

Memo



Date: February 11, 2010
File: OCP 008-0016; TA08-0004; Z08-0044
To: City Manager
From: City Clerk
Subject: Adoption Consideration of CD 21 Bylaws

Recommendation:

THAT the Report of the City Clerk dated February 11, 2010 regarding adoption consideration of the CD 21 Bylaws be received by Council;

AND THAT upon adoption of Bylaw 10020, the Mayor and Clerk be authorized to sign the Letter Agreement dated January 27, 2010 between the Her Majesty the Queen in right of the Province of British Columbia as represented by the Minister of Transportation and Infrastructure and the City of Kelowna.

Background:

The CD21 zone bylaws include OCP08-0016, TA08-0004, and Z08-0044 and are before Council for adoption (4th reading) consideration. The public hearing for these bylaws was held in October 2008.

The Ministry of Transportation (MOT) has approved the bylaws subject to the City agreeing to the terms of the attached Letter Agreement dated January 27, 2010.

Staff has reviewed the terms and conditions of the Letter Agreement and confirms the costs of the proposed works contemplated under the Letter Agreement would either be incurred by or recovered from a developer, or has existing City funding sources. The proposed works are consistent with those envisaged in the CD21 Bylaw.

Council has been provided with the various staff reports, council and public hearing minutes, and public hearing correspondence in advance of the meeting. Receiving this information enables those members of Council who were not on Council when the public hearing was held to legally give adoption consideration to the CD 21 Bylaws.

Council may debate the adoption of the bylaws when they come before Council on February 22, 2010 but may not ask questions of staff, as the public hearing is closed. This is consistent with the practice Council has followed with other bylaws up for adoption consideration, even though the current Council did not hold the public hearing.

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Internal Circulation:

General Manager, Community Sustainability; General Manager Community Services; Director, Real Estate and Building Services; Director, Community and Media Relations.

Legal/Statutory Authority:

Local Government Act

Legal/statutory Procedural Requirements:

Part 26, *Local Government Act*

Considerations not applicable to this report:

Existing Policy:

Financial/Budgetary Considerations:

Personnel Implications:

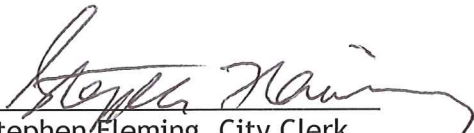
Technical Requirements:

External Agency/Public Comments:

Communications Considerations:

Alternate Recommendation:

Submitted by:


Stephen Fleming, City Clerk

Approved for inclusion:



cc: General Manager, Community Sustainability
General Manager, Community Services
Director, Real Estate and Building Services
Director, Community and Media Relations



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January 27, 2010

Our File: 02-081-22391
Your File: Z08-0044

City of Kelowna,
1435 Water Street,
Kelowna, BC V1Y 1J4

Attention: Stephen Fleming
City Clerk

Re: Bylaw 10020 and Text Amendment TA08-0004 (Waterfront Village).

With reference to the Kelowna Revitalization CD-21 Zone, attached are certified copies of the above noted bylaw, duly signed and approved the 27th day of January 2010. This bylaw is signed on the basis that the Mayor and City Clerk will sign the Letter Agreement between the Province and the City once the bylaw is approved by council.

Yours truly,

W. Murray Tekano
District Manager, Transportation
Okanagan - Shuswap District
British Columbia Ministry of Transportation and Infrastructure



LL/
Encls.

**Ministry of
Transportation &
Infrastructure**

Okanagan Shuswap District
Southern Interior Region

Mailing Address:
#300 - 1358 St. Paul Street
Kelowna, BC V1Y 2E1

Telephone: (250) 712-3660
Facsimile: (250) 712-3669
Web Address:
www.gov.bc.ca/tran

Development Approvals Website: www.th.gov.bc.ca/Development_Approvals/home.htm

January 27, 2010

Our File: 02-081-22391
Your File: Z08-0044

Stephen Fleming
City Clerk
City of Kelowna
1435 Water Street
Kelowna, B.C. V1Y 1J4

RE: LETTER AGREEMENT for Municipal Road Network Improvements with regard to Bylaw 10020 and Text Amendment TA08-0004 (Waterfront Village) between Her Majesty the Queen in right of the Province of British Columbia as represented by the Minister of Transportation and Infrastructure (the Province) and the Municipality of the City of Kelowna (the City).

Dear Stephen Fleming,

This letter confirms the understanding between the Province and the City (collectively "the Parties") with respect to the proposed Kelowna Downtown Revitalization CD-21 zone area bounded by Harvey Avenue, Abbott Street, Water Street and Queensway Avenue, commonly known as Waterfront Village Redevelopment (the "Project").

Bunt & Associates were retained by the City to study the traffic impacts of this proposed re-development of a four-block area of the downtown core of the City, as well to ensure that the road and street network were capable of accommodating the traffic movement associated with the W.R. Bennett Bridge concession agreement.

An initial report titled "*City of Kelowna Waterfront Village Redevelopment*" issued April 3, 2009 and an addendum report dated June 19, 2009 (hereinafter referred to as "The Reports") were prepared, reviewed and accepted by the Parties.

The Reports recommend a number of municipal road and street network changes that are required to accommodate the CD-21 zone, some of these are required irrespective of development, some are necessary to facilitate development, and some are dependent on development. These changes are outlined in an implementation matrix attached hereto as Schedule A.

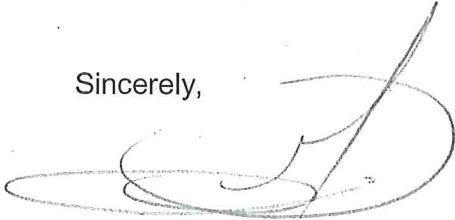
The Parties agree and acknowledge it is imperative that the municipal road and street network changes described in Schedule A are implemented in order to maintain existing traffic mobility on Okanagan Highway 97.

The Province, by this letter, is approving Bylaw 10020 and will sign same, subject to the City hereby guaranteeing and promising to complete the municipal road and street network improvements outlined in the implementation matrix in Schedule A, whether at its own cost and expense or at the cost and expense of the Project's developers. The Parties agree that the expected increased traffic volumes must not negatively impact traffic flows on Okanagan Highway 97, nor the W.R. Bennett Bridge concession agreement.

If it is determined by the Province that development traffic occurring within the CD-21 zone is negatively impacting traffic flows on Okanagan Highway 97, or the W.R. Bennett Bridge concession agreement, and the Province advises the City of these concerns by way of written notice, the City will effect such works as outlined in Schedule A in a timely fashion.

If the City is in agreement with the above agreement and understanding, kindly have Mayor Shepherd sign this letter in the area below and return one original copy to my office.

Sincerely,



W. Murray Tekano
District Manager, Transportation
Okanagan – Shuswap District
British Columbia Ministry of Transportation and Infrastructure

Attachment (Schedule A - Implementation Matrix)

We hereby agree to the terms of this letter and attachment:

Sharon Shepherd,
Mayor
City of Kelowna

Date: _____

Stephen Fleming
City Clerk
City of Kelowna

Date: _____

Requirement	Road Network Change	Description
<p>A: that the following works be undertaken irrespective of development in the CD-21 Zone.</p>	1A	Harvey / Water / Pandosy Protect for eastbound right-turn lane off Harvey south-bound onto Pandosy.
	2A	Leon / Richter Change eastbound lane allocation to a shared left / through lane and a right turn lane.
	3A	Clement / Richter Increase the cycle length from 70 seconds to 80 seconds in the AM peak and to 75 seconds in the PM peak; retime signal phasing.
	4A	Clement / Ellis Increase cycle length from 70 seconds to 80 seconds in the PM peak.
	5A	Bernard / Ellis Signal timing adjustments.
<p>B: that the following works be completed at the time of redevelopment of any of nine sub-areas identified in the CD-21 Zoning Bylaw.</p>	1B	Lawrence Avenue a. Convert to two-way with parking either side (west of Water Street). b. Restrict westbound parking during the PM peak to facilitate two moving traffic lanes.
	2B	Abbott Street a. Retain four lanes between Harvey Avenue and Leon Avenue. b. Configure the northbound approach to Leon Avenue as a shared through/right lane plus an exclusive right-turn lane. c. Reduce the cross-section to two moving travel lanes plus parking both sides between Leon Avenue and Lawrence Avenue. d. Restrict southbound parking during the PM peak between Harvey Avenue and Lawrence Avenue to facilitate two moving traffic lanes.
	3B	Water / Bernard a. Change southbound left turn phasing to permitted and revise signal timing. b. Add a second northbound through lane on Water Street through parking restrictions on the east side of the street (between Lawrence Avenue and Bernard Avenue) during the weekday AM period
	4B	Water / Queensway Add a second northbound lane on Water Street through parking restrictions on the east side of the street (between Bernard Avenue and some point north of Queensway Avenue) during the weekday AM period.
<p>C: that the following works be completed as part of the development of sub-area #3 as identified in the CD-21 Zoning Bylaw.</p>	1C	Bernard / Mill a. Extend Mill Street from Bernard Avenue to Lawrence Avenue prior to b. Downgrading existing road between the Bernard Avenue / Mill Street and Lawrence Avenue / Abbott Street intersections. This could either be fully closed, partially closed, or temporarily closed using bollards or similar. c. Create all-way stop control at the Bernard Avenue / Mill Street intersection.

*LETTER AGREEMENT for Municipal Road Network Improvements with regard to Bylaw 10020 and Text Amendment TA08-0004 (Waterfront Village) between Her Majesty the Queen in right of the Province of British Columbia as represented by the Minister of Transportation and Infrastructure (the Province) and the Municipality of the City of Kelowna (the City).