of a building permit, but are outlined in this report for information only.

1. Domestic Water and Fire Protection

- (a) The existing water main on Water Street fronting this development site is 250mm diameter.
- (b) The developer's consulting mechanical engineer will determine the domestic and fire flow requirements of this proposed phase of development and establish if the existing 250mm water service is of sufficient size to support the proposed development. Installation of additional services will be at the applicant's cost.

2. Sanitary Sewer

- (a) A 600mm diameter sanitary sewer main fronts this development site and is sufficient to support this proposed development. The developer's consulting mechanical engineer will determine the requirements of this proposed phase of development and establish if the existing 250mm PVC



sanitary service is of sufficient size. Installation of new services will be at the applicant's cost.

3. Storm Drainage

- (a) A 1050mm diameter concrete storm sewer main fronting this property is sufficient to support the proposed development.
- (b) It must be understood that the storm drainage systems in this vicinity are relatively shallow as the level of Okanagan Lake influences drainage. The drainage systems are inundated in water at times of high lake levels.
- (c) The developer's consulting mechanical engineer will determine the requirements of this proposed phase of development and establish if the existing 250mm diameter overflow service is of adequate size. Service upgrades will be provided at the applicant's cost.

4. Road Dedication and Subdivision Requirements

- (a) Grant statutory rights of way if required for utility services.
- (b) Register a statutory right-of-way over the fire truck access lane.

5. Electric Power and Telecommunication Services

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.

6. Development Permit, Variance 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. The on-site drainage system is connected to the street drainage system with an overflow service. A direct pipe discharge to the lagoon is not permitted.

(b) Access and Manoeuvrability

Perimeter access must comply with the BC Building Code.

An SU-9 standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles movements should also be illustrated on the site plan.

(c) Development Variance Permit

The development variance application to reduce the required setbacks does not compromise Works and Utilities servicing requirements.

## 5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department does not have concerns with this application. The proposal represents the last phase of construction for the Grand Okanagan Resort hotel development, which has been under construction for the last 12 years. The Grand Okanagan Resort hotel development has been the subject of several Development Permit applications over the years to deal with minor changes in form and character that have occurred as a result of changes in the real estate market. The resulting building generally follows the form and character of the original Development Permit, in terms of architectural detailing, colours and materials for exterior finishes, and landscaping.

This last phase of development is generally designed with the same form and character elements as the existing development, with the exception of the introduction of 2 cupola elements to the new building. The larger cupola is located at the point of the “V” and will provide a dominant focal point for the new building when viewed from the lake. The smaller cupola is located at the north end of the new building, and creates a terminus for that wing of the new building.

The introduction of a different architectural form is not a major deviation from the overall form and character of the development. This new form will provide different identifying elements to set this portion of the site development apart from the remainder of the site development, while maintaining complementary form and character of the original buildings.

The proposed location for this last phase of construction is generally the same as has been identified in previous applications. However, the building differs from those proposals by the addition of a 5<sup>th</sup> storey to the top of the proposed building to house a restaurant facility. It is only because of this additional height that the previously noted building location no longer conforms to the building height restrictions of the zone. This Development Variance Permit application has been circulated separately to Council for consideration the same time as this Development Permit application.

There are still some outstanding issues relating to the adjacent BC Gas right-of-way, located along the north side of the proposed building. The original site plans for the “Private Residence Club” indicated several private swimming pools located on the BC Gas right-of-way. BC Gas has advised that the pools would not be allowed to encroach on to their right-of-way, so the applicant has deleted the swimming pools. BC Gas has also advised that they have major concerns with the access driveway that proceeds along the north side of the parking structure. The applicant is still in discussion with BC Gas to resolve these outstanding issues, and has advised that they can delete the entire drive aisle, as existing parking structure can be modified to create an internal drive aisle, and eliminate the external accesses. As well, this drive aisle is no longer required for fire fighting access along that face of the building.

The approval for the additional parking levels to the parking structure is not a concern. The previously approved Development Permit (DP02-0101) authorized construction of a 3 level parking structure, which was dealt with as a Direct DP as the building height and siting conformed with the C8 zone. However, a review of the proposed building program determined that it would be appropriate to add a 4<sup>th</sup> level to the new parking structure addition, and to add a partial 4<sup>th</sup> level to the existing structure. The need for the addition height for the parking structure is derived from a revisit to the interior parking layout,

and the loss of several stalls owing to the reconfiguration of the drive aisles to remove the need for the external drive way at grade.

The addition of the 5<sup>th</sup> storey to the “Private Residence Club” building has generated concern with the residents of the Dolphins tower. There have been several letters submitted to the City with regard to this proposal. The major concern is the loss of lake view caused by the new building construction. However, the Dolphins tower is located beyond the 30 m notification area identified in the Local Government Act. The applicant has had meetings with the residents to provide information, and the residents have been notified of this Council meeting to deal with this Development Permit and associated Development Variance Permit applications.

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

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Andrew Bruce  
Manager Development Services

PMc/pmc  
Attach.

**FACT SHEET**

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|---|--|
| <b>1. APPLICATION NO.:</b>                  | DP03-0011  |
| <b>2. APPLICATION TYPE:</b>                 | Development Permit   |
| <b>3. OWNER:</b>                            | The Grand Okanagan Resort Ltd.<br>(Reg. No. 30660A)<br>[The Royal Host Corporation]  |
| . <b>ADDRESS</b>                            | #209 – 5940 MacLeod Trail S.   |
| . <b>CITY/POSTAL CODE</b>                   | Calgary AB   |
| <b>4. APPLICANT/CONTACT PERSON:</b>         | BKDI Architects Inc. / Brian Kilpatrick  |
| . <b>ADDRESS</b>                            | #300 – 640 8 <sup>th</sup> Ave. SW   |
| . <b>CITY/POSTAL CODE</b>                   | Calgary, AB T2P 1G7  |
| . <b>TELEPHONE/FAX NO.:</b>                 | 860-8604/(403)262-2055   |
| <b>5. APPLICATION PROGRESS:</b>             |  |
| Date of Application:                        | February 12, 2003  |
| Date Application Complete:                  | February 12, 2003  |
| Servicing Agreement Forwarded to Applicant: | N/A  |
| Servicing Agreement Concluded:              | N/A  |
| Staff Report to Council:                    | May 21, 2003   |
| <b>6. LEGAL DESCRIPTION:</b>                | Lot B, DL 139,3454,& 4082, O.D.Y.D.,<br>Plan KAP47378  |
| <b>7. SITE LOCATION:</b>                    | West Side of Water Street, North of<br>Cawston Avenue  |
| <b>8. CIVIC ADDRESS:</b>                    | 1310 Water Street  |
| <b>9. AREA OF SUBJECT PROPERTY:</b>         | 16,854m <sup>2</sup> (before subdivision)  |
| <b>10. TYPE OF DEVELOPMENT PERMIT AREA:</b> | Urban Centre – Downtown  |
| <b>11. EXISTING ZONE CATEGORY:</b>          | C8 – Convention Hotel Commercial   |
| <b>12. PURPOSE OF THE APPLICATION:</b>      | To Seek A Development Permit To<br>Authorize Construction Of A New 5<br>Storey, 8,490 M <sup>2</sup> , 61 Unit Apartment<br>Hotel Building With A 60 Seat<br>Restaurant As The Last Phase Of<br>Construction Of The Grand Okanagan<br>Resort Hotel Development<br><br>To Seek A Development Permit To<br>Authorize Construction Of A 3 <sup>rd</sup> Storey<br>To The New Parkade Addition, And<br>To Add A Partial 4 <sup>th</sup> Storey To The<br>Existing Parkade. |

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| <b>13. DEVELOPMENT VARIANCE PERMIT<br/>VARIANCES:</b>  | <ul style="list-style-type: none"><li>a) Vary Section 14.8.5(e) from 26.0 m required to 12.0 m proposed for the North Side Yard for any portion of a building over 4 storeys for apartment hotel,</li><li>b) Vary Section 14.8.5(e) from 15.0 m required to 9.0 m proposed for the North Side Yard for a 4 storey portion of a building for the parking structure,</li><li>c) Vary Section 14.8.5(f) from 41.0 m required to 9.0 m proposed for the Rear Yard for any portion of a building over 4 storeys for the apartment hotel,</li></ul> |
| <b>14. VARIANCE UNDER DEVELOPMENT<br/>PERMIT:</b>      | N/A   |
| <b>15. DEVELOPMENT PERMIT MAP 6.2<br/>IMPLICATIONS</b> | N/A   |

Attachments

Subject Property Map  
Schedule A, B & C (8 pages)  
19 pages of site elevations / diagrams