CITY OF KELOWNA

MEMORANDUM

DATE:

September 26, 2008

FILE NO.:

OCP08-0016 / TA08-0004 / Z08-0044

TO:

City Manager

FROM:

Planning & Development Services Department

TEXT AMENDMENT APPLICATION NO. OWNERS:

VARIOUS

APPLICANT: CITY OF KELOWNA

TA08-0004 REZONING APPLICATION NO.

Z08-0044

OFFICIAL COMMUNITY PLAN

AMENDMENT APPLICATION NO.

OCP08-0016

AT:

The area bounded by Harvey

Avenue, Abbott Street, Water

Street, and Queensway

PURPOSE:

OFFICIAL COMMUNITY PLAN AMENDMENT TO CHANGE SPECIFIC SECTIONS OF THE OCP AS THEY RELATE TO THE

PROPOSED DOWNTOWN DEVELOPMENT.

TEXT AMENDMENT TO CREATE A NEW COMPREHENSIVE DEVELOPMENT ZONE (CD21 DOWNTOWN COMPREHENSIVE DEVELOPMENT ZONE) FOR

SUBJECT PROPERTIES.

TO REZONE THE SUBJECT PROPERTIES TO THE NEW CD21 - DOWNTOWN COMPREHENSIVE DEVELOPMENT ZONE TO FACILITATE THE ORDERLY REDEVELOPMENT OF THE

SUBJECT PROPERTIES.

EXISTING ZONE:

C7 - CENTRAL BUSINESS COMMERCIAL

C7rls - CENTRAL BUSINESS COMMERCIAL (Retail Liquor

Sales)

C7lp - CENTRAL BUSINESS COMMERCIAL (Liquor Primary)

PROPOSED ZONE: CD21 - DOWNTOWN COMPREHENSIVE DEVELOPMENT

ZONE 21

REPORT PREPARED BY: DANIELLE NOBLE / PAUL MCVEY

1.0 RECOMMENDATION

THAT OCP Bylaw Text Amendment No. OCP08-0016 to amend Kelowna 2020 - Official Community Plan Bylaw No. 7600 by amending the OCP as shown in Schedule "B" as

outlined in the report of the Planning & Development Services Department dated September 26, 2008 be considered by Council;

AND THAT Council considers the public open houses of September 27, 2007, November 6, 2007 and May 7, 2008, as well as the APC meeting of June 25, 2008, to be appropriate consultation for the purpose of section 879 of the *Local Government Act*;

AND THAT Zoning Bylaw Text Amendment No. TA08-0004 to amend City of Kelowna Zoning Bylaw No. 8000 by adding the CD21 – Downtown Comprehensive Development zone and associated Development Guidelines as outlined in the report of the Planning & Development Services Department dated September 26, 2008 be considered by Council;

AND THAT Rezoning Application No. Z08-0044 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of the various properties (as listed in the attached legal description table attached to the report of the Planning & Development Services Department dated September 26, 2008, located within the area bounded by Harvey Avenue, Abbott Street, Water Street, and Queensway, Kelowna, B.C. from the existing C7 — Central Business Commercial zone to the proposed CD21 — Downtown Comprehensive Development zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP08-0016, Zoning Bylaw Text Amendment No. TA08-0004, and zone amending bylaw be forwarded to a Public Hearing for further consideration,

AND THAT the Public Hearing be held Monday, October 20^{th,} 2008 at the Rotary Centre for the Arts, commencing at 6pm;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Ministry of Transportation and the Works & Utilities Department being completed to their satisfaction.

2.0 Summary

The City of Kelowna is proposing to rezone the four block downtown area bounded by Harvey Avenue, Abbott Street, Water Street, and Queensway (as shown on attached subject property map) to the new CD21 — Downtown Comprehensive Development Zone ("CD Zone"). This new zone is being applied to encourage new development in this area of the Downtown through the provision of density bonus incentives in exchange for a package of amenities for the benefit of the public. This submission also includes a Text Amendment to Zoning Bylaw 8000 to add the new zone, as well as amendments to the Official Community Plan to change specific sections of the OCP as they relate to development incentives in the Downtown.

3.0 Advisory Planning Commission

The above noted applications (TA08-0004/OCP08-0016/Z08-0044) were reviewed by the Advisory Planning Commission at the special meeting of June 25, 2008 and the following recommendation was passed:

THAT the Advisory Planning Commission support Text Amendment Application TA08-0004, Official Community Plan Amendment Application OCP08-0016 and Rezoning Application Z08-0044, by the City of Kelowna to include the new CD zone into Zoning Bylaw No.8000.

4.0 Background

The subject properties, located within the four block area bounded by Harvey Avenue (to the south), Abbott Street (to the west), Water Street (to the east), and Queensway (to the north), have been long overdue for major redevelopment. To date, there have been developments approved and constructed in other areas of the Downtown, notably in the Cultural District and the area north of Prospera Place, and there was concern that the area of the Downtown (the subject of this application) was continuing to decline and becoming an increasingly undesirable place. However, the subject area has remained relatively immune to investment with the exception of some renovations and façade improvements.

4.1 <u>Previous Incentive Programs</u>

The City of Kelowna, along with various interest groups, has attempted to create a climate for private investment in the area through a series of programs and initiatives over the years which have consisted of:

- Tax Relief Incentive
- Parking Relief Incentive
- Way Finding Sign Program
- Dumpster Removal Program
- City Land Assembly Incentive
- Gospel Mission Relocation
- The Downtown Streetscape Initiative

To date, none of these policy directives or programs resulted in any applications which have lead to substantial development in the subject area.

4.2 Downtown Plan Review

In response to the lack of any meaningful development in the subject area, the City of Kelowna engaged the services of the Spaxman Consulting Group to review the Downtown Plan to determine where this document fell short of encouraging development in the Downtown area.

Through the Spaxman study, it became apparent that there was a strong concern in parts of the community that there needs to be action taken to create a new revised plan, and a program to implement these changes. However, there was also concern expressed in that report that without a "champion" of the plan, that there was a good chance that nothing would happen to facilitate development in the Downtown area.

4.3 Guiding Principles

At the start of this initiative, Guiding Principals were established that reflect the intent of the OCP, the Downtown Plan and other guiding documents to direct staff and consultants in the process of creating a path to follow to enhance the Downtown.

These guiding principles form the basis of all of the consultation and studies for the Downtown, as well as form the framework for CD21 – Downtown Comprehensive Development Zone Guidelines ("Guidelines") and the associated CD21 – Downtown Comprehensive Development Zone ("CD Zone") proposed to facilitate development in the Downtown.

The list of Guiding Principals is as follows:

- 1. Enhance Kelowna's identity nationally and internationally.
- 2. Develop a viable mixed use community that supports live, work, and play opportunities for both residents and visitors.
- 3. Develop a safe environment by providing more eyes and ears on the streets.
- Incorporate sustainable design principles.
- Expand community amenities.
- Create a community feel that integrates well with adjoining areas including the identified parks and Culture District.
- 7. Incorporate housing diversity in the Downtown by providing a range of housing types and tenures including affordable and special needs housing.
- 8. Respect the district's Heritage assets.
- 9. Provide for downtown amenity contributions as a condition of development shared equally by all benefiting lands.
- 10. Honour the City's agreement with the Province for the movement of vehicles into and out of Kelowna for the new William R. Bennett Bridge.
- 11. Act as a catalyst for the redevelopment for the remainder of downtown.

4.4 Public Input

Prior to the Advisory Planning Commission review, there had been a series of public open houses and stakeholder meetings held which requested input from the citizens of Kelowna in order to ensure that the needs, wants and ideas of the community were incorporated into the proposed CD 21 Zone and associated 'Guidelines'. Many revisions have taken place as a result of this early consultation which has resulted in an improved plan. A summary of the public consultation process is included as Attachment 'B'.

The development plan that came out of this public process has progressed through several iterative cycles to form the proposed CD 21 Zone under application, which is anticipated to set the stage for development in this area of Downtown for the next 75 – 100 years.

Staff recommends that the APC public process, three public open houses, Council Committee presentations, and special interest group discussions, should be considered appropriate consultation for the purpose of Section 879 of the *Local Government Act*, and that the process is sufficiently early and does not need to be further ongoing in this case. Furthermore, additional consultation with the Regional District of Central Okanagan, other boards, councils or agencies listed in Section 879, is not required in this case.

5.0 The Proposed Comprehensive Downtown Development Zone – CD 21

The report has been divided into two components; i) the Downtown Comprehensive Development Zone, and ii) the CD 21 Downtown Development Zone Guidelines.

The basis for this CD zone, is the concept of being able to live, work, play, as well as shop for provisions, by either walking or using alternative forms of transportation, and not having to necessarily rely on the automobile for transportation. It is this principle that is fundamental in the creation of a sustainable community. The uses within the proposed "CD zone" are generally the same as the existing uses permitted within the existing C7 – Central Business Commercial zone, except for the following exclusions; fleet services, liquor primary establishment – major, and temporary shelter services.

Sustainable development, as expressed in the City of Kelowna Official Community Plan will be the key element of the proposed CD zone, as the development of Green Buildings will be strongly encouraged. While certification of specific green building standard is not required, each application should reference applicable green building standards and indicate the measures being taken to enhance green building performance. Any future introduction of Development Permit guidelines relating to energy conservation, water conservation or greenhouse gas reductions would apply to this area.

The CD 21 zone will form the regulatory guide to the development of the proposed Downtown Comprehensive Development zoned area. This document will set out the development regulations to control how and where development occurs, and to identify appropriate locations for the proposed list of permitted and secondary uses. The zone and the guidelines are designed to be complimentary, influencing the massing, form and character of the high rises, preservation of viewscapes, provision of public amenities, and revitalization of complimentary land uses and their siting.

The CD zone and design guidelines set out the minimum parcel configurations needed to realize the plan (identified by sub-areas). It will be up to the individual landowners to achieve these land assemblies. The CD zone is broken into schedules for each sub-area and will provide any exceptions to the permitted uses identified for the entire area and will indicate specific uses that must locate in each particular sub areas. Location and size regulations on building heights and setbacks are provided for in each sub-area, as well as identifying amenity contributions.

Each of the proposed development sub-areas are proposed to have their own development regulations to deal with site-specific siting, and form and character. A significant advantage of the anticipated CD zone is the development efficiency gained by the property owners as they consolidate their sites into larger development parcels (i.e. parking, achievable development area, etc). This contributes to improved land use efficiency.

5.1 Amenities

IN exchange for the proposed density, the proposed CD zone requires a developer contribution for the following amenities:

- Public Washroom Facility
- 2. Indoor Public Space Daycare facilities, Multi-Use facility
- 3. Public Pier & marina

- 4. Children's Playground
- 5. Affordable Housing
- Constructed Outdoor Public Space
- 7. Streetscape construction
- 8. Public Plaza construction

In order to determine the distribution of amenity costs within the CD area, the costs of amenities have been compared to the increases in floor area achievable from base to bonus density. Contributions are based on the percent share of the overall increase in net buildable floor area for each of the sub-areas. Each sub-area will contribute a percentage of the total amenity cost equivalent to their percent share of the overall net floor area increase for the entire CD area. For example, if one sub-area was getting an additional 1,000 m² of floor area and the overall increase in floor area was 100,000 m² for the whole CD plan area, then that area would pay 1% of the overall amenity costs.

While determining amenity contributions for the entire area, the value of the buildable area was also considered such that the burden of payment would not render the development of the area financially non-viable. Value of the commercial and residential space was considered based on current market values, against the costs of development and the total amenity contributions have been adjusted wherever possible. An example was the determination that the pier costs at \$6,750,000 could not be borne by this area alone and that the pier would be a City wide amenity. One quarter of this cost has been allocated to the CD area and the balance of the cost will have to come from other sources of funding.

Similarly, although affordable housing is a high priority, the quality of life aspects of the CD area are seen as critically important in creating a sustainable neighbourhood. These include the substantial increase in useable public open space, and the provision of child care spaces, community indoor spaces, public washrooms and playground areas. Costs of streetscaping and the improvements to the Sails Plaza, necessary to the design and success of this area, are also substantial (totalling \$9,335,903), and are to be entirely borne by the CD area developers. Given the context, contributions to affordable housing have been balanced with the achievement of these other amenities. In response to input from the community and from Council, a minimum floor area of 600 ft² (56 m²) has been set, for each affordable dwelling and there could be as many as 194 of these units dispersed throughout the development. Based on the proportional distribution of residential floor area, contribution to the housing reserve fund is also required.

5.2 The CD21 – Downtown Comprehensive Development Zone Guidelines

The design guidelines deal with the Sub Areas in detail by providing design guidance for the entire area, while still providing the flexibility for individual developers to refine the specific design details. The intent of these Guidelines is to guide the redevelopment of land uses, public spaces and building form in the defined area in order to create a walkable and active public realm through the day and evening year-round. Importantly, they aim to protect the view corridors to the waterfront, reduce the daylight shadowing and winds created by larger building masses, and to provide for a mix of residential and commercial development that will enhance the pedestrian experience and promote further development within the Downtown. The Guidelines have been based on the concept of parking podiums at grade with active uses fronting on all sides of the

podiums, and the development of a predominant building form above, which is expected to be mostly residential, but would also permit hotel and office uses.

The proposed Guidelines have been developed from the Organizing Principles and Urban Design Principles established for this area, intended to provide clarity and vision for the character of this District and to provide a structure of certainty to guide the shaping of the architecture. The focus is to shape the built form to enhance residential liveability and year-round urban vitality.

The fundamental element of the Guidelines is the creation of a network of public open spaces to provide a pedestrian focus to the proposed redeveloped area. These proposed public areas provide much needed open space, while also providing a strong visual connection between the existing heritage fire station and the "Sails" sculpture located at the intersection of Bernard Avenue and Abbott Street. In addition to laying out the intentions for the built form of this area, specific Dimensional Criteria are provided in the sub-area guidelines. These include building setbacks, building spacing, maximum floor plates, and maximum building heights. They provide a comprehensive framework for anticipation of the spatial relationships and functional impacts of a property's development on the public and private realms as they build out over time.

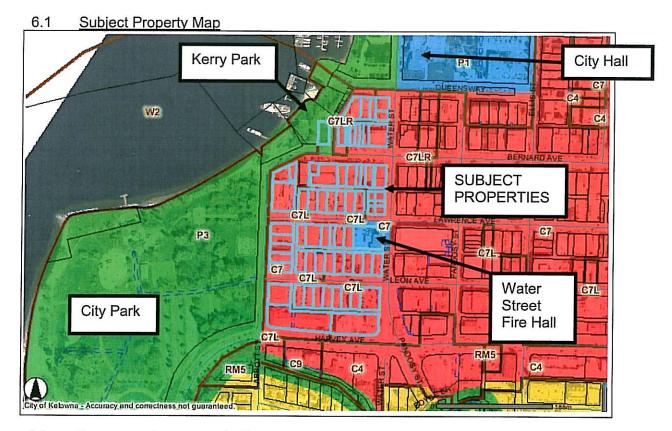
5.3 <u>Heritage</u>

The proposed Guidelines also embrace the existing heritage values of the downtown core, most notably the heritage fire station located on Water Street at Lawrence Avenue. Particular attention is also directed to the heritage buildings which are located on both sides of Bernard Avenue, where the heritage facades will be retained and incorporated into the podium construction. It is anticipated that this form of development will retain the heritage architectural vocabulary and scale of this portion of Bernard Avenue, while allowing for the construction of the necessary parking garage components behind the heritage facades.

As attached to this report, the Community Heritage Commission (CHC) has provided a comprehensive report (dated September 2, 2008) with respect to this proposal and offers specific recommendations. In summary, the CHC recommends that Council protect, to the fullest extent possible, the high priority heritage buildings located within the commercial core of the boundary area. However, the CHC has stated that façade preservation "is inconsistent with the mandate of the Commission and the principle of heritage conservation. Preservation of facades alone is considered to provide minimum respect for the historic fabric and is consequently representative of the lowest levels of heritage conservation". Therefore, diligent efforts to maintain the heritage value of those designated heritage buildings should remain paramount.

6.0 Site Context

The subject four block area generally remains with buildings dating back to the early 1900's. As a result, this area is also home to a number of buildings with heritage significance. The subject area is generally flat and level. The area is bounded by City park land to the west and north and by existing commercial development to the south and east. Owing to the close proximity to Okanagan Lake, there is a high ground water table in this area of the City.



Adjacent zones and uses are, to the:

North - P1 - Major Institutional / Queensway, James Stuart Park

East - C7 - Central Business Commercial / Water Street, Commercial uses

South - C7 - Central Business Commercial / Harvey Avenue, Commercial uses

West - P3 - Parks and Open Space / Abbott Street, City Park

7.0 Existing Development Potential

The purpose of the C7 – Central Business Commercial zone is to designate and preserve land for the orderly development of the financial, retail and entertainment, governmental and cultural core of the Downtown, which shall provide for high density residential and commercial uses.

7.1 <u>Current Development Policy</u>

7.1.1 Kelowna Official Community Plan

The location of the 4 block area under application is designated as "Commercial" future land use in the Kelowna Official Community Plan. The proposal is consistent with that designation. The proposed CD21 Zone and Guidelines also address the following areas of the OCP:

Chapter 5.0 - Growth Management

- · sustain the environment:
- develop a compact urban form;
- · support mixed use;

· support an increase in multiple units;

Chapter 8.0 - Housing

- actively seek a more varied housing supply and means of increasing housing affordability;
- · support increased supply of family-oriented housing;
- support increased supply of housing for low-income singles;
- support multi-family developments along waterfront that preserve view corridors and where enjoyment of lakefront is enhanced;
- encourage commercial buildings to include a residential component.

Chapter 12.0 - Transportation

- · encourage bicycling and walking;
- consider TDM strategies in the planning and approval of development proposals

Chapter 16.0 - Heritage

 require heritage resource management in the review of all Area Structure Plans;

Chapter 17.0 - Social

- · encourage housing developments to include child-care facilities;
- promote well-being and quality of life through sustainable development;

Chapter 18.0 - Institutional

 encourage an urban centre focus for health care and social services;

7.1.2 City of Kelowna Strategic Plan (2004)

The City of Kelowna Strategic Plan 2004 describes a vision of what residents hope Kelowna will be like in the future and has identified as one of the themes that overall, residents aspire to live in a community that:

- works to develop and maintain a strong, diversified local economy that offers residents opportunities for high-paying jobs;
- fosters a strong, stable and expanding economy;
- aids in the growth and progress of Kelowna as a desirable place to do business;
- aids in the growth and progress of Kelowna as a desirable place to visit, shop and tour;
- increases the diversity of employment opportunities.

7.1.3 Kelowna Downtown Plan

The proposed height and density of the buildings within the subject area significantly exceed provisions in the Downtown Plan.

The Kelowna Downtown Plan (referenced on the attached map, titled "Downtown Plan - Proposed Land Uses and Building Heights") identifies the subject properties as;

Land Use Area 2 – suitable for a maximum 12 storey building height. This land use area identifies retail uses at grade and office-related and/or residential uses being encouraged above street level. This is the only area that development without commercial uses would be supported.

Land Use Area 3 – suitable for maximum 6 storey building height. This area also notes restaurant and entertainment uses, as well as specialty retail, and goods and services oriented to recreation and tourist commercial facilities, including hotels. Neighbourhood Commercial uses serving the residential population within and around the Plan area will also be allowed at grade. Office and/or residential uses are encouraged above street level.

The Kelowna Downtown Plan also identified the need to create two pocket parks / plaza areas with in the subject properties, as well as a need to enhance the Harvey Avenue façade. The plan also noted the necessity to enhance Kerry Park and enhance the Heritage Character area located along Bernard Avenue as well.

8.0 <u>TECHNICAL COMMENTS</u>

The application has been circulated to various technical agencies and City departments and the following comments which have been submitted are attached to this report.

9.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

This application to create a Comprehensive Development zone for this portion of the Downtown area of the City of Kelowna has been a major undertaking owing to the complexities of land ownership, development expectations of the C7 zone, economics, and development incentives.

There have been several development incentives put in place to foster major development in this portion of the Downtown area that have proven largely unsuccessful. No major development proposals have been applied for in this area of the Downtown, while the major development in the Downtown area has been occurring outside of this identified four block area.

Mr. Spaxman, in his report to the City, suggested that the area should be the subject of a comprehensive update to the Downtown Plan that takes into consideration this area in the context of all of downtown. The report also stated that "action will not happen unless a champion emerges who has enthusiasm for and commitment to Downtown, and also has the authority and resources to turn those attributes into action. While several organizations exist with the enthusiasm and commitment to participate and help, only Council has the ability to champion and allocate or obtain the needed resources". "Championing" is needed both on a short-term basis (to create a new Downtown Plan), and in the longer term (to ensure implementation).

The Downtown Plan and the C7 zone provisions also limit height within certain precincts of the redevelopment area with the aim of transitioning taller urban forms from the Downtown to the waterfront and to lower height neighbourhoods to the south. While the

proposed heights of many buildings within the subject area do conflict with the Downtown Plan and the C7 zone regulations, the design guidelines address the protection of critical view corridors and the potentially negative impacts caused by tower development.

Comparison with the C7 Zone Provisions

The maximum heights for buildings proposed for the CD zone subject area are generally greater than would be allowed in the C7 zone. However, it should be noted that the number of towers that could be built under the C7 zone provisions, assuming the area is extensively built out over time, would likely exceed the number of towers proposed by the redevelopment scheme. The C7 zone requirements do not guarantee that the views and the privacy of projects built initially will not be compromised by projects that are built later on adjoining sites, although this would be dealt with exclusively through market forces. However, without the provision of a Comprehensive Development zone, the impacts may include:

- loss of comprehensively designed public amenity spaces;
- number of towers built over time could be greater:
- no guarantee that views, privacy, or shadowing impacts would be accounted for.

By way of contrast, the strategic location of the proposed towers, with due consideration for shadow impacts on adjoining public spaces, as well as views through the subject area from each proposed building, provides a degree of certainty regarding the development of the subject area, which the current zoning does not provide.

The proposed CD zone makes it possible from both an economic and a logistical point of view to locate the majority of the required parking below street level. This opportunity means that the podium levels of buildings can be active uses that provide eyes and ears on the street and otherwise help create a dynamic streetscape, rather than being dedicated to parking, as most certainly would be the case under the C7 zoning.

The uses proposed for the CD zone are to a large extent those allowed in the C7 zone, the intent being to promote diverse mixed use. These proposed uses are deemed to be sufficient to support creation of a vibrant, urban environment.

Building Form

All buildings are proposed as towers, or in some instances lower-rise buildings up to about eight storeys, which sit on podiums. As intended in the C7 zone, the podiums provide definition to the public realm, as well as to act as visual buffers to the tower portions of buildings.

The heights of the podiums are consistent with the 3 storey heights of podiums allowed within the C7 zone, as well as consistent with the scale of the existing Downtown streetscape. The exception to this condition is the podium on development parcels 8 and 9 located immediately adjacent to Harvey Avenue, where the podium is intended as a visual and acoustic buffer to the remainder of the subject area.

Towers at the north-east, south-east, and south-west corners of the subject area will be the tallest structures within the redevelopment area. The rationale is that these buildings visually anchor the site, specifically the towers at Harvey/Abbott and Harvey/Water locations acting as "gateway landmarks". The need to provide a minimum amount of density on the site to make redevelopment of the area economically viable is the driver of the proposed density. However, arguably the height of Building T1B, with its proximity to City Hall and Stuart Park, could be perceived as an imposing structure. Attention will need to be paid to the articulation of the tower structure to mitigate this effect, at the time of Development Permit application and the guidelines seek to address this objective.

Public Spaces

The proposed urban design plan maintains and enhances pedestrian access to, and enjoyment of, the waterfront. The upgrading of the Sails Plaza and Kerry Park will improve key public spaces that will serve not only the residents of the proposed redevelopment, but the broader community.

The proposed treatment of the Sails Plaza will give this community icon more visual focus and make it more pedestrian-oriented. The current configuration compromises pedestrian mobility, whereas the proposed design will overcome this barrier while continuing to allow vehicles to move through the space on a seasonal and special events basis. As proposed, the space will accommodate a limited amount of parking as well as programmed events. These aspects of the design will also serve to enliven the space in the shoulder seasons and throughout the winter months.

A public pier was identified in the *Kelowna Downtown Plan* as well as the *Inner-City Shore Zone Concept Plan*. It is anticipated that day-moorage provided by the pier will complement the critical mass of activity at this location. Further consideration will be taken into the Waterfront Parks Plan.

Pedestrian movement is promoted within the plan area by the extension of Mill Street, and by the creation of two pedestrian-only spaces; 'The Crossing' and 'Market Green'. The Crossing is worthy of special note in that it will provide a visual connection between two of Downtown's most significant landmarks, the Water Street Fire Hall and the Sails.

A comprehensive and consistent streetscape treatment, including wider sidewalks along all streets will provide a significant contribution to creation of a more pedestrian-oriented Urban Centre. A concept plan for Bernard Avenue was endorsed by Council in June of 2003. Although no portion of this plan has been implemented, it remains the official direction for streetscape improvements to Downtown. As such, the design of the public spaces within the redevelopment area will be required to take its clues from the *Kelowna Downtown Streetscape Study* (2003).

The plan recognizes that the visual character of podium facades is critical to the success of the adjoining public spaces. Transparency, reinforcement of street rhythm, and human scale are all promoted as key characteristics to help assure that building form and character contribute to the creation of dynamic public space.

Heritage

Due to the effects that construction will likely have on existing buildings, structures on the Heritage Register would effectively have their interiors gutted in order to achieve the interior parking podiums anticipated by the development, and would incur considerable damage. Preservation of only the facades of these buildings will be the trade-off required to allow the concept plan to be implemented. This is not an ideal situation from a heritage conservation perspective but is recognized as a necessary compromise if the CD zone is to be implemented.

New construction is required to be well set back from the property lines along Water Street and Bernard Avenue, in order to preserve the scale of the 200 block of Bernard Avenue and the 1500 block of Water Street. Protection of the scale and character of the street as well as the provision of off-street private and public parking is a valued outcome, even if preservation of the actual buildings cannot be achieved.

One of the plan's strong features is its treatment of the Water Street Fire Hall. This structure will be preserved as a landmark building within the community and a complementary landscape edge along Lawrence Avenue will be added to help give the building more visual prominence.

Interface with Adjoining Areas

On the eastern side, building forms reinforce the street edge. The requirement for retail and other commercial occupancies will maintain the continuity of commercial uses at street level.

The southern edge is a response to the challenging conditions imposed by the highway corridor. As a less-than-desirable location for commercial or residential occupancies, this portion of the podium on this development site would principally be used for loading and parking. However, these uses are proposed to be disguised behind a "green" wall which in effect would be a wall of evergreen vegetation meant to present a year-round, visually-appealing face to Harvey Avenue.

The western edge looks on to City Park. This edge is the only street within the redevelopment area where residential at grade is proposed. As such, it is expected that the immediacy of the residential component will mean a greater sense of continuous surveillance and ownership of the Park.

A hotel is proposed to occupy a portion of the former Royal Trust site as well as a portion of Kerry Park. The podium portion is kept to two storeys as a transitional form between the lower scale of Bernard Avenue and the hotel tower on the northern side of the site. The hotel tower is rotated from a north/south orientation to soften the impact of its proposed height on the waterfront. The provision of a building at this location serves two principal purposes: i) to act as a screen for views from the waterfront towards the upland portions of the subject area, particularly views into the alley north of Bernard Avenue and its servicing functions, and ii) to provide uses that will help animate the waterfront as well as provide continuous at-grade commercial occupancies that will link

Bernard Avenue with Kerry Park and beyond to Stuart Park and improve the free flow of pedestrian movement.

The northern edge will see commercial uses at grade fronting Stuart Park across Queensway Avenue. The commercial occupancies are intended to complement the Park as a community focal point and to provide continuity with commercial spaces at grade within the proposed hotel and around the corner on Water Street.

Environmental Sustainability

Development within the subject area will not be required to meet a specific green building standard although each development will be asked to reference such a standard and indicate the measures being taken to enhance green building performance. Green roofs, and other green technologies will be part of the urban form and character, enhancing a sense of liveability within the area. This area will also be subject to any future Building Code or Development Permit guidelines relating to energy / water conservation or greenhouse gas reductions.

Relationship to Remainder of Downtown

The proposed project and its relationship to other areas of Downtown will need to be addressed through a future review of the Downtown Plan. It is possible that the redevelopment project will be a catalyst for development within the Downtown generally. However, a review of the Downtown Plan will be critical to ensuring that a comprehensive development plan is applied to the entire Downtown Plan area. The potential impacts have not been investigated either in terms of the effects on property values or the impetus to development sites east of Ellis Street, or on the impacts on existing businesses.

As the proposed CD zone would allow building heights in excess of the maximum allowable height in the C7 zone, the expectation by the private sector could be that such heights are acceptable within the remainder of Downtown. It is therefore possible that the proposed CD zone could have implications for the urban form of the Downtown outside the CD zone boundaries. The impacts of this have not yet been fully assessed or considered. The approval of this development in advance of considering the impacts on the rest of Downtown, as referenced by the Spaxman report, could limit the options available for consideration at a later date.

The proposed rezoning highlights the short-comings of the C7 zone with regard to urban form and suggests that the C7 zone needs to be revisited in the near future. This evaluation might consider the opportunities for capturing amenity contributions in return for density bonusing. Additionally, it may consider the strategic location of towers to protect view corridors from within and beyond the Downtown Plan area. In the interim, it is recommended that Council not consider any further height variances within the C7 area.

As referenced in the recommendations of the Kelowna Chamber of Commerce report, dated June 6, 2008, several initiatives require further analysis that have impact on the CD boundary area, and also community-wide:

- to undertake a detailed parking analysis of the CD zone area to assess the parking needs of the area, and impact on the surrounding Downtown area;
- assessing the need for additional boat moorage for residents in the Downtown and availability of public dock space;
- review and updating to the Downtown Plan.

Implementation

The CD21 - Downtown Comprehensive Development Zone provides an opportunity for the land owners in the subject area to share in the costs associated with the proposed development as well as to provide significant and coordinated community amenities in exchange for the provision of a greater density and cohesive development sites than are practically achievable under the existing C7 – Central Business Commercial zone. As well, there is also a program that will be created as part of the CD21 - Downtown Comprehensive Development Zone which will acknowledge the development rights of owners whose land is identified as public areas under the new zoning.

Summary

The desired goal of the CD21 - Downtown Comprehensive Development Zone including the Guidelines is to create opportunities to obtain a much more predictable land use and higher quality design standards than what the individual land owners could possibly obtain through development that is currently permitted under the current C7 - Central Business Commercial zone. The notion of "the whole is greater than the sum of the parts" is the desired goal of this collaborative exercise. Should Council choose to support this initiative, a review and updating of the Downtown Plan and C7 guidelines should be pursued in a timely fashion.

Staff have worked with numerous consultants to recommend the establishment of this Comprehensive Development zone to encourage development in this area of the Downtown. The proposed project has many positive features and is considered a creative approach to redevelopment of an area that to date has resisted positive change.

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Shelley Gambacort Planning & Development Services

Approved for inclusion

Jim Paterson

Director of Planning & Development Services

PMc/pmc Attach.

<u>Attachments</u>

States of Title

Subject Property Map

Attachment 'A' - CD 21 Zone Boundary

Attachment 'B' - City of Kelowna Downtown Plan - "Figure 10: Proposed Land Uses &

Bldg Heights"

Attachment 'C' - Summary of Public Consultation Processes for CD 21 Zone

Attachment 'D' - Technical Comments

Attachment 'E' - Works & Utilities Memorandum

Attachment 'F' - Community Heritage Commission Report to Council, dated September

2, 2008

Registered Owner	Legal Description
BILL-ED LOGGING LTD., (INC NO 58586) AS TO AN UNDIVIDED 45/100 INTEREST	Lot A District Lot 139 Osoyoos Division Yale District Plan 36244
HUBER DEVELOPMENTS LTD. (INC NO 246450) AS TO AN UNDIVIDED 45/100 INTEREST	
JOSEPH KARL HUBER, AS TO AN UNDIVIDED 10/100 INTEREST	
TERRA-LANDSCAPING & BOBCAT SERVICES LTD., INC. NO. BC0245018 AS TO AN UNDIVIDED 2/4 INTEREST	Lot A District Lot 139 Osoyoos Division Yale District Plan 24247 except Plan KAP44425
CORY'S LITTLE HOLDING COMPANY LTD., INC. NO. BC0772165 AS TO AN UNDIVIDED ¼ INTEREST	
SUSAN GREBA-EPP AS TO AN UNDIVIDED ¼ INTEREST	
KELOWNA MOTORS HOLDINGS LTD	Lot A District Lot 139 Osoyoos Division Yale District Plan 22722
WARRIGAL RESOURCES LTD., INC. NO. 257239	Lot 1 District Lot 139 Osoyoos Division Yale District Plan 32713
LEON PEAK ULC	Lot 2 District Lot 139 Osoyoos Division Yale District Plan 32713
KELOWNA GOSPEL MISSION SOCIETY, (INC NO S16861)	Lot 14 Block 5 District Lot 139 Osoyoos Division Yale District Plan 462
KELOWNA GOSPEL MISSION SOCIETY, (INC NO 16861)	Lot 15 Block 5 District Lot 139 Osoyoos Division Yale District Plan 462

Registered Owner	Legal Description
HUBER DEVELOPMENTS LTD.,	Lot 16 Block 5 District Lot 139 Osoyoos Division
(INC.NO. 246450) AS TO UNDIVIDED 45/100THS	Yale District Plan 462
INTEREST	
BILL-ED LOGGING LTD.,(INC. NO.	
58586) AS TO UNDIVIDED 45/100THS	
INTEREST	
JOSEPH KARL HUBER,	
AS TO AN UNDIVIDED 10/100 INTEREST	
HUBER DEVELOPMENTS LTD., (INC.	Lot 17 Block 5 District 139 Osoyoos Division Yale
NO 246450)	District Plan 462
AS TO UNDIVIDED 45/100THS	
INTEREST	
BILL-ED LOGGING LTD (INC. NO.	
58586) AS TO INDIVIDED 45/100THS	
INTEREST	
TOGERII MARI III INER	
JOSEPH KARL HUBER, AS TO UNDIVIDED 10/100THS	
INTEREST	
VIVA HOLDINGS LTD., (INC NO 79591)	Lot 18 Block 5 District Lot 139 Osoyoos Division Yale District Plan 462
79391)	1 ale District Flan 402
	Lot A District 139 Osoyoos Division Yale District
WEDSTED MANAGEMENT LTD (DIG	Plan 20350
WEBSTER MANAGEMENT LTD. (INC NO. 106610)	Lot 1 District Lot 139 Osoyoos Division Yale District Plan 27581
AS TO UNDIVIDED 50/100THS	
INTEREST	
MARGUERITE GREETA MILAN AS TO UNDIVIDED 25/100 INTEREST	Lot 1 District Lot 139 Osoyoos Division Yale District Plan 27581
AS TO UNDIVIDED 25/100 INTEREST	1 1411 2/301

Registered Owner	Legal Description
TEEG CONSULTANTS INC. (INC NO. 149630 AS TO AN UNDIVIDED 1250/10000 INTEREST L.G.L. HOLDINGS LTD (INC NO. 225,389) AS TO UNDIVIDED 12.50/100THS INTEREST	Lot 1 District Lot 139 Osoyoos Division Yale District Plan 27581
540546 B.C. LTD. (INC. NO 584627)	Lot 1 Block 11 District Lot 139 Osoyoos Division Yale District Plan 462 Lot 2 Block 11 District Lot 139 Osoyoos Division Yale District Plan 462 Lot 3 Block 11 District Lot 139 Osoyoos Division Yale District Plan 462 Lot 4 Block 11 District Lot 139 Osoyoos Division Yale District Plan 462
1243879 ALBERTA INC. (INC NO.A0072143)	Lot 5 Block 11 District Lot 139 Osoyoos Division Yale District Plan 462
WEBSTER MANAGEMENT LTD (INC NO. 106610) AS TO UNDIVIDED 50/100THS INTEREST	Lot 2 District Lot 139 Osoyoos Division Yale District Plan 27581
L.G.L. HOLDINGS LTD (INC. NO 225,389) AS TO UNDIVIDED 12.50.100THS INTEREST MARGUERITE GREETA MILAN AS TO AN UNDIVIDED 375/1000 INTEREST	Lot 2 District Lot 139 Osoyoos Division Yale District Plan 27581

Registered Owner	Legal Description
MARGUERITE GREETA MILAN	Lot 3 District Lot 139 Osoyoos Division Yale District
AS TO AN UNDIVIDED ¼ INTEREST	Plan 27581
TEEG CONSULTANTS INC. (INC NO. 149630)	
AS TO AN UNDIVIDED 1250/10000	
INTEREST	
L.G.L. HOLDINGS LTD (INC. NO	
225,389)	
WEBSTER MANAGEMENT LTD. (INC.	
NO 106610)	
AS TO UNDIVIDED 50/100THS INTEREST	
CITY OF KELOWNA	Lot 13 Block 10 District Lot 139 Osoyoos Division
	Yale District Plan 462
BMK134 HOLDINGS INC. (INC NO	Lot 14 Block 10 District Lot 139 Osoyoos Division
0730030)	Yale District Plan 462
KELOWNA COMMUNITY	East 1/2 lot 15 Block 10 District Lot 139 Osoyoos
RESOURCES & CRISIS CENTRE	Division Yale District Plan 462
SOCIETY (INC. NO S18587)	
CITY OF KELOWNA	Lot 1 District Lot 139 Osoyoos Division Yale District Plan KAP44674
KELOWNA MOTORS HOLDINGS	North 1/2 Lot 1 and Lot 2 Block 10 District Lot 139
LIMITED (INC NO 52192)	Osoyoos Division Yale District Plan 462.
KELOWNA MOTORS HOLDINGS	South 1/2 Lot 1 and Lot 2 Block 10 District Lot 139
LIMITED (INC NO 52192)	Osoyoos Division Yale District Plan 462
	Lot 3 Block 10 District Lot 139 Osoyoos Division
	Yale District Plan 462
KELOWNA MOTORS LTD (INC NO	Lot 4 Block 10 District Lot 139 Osoyoos Division
18962)	Yale District Plan 462
	Lot 5 Block 10 District Lot 139 Osoyoos Division
	Yale District Plan 462
J.Q. DEVELOPMENTS INC. (INC NO	Lot 6 Block 10 District Lot 139 Osoyoos Division
BC0632884)	Yale District Plan 462
DO GI ENT. LTD., (INC NO 475872)	Lot 7 Block 10 District Lot 139 Osoyoos Division
	Yale District Plan 462

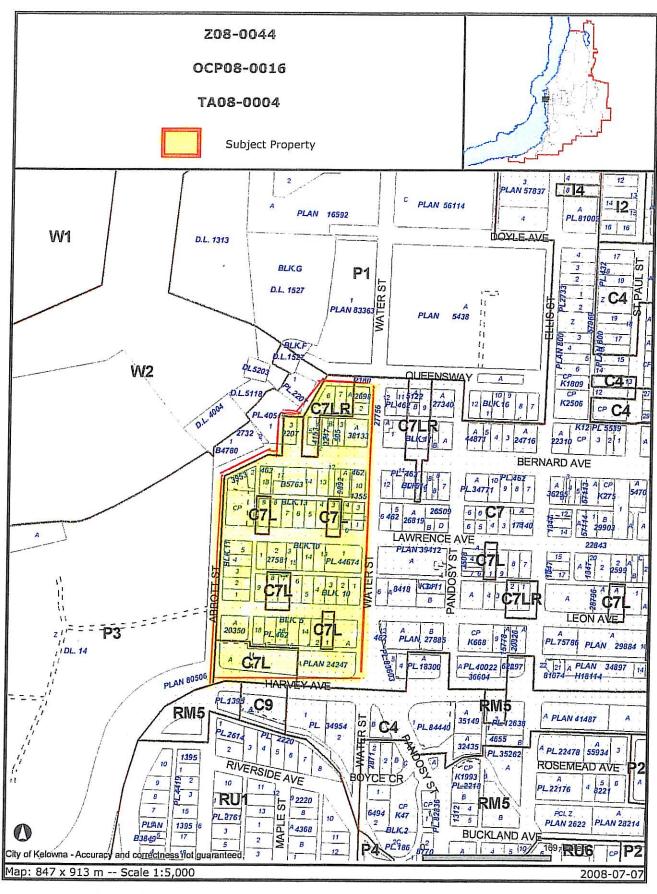
Registered Owner	Legal Description
0803475 B.C. LTD. (INC NO BC0803475)	Lot 8 Block 10 District Lot 139 Osoyoos Division
0003 173 B.C. 212. (110 110 20003 175)	Yale District Plan 462
540546 B.C. LTD (INC NO 584627)	Lot 9 Block 10 District Lot 139 Osoyoos Division
3 103 10 B.C. BIB (INC INC 30 1027)	Yale District Plan 462
WESTCORP HOLYROOD INC (INC. NO	Lot 2 District Lot 139 Osoyoos Division Yale District
A31452)	Plan 2698
	Lot 1 District Lot 139 Osoyoos Division Yale District Plan 2698
1324632 ALBERTA INC. (INC. NO	Lot A District Lot 139 Osoyoos Division Yale District
A72431)	Plan 2180
,	Lot 7 District Lot 139 Osoyoos Division Yale District Plan 505
	Lot 6 District Lot 139 Osoyoos Division Yale District Plan 505
CITY OF KELOWNA	Lot 3 District Lot 139 Osoyoos Division Yale District Plan 2207
432092 B.C. LTD. (INC NO. 432092)	The West 1/2 of Lot 5 District Lot 139 Osoyoos Division Yale District Plan 505
	Lot 1 District Lot 139 Osoyoos Division Yale District Plan 4153
BRIGHT PUBLISHING INC. (INC No.	Lot 2 District Lot 139 Osoyoos Division Yale District
445126)	Plan 4153
WINDWARD TRAVEL LTD. (INC No.245169)	Lot A District Lot 139 Osoyoos Division Yale District Plan 2247
MCBRIDE LEASING LTD. (INC NO. 377617)	Lot B District Lot 139 Osoyoos Division Yale District Plan 2247
GEORGE WILLIAM SILEWICH	Lot 3 District Lot 139 Osoyoos Division Yale District Plan 505 Except the East 30 feet thereof
GEORGE PETER BOYCHUK	The east 30 feet of Lot 3 District Lot 139 Osoyoos Division Yale District Plan 505
BANK OF MONTREAL	Lot A District 139 Osoyoos Division Yale District Plan 38133
VIEWCREST ESTATES LTD. (INC. NO. 80372)	Lot 10 Block 13 District Lot 139 Osoyoos Division Yale District Plan 462
	Lot 11 Block 13 District Lot 139 Osoyoos Division District Plan 462 Except Plan 9892
KERRY HOLDINGS LTD	Lot A District Lot 139 Osoyoos Division Yale District Plan 9892

Registered Owner	Legal Description
456288 B.C. LTD. (INC NO. 456288)	The Easterly 26 feet of Lot 12 Block 13 District Lot
	139 Osoyoos Division Yale District Plan 462
HOUSE OF WOON TING LEE	Lot 12 Block 13 District Lot 139 Osoyoos Division
HOLDINGS LTD	Yale District Plan 462 except the East 26 feet thereof
	The East 3 feet 10 inches Lot 13 Block 13 District Lot
DUTCHCAD B.I.L. INVESTMENTS	139 Osoyoos Division Yale District Plan 462
LTD (INC. NO. BC0761560)	The Westerly 46 feet 2 inches of Lot 13 Block 13 District Lot 139 Osoyoos Division Yale District Plan
LID (INC. NO. BC0/01300)	462
	102
,	
DUTCHCAD B.I.L. INVESTMENTS	Amended lot 14 (DD 142773F) Block 13 District Lot
LTD. (INC NO. BC0761560)	139 Osoyoos Division Yale District Plan 462
1149447 AIDEDTA ITD (DIC	D17 (D1 D-7/2) D1 1 12 D1 117 117
1148447 ALBERTA LTD. (INC. NO.A0068866	Parcel Z (Plan B5763) Block 13 District Lot 139
NO.A0008800	Osoyoos Division Yale District Plan 462
VIEWCREST ESTATES LTD. (INC NO.	Lot 17 Block 13 District Lot 139 Osoyoos Division
80372)	Yale District Plan 462 Except Plan B5345
,	
	Lot 18 Block 13 District Lot 139 Osoyoos Division
	Yale District Plan 462
	Lat 2 District Lat 120 Occurs District W.1. Division
	Lot 2 District Lot 139 Osoyoos Division Yale District Plan 3953
EARL'S HOLDINGS (KELOWNA	Lot 1 District Lot 139 Osoyoos Division Yale District
LAND) LTD. (INC NO. 722278)	Plan 3953
VIEWCREST ESTATES LTD. (INC. NO	Lot 3 District Lot 139 Osoyoos Division Yale District
80372)	Plan 1355
	Lot 4 District Lot 139 Osoyoos Division Yale District
TALOS ENTERPRISES LTD (INC. NO	Plan 1355
157542)	Lot 5 District Lot 139 Osoyoos Division Yale District Plan 1355
RAYAL ENTERPRISES LTD. (INC. NO	Lot 6 District Lot 139 Osoyoos Division Yale District
70194)	Plan 1355
TALOS ENTERPRISES LTD (INC. NO	Lot 2 District Lot 139 Osoyoos Division Yale District
157542)	Plan 1355
RAYAL ENTERPRISES LTD (INC. NO	Lot 1 District Lot 139 Osoyoos Division Yale District
70194)	Plan 1355
LIQUID ZOO HOLDINGS LTD (INC.	Lot 3 Block 13 District Lot 139 Osoyoos Division
NO. BC0729076)	Yale District Plan 462
VICTOR PROJECTS LTD. (INC. NO. 593426)	Lot 4 Block 13 District Lot 139 Osoyoos Division
JJJ440)	Yale District Plan 462

Registered Owner	Legal Description
RANDALL FREDERICK LARUE	Lot 5 Block 13 District Lot 139 Osoyoos Division
VALERIE ANN LARUE	Yale District Plan 462
AS JOINT TENANTS	Tale District Fran 402
AB JOHN TENANTS	
VICTOR PROJECTS LD. (INC. NO	Lot 6 Block 13 District Lot 139 Osoyoos Division
593426)	Yale District Plan 462
MARIA SINTICHAKIS	Lot 7 Block 13 District Lot 139 Osoyoos Division
ANTONIO PANTAZOPOULOS	Yale District Plan 462
SUPREME TEAM ENTERPRISES LTD.	Lot 9 Block 13 District Lot 139 Osoyoos Division
(INC. NO 745327)	Yale District Plan 462
KELOWNA MEDICAL IMAGING LTD.	Lot 8 Block 13 District Lot 139 Osoyoos Division
(INC. NO 75478)	Yale District Plan 462
C.2K HOLDINGS LTD. (INC. NO	STRATA LOT 1 District Lot 139 Osoyoos Division
585452)	Yale District Strata Plan K577 together with an
	interest in the common property in proportion to the
	unit entitlement of the strata lot as shown on form 1.
SALIL KUMAR GUPTA	STRATA LOT 2 District Lot 139 Osoyoos Division
	Yale District Strata Plan K577 together with an
	interest in the common property in proportion to the
	unit entitlement of the strata lot as shown on form 1.
MARIA CORNELIA SCHENK	STRATA LOT 3 District Lot 139 Osoyoos Division
	Yale District Strata Plan K577 together with an
	interest in the common property in proportion to the
	unit entitlement of the strata lot as shown on form 1.
KIRK GORDON STOTT	STRATA LOT 4 District Lot 139 Osoyoos Division
PATRICIA MARIE LOMOND	Yale District Strata Plan K577 together with an
	interest in the common property in proportion to the
26.000 20.000 20.000	unit entitlement of the strata lot as shown on form 1.
ALEX RAMANATHAN	STRATA LOT 5 District Lot 139 Osoyoos Division
KIRK GORDON STOTT	Yale District Strata Plan K577 together with an
	interest in the common property in proportion to the
	unit entitlement of the strata lot as shown on form 1.
MICHAEL DANIEL O'ROURKE	STRATA LOT 6 District Lot 139 Osoyoos Division
DENISE ROBIN O'ROURKE	Yale District Strata Plan K577 together with an
AS JOINT TENANTS	interest in the common property in proportion to the
	unit entitlement of the strata lot as shown on form 1.
PETER FINLAY MACLEOD	STRATA LOT 7 District Lot 139 Osoyoos Division
TELEVISION OF THE PROPERTY OF	Yale District Strata Plan K577 together with an
	interest in the common property in proportion to the
	unit entitlement of the strata lot as shown on form 1.
SHAKUNTLA GUPTA	STRATA LOT 8 District Lot 139 Osoyoos Division
SIMILONIEM GOI IN	Yale District Strata Plan K577 together with an
	interest in the common property in proportion to the
	unit entitlement of the strata lot as shown on form 1.
	unit chartement of the strata for as shown on form 1.

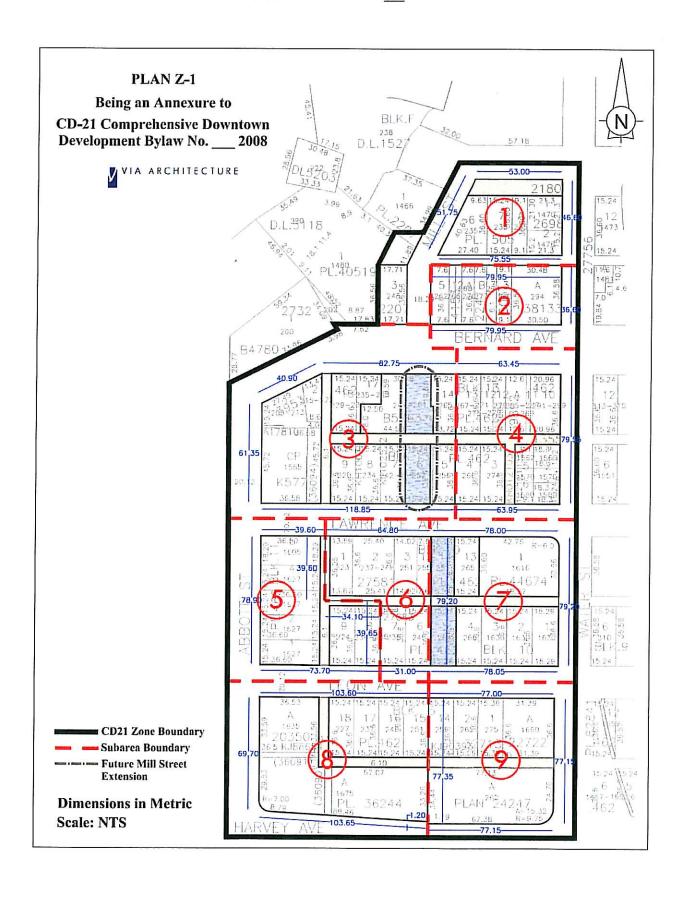
Registered Owner	Legal Description
SALIL KUMAR GUPTA	STRATA LOT 9 District Lot 139 Osoyoos Division
JULIETTE JANE CARR	Yale District Strata Plan K577 together with an
AS JOINT TENANTS	interest in the common property in proportion to the
	unit entitlement of the strata lot as shown on form 1.
THELMA GRACE CRERAR	STRATA LOT 10 District Lot 139 Osoyoos Division
	Yale District Strata Plan K577 together with an
	interest in the common property in proportion to the
	unit entitlement of the strata lot as shown on form 1.
AJIT SINGH BAINS	STRATA LOT 11 District Lot 139 Osoyoos Division
SARJIT KAUR BAINS	Yale District Strata Plan K577 together with an
AS JOINT TENANTS	interest in the common property in proportion to the
ž.	unit entitlement of the strata lot as shown on form 1.
LAUNA GAIL PRINCE	STRATA LOT 12 District Lot 139 Osoyoos Division
	Yale District Strata Plan K577 together with an
ч	interest in the common property in proportion to the
	unit entitlement of the strata lot as shown on form 1.
NORMAN GARDNER	STRATA LOT 13 District Lot 139 Osoyoos Division
DAPHNE MARGARET GARDNER	Yale District Strata Plan K577 together with an
AS JOINT TENANTS	interest in the common property in proportion to the
	unit entitlement of the strata lot as shown on form 1.
0785251 B.C. LTD. (INC NO. 0785251)	STRATA LOT 14 District Lot 139 Osoyoos Division
	Yale District Strata Plan K577 together with an
	interest in the common property in proportion to the
	unit entitlement of the strata lot as shown on form 1.
CARLA JEAN KAMINSKI	STRATA LOT 15 District Lot 139 Osoyoos Division
	Yale District Strata Plan K577 together with an
	interest in the common property in proportion to the
	unit entitlement of the strata lot as shown on form 1
ROBERT DENTON CARR	STRATA LOT 16 District Lot 139 Osoyoos Division
EVA CARMEL CARR	Yale District Strata Plan K577 together with an
AS JOINT TENANTS	interest in the common property in proportion to the
	unit entitlement of the strata lot as shown on form 1
DALE JIMMIE MANTON	STRATA LOT 17 District Lot 139 Osoyoos Division
	Yale District Strata Plan K577 together with an
	interest in the common property in proportion to the
MARKANI OR CONTROL	unit entitlement of the strata lot as shown on form 1
MARILYN GRACE STANTON	STRATA LOT 18 District Lot 139 Osoyoos Division
	Yale District Strata Plan K577 together with an
	interest in the common property in proportion to the
ANTONIA WILLIAM OTTO	unit entitlement of the strata lot as shown on form 1
ANTONY WILLIAM OTTO	STRATA LOT 19 District Lot 139 Osoyoos Division
	Yale District Strata Plan K577 together with an
	interest in the common property in proportion to the
	unit entitlement of the strata lot as shown on form 1

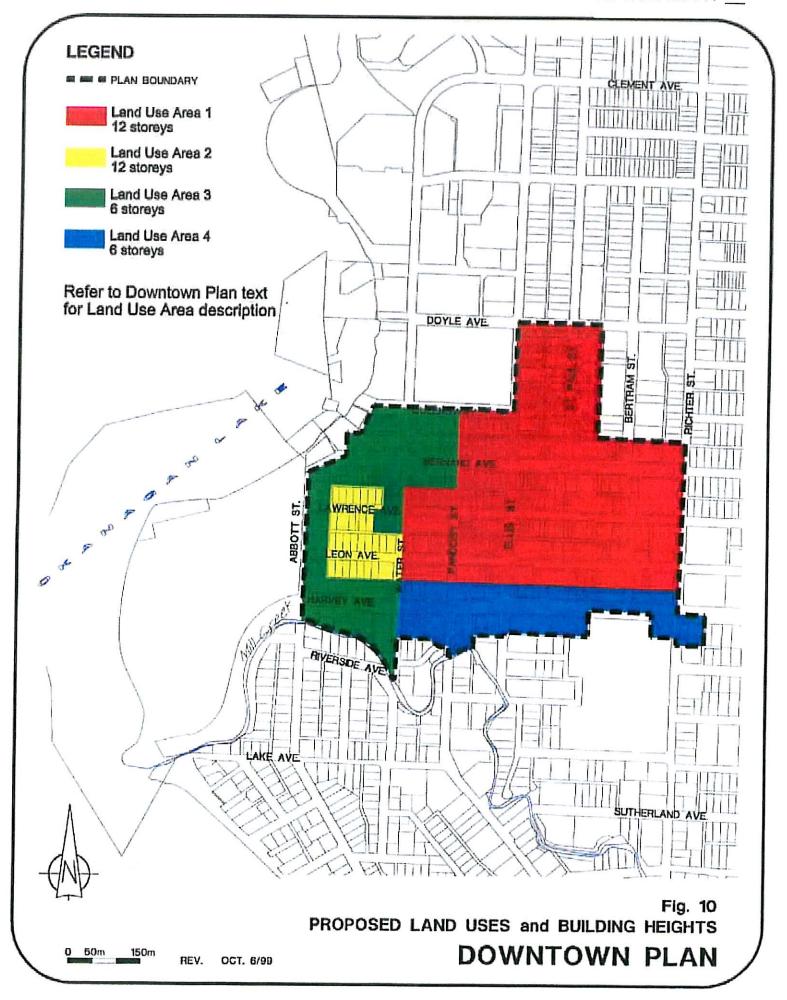
Registered Owner	Legal Description
ANTHONY WILLIAM OTTO	STRATA LOT 20 District Lot 139 Osoyoos Division
	Yale District Strata Plan K577 together with an interest in the common property in proportion to the
	unit entitlement of the strata lot as shown on form 1



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

ATTACHMENT A





Summary of Public Consultation for the Proposed Downtown CD Zone

Following Council's authorization on August 20, 2007 for staff to proceed with the preparation of a CD zone for the area of downtown bounded by Abbott, Mill, Queensway, Water and Harvey, staff launched into a comprehensive public consultation process. This is summarized below:

Stakeholder Events:

Workshop - Capri Conference Centre on September 14, 2007:

- All landowners and businesses in the area were provided with a written invitation
- Attended by about 100 individuals and the media;
- Presentation by the consultant and staff to landowners; second presentation for the media
- o Feedback incorporated into preparation of plan for the CD area

Meeting by invitation September 24, 2007 to:

- o Chamber of Commerce
- o DKA
- o UDI
- o CHBA
- Feedback incorporated

Workshop - Ramada - October 5, 2007

- o Landowners and businesses invited 20-30 in attendance
- Consultants on hand
- o Issue specific workshop session moderated by Phil Johnston CKOV
- Workshop results incorporated

<u>Landowner Workshop – October 31, 2007</u>

- Meeting notes taken
- o 7 landowners, consultants and staff in attendance
- feedback incorporated

<u>Landowner workshop – Rotary Arts - November 6, 2007</u>

- Meeting notes taken
- o 12 landowners and consultants in attendance
- Feedback incorporated

Presentations to and further meetings to show progress and changes to the plan with:

- o Heritage Commission:
- o Downtown Task Force
- o Downtown Kelowna Association
- Chamber of Commerce

- UDI and Canadian Home Builders Association of Kelowna
- City Council in public sessions with media present

Community-Wide Public Consultation - Open Houses

September 27, 2008 – Rotary Centre for the Arts

- o Over 200 people in attendance and media with media coverage
- o Display panels, consultants and staff available for dialogue with public
- o Pin map record of attendees place of residence and work
- Public survey launched and surveys were completed at the open house as well as available on-line through to end of November 2007

November 6, 2007- Grand Hotel and Conference Centre

- o Estimated 300 in attendance
- o Pin map record of attendees place of work and residence
- o Display panels
- o Coordinated with parks plans for waterfront display
- Presentation by the architect
- o Public Q & A session
- o Staff and consultants met to assess and incorporate feedback

May 7, 2008 - Mary Irwin Theatre

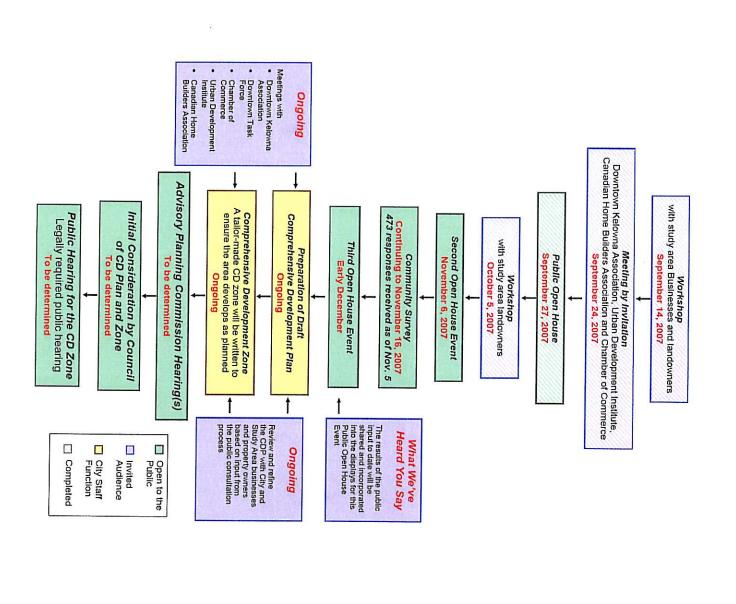
- o 2 formal presentations by the architect and staff
- o display panels change incorporated following public consultation displayed
- o staff and consultants in attendance for discussion with public
- o over 300 in attendance

Public Survey: September to November 2007

- o Survey designed by planning staff (Signe Bagh)
- 1219 responses tabulated
- o report available

Advisory Planning Commission Hearing – Council Chambers - June 25, 2008

- o over 300 in attendance
- o minutes available



File: Z08-0044

Application

File: Z08-0044

Type: REZONING

File Circulation

Seq

Out

In

By

Comment

B.C. Assessment Authority (info only) 2008-07-07 2008-07-07

Community Development & Real Estate Mgr

2008-07-07 2008-07-28

KGENGE

CD&RE Comments for Inclusion in Council Report: Please contact the Land Agent for road dedications over 20 metres in width, land dedications and land transfers to or from the City of Kelowna, road closures and road reserves. Depending on the type of land transaction being contemplated, the processing time can vary from 3 weeks to 3 months. The Land Department requires a full-sized copy, together with an 8 ? x 11 copy, of any survey plans.

Z08-0044 - DOWN TOWN REDEVELOPMENT:

Fire Department

2008-07-07 2008-08-14

MNEID

Not enough information provided.

The drawings are in complete; I can not determine if the BCBC Subsection 3.2.5 Provisions for Firefighting is meet this includes Fire Department access to the buildings as well as access route design. Fire protection information not provided. It appears fire flows for some of the structures may not be met. Engineered fire flows are required to determine if existing hydrants/fire flows are adequate and if additional hydrants/fire flows are required.

Detailed building code analysis (detail equivalencies, if any) required for proposed buildings; to include exiting, fire protection information and fire departments access. among other things.

"Kelowna Fire Department additional requirements for high buildings" will need to be incorporated, contact the Kelowna Fire Prevention Branch for information.

FortisBC 2008-07-07

Inspections Department 2008-07-07 2008-08-07

RREADY

- 1) No space allowed below the 1:200 flood plain level of Okanagan Lake (High water table). Provide minimum geodetic elevations and proposed site drainage.
- 2) Strongly recommend to the developer to provide a general compliance report for the entire project outlining the compliance to BCBC 2006 for fire protection and safety items
- 3) Fire fighting access / circulation analysis required for each building
- 4) Continuous Access path for the disabled required to all buildings
- 5) More detailed drawings required to provide comment on BCBC 2006 review issues, prior to DP release.

The following to be addressed by Developer at the time of DP application and be implemented at the BP stage to prevent potential risk of damage and/or injury:

- 1) Geotechnical investigation to identify
 - A) The soil densification methods
 - B) Impact assessment to the adjacent private and public properties.
- C) Design solutions to prevent structural damages to adjacent properties prior to soil densification/preparation of the developed area
 - D) Permanent or temporary dewatering and discharge solution
 - E) High water table and water proofing design solution
- 1 IN 200 construction flood plain elevation (FPE) of 343.66 m to be considered in design of the proposed structure.
- No usable space except storage of vehicles and bikes should be designated under FPE. In this case tanking and 219 covenant may be required.

Comments too extensive for posting here. Please refer to related comments in email dated August 21, 2008.

Mgr Policy, Research & Strategic Plannin 2008-07-07 2008-08-21 Park/Leisure Services Dir. (info only)

2008-07-07 2008-07-07

Parks Manager 2008-07-07

Public Health Inspector 2008-07-07 2008-09-05

RCMP

2008-07-07 2008-07-17

Shaw Cable

2008-07-07 2008-07-09

see file - Various issues on health, environment, injury prevention, physical activity, healthy child development, nutrition & food security and housing, social wellness and inclusion.

No comment

No requirements

File: Z08-0044

Seq

Out

Telus

In

2008-07-07 2008-08-12

Terasen Utility Services 2008-07-07 2008-08-21

Works & Utilities

2008-07-07 2008-09-23

Ву

Comment

TELUS has no comment for this application.

Terasen plant WILL be affected, but will be covered by the road/lane closure. Relocation most likely required at some locations Ben Proskiw - 250 868 4512

see documents tab

CITY OF KELOWNA

MEMORANDUM

Date:

September 17, 2008

File No.:

Z08-0044 OCP08-0016 TA08-0004

To:

Planning & Development Services Department (PMcV)

From:

Development Engineering Manager (SM)

Subject:

Abbott, Water, Queensway, Harvey

Downtown Redevelopment Area

The Works & Utilities Department have the following comments and requirements associated with this application. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

The Development Engineering Technologist for this project is John Filipenko. AScT

These are W. & U. initial comments and are subject to MOT requirements.

1. <u>Domestic Water and Fire Protection</u>

- (a) The developer's consulting engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs.
 - (i) The existing 150mm diameter cast iron watermain on Lawrence Avenue, west of Water Street will need to be replaced with a larger main.
 - (ii) The existing 250mm and 150mm diameter cast iron waterman within Bernard Avenue, fronting this development will need to be replaced with new PVC mains.
 - (iii) The existing 150mm PVC main within the lane north of Bernard Avenue may be utilizes for the proposed development. Disconnect all existing unused services at the main.
 - (iv) The existing 150mm diameter cast iron waterman as well as the ductile iron watermain on Abbott Street will need to be replaced with a larger diameter PVC Watermain.
 - (v) The existing 200mm diameter AC waterman on Queensway Avenue, west of Water Street will need to be replaced with a 300mm PVC main.
 - (vi) The existing 200mm diameter AC waterman on Mill Street, north of Bernard Avenue will need to be replaced with a 300mm PVC main.

The cost of these works will be included in the road construction cost estimate.

- (b) The 300mm PVC Watermain within Water Street., between Leon Avenue and Lawrence Avenue is within 2.5m of the property line. It is highly recommended that alternative compaction methods are used along the Water Street frontage to avoid impacting the integrity of this main. Should the integrity of the watermain on the Water Street frontage be impacted, additional bonding for its repair or replacement will be required.
- (c) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures. The City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters.

2. Sanitary Sewer

- (a) The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. The anticipated sanitary sewer main servicing and main upgrades are as follows:
 - (i) It will be necessary to replace the existing substandard 150mm diameter VIT sanitary main on Queensway, west of Water Street with a new 300mm PVC main. The main will be extended into Mill Street to provide service to the proposed 16 story tower.
 - (ii) The existing 200mm PVC main within the lane north of Bernard Avenue may be utilizes for the proposed development. Cap all existing unused services at the main.
 - (iii) Construct a new 300mm diameter PVC main within Lawrence Avenue, west of Water Street.
 - (iv) Remove all existing 150mm diameter VIT mains within the lanes and plug and re-bench manholes as required.
 - (v) The existing 250mm PVC main within Leon Avenue may be utilizes for the proposed developments if sufficient in size. Replacement, if required will be determined at time of development.

The cost of these works will be included in the road construction cost estimates.

(b) The existing 600mm diameter concrete trunk main within Water Street services a large catchment area. It is highly recommended that alternative compaction methods be used along the Water Street frontage to avoid impacting the integrity of this trunk main. Should the integrity of the main be impacted, additional bonding for its repair or replacement will be required.

- (c) A preliminary flow analysis check by the City has determined that the existing trunk main downstream of this development is presently running at near capacity. With the addition of calculated flows from the issued development permits of high density developments within this catchment area as well as the calculated flows from the full build-out of this development, would increase the peek flows to beyond the allowable limits. The required upgrades to the infrastructure are as follows:
 - (i) A new Harvey Avenue Sewer Trunk Main Crossing will likely be required. The estimated cost of construction is \$1,000,000.00.
 - (ii) A Forcemain Upgrade from the existing Lift-station to Treatment Plant. The estimated cost of construction is \$1,000,000.00.
 - (iii) A Lift Station Upgrade
 The estimated cost of construction is \$1.500.000.00.

3. Storm Drainage

- (a) It will be necessary to replace the existing substandard 200mm diameter VIT storm main on Bernard Avenue, west of Water Street, with a new 250 PVC main.
- (b) It will be necessary to install a storm drainage collection system within Mill Street, from Bernard Avenue to Lawrence Avenue.
- (c) It will be necessary to install a storm drainage collection system within Lawrence Avenue, From Water Street. to the new main on Abbott Street.
- (d) It will be necessary to install a storm drainage collection system within Abbott Street, from Leon Avenue to Bernard Avenue.
- (e) It will be necessary to extend the existing storm drainage collection system within Leon Avenue to the proposed main on Abbott Street.

The cost of these works will be included in the road construction cost estimate.

(f) The existing 750mm concrete trunk main within Water Street has a large catchment area. It is highly recommended that alternative compaction methods be used along the Water Street frontage to avoid impacting the integrity of this main. Should the integrity of the trunk main on the Water Street frontage be impacted, additional bonding for its repair will be required.

Road Improvements

(a) Queensway, west of Water Street:

The anticipated preloading of the building footprints will impact the integrating of this frontage road. The decommissioning of existing services and installation of new mains and services will also require road cuts. The road will required full reconstruction including new monolithic sidewalks, curb and gutters, storm drainage system modifications, street lights, and re-location or adjustment of

existing utility appurtenances if required to accommodate the construction. The estimated cost of the road reconstruction is \$300.000.00.

(b) Lane north of Bernard Avenue

The impact by redevelopment and the decommissioning of existing services will make it necessary to reconstruct the lane to a new paved commercial standard. The estimated cost of this construction is \$60,000.00

(c) Mill Street, Queensway to Bernard Avenue:

Preloading of the development sites will impact the integrating of this frontage road. The decommissioning of existing services and installation of new mains and services will also require road cuts. The road will required full reconstruction including new monolithic sidewalks, curb and gutters, storm drainage system modifications, street lights and re-location or adjustment of existing utility appurtenances if required to accommodate the construction. The estimated cost of the road reconstruction is \$450,000.00.

(d) Bernard Avenue, west of Water Street:

Preloading of the development site may impact the integrating of this frontage road. The decommissioning of existing services and installation of new mains and services will also require road cuts. The road will required full reconstruction including new monolithic sidewalks, curb and gutters, storm drainage system modifications, street lights and re-location or adjustment of existing utility appurtenances if required to accommodate the construction. The estimated cost of the road reconstruction is \$1,008,000.00

(e) Mill St, Bernard Avenue to Lawrence:

The construction of the new road will include monolithic sidewalks, curb and gutters, storm drainage system, ornamental street lighting and traffic control signalization. The estimated cost of this construction is \$540,000,00

(f) Lawrence Avenue, West of Water Street:

Utility main upgrades within Lawrence Avenue will necessitate the reconstruction and replacement of the full asphalt width including new monolithic sidewalks, curb and gutters, street lights and re-location or adjustment of existing utility appurtenances if required to accommodate the construction.

The estimated cost of the road reconstruction is \$1,325,000.00.

(g) Abbott Street, south of Lawrence Avenue:

Preloading of the building footprints will impact the integrating of this frontage road. The decommissioning of existing services and installation of new mains and services will also require road cuts. The road will required full reconstruction including new monolithic sidewalks, curb and gutters, piped storm drainage system, ornamental street lights and re-location or adjustment of existing utility

appurtenances if required to accommodate the construction. The estimated cost of the road is \$825,000.00.

(h) Leon Avenue, west of Water Street:

Preloading of the building footprints will impact the integrating of this frontage road. The decommissioning of existing services and installation of new mains and services will also require road cuts. The road will required full reconstruction including new monolithic sidewalks, curb and gutters, storm drainage system modifications, ornamental street lights and re-location or adjustment of existing utility appurtenances if required to accommodate the construction. The estimated cost of the road reconstruction is \$905,000.00.

(i) Water Street:

The decommissioning of existing services and tie-in of new mains within Water Street will necessitate the reconstruction and replacement of the full asphalt width including new monolithic sidewalks, curb and gutters, ornamental street lights on the west side. The estimated cost of the road reconstruction is \$520,000.00.

(j) Harvey Avenue, west of Water Street:

The additional highway allowance widening of Harvey Avenue will require the removal and reconstruction of the curb, gutter and sidewalk, pavement widening and drainage system modifications, signal lighting modifications, re-location and adjustment of all existing utility appurtenances required to accommodate the construction. The estimated cost of the road reconstruction is \$145,000.00.

- (k) It is highly recommended to use alternative compaction methods for the building footprints along the Harvey Avenue frontage. The decommissioning of existing services will also require road cuts. The estimated cost of construction is \$15,000.00.
- (I) The estimated traffic control signalization installation and modification costs are \$600,000.00

5. <u>Electric Power and Telecommunication Services</u>

(a) The development site is within the Urban Town Center. Electrical and telecommunication services to this site as well as the local distribution wiring must be installed in an underground duct system. The existing building and the proposed new 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 obtain estimates and arrange for these services.

6. Engineering

- (a) 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.
- (b) The Developer's Civil Consultant will inspect the condition of the existing infrastructure fronting the development sites and provide a pre-construction video report to the City Engineer. After site compaction is complete, the condition of the infrastructure shall be inspected and a new video report provided by the consultant complete with the engineer's findings and recommendations.
- (c) A separate application will be required by the developer's consultant prior to commencement of pre-loading. The Works & Utilities will provide a "Notice to Proceed" once all the requirements of the applicant are met.

7. OCP and Text Amendments

We have no concerns or requirements of the OCP or Text amendment applications.

8. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Provide an additional highway allowance widening along the frontage of Harvey Avenue. Road widening requirements to be confirmed by M.O.T.
- (b) Dedicate a road allowance of 20.00m for the extension of Mill St to Lawrence Avenue.
- (c) Dedicate additional widening for Mill Street, north of Bernard Avenue, to provide the required total width of 20.00m. Adjust the right-of-way property line to accommodate a 100m centreline radius horizontal curve.
- (d) Dedicate additional widening for the lane north of Bernard Avenue to provide the required 7.60 m commercial lane width.
- (e) Provide property corner roundings at the intersection of all road right of ways. Minimum radius is 6.00m.
- (f) Abbott Street north of Lawrence Avenue as well as existing Lane right-of-ways are indicated as being closed. Transferring of various ownerships is to be dealt with the Community Development & Real Estate Manager.
- (g) Lot consolidation.
- (h) Grant Statutory Rights Of Way for utility services, including the updated watermain within the Abbott Street road closure.
- (i) If any road dedication or closure affects lands encumbered by a Utility right-ofway (such as Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must

be incorporated in the construction drawings submitted to the City's Development Manager.

9. <u>Geotechnical Report</u>

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 pisometers 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.
- (e) Additional geotechnical survey may be necessary for building foundations, etc

10. 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.

11. Bonding and Levy Summary

(a) Bonding

Road and Deep Utility Construction Costs	\$6,693,000.00
Street Beatification and Boulevard Treatment	TBD
Traffic Re-Routing and Pedestrian Control	TBD
Temporary Servicing during Phased Construction	TBD

Total construction costs of \$6,693,000.00 x 140% escalation = \$9,370,200.00

Total Bonding

<u>NOTE</u>: The total bonding amount shown above is comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and is 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 rezoning 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. The City Development Engineering Section will prepare the servicing agreement for execution by the owner and the City.

(b) Additional DCC associated Costs

New Harvey Avenue DCC Sewer Trunk Main Crossing
Forcemain Upgrade Lift-station to Treatment Plant
Lift Station Upgrade if required – up to
\$1,000,000.00
\$1,000,000.00

Total construction costs estimate \$3,500.00

12. 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 Total Off-Site Construction Cost plus GST) in the amount of \$210,829.50 (\$200,790.00 + 10,039.50 GST)

13. <u>Transportation comments</u>

In December 2007 Bunt & Associates produced a report titled Downtown Kelowna Waterfront Village Traffic Study. This report investigated transportation related impacts of the redevelopment as they relate to:

- Developing a pedestrian scale street network in the Waterfront Village Area
- Developing a proposed road network that would allow the development to occur, whilst
 maintaining the vehicle traffic and operational performance criteria required under the
 W.R. Bennett Bridge agreement between the City of Kelowna and the Ministry of
 Transportation.

The Ministry of Transport has responded in a cautious manner expressing a desire to evaluate the effects of the redevelopment on the Highway 97 corridor in more detail.

The principal criterion for the Bridge Agreement relative to the Bridge Concessionaire is the traffic capacity to and from the Bridge through the Abbott St intersection. We are confident that

Z08-0044 OCP08-0016 TA08-0004 DOWNTOWN REDEVELOPMENT AREA Queensway, Harvey Abbott, Water, Sept 17 jf.doc 9
Sep 17, 2008

this requirement can be met by option D in the subject traffic study. Option F also appears to meet this criteria but places more emphasis on the use of Abbott St and Lawrence Ave to get to/from the bridge.

To meet this requirement for future growth scenarios we would support the best features of options D & F as outlined in Bunt & Associates draft letter of 28th August 2008.

- The ability to construct a 4th lane on Harvey Avenue west of Water Street with a southbound free right turn lane.
- An additional west bound lane on Lawrence between Mill Street and one way working east of Water Street

Some consideration should be given to the best method to achieve an additional lane on Harvey west of Water Street. Widening of Harvey Avenue on the southern side may be a consideration, and we feel merits investigation.

There are some criteria of the bridge agreement that are not met such as the proportion of traffic delivered to & from the Bridge via Abbott Street, and the operational criteria of some intersections on Harvey.

The analysis carried out by Bunt & Associates has shown that there will be some congestion caused by the redevelopment. We will continue to work with the consultants to mitigate the delays particularly on the truck route and to Transit services. We will also work with the architects to ensure the building footprints allow for the future growth of pedestrian and car traffic in the downtown area.

Steve Muenz, P. Eng. Development Engineering Manager JF/if

Community Heritage Commission

Report to Kelowna City Council A Case for Heritage Preservation

Date: September 2, 2008

The Issue:

Proposed revitalization of the downtown core of the City of Kelowna and the desire to preserve priority Heritage structures within the new Comprehensive Revitalization Zone (CRZ).

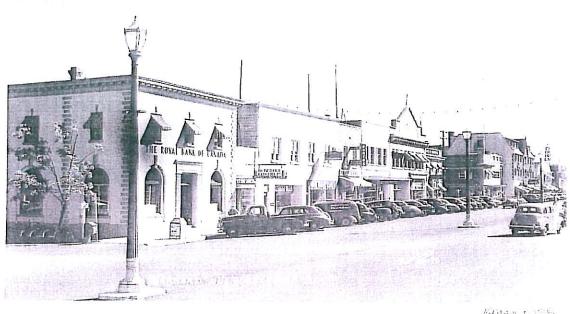
Much of Kelowna's earliest commercial built heritage lies within the 200 Block of Bernard Avenue and on the Westside of Water Street. The structures in this area exhibit many of the design features typical of the settlement era in western Canada. In this sense, the area holds its own local heritage and importance and, at the same time, ties the community to a wider and shared historical experience and should be preserved for future generations.

The Community Heritage Commission (CHC) is of the view that a major strength of a modern and sophisticated city is its ability to cherish and preserve its history through the protection of its build heritage.

Recommendation:

In keeping with the mandate of the CHC, it is recommended that Council protect, to the fullest extent possible, the high priority heritage buildings located in the commercial core of the City of Kelowna and specifically, provide protection to those buildings located within the 200 Block of Bernard Avenue, on the Westside of the 1500 Block of Water Street and the Kelowna Fire Hall located at 1616 Water Street.

North side of Bernard Avenue ca 1949



Background:

The Council of the City of Kelowna is on record in support of Heritage preservation through the following actions and policies:

- Establishment of a Community Heritage Commission (CHC) to raise awareness on Heritage issues and to advise Council on relative issues;
- Establishment of a Community Heritage Register to identify and protect our built heritage;
- Adoption of the current Strategic Plan which includes Heritage preservation objectives such as Goal #3, Objective 7 – "Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas";

Southside 200 Block of Bernard Avenue ca 1920



- Adoption of Heritage Strategies recommended by the Luxton Report dated May 2007 which include:
 - Recognition of "a rich and vibrant built and natural history that has left a tangible legacy of heritage resources';
 - Community values recognizing that "Heritage conservation of buildings and landscapes at a time of rapid development and population growth is highly valued" by the community;
 - o The need for Heritage Planning to "continue to preserve and protect significant heritage resources through the use of protection tools and heritage planning initiatives;
 - "the need to change development codes and rezoning practices to incorporate a vision for heritage conservation"; and
 - the need to "explore protective mechanisms to preserve selected heritage neighbourhoods", specifically identifying the 200 Block of Bernard Avenue which contains many of Kelowna's commercial built heritage structures.





Kelowna Courier Building 1958

Kelowna Fire Hall 1925

The CHC is on record (Report to Council dated February 7, 2008) in support of the need to revitalize the City's downtown core and included the following specific recommendations:

- "Development considered for this part of the City's Downtown give the highest value and priority to retaining all existing heritage structures in the 200 block of Bernard Avenue and the west side of Water Street by embedding their protection in proposed new by-laws for the Comprehensive Development Zone under consideration.";
- "Construction approaches and methods that eliminate or minimize the impact on the structural integrity of the existing heritage building stock in the Comprehensive Development Zone be embedded in municipal legislation and other appropriate means."

The CHC is conscious of the risk to heritage buildings within the CDZ with a major redevelopment initiative. More specifically, the CHC notes that existing structures within the area may be exposed to structural damage unless protective measures are taken; this is especially true if underground parking structures are to be incorporated. Due to the high water table and poor foundation soils in this area, such construction potentially places heritage structures at risk, including the old Fire Hall and other priority heritage buildings.

The Commission further recognizes that it may not be possible or practical to preserve all built heritage within the area under a comprehensive development plan. The CHC therefore undertook a physical inspection of the heritage buildings within the proposed CDZ on June 16, 2008 in an attempt to identify the highest priority heritage structures to be recommended for preservation.

Priority Heritage Buildings Identified:

- Kelowna Fire Hall, 1616 Water Street
- Royal Bank Building, 262 Bernard Avenue
- Kelowna Courier Building, 1580 Water Street
- Old Post Office Building (Bean Scene), 274 280 Bernard Avenue
- Raymer Block (Former Meikle Building), 293 -299 Bernard Avenue
- Leckie & Crowley Buildings (Bennett's Store), 267 271 Bernard Avenue
- The 'Rock Wall' at 229 Bernard Avenue, adjacent to the laneway across from the 'Sails'

Relevant Information:

While some of the structures reviewed are not heritage structures on their own, they form part of a commercial block and should be considered as such for heritage purposes. The CHC also recognizes the difficulty in saving individual structures and is therefore recommend that Council may wish to give consideration to groups of buildings, in a concentrated area in an effort to save the character of the street scene in addition to the individual buildings.

Specific Recommendations:

- The Southside of Bernard Avenue from the lane at 229-233 Bernard to the intersection at Water Street contains a significant number of high priority heritage buildings and should be preserved.
- The Northside of Bernard Avenue from 262 Bernard Avenue at the intersection of Mill Street to 280 Bernard near Water Street should be preserved in its entirety.
- The Westside of Water Street from the intersection with Bernard to the intersection with Lawrence Avenue should be preserved.
- The Fire Hall located at 1616 Water is a priority heritage building and should be preserved. This building in particular is seen at risk if underground parking structures are considered for this area.
- Properties lying to the south of the lane at the rear of the 200 Block of Bernard Avenue have little or no heritage value and should be made available for extensive revitalization.

Options:

The Commission has been advised by City staff that preservation of the heritage buildings cannot be done due to the underground parking proposed for the CRZ and are therefore recommending saving of the façades of the buildings to preserve the streetscape.

The CHC cannot fully support this approach as it is inconsistent with the mandate of the Commission and with the principles of heritage conservation. Preservation of façades alone is considered to provide minimum respect for the historic fabric and is consequently representative of the lowest levels of heritage conservation. The Commission also does not accept that the provision of underground parking precludes the retention of heritage buildings within the subject area. The implementation of soil and foundation stabilization measures would allow below grade parking construction to co-exist with the areas historic buildings, enabling them to be retained intact.

Additionally the Commission believes that the City should place restrictions on the ground improvement techniques which are permitted in this area, to avoid consequential damage to adjacent heritage and other structures.

Conclusion:

It is the considered opinion of the Community Heritage Commission that Block 200 of Bernard Avenue and the 1500 Block on the Westside of Water Street, plus the original Kelowna Fire Hall are high priority commercial heritage building sites and should be preserved to the extent possible during any major revitalization of the downtown core.

Respectfully submitted,

Community Heritage Commission

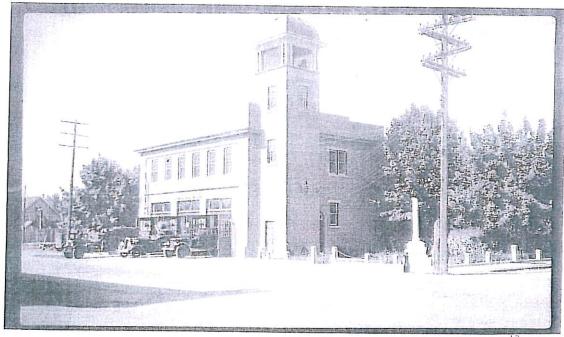
Brian Anderson, Chair

Attachments:

Priority Buildings and their Historical Significance

1616 Water Street - Kelowna Fire Hall Building

Score 100 - High Priority



KmA= 1148

The station was built in 1924 to replace the original town fire hall and represents an important centre for the community. The social value of the building was evident in the social status once awarded members of the volunteer fire brigade. The building was designed by H.J.R. Cullin and constructed by Miller & Emslie/Ward & Baldock. The structure includes Georgian Revival features, frequently seen in government buildings in the 1920s, and represents an adaptation of a commercial style of architecture to a public building. Picture ca 1928.

This structure is also listed on the National Heritage Register.

262 Bernard - Former Royal Bank building



Kelly O'Brian's Restaurant

The Old Royal Bank Building is a two-storey stone commercial building constructed in 1910-11 at 262 Bernard Avenue, at the western gateway to downtown Kelowna. The building is associated with the establishment of financial services in Kelowna during its first civic phase of development. The building was built by the Royal in 1910-11 and was occupied for its first 50 years in Kelowna.

Construction utilized pink granite from the Lefroy Quarry at Okanagan Landing. The building represents outstanding classical design and details on this pre-WW I commercial structure.

The style is late Victorian commercial block structure with heavy quoins, arched windows, dentils, pronounced eave and granite ornament.



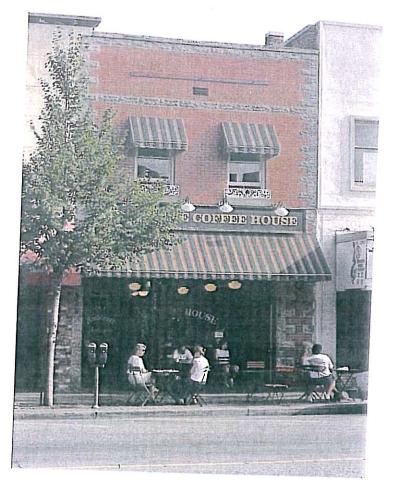
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Kelowna Courier Building ca 1958

The former Kelowna Courier Building is now operating as the Keg Restaurant. The main building constructed in 1908 is a two-storey, three-bay, brick block building with a one storey side bay to the right. This is not a typical building for commercial architecture of the time, but possesses a very interesting façade with attractive details.

Its historical significance is the association with the Kelowna Courier, which has been the main newspaper of the area since its establishment. The style and character is described as historicist commercial building belonging stylistically to a generation earlier (late Victorian).

The small building at rear of the adjacent building at 1570 Water Street is described as an original Chinese Restaurant and the only remaining building of the Original Chinatown.



The Bean Scene

This building is described as the first purpose-built Post Office in Kelowna and was used for this purpose from the date of construction, 1908 until the Post Office relocated to a new structure in 1923. Initially a one-storey building with a second storey added later which housed the Customs Office. The building was purchased by Elisha R. Bailey in 1923. Bailey was Kelowna's Postmaster from 1896 until his death in 1931.

In the 1930s, W.H. Ribelin established his Photo Studio at this location and continued in operation until the 1970s. Ribelin was the chief visual recorder and supplier of photo supplies during this period.

The building is a very good early twentieth century brick commercial building which was built by M.J. Curtis. It is described as a modest commercial style structure with strong rusticated trim.. The original brick is in evidence at the Bean Scene Coffee House which now occupies the site.

293 - 299 Bernard Avenue - Raymer Block

Score 66 - Priority





Southside of Bernard Avenue ca 1930s

The Raymer Block is a brick commercial building constructed in 1917 and located at 293-299 Bernard Avenue in Kelowna's downtown área. The building is closely associated with several individuals and businesses which had an enduring presence in Kelowna and on Bernard Avenue, including H.W. Raymer, Thomas Lawson, George Meikle and W.R. Trench. The building formerly housed the Trench Drug Store and Meikle Store which operated at this location from 1937 to a969. The newly renovated building provides a good example of commercial style, originally designed by M.J. Curts and built by J.A. Bigger / G.E. Ward.

This building also includes the renovated business sites located at 1500 Water Street and links with other Water Street properties in the 1500 block, e.g. Frescos Restaurant at 1560-62 and adjacent buildings at 1560 - 62 Water Street.

272 Bernard Avenue

Score 68 – Priority as part of Streetscape





Restaurant

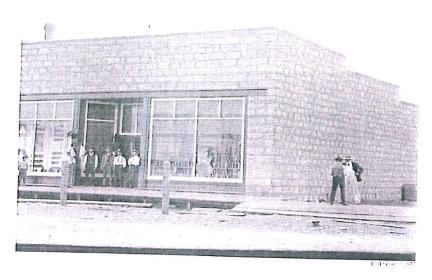
Northside of Bernard Avenue ca 1950

This property is closely built and associated with George Rowcliffe and the fruit growing industry. The building represents an early professional office (T.T. Ashbridge, Civil Engineer) and long-standing Sing restaurant. The Rowcliffe Block is a typical, small two-storey, brick commercial building constructed in 1908 in the downtown commercial core area and represents part of the continuous historic streetscape along Bernard Avenue.

Heritage renovation is currently underway on this property as the new home of a local law firm.

229 Bernard Avenue - Rock Wall at lane

Score 70 Priority



The historic place is Lequime's Store, built in the original townsite in 1904 and located at 229-233 Bernard Avenue, at the western end of the Downtown area.

The building contains the original open truss ceilings and the original brickwork walls.

Other Buildings for consideration

265 -267 -271 Bernard Avenue - Leckie & Crowley Block

Score 93 - Priority



Former Bank of Montreal & Bennett's Stores

The historic place is comprised of the two-storey Leckie Block and the attached two-storey Crowley Block, located at 267-271 Bernard Avenue, a brick-and-concrete commercial structure begun in stages between 1904 and 1912 in Kelowna's original townsite area, near the western edge of downtown. Both buildings are now referred to simply as the Leckie Block.

The building is associated with prominent individuals David Leckie and W.A.C. Bennett. Leckie established his hardware business in 1904 and sold to Bennett in 1930. The building was shared with the Bank of Montreal (bank in the eastern half of the building) until 1908, when the bank relocated to its own building. Leckie added a second storey in 1912. Another building, adjoining to the east, the Crowley Block (offices) was also build in 1912 and eventually unified for Bennett's Stores. In recent years, the two buildings have again been divided, now housing the Welk Mart store and others.

The style and character of these good brick commercial block buildings, represents early 20^{th} Century commercial construction.

Downtown Site Plan and Heritage Properties



Kelowna Heritage Register

Heritage buildings reflect the development and uniqueness of Kelowna and are the ingredients that give our community its particular sense of time, place and identity.

Evaluation Process

Members of the CHC and staff of the Planning and Development Services Department have evaluated over 300 buildings for potential inclusion in the Kelowna Heritage Register. These buildings were either nominated for evaluation or were listed in the 1983 Kelowna Heritage Resource Inventory. The information used to evaluate these buildings was obtained from the Kelowna Archives in the Kelowna Museum, from the Property Files in the Planning Department at City Hall and from site visits. As a result of an evaluation of the historical, architectural and contextual qualities of these buildings, the City has placed over 200 buildings on the Kelowna Heritage Register.

Evaluation Criteria

The following describes the evaluation criteria and scoring system established for the Kelowna Heritage

Objectives:

- To establish a community register that identifies real property that is considered by the City of Kelowna to be heritage property;
- To document the heritage value or character of each registered property;
- To distinguish between properties of differing degrees and kinds of heritage value.

Further objectives have been established in the Heritage Management Plan (1995) and the Official Community Plan for the City of Kelowna including:

- The need to show period changes in architectural style and in the community's shift from an agricultural community to an urban community with a strong regional economic focus;
- The need for geographic representation from each of the City's emerging neighbourhoods; and
- The need to balance heritage protection with other growth management and planning policies; particularly the objective of increasing density with its Town Centre.

The last objective is interpreted as meaning that the Kelowna Heritage Register should be relatively select, and should include only those buildings whose heritage significance justifies the City's enabling their protection through planning incentives, and possibly foregoing other City development policies. The Kelowna Heritage Register is seen as a development and planning tool for the consideration of application for individual properties.

Buildings are evaluated on eight criteria under three categories. The criteria are as follows:

- 1. Historical Values
 - a. Association/Pattern
 - b. Age
- 2. Architectural Values
 - a. Style/Type/Design
 - b. Construction
 - c. Architect/Designer/Builder
 - d. Integrity
- 3. Contextual Values
 - a. Continuity
 - b. Landmark/Recognition

KELOWNA CD21 PROPERTY NOTES VIA ARCHITECTURE

CD21 SUBAREA DESIGNATIONS

CITY R.O.W. AVAILABLE FOR DEVELOPMENT

DEVELOPMENT AFTER R.O.W. AQUISITION

NEW DEVELOPMENT PARCEL

A PRIORI R.O.W. AQUISITION

NEW R.O.W. WITH DEVELOPMENT

