

# Memo



**Date:** April 1, 2011

**To:** City Manager

**From:** Land Use Management, Community Sustainability

**Application:** OCP10-0014/TA10-0011 / Z10-0078      **Owner:** City of Kelowna

**Address:** 575-599 & 653 Harvey Avenue      **Applicant:** City of Kelowna  
Real Estate & Building Services (Derek Edstrom)

**Subject:** OCP Amendment / Text Amendment / Rezoning / Development Permit

**Existing OCP Designation:** Commercial, Education & Minor Institutional and Major Park & Open Space

**Proposed OCP Designation:** Commercial, Multiple Unit Residential - Medium Density, Major Parks / Open Space

**Existing Zone:** C4 - Urban Centre Commercial and P2 - Education and Minor Institutional

**Proposed Zone:** CD22 - Comprehensive Development 22 zone (newly created)

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## 1.0 Recommendation

THAT OCP Bylaw Amendment No. OCP10-0014 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designations of Lot A, D.L. 139, ODYD, Plan 20381 Except Plan KAP81041 located at 653 Harvey Avenue and Lot A, District Lots 14 and 139, ODYD, Plan KAP52333 Except Plan KAP81471 from Commercial, Education & Minor Institutional and Major Park & Open Space to Commercial, Multiple Unit Residential - Medium Density and Major Parks and Open Space as shown on Map 'A' attached to the report of the Land Use Management Department, dated April 1, 2011, be considered by Council;

AND THAT OCP Amendment No. OCP10-0014 to amend Section 19 of the Official Community Plan to change the definition of Multiple Unit Residential - Medium Density designation to read: "Townhouses, garden apartments, and apartment buildings. Complementary uses (i.e. care centres, minor public services/utilities, and neighbourhood parks) which are integral components of urban neighbourhoods would also be permitted. Building densities would be generally consistent with the provisions of the RM4 - Transitional Low Density Housing and RM5 - Medium Density Multiple Housing zones of the Zoning Bylaw and may include CD Comprehensive Development zoning for similar densities or land uses. This designation provides potential for increased density specific to four (4) buildings that meet the RM5 Zone height regulations as per the Central Green CD 22 Zone. The maximum of Floor Area Ratio (FAR) for sub-area D is 1.5; for sub-areas C & G it is 1.6 and for sub-area H it is 1.7.", be considered by Council;

A handwritten signature in black ink, appearing to be the initials "DE" or similar, located in the bottom right corner of the page.

AND THAT OCP Amendment No. OCP10-0014 to amend Section 19 of the Official Community Plan to change the definition of Commercial designation to read: "Developments for the sale of goods and services. Integration of residential uses into commercial developments as mixed-use projects is encouraged in Urban Centres. Building heights of up to four storeys in the South Pandosy Urban Centre and up to twelve or fourteen storeys at selected locations in the Rutland Urban Centre are encouraged. In the City and Highway Urban Centres buildings up to twelve or sixteen storeys will be encouraged, depending on site specific conditions. Existing Commercial zoning along Highway 97 North is acknowledged. This designation may also include CD Comprehensive Development zoning that includes commercial uses. In the case of CD22, building height will be as per applicable zoning. Exclusively residential projects will be permitted under the commercial land use designation only where such use is supported by the C7 zone in the Downtown and Rutland", be considered by Council

AND THAT Council considers the APC public process to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*, as outlined in the report of the Land Use Management Department dated April 1, 2011;

AND THAT Text Amendment No. TA10-0011 to amend City of Kelowna Zoning Bylaw No. 8000 and Sign Bylaw No. 8235 as outlined in Schedule "A" of the report of the Land Use Management Department dated April 1, 2011 be considered by Council;

AND THAT Rezoning Application No. Z10-0078 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classifications of Lot A, D.L. 139, ODYD, Plan 20381 Except Plan KAP81041 located at 653 Harvey Avenue from C4 - Urban Centre Commercial zone to CD22 - Central Green Comprehensive Development zone and Lot A, District Lots 14 and 139, ODYD, Plan KAP52333 Except Plan KAP81471 from P2 - Education and Minor Institutional zone to CD22 - Central Green Comprehensive Development zone, be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP10-0014, Text Amendment No. TA10-0011 and the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject properties;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch and the Ministry of Transportation being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the submission of a plan to subdivide in registerable form;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of Public Access Easements over Sub Areas A, B, C & G;

AND THAT Council direct Staff to secure an affordable housing agreement for purpose built affordable rental housing on Sub Areas E & H as part of the land purchase and sale agreement;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a Section 219 Covenant outlining the LEED requirements.

## 2.0 Purpose

The proposed Comprehensive Development zone requires an amendment to the Official Community Plan Future Land Use designation as it contemplates the expansion of the Commercial designation along Harvey Avenue and the addition of the Multiple Unit Residential - Medium Density designation with the retention of the existing Major Park & Open Space designation.

As part of this proposal, a Text Amendment is required to add the proposed CD22 - Comprehensive Development 22 zone to Zoning Bylaw No. 8000. Accordingly, the applicant is proposing that the subject properties be rezoned from the existing C4 - Urban Centre Commercial and P2 - Education and Minor Institutional to the proposed CD22 - Comprehensive Development zone in order to accommodate the proposed phased development project.

An overarching Form and Character Development Permit will apply to the entire Central Green development site. These overarching planning and design principles, including landscaping, open space and architectural guidelines, will ensure development proceeds in a cohesive and integrated manner. A mixed use development will be located (Sub Areas A & B) adjacent to the highway with a 20 storey (72m) maximum height while other buildings will be primarily 3-4 storey medium density residential buildings. Once the parent parcels have been subdivided and rezoned, individual Form and Character Development Permits will be required for each building in the development process.

## 3.0 Land Use Management

The application for a comprehensively planned development is being advanced for the subject properties. As a walk-able and transit oriented development Central Green will benefit the Downtown Urban Centre and the surrounding neighbourhood by providing opportunities to live/work/play in the downtown area. The benefits of the project include the comprehensive planning of the subject properties, design guidelines ensuring consistency and quality in the build-out, a range of housing options, sustainability initiatives, affordable housing in the amount of 15% of all residential units, an integrated parking plan and a 5.0 acre community park. It is also important to note that the project went through an extensive and well received public consultation and participatory design process.

### Land Use

The subject properties are currently designated Commercial, Education & Minor Institutional and Major Park & Open Space. The expansion of the commercial designation west along Harvey Avenue is appropriate and will fit with the existing land use pattern along the highway. Introducing the Multiple Unit Residential - Medium Density will help to increase residential densities within the urban centre.

The project has been through a significant public process and of note this project will secure affordable housing, provide a sustainable urban development, and secure significant public open space through the Central Green area. An essential component of the Central Green master plan is its location adjacent to the 5.0 acre future community park. The active residential uses surrounding the park will make it a more vibrant and urban park experience.

### Height

As part of the extensive public process, outlined in Section 3.1 of this report, the most popular development concept allocated the majority of the height and density along the highway. The

opinion was that this would result in a more sensitive height transition to the neighbouring residents. Sub-Areas A & B along Harvey Avenue can accommodate buildings up to 72m in height. Although the final building form may differ, the design guidelines indicate that three tall buildings (approximately 16, 18, & 20 storeys) could be achieved within these sub areas.

The lower buildings heights (~4 storeys) in the other sub-areas will provide a sensitive transition to the existing single and multi-family neighbourhoods and has been reflected in the development concept.

#### Affordable Housing

Affordable Housing for the Central Green site as a whole is required to be 15% of the total anticipated residential units. Through extensive industry market sounding, the current demand for affordable housing is in a rental format rather than as ownership units. The 15% affordable housing component will be met by designating Sub Areas E & H for Affordable Housing. From a supply side, it is more efficient, and local experience has shown that it is more effective for housing providers to manage units that are in one building rather than spread throughout multiple buildings. This has lead Council to direct all of Sub Area E to be used for affordable rental purposes, secured by a legal covenant over the land. In addition, Sub Area H is being held for a traditional affordable housing provider, for example:

- Discussions have taken place with BC Housing to utilize Sub-Area H when funding becomes available;
- City would provide the land and BC Housing would construct the building;
- Both BC Housing and the City would select the operating society;
  - Goal is to provide housing for families, women and children;
- City would also look to other affordable housing options if BC Housing cannot obtain funding.

When the City has reached agreement with a selected proponent for the disposition of Sub Area E & H, the City will enter into a housing agreement with the proponent. The housing agreement will be for the purpose of providing purpose-built rental housing on the site. This housing agreement will be brought forward to Council for consideration as part of the land purchase and sale agreement.

#### LEED Certification

As sustainable development is one of the main components of the project, each of the development projects will be required to achieve LEED certification while the goal is for the entire site to be developed at a LEED Gold Neighbourhood standard. The City's legal counsel has recommended that a covenant be placed on title prior to final adoption of the zone amending bylaw that requires each site meet the LEED Certification requirement. The covenant will require each sub area to obtain approval that their building plans will meet LEED Certification requirements prior to a building permit being issued. The City also envisions regular meetings with the developer to ensure they construct their buildings in accordance with their LEED Certification plans. For the LEED Gold Neighbourhood standard, the City has a designate from the Land Use Management group overseeing compliance with this certification initiative. The City is committed to ensuring the most efficient mechanisms are implemented to uphold these sustainability requirements.

Additionally, the City is working with Terasen Gas to investigate the feasibility of a District Energy system for the downtown area, Central Green will be part of the system review.

### Development Permit - Form & Character

The urban design concept is a specific response to the site. In addition to providing park land to serve the recreational needs of the community, the concept is sensitive to the scale of the adjoining neighbourhood, as well as to the connection to Downtown and the challenging edge condition created by the Highway 97 corridor. The result is a distinct set of building forms and public spaces that must be communicated to developers that choose to participate in the realization of the vision. To best achieve the desired outcome, a Comprehensive Development (CD) Zone is proposed for implementation of the concept plan. This zone will allow a customized approach to development of the site setting out maximum allowable building heights, setbacks, etc. Additionally, the design guidelines are important to the realization of the urban design vision. The CD zone has the design guidelines referenced to the zone, making them an integral component of the policy direction for the site. These Guidelines describe elements of urban form that will be addressed in the ongoing development of Central Green, serving two purposes:

- To provide prospective developers and designers with a checklist of issues that must be addressed in their development proposals to be in concert with or add to the Vision for Central Green; and
- To provide an overall conceptual approach and consistent basis for the evaluation of development proposals by the City of Kelowna.

These Design Guidelines are part of a series of over-arching regulations that when combined, will shape future development of Central Green. The Design Guidelines specifically, are intended to influence the form and character of buildings and open spaces within the boundary of the Comprehensive Development 22 Area as outlined in Plan CG-1. By adhering to the guidelines, each and every development will contribute to a well defined and coordinated urban form.

### Concept Development

It should be noted that there is support for the concept of ground oriented units fronting the residential buildings. This is seen as a positive effort toward presenting a traditional residential feel to these buildings at the street level as well as providing a more appropriate form of housing for families in this urban environment.

Pedestrian access to and through this site from adjoining streets will be provided as a key component of pedestrian mobility. The proposed access from any future pedestrian overpass of Harvey Avenue should provide uninhibited public access. In addition, it would be appropriate to locate the proposed Rapid Bus transit stop and the proposed overpass in close proximity to provide additional support and access to transit. It would be preferable if both these facilities could be located at the far west end of the site to allow a closer connection to the rest of Downtown as well as pedestrian opportunities through the site at the northwest corner. Providing commercial uses at grade along the Harvey frontage would also serve to enhance the streetscape and create a more active and safe area for pedestrians and transit users.

In summary, by providing a comprehensively planned development proposal there is a vision for how the project will achieve full build-out in the future. The eventual construction of the community park will help to further enhance the livability and vibrancy of this area. Moving forward with Central Green will add a significant number of residential units into the downtown urban centre. Supporting existing downtown merchants as well as providing a future market for prospective business, restaurant, and retailers that the City will be seeking to encourage through

its efforts to revitalize the Downtown. It would also be equivalent to almost double the number of residents that currently live in the downtown area (between Richter and the Lake and between Cawston and Highway 97).

Although the Highway frontage presents an interesting design challenge, the road frontages are envisioned to become animated and active streetscapes, with a north to south height profile that provides a reasonable transition to the adjoining single and multi-family neighbourhoods. Additionally, affordable housing units will be accommodated on-site through an affordable housing partnership with BC Housing, it is anticipated that Sub-Area H will be a stand-alone affordable housing project. The proposed housing mix will provide a variety of housing options for a wide demographic profile. The location adjacent to the downtown core and along major transit routes result in a walk-able transit oriented community that will help to support the downtown core merchants, service providers and restaurateurs. The sustainability components of the project will also ensure that Central Green reaches its potential, each of the development projects will have to achieve LEED certification while the goal is for the entire site to be LEED Neighbourhood Development certified.

#### 4.0 Proposal

##### 4.1 Background

Through a series of public forums, the community delved into the physical and social character of the area. Cultural heritage, safety perceptions and realities, development barriers, elements of a vibrant community, and design details were discussed. These public feedback issues led to a series of "Guiding Principles" that reflect the key themes the public feels should guide the revitalization of Central Green. Using these principles as a foundation, the Project Team drew from extensive public input to develop several concepts for the physical form of the area. These preliminary concepts were presented to the public for evaluation. The consultant team used the notion of a 'Public Pencil' to facilitate the development of the concept ideas gleaned from the Public Forums, ensuring the stakeholder and community views were developed in the plan. The culmination of the public engagement process is a Vision that describes the future of Central Green. The ultimate vision will evolve over time.

Staff have consulted with and received feedback from the public and Council as outlined below:

- January 2008 - Background information from community association KSAN
- March 2008 - Public Consultation #1 with Architects (public drawing the site)
- March 2008 - Public Stakeholder group input
- May 2008 - Public Consultation #2 with Architects (public voting on site plan)
- June 2008 - Park Public Consultation (public voting on park plan options)
- July 2008 - Public Consultation #3 with Architects (public review of concept plan)
- September 2008 - Council adopts concept plan
- March 2010 - Council adopts new project requirements relative to financial feasibility



## 4.2 Project Description

Central Green will be a sustainable neighbourhood extending over a five hectare site with two hectares dedicated to community park space and located in the South Central area adjacent to downtown Kelowna. Two hectares of park space will be surrounded by three hectares of residential housing, community-focused retail and public amenities. The predominantly residential building form will provide a gateway that defines the edge of downtown while maintaining a distinctly community focused neighbourhood.

### Applications:

The Official Community Plan amendment, Text Amendment, Rezoning and Development Permit applications have been submitted to move forward with the development plan for the Central Green (former KSS) properties. Specifically, the four separate applications under consideration are as follows:

#### *a) Official Community Plan*

The OCP is being amended to address the changing use of the properties. The Commercial Future Land Use (FLU) Designation will be expanded along the Harvey Avenue frontage while the rest of the site will be designated residential (Multiple Unit Residential - Medium Density) and Major Parks / Open Space.

#### *b) Text Amendment*

The Text Amendment application is required to add the proposed CD22 - Comprehensive Development 22 zone to Zoning Bylaw No. 8000. The purpose of the CD22 zone is to formalize the comprehensively planned development that will contain a mix of residential, neighbourhood commercial and park and open space uses exclusive to this parcel.

#### *c) Zoning*

The proposed rezoning is from the existing C4 - Urban Centre Commercial and P2 - Education and Minor Institutional zones to the proposed CD22 - Comprehensive Development 22 zone in order to accommodate the phased development of the proposed mixed-use project. The applicant is proposing a CD zone due to the complexity of the site and the recognition of the need for comprehensive planning. The CD zone consists of nine separate sub-areas.

#### *d) Development Permit*

The objective of the overarching Form and Character DP is to provide certainty regarding the main objectives and principles of the development. The Design Guidelines are intended to influence the form and character of buildings and open spaces within the boundary of the Comprehensive Development 22 Area as outlined in Figure CG-1. In addition to assisting each of the individual developers, they will be used by staff in the evaluation of development proposals.

In summary, the Design Guidelines will give design direction to ensure that each sub-area is compatible with the overall urban design concept. The particular building and open space layouts illustrated in these guidelines are therefore not necessarily intended to be the final form of development, but rather represent a 'conforming outline' as a tangible starting point for detailed design to build upon. Development teams and their architects

will be encouraged to explore design alternatives that address the quality of the vision while reflecting the current residential market of the day.

Sub- Areas:

Plan CG-1 (Proposed CD Zone) illustrates nine Sub-Areas within Central Green. Each Sub-Area has its own character as described in the following pages. While responding to site-specific character and features, each Sub-Area should contribute to a cohesive concept as set out in the General Design Guidelines.

- *Sub Areas A & B*

These Sub-Areas could be developed as one large standalone structure or as two separate sub-areas depending on market conditions. It is intended that the 4 storey podium portion of the structure will accommodate residential, local commercial uses with limited opportunities for office uses. Much of the Central Green density and height will be accommodated in these Sub-Areas. Although located on private property a large part of the Sub-Areas will be secured, through a public access easement, as a public plaza area. The internal courtyard will be surrounded by a mix of residential and local retail uses.

- *Sub Areas C, G & H*

These sub areas will be developed with 4 storey apartment buildings with ground oriented units. When the properties are subdivided a public access easement will be secured between the buildings on Sub Areas C & G to ensure that public pedestrian movements can occur, connecting Sub-Areas A & B to the community park.

- *Sub Areas E & F*

Sub-Areas E & F will be 3 storey apartment / row housing developments, it is important to note that the design guidelines ensure that these developments have an adequate setback from the adjacent single family neighbourhood. Specifically the project provides a 3m setback for the first two storeys and a 6m setback for the 3<sup>rd</sup> storey.

- *Community Park*

The City of Kelowna has six classifications of park - neighbourhood, community, recreation, city-wide, linear and natural parks. Two hectares (five acres) of public open space is to be retained in the Central Green design concept for Community Park purposes. Community parks are intended to supply a larger area composed of many neighbourhoods; the Central Green Community Park will serve an approximate population of 12,000 people who reside within a three kilometre radius of the site.

The community park design will integrate with the residential and commercial portion of the site and the larger neighbourhood. Key considerations for the park design include the historical use of the site, neighbourhood character and safety considerations through the incorporation of Crime Prevention Through Environmental Design (CPTED) principles such as maintaining open sightlines into the community park.

Through the integration of a connecting pathway system the area will be inviting and accessible while enhancing the pedestrian-orientated nature which is essential to the community, except for Sub-Area H and the park, parking will be limited to under-building / underground parking. Although various developers may contribute to the development of Central Green, development controls and incentives will ensure harmonious realization of the overall development concept, which has a strong focus on environmental, economical and social sustainability.



## 4.3 Site Context



The former Kelowna Secondary School (KSS) property is located in the South Central Neighbourhood adjacent to Kelowna's downtown central business district and one of Kelowna's Heritage Conservation areas. The semi-rectangular shaped subject property comprises 5.3 ± hectares and 887± metre road frontage including 130 metres adjacent to HWY 97 (Harvey Avenue) to the north, 240 metres fronting Richter Street to the east, 218 metres adjacent to Rowcliffe Avenue to the south, and 295 ± metres of Buckland Avenue, Chapman Place and Rosemead frontage to the west.

Immediately to the east, across Richter Street and facing the former KSS site is the Central School. This school is a designated heritage building and is currently owned by the City of Kelowna and used by School District No. 23 for continuing education and outreach education programs. The area east of Richter Street was established as a single family district shortly after the original Kelowna Townsite was developed. The area retains many fine houses and mature landscape features. It is experiencing some densification through the rebuilding of single family residences, duplexes and the addition of secondary suites. The zoning is predominantly RU6 - Two Dwelling Housing, which allows single family, single family with suite and duplexes

depending on lot size. Over the 20 year time horizon of Kelowna’s Official Community Plan, the neighbourhood is proposed to maintain its existing low density residential character.

Directly south of the subject property along Rowcliffe Avenue and west along Rosemead and Buckland Avenues are a series of four storey wood frame apartment buildings. These are approximately 25 years old. The existing zoning is RM5 - Medium Density Multiple Housing. Immediately west of the property south of Buckland are four single family lots zoned RU6 - Two Dwelling Housing, fronting on Buckland and Rowcliffe respectively.

A variety of highway commercial uses are found to the West, East and across Harvey Avenue from the Central Green site. Southwest of the property is the Marshall Street Heritage Conservation area. This is a small, homogenous single family residential district consisting of houses along both sides of Marshall Street, from Buckland Avenue to its termination at Mill Creek and the partial block to the east. Collectively the overall building character, consistent scale, siting, shallow front yard setbacks, mature landscaping and family oriented use make Marshall Street a distinctive low density pocket within the multi-family and institutional uses within the vicinity. The zoning is predominantly RU6 - Two Dwelling Housing, and the Official Community Plan designates this area for low density housing.

The adjacent land uses are as follows:

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>
North	C4 - Urban Centre Commercial	Commercial
East	C4 - Urban Centre Commercial	Gas Station
	C10 - Service Commercial	Residential Institutional
	RU6 - Two Dwelling Housing P2 - Educational & Minor Institutional	
South	RM5 - Medium Density Multiple Housing	Multiple Unit Residential
West	RM5 - Medium Density Multiple Housing	Multiple Unit Residential
	RU6 - Two Dwelling Housing	Single Family Residential

**5.0 Current Development Policies**

**5.1 Kelowna Official Community Plan (OCP)**

**5.1.1 Commercial (Chapter 9) - Considerations in Reviewing Development Applications<sup>1</sup>**

**Urban Centre Focus.** Encourage new retail, service, office, hotel/motel, and entertainment facilities to locate within the Urban Centres, in accordance with the provisions of Map 6.2 and the policies of Chapter 6;

**Objectives for Commercial Development<sup>2</sup>**

- All development should be an appropriate response to its physical context, or anticipated future context where an area is designated for increased density or land use transition in the OCP.
- All development should provide visual interest and human scale.

<sup>1</sup> Official Community Plan, Pages 9-2 - 9-4

<sup>2</sup> Official Community Plan, Page 9-8

- All development should contribute to a sense of community identity and sense of place (integration of development within larger community, belonging, community cohesiveness).
- All development should facilitate access by, and minimize conflicts among pedestrian, bicycle, and vehicular modes of transportation (access, mobility).
- All development should promote safety and security of persons and property within the urban environment (CPTED).

#### 5.1.2 Housing (Chapter 8) - Considerations for Future Civic Action<sup>3</sup>

**Partnerships for Affordable Housing.** Encourage the development of partnerships among community groups, non-profit organizations, the business community, professionals and all levels of government to provide affordable and special needs housing;

**Federal and Provincial Involvement.** Continue to encourage the Provincial and Federal governments to increase funding allocations for special needs housing;

**Housing Agreements.** Support the use of housing agreements to assist in creating affordable and special needs housing.

#### 5.1.3 Housing (Chapter 8) - Considerations in Reviewing Development Applications<sup>4</sup>

**Bonuses for Affordable and Special Needs Units.** Grant density bonuses for the creation of affordable and special needs housing, as per the provisions of the Zoning Bylaw;

**Rezoning to Higher Densities.** Consider supporting an OCP amendment and rezoning application for residential densities greater than those provided for on the Generalized Future Land Use Map 19.1 where a portion of the proposed units are available for affordable, special needs or rental housing identified to be in short supply (guaranteed through a Housing Agreement). To mitigate the neighbourhood impact of higher densities, it is important that:

- supporting infrastructure and park land is sufficient to accommodate the proposed development (or the developer is prepared to upgrade the necessary infrastructure and park land); and
- the proposed densities do not exceed the densities provided for on Map 19.1 by more than one increment (e.g. medium density multiple units might be entertained where low-density has been provided for, and low-density multiple units might be entertained where single/two unit residential densities have been provided for); and
- the project be sensitively integrated into the surrounding neighbourhood, with no more than a one-storey height gain between the proposed development and the height permitted within land use designations assigned to adjacent parcels (Where the property being proposed for redevelopment is large, consideration may be given to providing greater heights at the centre of the property provided that the new building is sensitively integrated with the surrounding neighbourhood); and
- approval of the project not destabilize the surrounding neighbourhood or threaten viability of existing neighbourhood facilities (e.g. schools, commercial operations etc.).

<sup>3</sup> Official Community Plan, Pages 8-1 - 8-4

<sup>4</sup> Official Community Plan, Pages 8-4 - 8-7



**Density Profile.** Support a land use approach where residential densities increase as proximity to the core of Urban Centres increases, as shown on Future Land Use Map 19.1;

**Apartments and Townhouses.** Encourage development to contribute to the City's goal of, over the 2000 - 2020 timeframe, having 53% of new residential units be in the form of apartments, townhouses (and cluster housing), or other multiple unit buildings;

**Ground-Oriented Housing.** Encourage the development of ground-oriented multiple unit housing as an affordable housing choice for the rental or ownership markets, including families with children, in those areas where Map 19.1 indicates necessary densities as being appropriate. Ground oriented housing is defined as housing where each dwelling unit has direct access to the unit and private open space at grade level;

**Housing Variety.** Encourage the development of a variety of housing forms to ensure that the housing supply meets the needs of Kelowna's diverse population and satisfies a range of lifestyle choices;

**Integration.** Encourage the sensitive integration of different housing forms in the various sectors of the City, in support of neighbourhood diversity and healthy communities;

**Mixed Use.** Encourage commercial projects within Urban Centres to include a residential component wherever appropriate (see Chapter 6 for location of Urban Centres);

**Housing in the Urban Corridor:** A more varied housing supply and means of increasing affordability should be actively sought for the neighbourhoods surrounding and including the Urban Town Centres and the Highway 97 corridor extending to the north boundary of the City, north, south and east of Highway 97 as it changes to a northerly direction.

#### Objectives for Multiple Unit Residential Development<sup>5</sup>

- All development should be an appropriate response to its physical context, or anticipated future context where an area is designated for increased density or land use transition in the OCP.
- All development within Urban Centres and Village Centres should contribute to the creation of pedestrian-oriented streets and public spaces (connections, social interaction).
- All development should contribute to a sense of community identity and sense of place (integration of development within larger community, belonging, community cohesiveness).
- All development should facilitate access by, and minimize conflicts among pedestrian, bicycle, and vehicular modes of transportation (access, mobility).
- All development should promote safety and security of persons and property within the urban environment (CPTED).

#### 5.1.4 Urban Centres (Chapter 6) - Considerations for Future Civic Action<sup>6</sup>

<sup>5</sup> Official Community Plan, Pages 8-6 - 8-7

<sup>6</sup> Official Community Plan, Pages 6-1 - 6-4

**Civic Improvements.** Invest civic capital in the Urban Centres as a priority (e.g. sidewalks, bike lanes, parks, and other infrastructure investments) in order to encourage the creation of accessible, high quality living and working environments which are environmentally, socially and financially sustainable and consistent with the future land-uses shown on Map 19.1.

**Parks.** Provide, within the City, Highway and Town Centres, parks and open spaces for public enjoyment;

**Park Amenities.** Provide park amenities within Urban Centres, which encourage casual social interaction for a broad cross-section of the population (for example, playground equipment for the young, chessboard tables, etc.);

**Tree Planting.** Attach priority to planting street trees within Urban Centre areas where there are currently few trees and where pedestrian activity is high or is planned to be high;

**Alternative Transportation.** Ensure that pedestrians, bicyclists and transit users can move about pleasantly and conveniently and that they are not unduly impeded in their movements by provisions for enhanced automobile mobility;

**Planning.** Develop, as part of the City's on-going planning program, comprehensive plans for the Urban Centres. These plans should accommodate a variety of land uses, mixed use developments, housing densities and ownership patterns;

**Development Incentives.** Investigate the potential to establish additional density bonuses and/or other incentives for appropriate development that fulfills civic objectives with respect to quality design and overall contribution to the quality and livability of Urban Centres.

**Building Height and Density.** Encourage a general decrease in building height and density as the distance from the Urban Centre core increases;

*Council directed staff (May 3, 2010) through the OCP public consultation process to obtain further feedback on proposed height limits as identified in the report from the Policy and Planning Department dated April 28, 2010 on Building Height Policy Discussion. In that report, the suggested building height for the City Centre was in the order of 12 storeys, with potential for variances of up to 19 storeys.*

**Height Gradient.** Encourage building heights adjacent to Okanagan Lake to remain low and support an increase in building height as the distance from the lake increases, except in circumstances where a landmark development is proposed and a total comprehensive development that still preserves sight lines can occur.

#### 5.1.5 Urban Centres (Chapter 6) - Considerations in Reviewing Development Applications<sup>7</sup>

**Mixed Uses.** Work towards increasing the number of buildings with mixed uses by encouraging developers to incorporate retail uses on the lower storeys with office and/or

<sup>7</sup> Official Community Plan, Pages 6-1 - 6-4

residential above. Hotel uses could also be incorporated in all Urban Centres except Neighbourhood Centres;

**Public Space.** Encourage the creation of safe, high-quality, pedestrian-oriented public spaces as part of development or redevelopment within the Urban Centres.

Objectives for Development within Urban Centres

- All development should be an appropriate response to its physical context, or anticipated future context where an area is designated for increased density or land use transition in the OCP.
- All development should contribute to the creation of pedestrian-oriented streets and public spaces (connections, social interaction).
- All development should contribute to a sense of community identity and sense of place (integration of development within larger community, belonging, community cohesiveness).
- All development should facilitate access by, and minimize conflicts among pedestrian, bicycle, and vehicular modes of transportation (access, mobility).
- All development should promote safety and security of persons and property within the urban environment (CPTED).

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

These comments are based on the conceptual plans provided

- Fire fighting access is required for all building, but specifically the non street fronting town homes in the interior of the lot.
- Additional comments are required for each individual building prior to the release of the development permits.

### 6.2 Development Engineering Department

See Attached

### 6.3 Fire Department

The location and volume of the hydrants supplying the properties must meet the requirements of the City of Kelowna Subdivision Bylaw #7900. The multi family development requires a minimum 150ltr per second flow based on the building design but engineered fire flow calculations are required. All buildings require fire department access within 3-5M from the principal entrances. Access roads are to have pull off areas for loading and unloading as to not obstruct the 6M roads. The requirements of the City of Kelowna Fire Prevention Bylaw for High Buildings is required. No emergency access routes for the high building on drawings. Additional comments will be required with detailed drawings.

### 6.4 Ministry of Transportation

The application has been submitted to the Ministry of Transportation. Staff have been actively working with MoT, their comments will be addressed as part of the Bylaw approval process. (See Real Estate & Building Services Report)

- 6.5 Interior Health Authority - See Attached
- 6.6 School District No. 23 - No comment provided.
- 6.7 Bylaw Services - N/A
- 6.8 Irrigation District - N/A

## 7.0 Application Chronology

Date of Application Received: September 17<sup>th</sup> 2010

Advisory Planning Commission December 7<sup>th</sup>, 2010

THAT the Advisory Planning Commission support Official Community Plan Amendment Application No. OCP10-0014, for 575-599 Harvey Avenue to amend the Official Community Plan from Commercial, Education & Minor Institutional and Major Park & Open Space to Commercial, Multiple Unit Residential - Medium Density, and Major Parks / Open Space.

THAT the Advisory Planning Commission support Text Amendment Application No. TA10-0011, for 575-599 Harvey Avenue to add the CD22 - Comprehensive Development 22 zone to Zoning Bylaw No. 8000 and Sign Bylaw No.8235.

THAT the Advisory Planning Commission support Rezoning Application No. Z10-0078, for 575-599 Harvey Avenue to rezone the subject property from the C4 - Urban Centre Commercial zone to the CD22 - Comprehensive Development 22 zone (newly created).

THAT the Advisory Planning Commission support Development Permit Application No. DP10-0031, for 575-599 Harvey Avenue to consider an overarching Development Permit containing design guidelines that will apply to the entire Central Green development site.

### Anecdotal Comment:

Overall, the Advisory Planning Commission endorses the goals of achieving a green and sustainable comprehensive project that is envisioned to be serviced with the introduction of district energy. The importance of individual Development Permit's for each of the sites will be critical to achieve the overall development vision. This is particularly critical at the Richter/Hwy intersection, where this interface creates significant design challenges. Pedestrian connectivity to the other side of Harvey is encouraged.

### Report prepared by:



Alec Warrender, Urban Land Use Planner

### Reviewed by:



Shelley Gambacort Director, Land Use Management



**Approved for inclusion:**



J. Paterson General Manager, Community Sustainability

**Attachments:**

CD22 - Central Green Comprehensive Development Zone

Design Guidelines

Interior Health Comment

Development Engineering requirements

LEED Covenant Wording

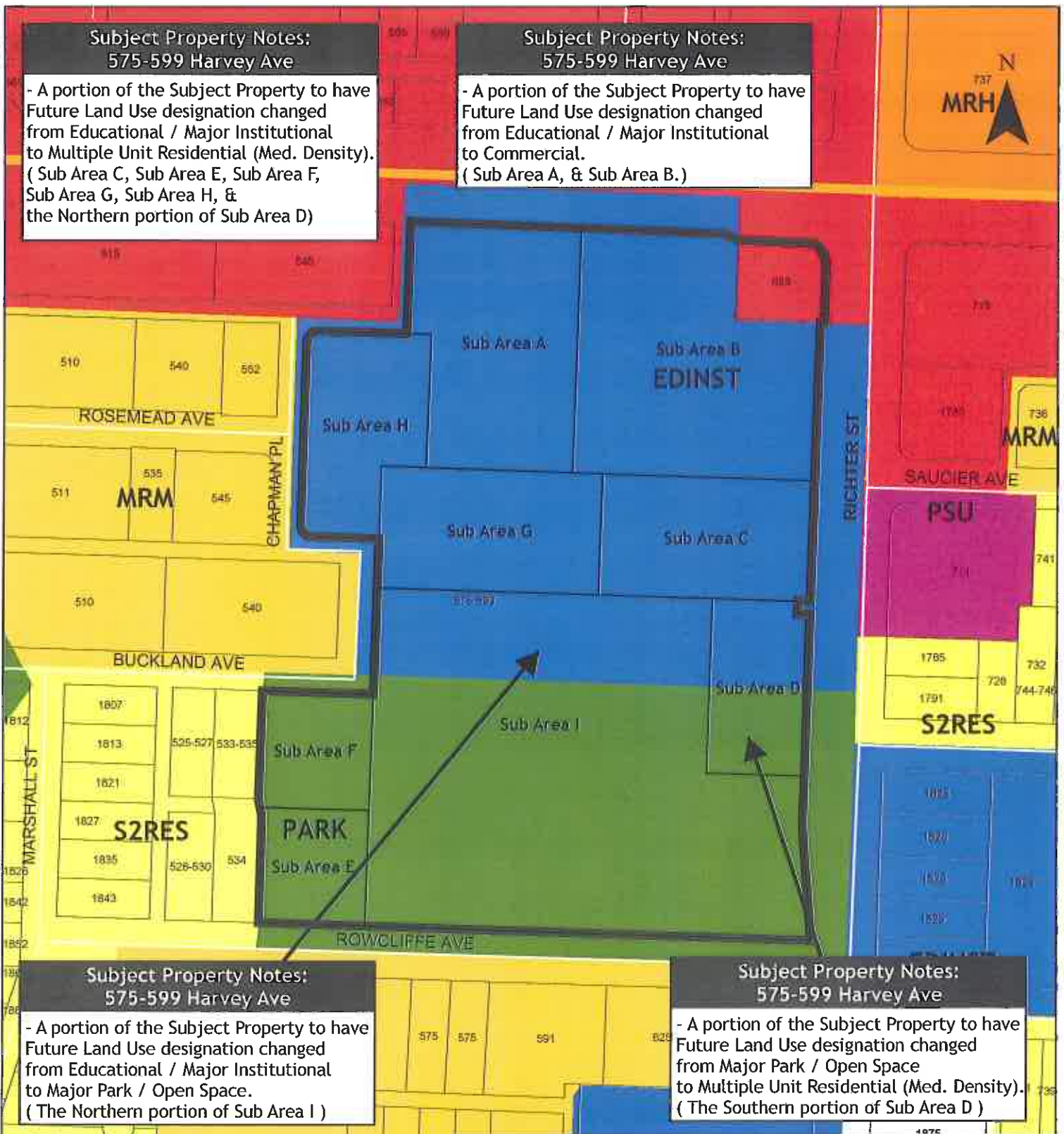
Affordable Housing Agreement Template

**Subject Property Notes:  
575-599 Harvey Ave**

- A portion of the Subject Property to have Future Land Use designation changed from Educational / Major Institutional to Multiple Unit Residential (Med. Density). ( Sub Area C, Sub Area E, Sub Area F, Sub Area G, Sub Area H, & the Northern portion of Sub Area D)

**Subject Property Notes:  
575-599 Harvey Ave**

- A portion of the Subject Property to have Future Land Use designation changed from Educational / Major Institutional to Commercial. ( Sub Area A, & Sub Area B.)



**Subject Property Notes:  
575-599 Harvey Ave**

- A portion of the Subject Property to have Future Land Use designation changed from Educational / Major Institutional to Major Park / Open Space. ( The Northern portion of Sub Area I )

**Subject Property Notes:  
575-599 Harvey Ave**

- A portion of the Subject Property to have Future Land Use designation changed from Major Park / Open Space to Multiple Unit Residential (Med. Density). ( The Southern portion of Sub Area D )

**MAP "A" OCP AMENDMENT  
OCP10-0014**

- |                                   |  |
|-----------------------------------|--|
| Subject Properties                | Major Park / Open Space                  |
| Sub Areas                         | Multiple Unit Residential (Med. Density) |
| Legal Parcel                      | Multiple Unit Residential (High Density) |
| Commercial                        | Public Service / Utilities               |
| Educational / Major Institutional | Single / Two-Unit Residential            |

This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

0 20 40 Meters

Rev. Jan. 5/11





5	Section 17.1.7	The zone shall prescribe the landscaping requirements that apply.	The zone shall prescribe the landscaping requirements that apply where Council considers it necessary.
6	Section 17 - Schedule B - Comprehensive Development Zones		CD21 - (Intentionally Blank) CD22 - Central Green Comprehensive Development

**Sign Bylaw No. 8235**

No.	Section	Existing Text	Proposed Text
1	Section 6.1	Higher Density Residential Zones (RM1, RM2, RM3, RM4, RM5, RM6, and RM7)* Major Commercial (C3, C4, C6, C7, and C8)*	Higher Density Residential Zones (RM1, RM2, RM3, RM4, RM5, RM6, RM7 and CD22 Sub Areas C,D,E,F,G,H)* Major Commercial (C3, C4, C6, C7, C8 and CD22 Sub-Areas A&B)*
		Type of Sign	Type of Sign
		Number of signs	Number of signs
2	Section 6.1	Free Standing Sign 1 per building frontage, except for a flanking lot over 45 m long which may have 1 on each frontage, except a lot may have 1 additional for every additional 150 m frontage over 150 m to a maximum of 4 signs.	Free Standing Sign 1 per building frontage, except for a flanking lot over 45 m long which may have 1 on each frontage, except a lot may have 1 additional for every additional 150 m frontage over 150 m to a maximum of 4 signs. Not Permitted in CD22. (b) the maximum area is 3.0 m <sup>2</sup> per lineal metre of street frontage the sign is located on, up to a maximum 12 m <sup>2</sup> for lots smaller than 1000 m <sup>2</sup> or on any site in an urban town centre not fronting Highway 33 or 97, 15 m <sup>2</sup> for lots greater than 1000 m <sup>2</sup> but smaller than 4000 m <sup>2</sup> , and 18 m <sup>2</sup> for lots greater than 4000 m <sup>2</sup>
3	Section 6.1	Public and Institutional Zones (P1, P2, P3, P4, W1, and W2)* (c) the maximum area may be increased by up to 10% if this additional sign area is used for a changeable copy sign	Public and Institutional Zones (P1, P2, P3, P4, W1, W2 and CD22 Sub-Area I)* (c) the maximum area may be increased by up to 10% if this additional sign area is used for a changeable copy sign





CITY OF KELOWNA

Central Green Comprehensive Development Bylaw CD22  
Zoning Amendment Bylaw No. \_\_\_\_\_, 2011

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WHEREAS:

- A. Certain lands within the City referred to as Central Green in the Official Community Plan may be developed at urban densities for mixed uses;
- B. Council desires to promote and facilitate the development of Central Green and to provide for a zoning and land-use regulatory regime that encourages integrated site development and design as well as the provision of public amenity.

NOW THEREFORE COUNCIL IN OPEN MEETING ASSEMBLED enacts as follows:

1. This Bylaw may be cited as "CD22 Central Green Comprehensive Development Zoning Amendment Bylaw No. \_\_\_\_\_, 2011".

2. City of Kelowna Zoning Bylaw 8000 is amended as follows:

A. S. 1.3 "zoning Map" is amended in S. 1.3.1 by:

(a) adding at the end of Section 17 in the S. 1.3.1 Table two new entries in Column 1 and Column 2 as follows:

<i>"Column 1</i>	<i>Column 2</i>
<i>CD-21</i>	<i>(intentionally blank)</i>
<i>CD22</i>	<i>Central Green Comprehensive Development"</i>

B. Section 17.1.7 is amended by adding the words; "*where Council considers it necessary*", after the words, "*that apply*".

C. Schedule B of section 17 is amended by adding after "CD-20 Comprehensive University Development Zone", a new Zoning Schedule being: "CD22 Central Green Comprehensive Development" as follows:

*"CD22 Central Green Comprehensive Development Zone"*

1. Purpose

*The purpose of this Central Green Comprehensive Development Zone is to provide for the integrated design of a comprehensive development of the Central Green Lands as a low environmental impact mixed use development.*

2. Central Green Lands

*The Central Green Lands consist of nine Sub-Areas A through I inclusive ("CD22 Sub-Areas") as delineated and identified on Plan CG-1 being Section 6 of and forming part of this CD22 Central Green Comprehensive Development Zoning Bylaw.*

3. *Regulations in this CD22 Central Green Comprehensive Development Zone may be different for different CD22 Sub-Areas as set out in the CD22 Sub-Area Zoning Schedules 7 through 12, inclusive, attached and forming part of the CD22 Central Green Comprehensive Development Zoning Bylaw.*

4. Central Green General Regulations

- (a) *Section 6 of City of Kelowna Zoning Bylaw 8000 applies;*
- (b) *Section 7 of City of Kelowna Zoning Bylaw 8000 applies;*
- (c) *Section 9 of City of Kelowna Zoning Bylaw 8000 does not apply except for S. 9.2, S. 9.3 and S. 9.10.*

5. Parking and Loading

- (a) **Loading spaces** shall be provided in accordance with the loading regulations of Section 8 of the City of Kelowna Zoning Bylaw No. 8000.
- (b) *Bicycle parking shall be provided in accordance with the bicycle parking regulations of Section 8 of the City of Kelowna Zoning Bylaw No. 8000.*
- (c) **Parking spaces** shall be designed in accordance with the parking regulations of Section 8 of the City of Kelowna Zoning Bylaw No. 8000, with the exception that the minimum number of **parking spaces** required must be in accordance with Table 1 of this CD22 Central Green Zone:

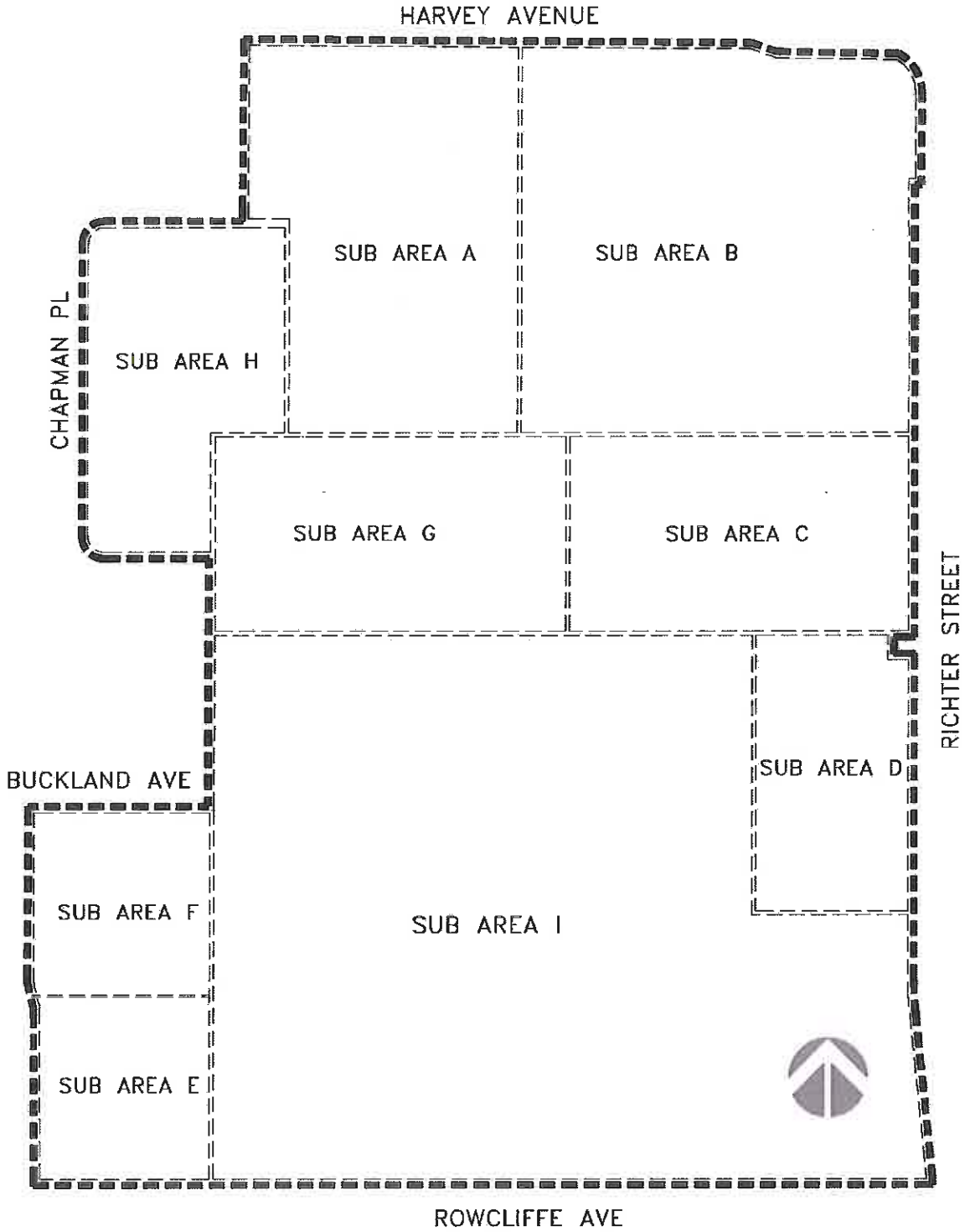
**Table 1 - Parking**

<i>Use</i>	<i>Minimum Parking Space Requirement</i>
<b>Commercial</b>	<b>1.0 spaces per 100 m<sup>2</sup> Net Floor Area</b>
<b>Residential, except Supportive Housing</b>	<b>1.0 spaces per dwelling unit / 2 bedroom apartment 0.9 spaces per dwelling unit / 1 bedroom apartment 0.75 spaces per dwelling unit / Studio apartment</b>
<b>Supportive Housing</b>	<b>1.0 space per every three beds</b>

- (d) *With the exception of Sub-area H & I, all off street **parking spaces** must be screened from view and wholly contained under building and amenity areas.*
- (e) *The maximum number of **parking spaces** for each use class in Table 1 must not exceed 125% of the minimum **parking space** requirement.*



*SECTION 6 - PLAN CG-1*



## 7. CD22 Sub-Areas A & B Zoning Schedules

### 7.1 Permitted Uses

The following uses of land, buildings and structures are permitted in Sub-areas A & B and all others are prohibited:

#### **Principal Uses**

- (a) **apartment housing**
- (b) **multiple dwelling housing**
- (c) **congregate housing**
- (d) **supportive housing**
- (e) **apartment hotels**

### 7.2 Secondary Uses

- (a) **agriculture, urban**
- (b) **animal clinics, minor**
- (c) **business support services**
- (d) **care centres, major**
- (e) **commercial schools**
- (f) **custom indoor manufacturing**
- (g) **food primary establishment**
- (h) **liquor primary establishment, minor**
- (i) **group homes, major**
- (j) **health services**
- (k) **offices**
- (l) **participant recreation services, indoor**
- (m) **personal service establishments**
- (n) **private clubs**
- (o) **public libraries and cultural exhibits**
- (p) **religious assemblies**
- (q) **retail stores, convenience**
- (r) **retail stores, general**
- (s) **spectator entertainment establishments**
- (t) **used goods stores**
- (u) **utility services, minor impact**

### 7.3 Parcel Size

The maximum number of **lots** to be created from these Sub-Areas A and B is two and if created, such **lots** shall have the area, size and shape of CD22 Central Green Sub-Areas A & B, all as shown on Plan CG-1.

#### 7.4 **Density**

- (a) *If the lands in Sub-Areas A and B are subdivided into two **lots**, then the maximum permitted **density** in Sub-Area A shall be the lesser of **Gross floor Area 20,000m<sup>2</sup>** or **Floor Area Ratio 3.3**, and the maximum permitted **density** on Sub-Area B shall be the lesser of **Gross Floor Area 40,000m<sup>2</sup>** or FAR 4.5; however,*
- (b) *if the lands on Sub-Area A and B are not subdivided to create two separate **lots** and constitute a single **lot** then the maximum permitted **density** permitted shall be 60,000m<sup>2</sup> of **Gross Floor Area** or FAR 4.0.*

#### 7.5 **Height**

*The maximum **height** of buildings located within Sub-Area A & B shall not exceed 72m:*

#### 7.6 **Site Coverage**

*A maximum of 50%. Parking structures above **finished grade** shall not be included in the calculation of **site coverage**.*

#### 7.7 **Setbacks**

*The minimum **front yard** setback along Harvey Avenue is 4.5m.*

*The minimum **rear** and **side yard** setbacks, excluding any parking structure, shall be 3.0m.*

#### 7.8 **Private Open Space**

*A minimum area of 7.0m<sup>2</sup> of **private open space** shall be provided per **bachelor dwelling, congregate housing bedroom or group home bedroom**, 12.0m<sup>2</sup> of **private open space** shall be provided per 1 **bedroom dwelling**, and 18.0m<sup>2</sup> of **private open space** shall be provided per **dwelling** with more than 1 **bedroom**.*

- 7.9 *The CD22 Central Green Comprehensive Development Zone has been designated as a Development Permit Area by "Kelowna 2020 – Official Community Plan Bylaw No. 7600" for the purpose of guiding the form and character of development. The guidelines applicable to the CD22 Central Green Comprehensive Development Zone are annexed to this Bylaw as Annexure "1" and entitled "CD22 Central Green Development Permit Area Guidelines".*

## 8. CD22 Sub-Areas C & G Zoning Schedule

### 8.1 Permitted Uses

The following uses of land, **buildings and structures** are permitted in Sub-areas C & G and all others are prohibited:

#### Principal Uses

- (a) **multiple dwelling housing**
- (b) **congregate housing**
- (c) **group home, major**
- (d) **boarding and lodging houses**
- (e) **supportive housing**

#### Secondary Uses

- (a) **agriculture, urban**
- (b) **care centres, major**
- (c) **home based businesses, minor**
- (d) **community recreation services**

The uses set out above are permitted, provided that:

- (a) **off-street vehicular parking and off-street loading must only be sited and located below grade at street level.**

### 8.2 Parcel Size

The maximum number of **lots** to be created from the combined Sub-Areas C and G is two and if created, such **lots** shall have the area, size and shape of CD22 Central Green Sub-Areas C & G, all as shown on Plan CG-1.

### 8.3 Density

- (a) **If the lands Sub-Areas C and G are subdivided into two lots, then the maximum permitted density in each of Sub-Area C and G shall be the lesser of Gross Floor Area of 6500m<sup>2</sup> or Floor Area Ratio of 1.6; however,**
- (b) **if the lands Sub-Areas C and G are not subdivided to create two lots and constitute a single lot, then the maximum permitted density shall be the lesser of Gross Floor Area 13,000m<sup>2</sup> or 1.6 Floor Area Ratio.**

### 8.4 Height

The maximum permitted **height** for any **building** in Sub-Areas C & G shall be the lesser of 16.5 m or 4 storeys.

### **8.5 Site Coverage**

*A maximum of 50%. Parking structures above **finished grade** shall not be included in the calculation of **site coverage**.*

### **8.6 Setbacks**

*The minimum **front** and **side yard** setbacks, excluding the parking structure, shall be 3.0m.*

*The minimum **rear yard** setback, excluding any parking structure, shall be 12.0m.*

### **8.7 Private Open Space**

*A minimum area of 7.0m<sup>2</sup> of **private open space** shall be provided per **bachelor dwelling, congregate housing bedroom or group home bedroom**, 12.0m<sup>2</sup> of **private open space** shall be provided per 1 **bedroom dwelling**, and 18.0m<sup>2</sup> of **private open space** shall be provided per **dwelling** with more than 1 **bedroom**.*

**8.8** *The CD22 Central Green Comprehensive Development Zone has been designated as a Development Permit Area by “Kelowna 2020 – Official Community Plan Bylaw No. 7600” for the purpose of guiding the form and character of development. The guidelines applicable to the CD22 Central Green Comprehensive Development Zone are annexed to this Bylaw as Annexure “1” and entitled “CD22 Central Green Development Permit Area Guidelines”.*

## 9. CD22 Sub-Area D Zoning Schedule

### 9.1 Permitted Uses

The following uses of land, **buildings and structures** are permitted in Sub-area D and all others are prohibited:

#### **Principal Uses**

- (a) **multiple dwelling housing**
- (b) **congregate housing**
- (c) **group home, major**
- (d) **boarding and lodging houses**
- (e) **supportive housing**

#### **Secondary Uses**

- (a) **agriculture, urban**
- (b) **care centres, major**
- (c) **home based businesses, minor**
- (d) **community recreation services**

The uses set out above are permitted, provided that:

- (a) **off-street vehicular parking and off-street loading must only be sited and located below grade at street level.**

### 9.2 Parcel Size

The area, size, and shape of a **lot** created in this Sub-Area D must be the area, the size, and shape of Sub-Area D as shown on Plan CG-1.

### 9.3 Density

The permitted **density** in this CD22 Central Green Sub-Area D must not exceed a **Gross Floor Area** of the lesser of 3,900 m<sup>2</sup> or an **Floor Area Ratio** of 1.50

### 9.4 Height

The maximum permitted **height** for any **building** in CD22 Central Green Sub-Area D shall be the lesser of 16.5m or 4 storeys.

### 9.5 Site Coverage

A maximum of 50%

### 9.6 Setbacks

*The minimum front, rear and side yard setbacks shall be 3.0m.*

**9.7 Private Open Space**

*A minimum area of 7.0m<sup>2</sup> of private open space shall be provided per bachelor dwelling, congregate housing bedroom or group home bedroom, 12.0m<sup>2</sup> of private open space shall be provided per 1 bedroom dwelling, and 18.0m<sup>2</sup> of private open space shall be provided per dwelling with more than 1 bedroom.*

**9.8** *The CD22 Central Green Comprehensive Development Zone has been designated as a Development Permit Area by “Kelowna 2020 – Official Community Plan Bylaw No. 7600” for the purpose of guiding the form and character of development. The guidelines applicable to the CD22 Central Green Comprehensive Development Zone are annexed to this Bylaw as Annexure “1” and entitled “CD22 Central Green Development Permit Area Guidelines”.*



## 10. CD22 Sub-Areas E &amp; F Zoning Schedule

**10.1 Permitted Uses**

The following uses of land, **buildings and structures** are permitted in Sub-areas E & F and all others are prohibited:

**Principal Uses**

- (a) **multiple dwelling housing**
- (b) **congregate housing**
- (c) **group home, major**
- (d) **boarding and lodging houses**
- (e) **supportive housing**

**Secondary Uses**

- (a) **agriculture, urban**
- (b) **care centres, major**
- (c) **home based businesses, minor**
- (d) **community recreation services**

The uses set out above are permitted, provided that:

- (a) off-street vehicular parking and off-street loading must only be sited and located below grade at street level.

**10.2 Parcel Size**

The maximum number of **lots** to be created from the combined Sub-Areas E and F is two and if created, such **lots** shall have the area, size and shape of the CD22 Central Green Sub-Areas E & F, as shown on Plan CG-1.

**10.3 Density**

- (a) If the lands in Sub-Areas E and F are subdivided into two **lots**, then the maximum permitted **density** on each parcel be the lesser of **Gross Floor Area 2250m<sup>2</sup>** or **Floor Area Ratio 1.0**; however,
- (b) if the lands in Sub-Areas E and F are not subdivided to create two **lots** and constitute a single **lot**, then the maximum permitted **density** shall be the lesser of **Gross Floor Area 4500m<sup>2</sup>** or a **Floor Area Ratio** of 1.0.

**10.4 Height**

*The maximum permitted **height** for any **building** in CD22 Central Green Sub-Areas E and F shall be the lesser of 12.0 m or 3 storeys.*

**10.5 Site Coverage**

*A maximum of 40%*

**10.6 Setbacks**

*The minimum **front, rear and side yard** setbacks shall be 3.0m.*

**10.7 Private Open Space**

*A minimum area of 7.0m<sup>2</sup> of **private open space** shall be provided per **bachelor dwelling, congregate housing bedroom or group home bedroom**, 12.0m<sup>2</sup> of **private open space** shall be provided per 1 **bedroom dwelling**, and 18. m<sup>2</sup> of **private open space** shall be provided per **dwelling with more than 1 bedroom**.*

**10.8** *The CD22 Central Green Comprehensive Development Zone has been designated as a Development Permit Area by “Kelowna 2020 – Official Community Plan Bylaw No. 7600” for the purposes of guiding the form and character of development.. The guidelines applicable to the CD22 Central Green Comprehensive Development Zone are annexed to this Bylaw as Annexure “1” and entitled “CD22 Central Green Development Permit Area Guidelines”.*

## 11. CD22 Sub-Area H Zoning Schedule

### 11.1 Permitted Uses

The following uses of land, buildings and structures are permitted in Sub-area H and all others are prohibited:

#### **Principal Uses**

- (a) **multiple dwelling housing**
- (b) **congregate housing**
- (c) **group home, major**
- (d) **boarding and lodging houses**
- (e) **supportive housing**

#### **Secondary Uses**

- (a) **agriculture, urban**
- (b) **care centres, major**
- (c) **home based businesses, minor**
- (d) **community recreation services**

### 11.2 Parcel Size

The area, size, shape and dimensions of any **lot** created from Sub-Area H must be the area, size shape and dimensions of Sub-Area H as shown on Plan CG-1.

### 11.3 Density

The permitted **density** in this Sub-Area H must not exceed the lesser of **Gross Floor Area** of 6,000 m<sup>2</sup> or **Floor Area Ratio** of 1.7.

### 11.4 Height

The maximum permitted **height** for any **building** in Sub-Area H shall be the lesser of 16.5m or 4 storeys.

### 11.5 Site Coverage

A maximum of 50%

### 11.6 Setbacks

The minimum **front, rear and side yard** setbacks shall be 3.0m.

### 11.7 Private Open Space

*A minimum area of 7.0m<sup>2</sup> of private open space shall be provided per bachelor dwelling, congregate housing bedroom or group home bedroom, 12.0m<sup>2</sup> of private open space shall be provided per 1 bedroom dwelling, and 18.0m<sup>2</sup> of private open space shall be provided per dwelling with more than 1 bedroom.*

- 11.8** *The CD22 Central Green Comprehensive Development Zone has been designated as a Development Permit Area by “Kelowna 2020 – Official Community Plan Bylaw No. 7600” for the purpose of guiding the form and character of development.. The guidelines applicable to the CD22 Central Green Comprehensive Development Zone are annexed to this Bylaw as Annexure “1” and entitled “CD22 Central Green Development Permit Area Guidelines”.*

## 12. CD22 Sub-Area I Zoning Schedule

### 12.1 Permitted Uses

The following uses of land, **buildings and structures** are permitted in Sub-area I and all others are prohibited:

### 12.2 Principal Uses

- (a) **agriculture, urban**
- (b) **participant recreation services, outdoor**
- (c) **public parks**

#### Secondary Uses

- (a) **agriculture, urban**
- (b) **care centre, major**
- (c) **community recreation services**
- (d) **food primary establishment**
- (e) **liquor primary establishment, minor**
- (f) **participant recreation services, indoor**
- (g) **residential security/operator units**
- (h) **retail stores, convenience**
- (i) **utility services, minor impact**

### 12.3 Parcel Size

The area, size, shape and dimensions of any **lot** created from Sub-Area I, must be the area, size, shape and dimensions of Sub-Area I as shown on Plan CG-1.

### 12.4 Development Regulations

- (a) The maximum **floor area ratio** is 0.1.
- (b) The maximum **height** is 10.0 m.
- (c) The minimum **front yard** is 6.0 m.
- (d) The minimum **rear and side yard** is 3.0 m, except it is 4.5 m from a **flanking street** or a residential or agricultural zone.

12.5 The CD22 Central Green Comprehensive Development Zone has been designated as a Development Permit Area by “Kelowna 2020 – Official Community Plan Bylaw No. 7600” for the purposes of guiding the form and character of development.. The guidelines applicable to the CD22 Central Green Comprehensive Development Zone are annexed to this Bylaw as Annexure “1” and entitled “CD22 Central Green Development Permit Area Guidelines”.

- D. The Central Green Lands as identified and delineated on Plan CG-1 are hereby re-zoned from P-2 - Education and Housing Institution or C-4 Town Centre Commercial, as the case may be, to CD22 Central Green Comprehensive Development Zone.
- E. The Zoning Map is hereby amended to show the Central Green Lands zoned CD22 Central Green Comprehensive Development Zone, to identify each of the Sub-Areas as shown and delineated on Plan CG-1, and to make all consequential amendments to the legal notations, markings and colouring on the Zoning Map necessary to effect the purposes of this CD22 Central Green Comprehensive Zone.

READ A FIRST TIME this \_\_\_ day of \_\_\_\_\_, 2011.

READ A SECOND TIME this \_\_\_ day of \_\_\_\_\_, 2011.

PUBLIC HEARING HELD this \_\_\_ day of \_\_\_\_\_, 2011.

READ A THIRD TIME this \_\_\_ day of \_\_\_\_\_, 2011.

APPROVED BY THE MINISTER OF TRANSPORTATION this \_\_\_ day of \_\_\_\_\_, 2011.

ADOPTED this \_\_\_ day of \_\_\_\_\_, 2011.

ANNEXURE 1

CD22 Central Green Development Permit Area Guidelines



# CENTRAL GREEN DEVELOPMENT PERMIT AREA GUIDELINES

## Central Green Comprehensive Development Zone



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## 1.0 VISION STATEMENT

Central Green will be an inviting and sustainable neighbourhood extending over a five-hectare site located adjacent to Kelowna's Downtown. Two hectares of park space will be surrounded by three hectares of residential housing (including affordable units), neighbourhood-focused retail and public amenities. The site's residential building forms will help define the southern edge of Downtown while complementing the adjoining low-density neighbourhood. Through traffic calming and the integration of inter-connecting pathways, the area will be highly pedestrian-oriented. Central Green will be a model development that demonstrates reduced vehicle dependency by creating an inviting pedestrian development, adjacent to rapid transit, promoting vehicle sharing programs, designing the site so as to minimize travel requirements, and creating a compact community through densification. The resulting site surface will be contiguous and free of bisecting public roadways, with limited vehicular impediments allowing for and promoting a pedestrian oriented lifestyle. The design concept inherently discourages vehicle use.

Although various developers may participate, development controls and incentives will ensure harmonious realization of the development concept, which has a strong focus on environmental, economic and social sustainability. Central Green will be a place where a sense of community thrives and pride in the neighbourhood is evident.

### 1.1 USING THE DESIGN GUIDELINES

These Design Guidelines are part of a series of over-arching regulations that when combined, will shape future development of Central Green. The Design Guidelines specifically, are intended to influence the form and character of buildings and open spaces within the boundary of the Comprehensive Development 22 Area as outlined in Plan CG-1. As well as, assisting each development permit applicant, they will be used by staff in the evaluation of development proposals.

The Design Guidelines are additionally intended to help give direction to detailed design to ensure that each sub-area is compatible with the overall urban design concept. The particular set of building and open space outlines that are illustrated in these guidelines are therefore not necessarily intended to be the final form of development, but rather represent a 'conforming outline' as a tangible starting point for detailed design to build upon.

### 1.2 GUIDING PRINCIPLES

The guiding principles are themes that were emphasized by the City of Kelowna Council, stakeholders, the public, and the consultant team throughout the visioning process. They will continue to guide the realization of the project.

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### 1.2.1 URBAN DESIGN

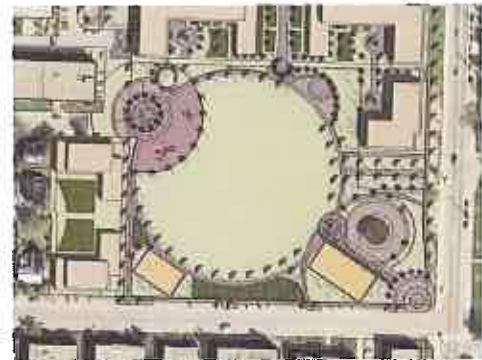
The design of the neighbourhood should focus on creating a pedestrian-oriented neighbourhood with a strong sense of place that fosters social interaction and a cohesive community. Building and open space design should convey human scale, address physical comfort and safety, and complement the surrounding community and existing building stock.

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### 1.2.2 ROWCLIFFE COMMUNITY PARK

Two hectares (five acres) of public open space will be retained in the Central Green design concept for community park purposes.

The defining feature of the design is a common area enclosed by a pedestrian pathway. The park plan also includes several focal points. One focal point is located at the corner of Richter and Rowcliffe Avenues where an entry plaza incorporates the site's two heritage trees and one of two multi-use courts. The entry plaza terminates a visual axis running across the common to a playground in the north-west corner of the park.



*Rowcliffe Community Park Concept Plan*

The park may also include community gardens and an open air stage for outdoor events. The green common area is designed primarily for passive use, but will be able to accommodate programmable sport fields. In addition to the path encircling the commons, other pedestrian pathways will be located strategically within the park to facilitate movement through the site and to help give definition to a hierarchy of public and private outdoor spaces.

The park's design will be undertaken by the City of Kelowna. Key considerations for the park design will include references to the historical use of the site and the adjoining neighbourhood character, as well as safety considerations through the incorporation of Crime Prevention Through Environmental Design (CPTED) principles.

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### 1.2.3 REGIONAL EXPRESSION

It is intended that the subject area convey a strong sense of authenticity, meaning that the form and character of buildings and spaces convey a sense of that which is distinctive to Kelowna and the Central Okanagan. The character of buildings and public spaces within the subject area should celebrate that which is unique and distinctive about the Okanagan Valley by drawing inspiration from the region's natural and cultural landscapes.



Consideration should therefore be given to the following:

a) Buildings that appear to 'grow' out of the earth or landscape and that express a sense of weight without appearing excessively bulky. To this end, building facades should be designed as 'walls with windows' not 'window-walls', and exterior elevations should have a solid/opening ratio of not less than 50%, calculated over the sum of all exterior building faces;



b) Buildings that emphasize shade from summer sun. Overhangs and recesses of sufficient depth are appropriate. Responses to solar exposure that result in elevations that are distinct from one another, particularly on the tower portions of buildings, are essential;

c) Provision of generous private outdoor spaces, including rooftops and balconies, to allow residents to capitalize on the favourable Okanagan weather;



d) Techniques and treatments that emphasize the transition between inside and outside through the differing seasons. These might include retractable windows and overhead rolling doors, as well as canopies,

trellises, and extended building planes;

e) Use of drought tolerant plants that evoke the arid landscape of the Central Okanagan;

f) Inclusion of public art, in a wide range of formats, even within the confines of private spaces that are not readily accessed by the public, as a prime means of regional expression.



#### 1.2.4 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

Beyond the provision of sufficient density to help insure enough "eyes and ears" on the street, established CPTED techniques should be implemented to achieve the goal of safe urban spaces. All development should be consistent with the *City of Kelowna "Crime Prevention Through Environmental Design Guidelines"* which is available on the city website-[kelowna.ca](http://kelowna.ca)



## 2.0 GENERAL GUIDELINES

### 2.1 BUILDING SITING

a) Generally, buildings should be sited as indicated in Plan CG-1 and Plan Central Green Design Guidelines.



b) Buildings should be designed with sensitivity to future development on adjacent properties and to adjoining outdoor spaces.

### 2.2 HUMAN SCALE

a) All elevations should demonstrate a high degree of human scale. This can be achieved principally by giving emphasis to doors and windows and other signs of human habitation relative to walls and building structure. It can also be achieved through appropriate choice of materials and detailing of surfaces that provide rich visual interest, as well as through appropriate massing of building form and provision of hard and soft landscaping;



Extended areas void of visual interest and references by which to gauge human scale, i.e. blank walls, are strongly discouraged, including party walls exposed to public view as a result of the phased build out of a sub-area;

b) Portions of building facades enclosing stairwells should incorporate windows that provide human scale and that reduce the visual bulk of such stairwells. Building facades enclosing elevator shafts should be architecturally treated to reduce their visual mass;

c) Treatments that result in flat walls are discouraged. Facades should be articulated with the aim of creating shadows through indentations and projections of elements within a façade composition, e.g., windows and doors, cornice lines, pilasters, balconies, and/or bas-relief detailing.

## 2.3 PROPORTIONS



a) Building facades should have a balance of vertical and horizontal proportions. Particularly in the podium portion of the buildings, vertical accents should occur on a regular basis to reinforce a pedestrian-scaled rhythm. Vertical proportions are preferred for windows. Any horizontally-extended glazed areas should be subdivided into vertically proportioned windows separated by mullions or building structure;

b) Portions of buildings at corner locations or at inflections or terminations of vistas should be designed to induce pedestrians to explore the continuum of urban and park walkways.



## 2.4 ENTRANCES

a) Entrances should be easy to identify from the street or any adjoining public open space. Entrances should also present an inviting face to those views, as well as make the act of entering any premises a comfortable and welcoming experience through attention to details, proportions, materials, and lighting;



b) Transition spaces at entrances, between inside and outside, and between the public and private realms are encouraged. These spaces can be created by recessing entrances within the wall plane, through provision of canopies and other techniques to create enclosure, and through changes in grade;

c) Entrances should provide visual interest and visual cues that communicate a sense of friendliness including opportunities for seasonal landscaping, such as trellises, arbours, and other elements that personalize, define, or lend identity to an entrance as well as promote social interaction.





## 2.5 EXTERIOR BUILDING MATERIALS



a) A variety of exterior materials is appropriate. Materials should be natural, relate to the character of the region (see Regional Expression 1.2.6), be durable and be appropriate to the character of Central Green Preferred materials include:

- Concrete (appropriately detailed)
- Wood including timber
- Stone
- Brick
- Metal
- Glass

b) Materials that should not be used:

- Vinyl
- Highly-reflective or non-vision glass

## 2.6 LIGHTING

a) All exterior lighting should follow the International Dark Sky Model code in order to limit light pollution and to conserve energy. Lighting should not contribute to glare. This objective should be accomplished through use of full cut-off or low-wattage luminaries. Designs should also incorporate shielded fixtures and/or appropriate mounting heights, as well as be aimed appropriately;



b) Lighting should be designed for high-quality environmental performance, and promote public safety. (see 1.2.6). In particular, lighting should help to clearly identify principal building entrances. Illumination levels should instill high levels of “psychological comfort” for persons using each entrance;

c) Light fixtures, if exposed to views from streets, should add daytime visual interest and human scale to a building, as well as help accentuate the rhythm of the building facade. Illumination should be planned as a key element in a facade’s design with consideration for the effect on the facade, and on adjoining buildings and open spaces.

## 2.7 ROOFTOPS AND BALCONIES

a) Upper levels of buildings should incorporate decks, balconies, or other building features as outdoor amenity space for occupants;



b) Elements such as gazebos, trellises, and pergolas and other forms of hard and soft landscaping, including opportunities for vegetable gardening, should be provided to enhance the visual interest and the usability of rooftop spaces, and should be attractive when viewed from above;



c) Vents, mechanical rooms, mechanical equipment, and elevator penthouses should be integrated with the architectural treatment of the roof, or be screened with materials and finishes compatible with the building's design;

d) Rooftops designed as active outdoor open spaces are encouraged, and should be designed to withstand the weight of mature trees and plantings. They should be designed to reduce energy use and are encouraged to incorporate green technologies. Large, flat expanses of roof, whether actively used or not, should be enhanced with texture, colour, and/or landscaping especially where visible from habitable spaces above.



## 2.8 SCREENING

a) All passive occupancies, i.e., parking, mechanical/utility rooms, storage areas, and stairwells at or above grade, should be screened behind active occupancies. Parking areas in particular that are visible from any street, or from any interior or exterior residential or commercial space are not recommended.

b) Garbage and recycling facilities should be located away from public streets and screened from view. The materials used for such purposes should be common to the building's exterior finishes. Service areas, the vehicular paths of access to these areas, and all parking associated with or connected to these areas should be hard-surfaced.

c) All mechanical equipment and utility services open to view from a public street should be screened in a manner consistent with the visual characteristics of the building.

## 2.9 PUBLIC AND PRIVATE OPEN SPACE



a) The design of open space should:

- promote social interaction;
- be oriented to take advantage of sunlight;
- provide shade and protection from wind and other climatic elements.

b) The public pathways, plazas and private courtyards provide the framework for the landscaped areas. These areas should be a combination of soft and hard landscaping. Plant material should be predominantly indigenous and adaptive species and should provide seasonal interest. Trees should be large enough at maturity to help create a park-like setting, especially along roadside boulevards;



c) Public art should be located in strategic locations to create a better visual environment and provide interactive and interpretive experiences for both children and adults;



d) Pathways, open spaces and enclosed or sheltered public spaces should be flexible and accommodate a number of activities, whether programmed or spontaneous;

e) In private development, where courtyards, plazas, and/or patios occur, they should provide spatial continuity between the inside and outside of the building and where applicable, between the public and private realms;



f) The amount of storm water run-off entering storm sewers should be minimized through appropriate site design. Permeable pavers and bio-swales should be considered;



g) Fences should provide visual interest and pedestrian scale. Fences through which views are not possible, should not be greater than 1.2m high and should be accentuated by a vertical element, e.g., piers, at not less than every 4.5m.;



h) Any retaining walls or exposed parking structures should provide visual interest and pedestrian scale. Retaining walls should not be greater than 1.2m in height and should be accentuated by a vertical element, e.g., piers, at not less than every 4.5m. Retaining walls made from local stone or rocks are preferred. Modular concrete products are acceptable. Poured-in-place concrete is discouraged. Where such concrete is used, it should be complemented with appropriate landscaping and/or architecturally treated with a decorative pattern; retaining wall materials should discourage graffiti eg: treated with an anti-graffiti finish;



i) The use of shrubs or coniferous columnar trees that grow to mature heights of greater than 1.2 m, and prevent views from the street or between properties, is discouraged. The use of a variety of planting materials varying in heights and shapes is encouraged, and should be chosen for their ability to be pruned regularly to maintain sightlines;

j) Opportunity for crime and nuisance activities should be reduced by adhering to CPTED principles. (see 1.2.6)

## 2.10 CONNECTIONS

a) Design of open space should ensure continuity of pedestrian and cycling movement through the site as well as a complementary visual and spatial continuum of outdoor spaces;



b) Visual linkages to defining elements such as public art installations, water features, and other natural and man-made landmarks that help orient the pedestrian should be incorporated into the design of the site;

c) Provision of a safe, inviting series of interconnected spaces is encouraged; linkages to adjacent neighbourhoods for pedestrians, bicycles and vehicular traffic are encouraged;

d) Pathway systems should be accessible to all users (see 1.2.4 Universal Design);



e) Pedestrian connections across Harvey Avenue should provide a safe, physically-comfortable, and aesthetically-pleasing access across the roadway. It is anticipated that one of these connections may be a pedestrian bridge over Harvey Avenue, landing on a development site on the north side of the road.

## 2.11 VEHICULAR-RELATED CONSIDERATIONS

a) Parking access points should be restricted to those locations identified in Plan CG-1.



b) Parking may be located up to the third storey within Building A & B subject to being appropriately screened (see Section 2.8 Screening and Section 3.1.2). Parking uses should not be located at or above grade within any other building;

c) Taxi drop off locations should be provided for each Sub-Area, they should be treated so that pedestrians and vehicles have equal status. Rather than a utilitarian asphalt treatment, the surface should offer visual interest, i.e. stamped concrete, concrete pavers, etc., such that the space takes on more of an entry plaza quality. Curbs can be eliminated and bollards can separate vehicle and pedestrian movement as necessary;

d) Exits from parking structures should allow for a high level of visibility of approaching pedestrians;

e) Garage doors and vehicle access points should not terminate axial views, i.e., views down streets within the vicinity of the site. Where such axial views are terminated, design consideration should be given to mitigating the visual impact of such views and to otherwise provide a high degree of human scale and visual interest. Doors and entrances to parking garages should not be visually obtrusive and should not be more visually prominent than any principal entrance to the building;

f) Garage entrances should be architecturally integrated into the overall building design with street-level exterior building finishes wrapping into the garage opening for a minimum of 3m in depth. Doors to parking garages



should have an architectural treatment that is primarily expressed as an opaque or semi-opaque door rather than an open screen. Open screens are acceptable if highly detailed and rich in visual interest.

g) Under building parking structures for Sub-areas A, B, C, and G must be built to internal property lines to ensure a contiguous public open space is created on top of the parking structures.

h) Parking garage interconnectivity should be provided between Sub-Areas A & B;

l) Transit Oriented Development (or TOD) and Transportation Demand Management (TDM) are foundational principles upon which the Central Green Design Guidelines were developed. Several specific features are incorporated into the design to promote and ensure these goals are achieved.

- Transit - A BRT station at the Central Green site is being planned for and accommodated in the design. Additionally, a local transit facility along Richter Street is being planned for and accommodated in the design.
- Active Transportation – Central Green is immediately adjacent to and incorporated into the City's existing cycling and pedestrian networks. Developments should include provisions for safe and reliable bicycle storage within every phase of the development.
- Managed Parking Supply – Parking requirements have been reduced for Central Green and should not exceed the minimum standard where possible, a maximum of 125% of the required parking is permitted.
- Travel Options – As a means of promoting alternatives to single occupant vehicle travel, centralized and convenient amenities to facilitate, car-sharing, car and vanpool accessibility, as well as taxi services should be incorporated.

## 2.12 SOFFITS AND BUILDING OVERHANGS



a) Any soffits, or the underside of any portion of a building, including the undersides of balconies, within 16m of grade and exposed to public view, should be treated to provide visual interest and show attention to detail.

## 2.13 SIGNAGE

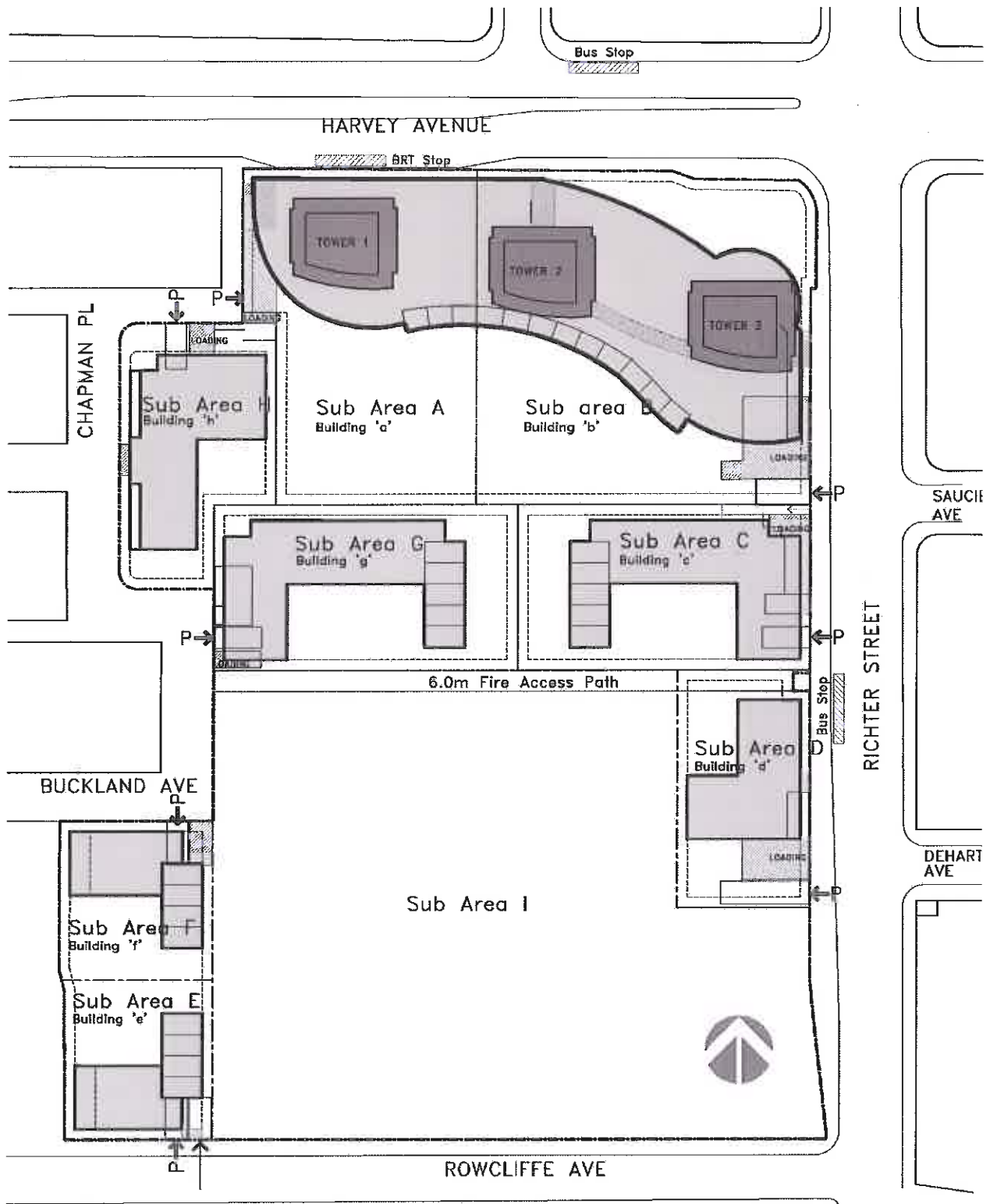
a) The size of any individual sign should take into consideration the overall scheme of building signage and the appearance of the building's facades. Ultimately, the scale and visual qualities of a building should not be compromised by the size and number of signs.



## 2.14 VENTS AND ROOF FLASHING

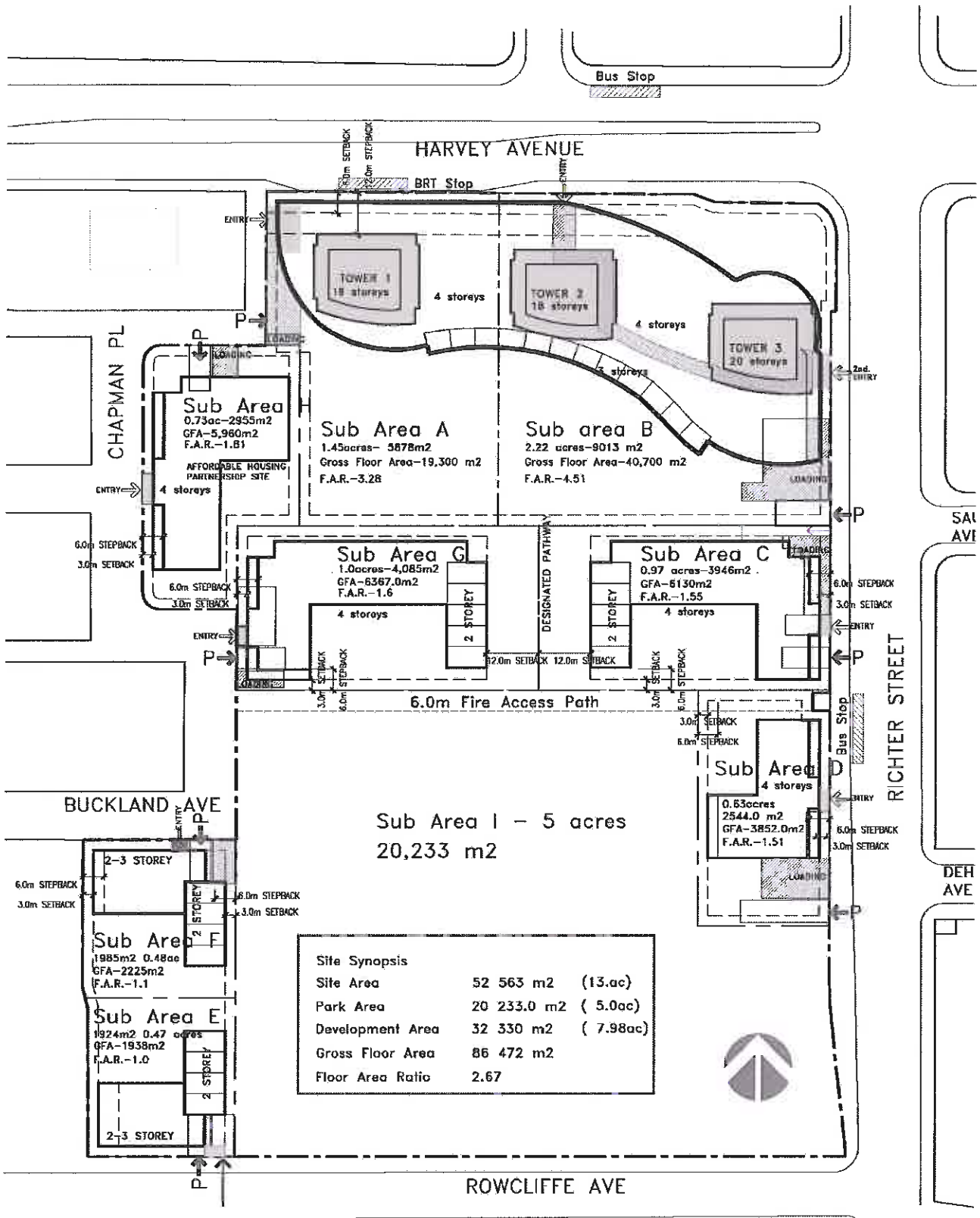
a) All roof flashings and vents exposed to public view should be painted to match adjacent surfaces or disguised in a manner consistent with the visual characteristics of the building.

2.15 PLAN CG-1





2.16 PLAN CENTRAL GREEN DESIGN GUIDELINES



## 3.0 SUB – AREA GUIDELINES

Plan CG-1 illustrates nine Sub-Areas within Central Green. Each Sub-Area has its own character as described in the following pages. While responding to site-specific character and features, each Sub-Area should contribute to a cohesive concept as set out in the General Design Guidelines.

### 3.1 SUB-AREA A & B

#### 3.1.1 GENERAL DESIGN OBJECTIVES

- ✓ To create a neighbourhood focus for a principally residential precinct that is anchored by community commercial and office space;
- ✓ To create active commercial frontages that link with the Central Green public space network;
- ✓ To provide a visual/architectural backdrop to Rowcliffe Community Park.

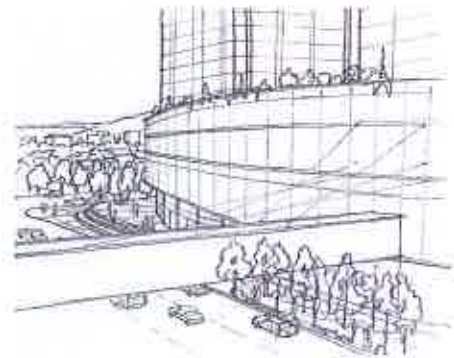
#### 3.1.2 SITE-SPECIFIC DESIGN GUIDELINES – SUB-AREA A & B

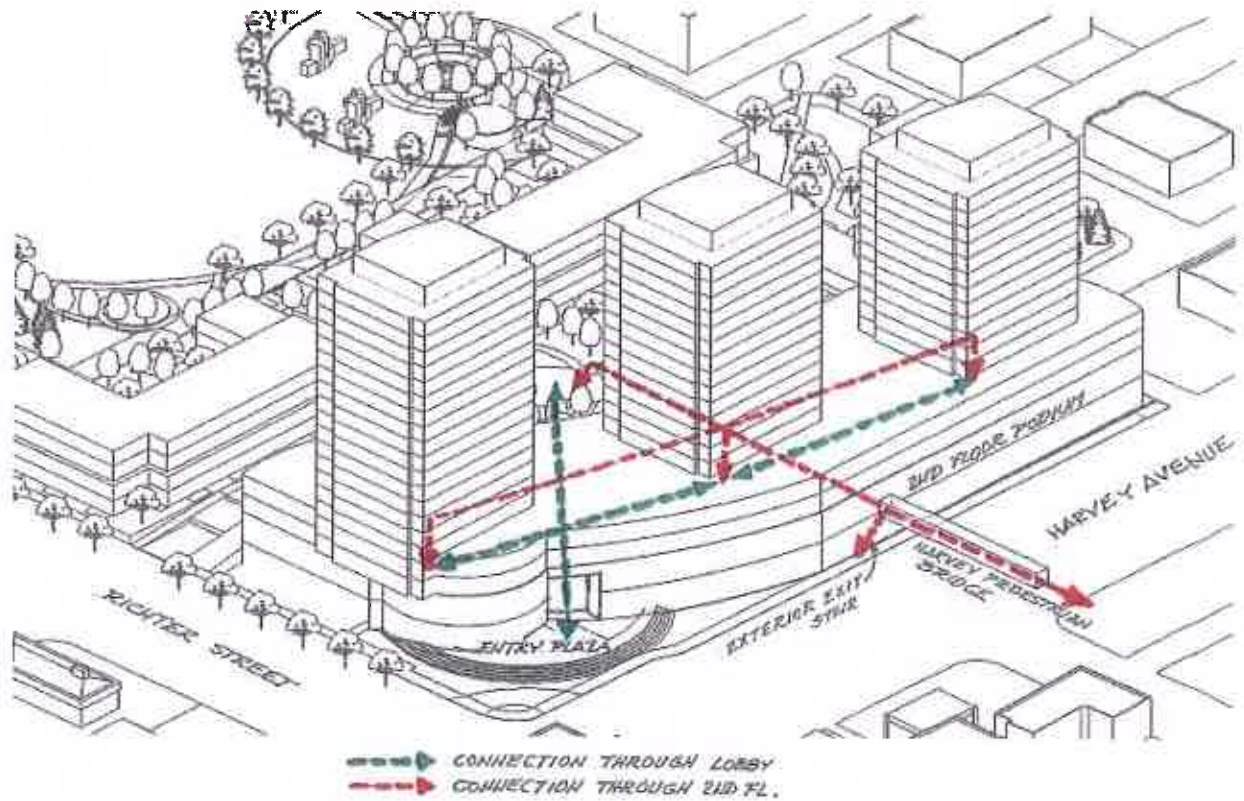
##### 3.1.2.1 PODIUM



a) Building siting and massing should generally conform to CG-1 with the podium presenting a defined edge to Highway 97 and Richter Street. The east-facing facade of the podium should generally align with the east face of Building C with a modest setting back from the plane inscribed by the east face of Building C encouraged (see Plan CG-1).

b) Public access to the site is expected to connect through the podium from the Richter Street/Harvey Avenue intersection to the open space on the south side of the podium of Building A & B (Plan CG-1). To facilitate this connection, an entry plaza to Building B should be provided on the south-west corner of the Richter Street/Harvey Avenue intersection. Public access to the site is also expected to connect through the podium from a pedestrian bridge anticipated to be constructed on axis with the west side of Highway 97.





c) Pedestrian Bridge over Harvey Avenue/Public Walkway: Consideration should be given to the building design to provide pedestrian access through the development to the south side or the western edge of buildings A & B. It is recommended that in addition to a required external stair to the street level from the pedestrian bridge that a “permanent” internal public walkway linking the pedestrian overpass over Harvey Avenue and the proposed development open space on the south side of Buildings A & B be established to facilitate safe and convenient public access.

d) The podium should incorporate curvilinear or non-rectilinear forms or segmented forms to help reduce perceptions of bulk. The south face of the podium in particular should incorporate such forms as a means of responding to and helping to shape the adjoining public space. (see 3.1.2.5 South Edge)

### 3.1.2.2 NORTH EDGE

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a) Harvey Avenue carries large volumes of vehicles. Nevertheless, the face that Central Green presents to Harvey Avenue should appear welcoming and friendly and should otherwise soften the edges of the highway corridor and provide the best-quality pedestrian environment possible under the prevailing conditions. To this end, the north elevation should be consistent with 2.0 General Guidelines, set out herein. Along Harvey Avenue a permeable or active street frontage is desired. The corner of Harvey Avenue and Richter Street should provide an active street frontage.

### 3.1.2.3 EAST EDGE

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a) The building form along the eastern edge of Sub-Area B should principally be articulated as a medium-density residential structure regardless of occupancy. The building should be set back a sufficient distance from the sidewalk edge to create a transition space that clearly demarcates the public realm from the private. (see 3.1.2.1a) Private outdoor amenity space associated with any ground-level units can be provided within this space.

b) Tower 3 on the north-east corner of the site can be expressed as a form that wholly or partially sits on the ground plane. Alternatively, it can be expressed as a form that sits on the podium, i.e., is set back from the podium edges. Regardless of approach, the form should not compromise the human scale of the adjoining entry plaza.



### 3.1.2.4 WEST EDGE

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a) This edge should present a visually-interesting face to motorists heading east along Harvey Avenue.



b) A pedestrian-connection around the west side of the podium is desired. A view from within the Central Green site, between the podium and the building on the north side of Sub Area H should be maintained. The minimum distance between these buildings should be 17m, not only for the sake of maintaining a view corridor, but also to protect the privacy and views of residents within each of these buildings.



### 3.1.2.5 SOUTH EDGE

a) The podium form should help define the adjoining public outdoor space. To this end, a curvilinear form that creates a complementary sense of enclosure and also provides an appropriate backdrop to the axis between Sub Areas C and G is preferred (Plan CG-1 & 3.1.2.1c). Within this south-facing podium wall, the access leading through the building to any pedestrian



overpass at Bertram Street, as well as the access leading to the plaza on the north-east corner of the site should be clearly identifiable.



b) This face of the podium is proposed to be both open and active to create an inviting pedestrian environment and character to the open space. It is anticipated that the sole retail occupancies on the site will be located at grade level along this building edge. These occupancies should have a minimum depth of 5m. They should provide goods and services that serve the day-to-day needs of Central Green residents as well of those of the neighbouring residential community, and should help animate the adjoining public space with opportunities for outdoor café seating and merchandising.

c) As this is a south-facing building edge, and outdoor seating is encouraged in conjunction with the retail occupancies envisioned to occupy the adjoining ground-floor spaces, consideration should be given to the comfort of pedestrians/customers using the public space in front of the building. Keen attention should be given to the creation of micro-climates that facilitate use of the space and that address the physical needs of its occupants over the course of the four seasons. Shade from the summer sun should be available, with exposure to sun and protection from wind a prime design consideration during the other months of the year. Canopies, overhangs, and arcades for protection from rain should also be considered.





d) Retail spaces should be easy to see into from the adjoining outdoor space(s). However, achieving a high degree of transparency should not preclude use of mullion patterns that add visual interest and human scale to the building

e) The design of any signage associated with the retail occupancies should be logical and simple. Signage should not attract attention to the extent that a sign becomes the dominant feature of the facade. Signs that extend over large areas are discouraged. All signage should principally be pedestrian-oriented.



f) Prominent and colourful signage creating a rich visual character is encouraged to enhance an overall festive ambience. Signs should be made of durable, weather-resistant materials, and be professionally fabricated and installed. Box signs are strongly discouraged.

g) Awning signs should be limited to the awning valance. Letters should be of appropriate scale and size to complement the character of the awning design.



### 3.1.2.6 TOWERS

a) The towers should be designed to help reduce perceptions of bulk as well as to develop and contribute to a distinct identity for the architectural expression of development (also see Regional Expression).

b) Noting their prominent identity in the regional landscape, and the importance of slenderness in improving solar access, building tops should be integral elements of the overall building form and expression. Tower tops are encouraged



to include trellising and roof projections that are integral extensions of the building structure and contain substantial landscaping.



c) A substantive distinction is encouraged between the podium and tower portions of the building. Additionally, elements that create an overlap of the podium with the tower portions are encouraged. These elements should have their origins at ground level but should rise above the podium to interconnect with the tower portion of the building (see d) below). This effect can be achieved through articulation of planes and sub-forms expressed in contrasting materials and colours.



d) Tower facades are intended to be perceived as assemblages of vertical forms. Facade planes should be restricted to 15m in width. Abutting planes should be distinguished by; 1) changes in materials and/or 2) changes in depth, i.e. setbacks from the property line, and/or 3) detailing, e.g. a reveal, a structural element, or an intervening/transition material. Where frontage plane's longer than 25m occur, they should be articulated with a change in depth of at least 1.5m in depth.



e) Towers should generally have a minimum 25m separation from any other tower, with the distance between buildings measured from the nearest vertical plane, not including balconies, on each building.

f) The intent is for the architecture to express a slender verticality, particularly in its upper elements.

g) In order to foster a sense of neighbourliness it is important that the individual identity of floors and units be expressed. Continuous, homogenous building treatments that tend towards the perception of a monolithic building massing are strongly discouraged.



h) Maximum Gross Floor Area for all floor levels above podium is 750 m<sup>2</sup>.

i) The maximum height of the buildings located within CD22 Sub-Area A & B shall be as follows:

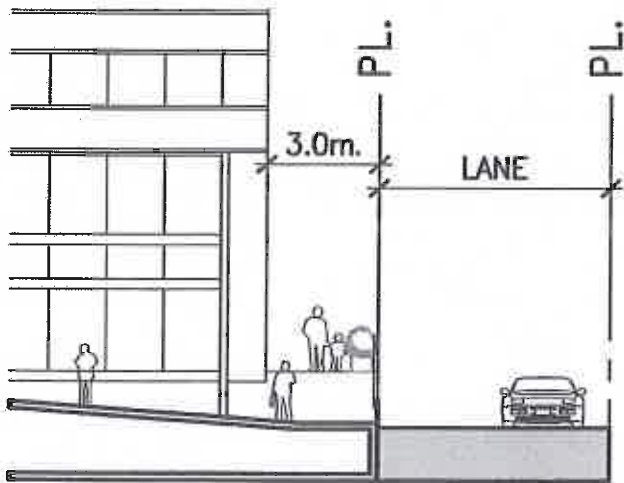
- A. the maximum height for the podium is the lesser of 18.0 m or 4 storeys, minimum height of podium shall be 10m above grade or 2 storeys;
- B. the maximum height for tower #1 is 60m;
- C. the maximum height for tower #2 is 66m; and,
- D. the maximum height for tower #3 is 72m.



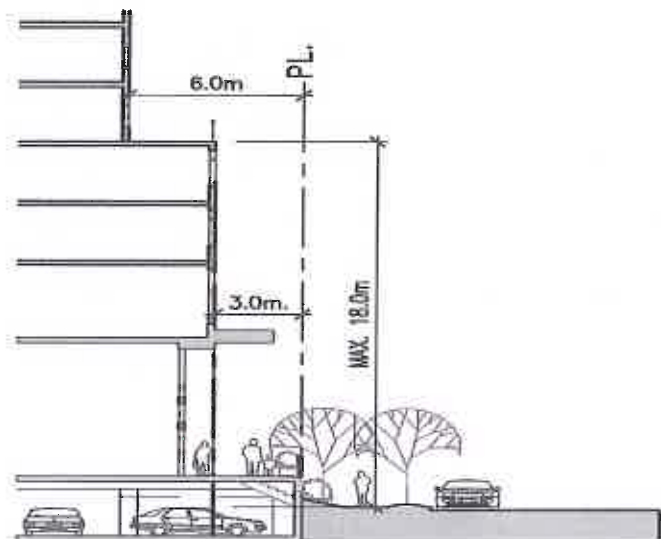
### 3.1.3 DIMENSIONAL PARAMETERS

#### 3.1.3.1 SETBACKS AND STEP BACKS

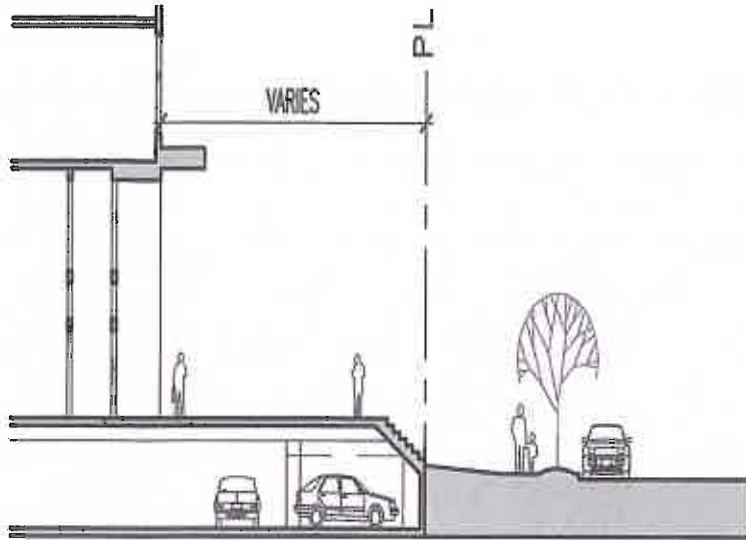
- a) A minimum depth of 6 metres from the property line to act as a build-to-line for 50% of development located along the Northern property lines adjacent to street frontage (along Harvey Avenue). A minimum setback of 4.5m should be provided from the property line adjacent to the proposed Bus Rapid Transit Stop along Harvey Avenue.
- b) A minimum depth of 3 metres from the property line to act as a build-to-line for 50% of development located along property lines adjacent to Richter Street.
- c) An additional step back of 12 metres from property lines shall be provided above the podium adjacent to Harvey Avenue and all property lines adjacent to other Central Green parcels.
- d) The parking structures must be built to the South property line and must be coordinated, in respect to the height, finishing and siting, with the parking structures of Sub-areas C and G to ensure a contiguous public open space is created on top of the parking structures.



**SECT. 01**  
NW CORNER CONDITION



**SECT. 02**  
HARVEY COMMERCIAL ACCESS



**SECT. 03**  
**HARVEY & RICHTER PODIUM**

### **3.1.3.2 PRIVATE OPEN SPACE**

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- a) A minimum area of 7.0 m<sup>2</sup> of private open space shall be provided per bachelor dwelling, congregate housing bedroom or group home bedroom, 12.0 m<sup>2</sup> of private open space shall be provided per 1 bedroom dwelling, and 18.0 m<sup>2</sup> of private open space shall be provided per dwelling with more than 1 bedroom.

### **3.1.3.3 LANDSCAPED AREA**

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- b) A minimum of 40 % of the site area plus all adjoining City Boulevards are required to be landscaped. This includes both hard and soft landscaping.

## 3.2 SUB-AREAS C, D, E, F, G AND H

### 3.2.1 GENERAL DESIGN OBJECTIVES

- ✓ To create a safe, human-scaled neighbourhood with a strong sense of identity that promotes social interaction and community cohesiveness.

### 3.2.2 GENERAL DESIGN GUIDELINES

The following guidelines apply to sites C, D, E, F, G and H:

- All buildings are encouraged to have ground-oriented units on all frontages;
- Definition of front yards of ground-oriented units through the use of hard- and/or soft-landscaping elements is encouraged. Changes in grade may also be acceptable;
- All buildings should have at least one principal building entrance facing, and clearly-identifiable from a public street;
- A continuous, clearly-demarcated, all-weather walkway should be provided from the nearest public street to the main building entrance;



### 3.3 SITE-SPECIFIC DESIGN GUIDELINES – SUB-AREA C

a) Building siting and massing should generally conform to Plan CG-1 with Building B presenting a strong edge to Richter Street and should generally align with the east face of the podium (Sub Area B) and the east face of Building D.



b) As with Building B, Building C should be set back a sufficient distance from the sidewalk edge to create a transition space that clearly demarcates the public realm from the private.

c) The principal entry to the building should be readily identifiable from Richter Street.

d) The form of Building C in conjunction with that of Building D, should enclose an outdoor space that faces the principal public space within the community park (Plan CG-1).



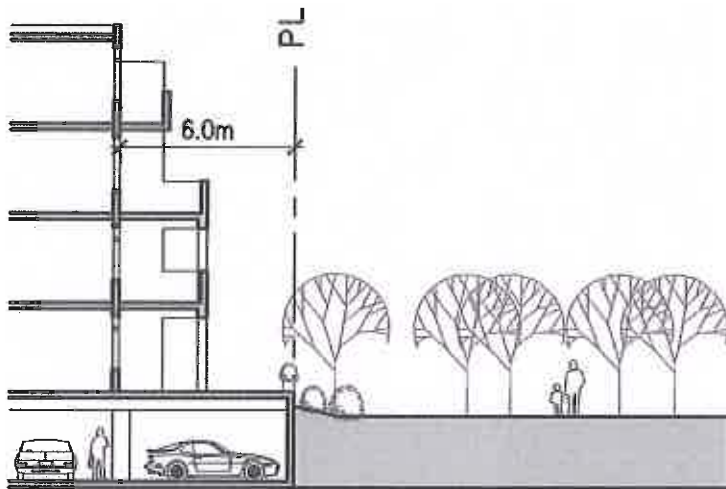
e) The form of Building C should present an edge to the path that leads from the principal public space to the courtyard on the south side of the podium of Sub Areas A & B. The form should complement a similar form associated with Building G such that the path between the two public spaces is compressed and has a degree of formality that contrasts with the more casual character of the spaces it connects.

#### 3.3.1 DIMENSIONAL PARAMETERS

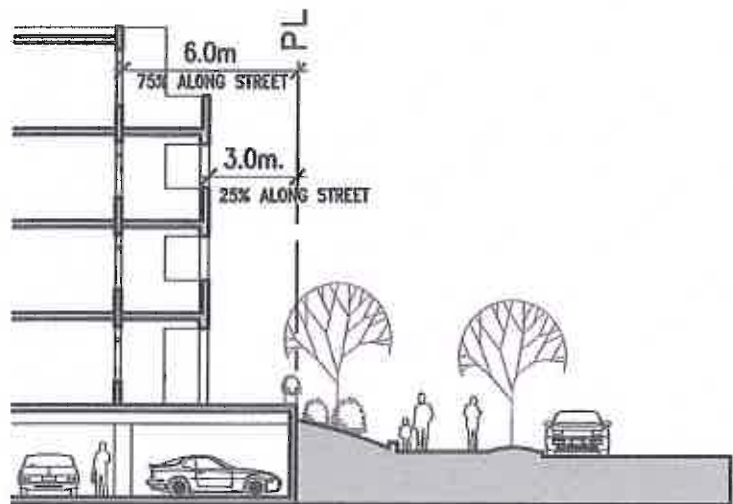
##### 3.3.1.2 SETBACKS AND STEP BACKS

- a) A minimum depth of 3 metres from the property line to be further defined as a build-to-line for 75% of the property line adjacent to the street frontage along Richter Street and a step back above the second storey of a minimum of 6 metres from the property line to the approval of the development authority.
- b) Any portion of a development adjacent to a designated pathway connecting to park space shall be setback a minimum of 12 metres from the property line. This does not include the under-building parking structure, as the designated pathway is intended to be on top of the parkade.

- c) Any portion of a development adjacent to Sub-area I shall provide a minimum setback of 3 metres from the property line and a step back above the second storey of a minimum of 6 metres from the property line to the approval of the development authority.
- d) The parking structure must be built to the North and West property lines and must be coordinated, in respect to the height, finishing and siting, with the parking structures of Sub-areas A, B, and G to ensure a contiguous public open space is created above the parking structure.



**SECT. 05**  
**PARK STEPBACK CONDITION**



**SECT. 04**  
**STREET CONDITION**

### 3.4 SITE-SPECIFIC DESIGN GUIDELINES - SUB-AREA D

a) Building siting and massing should generally conform to Plan CG-1 with Building D presenting a strong edge to Richter Street. Alignment of the east-facing facades of Buildings C and D is encouraged.



b) As with Building C, Building D should be set back a sufficient distance from the sidewalk edge to create a transition space that clearly demarcates the public realm from the private. Private outdoor amenity space associated with ground-level units can be provided within this space.



c) The north-east corner of Building D along Richter Street should be articulated to draw visual attention and to otherwise highlight this location within the overall building form. A strong building feature or perhaps the principal entry to the building should be located at this corner.

d) Additionally, the form of Building D, in conjunction with that of Building C, should enclose an outdoor space that faces the principal public space within the community park (Plan CG-1).



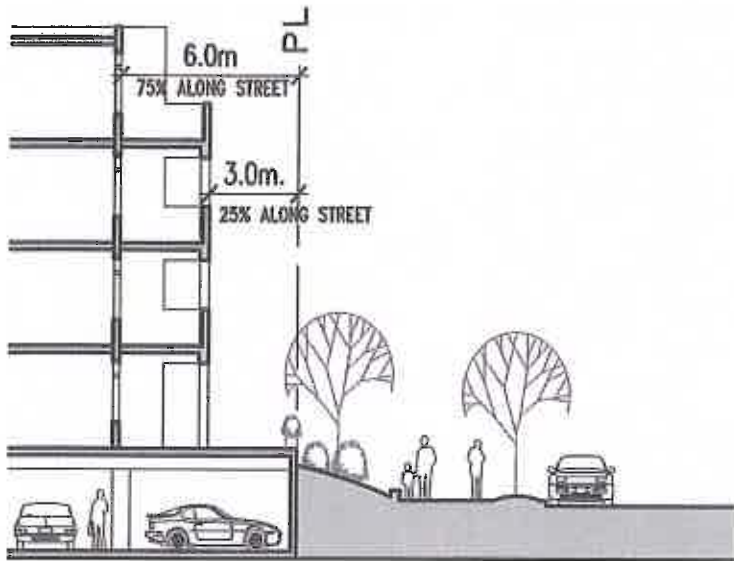
e) The south elevation of Building D should present a welcoming and visually-interesting face to motorists and pedestrians heading north along Richter Street.

#### 3.4.1 DIMENSIONAL PARAMETERS

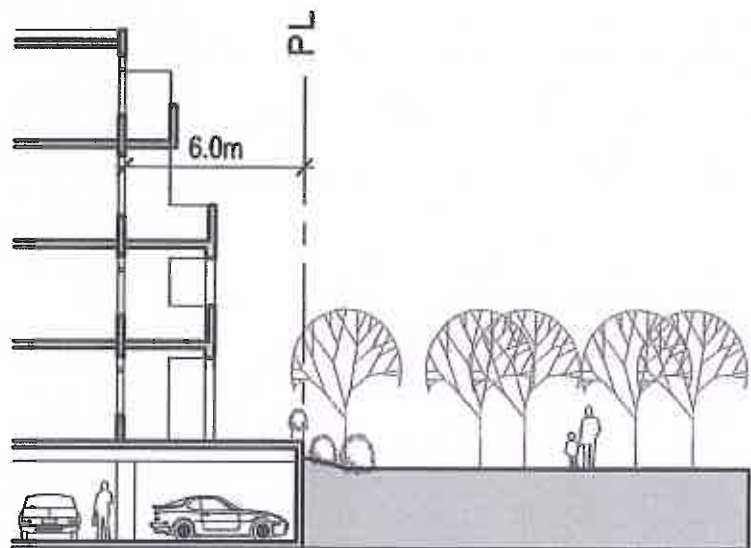
##### 3.4.1.2 SETBACKS AND STEP BACKS

- a) A minimum depth of 3 metres from the property line to be further defined as a build-to-line for 75% of the property line adjacent to the street frontage along Richter Street and a step back above the second storey of a minimum of 6 metres from the property line to the approval of the development authority.

- b) Any portion of a development adjacent to Sub-area I shall provide a minimum setback of 3 metres from the property line and a step back above the second storey of a minimum of 6 metres from the property line to the approval of the development authority.



**SECT. 04**  
**STREET CONDITION**



**SECT. 05**  
**PARK STEPBACK CONDITION**



### 3.5 SITE- SPECIFIC DESIGN GUIDELINES - SUB-AREAS E AND F



- a) Building siting and massing of Buildings E and F should generally conform to Plan CG-1.
- b) Building E should be set back a sufficient distance from the sidewalk edge along Rowcliffe to create a transition space that clearly demarcates the public realm from the private. Private outdoor amenity space associated with ground-level units can be provided within this space.
- c) Buildings E and F should be set back a sufficient distance from the sidewalk edge located along the east side of the site, to create a transition space that clearly demarcates the public realm from the private. Private outdoor amenity space associated with ground-level units can be provided within this space.
- d) Buildings E and F should respect the adjacent single-unit residences. It is recommended that the massing of Buildings E and F step down to a height that approximates the height of the buildings on the adjoining properties. Additionally, the setbacks of Buildings E and F from Rowcliffe Avenue and Buckland Avenue respectfully, should not be less than the setbacks of the adjacent buildings from these streets.
- e) The principal entrance to Building E should be clearly identifiable from Rowcliffe Avenue.
- f) The principal entrance to Building F should be clearly identifiable from Buckland Avenue.
- g) Use of historic references, e.g., details, building forms, etc. that complement the character of the adjacent Marshall Street Heritage Conservation Area is encouraged.

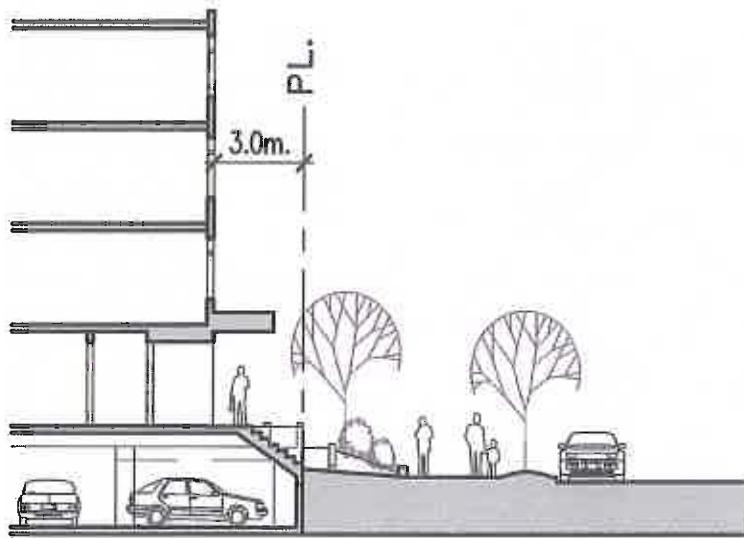
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#### 3.5.1 DIMENSIONAL PARAMETERS

##### 3.5.1.2 SETBACKS AND STEP BACKS

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- a) A minimum depth of 3 metres from the property line to be further defined as a build-to-line for 75% of the property line adjacent to the street frontage along Rowcliffe Avenue and Buckland Avenue.
- b) Any portion of a development adjacent to Sub-area I shall provide a minimum setback of 3 metres from the property line and a step back above the second storey of a minimum of 6 metres from the property line to the approval of the development authority.
- c) Any portion of the proposed development adjacent to single family residential shall provide a minimum setback of 3 metres from the property line and a step back above the second storey of a minimum of 6 metres from the property line to the approval of the development authority.



**SECT. 06**  
**BLDG ENTRANCE CONDITION**

### 3.6 SITE- SPECIFIC DESIGN GUIDELINES - SUB-AREA G



a) Building siting and massing should generally conform to Plan CG-1. Alignment of the north-facing facades of Buildings G and C is encouraged.

b) Building G should be set back a sufficient distance from any sidewalk edges to allow a transition space that clearly demarcates the public realm from the private. Private outdoor amenity space associated with ground-level units can be provided within this space.

c) The form of Building G should present an edge to the path that leads from the principal public space to the courtyard on the south side of the podium (Sub Areas A & B). The form should complement a similar form associated with Building C such that the path between the two public spaces is compressed and has a degree of formality that contrasts with the more casual character of the spaces it connects.



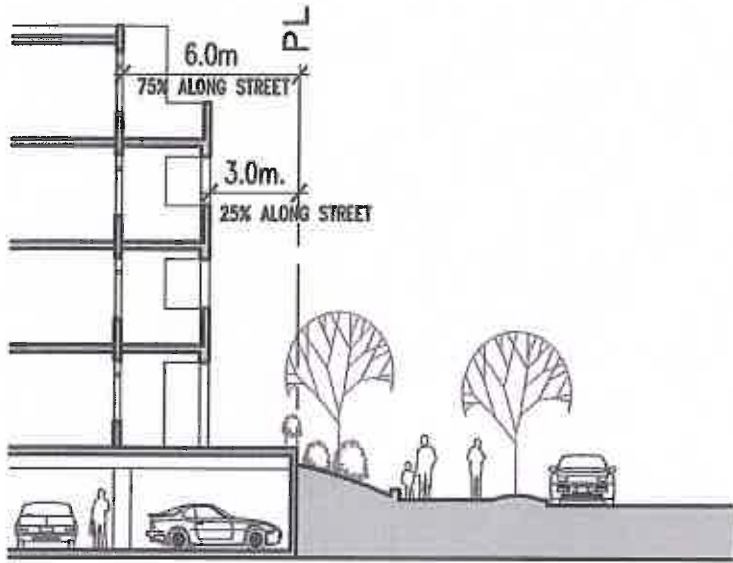
d) The principal entrance to Building G should be clearly identifiable from Rosemead Avenue. Use of historic references that complement the character of the adjacent Marshall Street Heritage Conservation Area are encouraged.

#### 3.6.1 DIMENSIONAL PARAMETERS

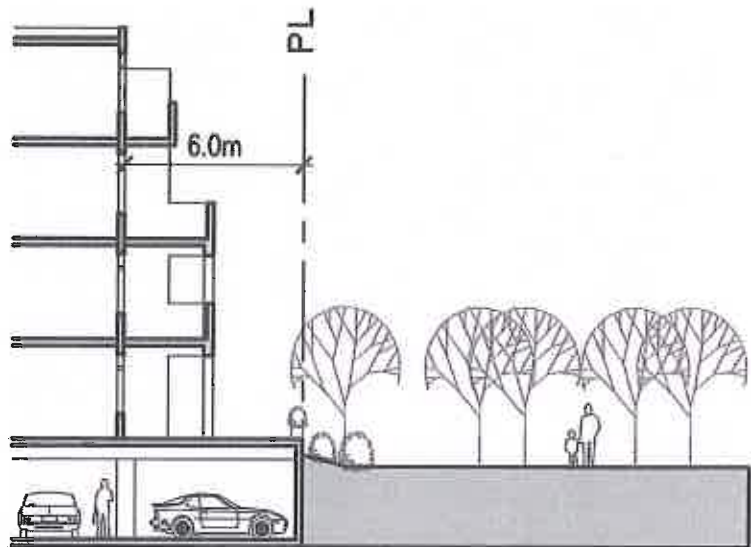
##### 3.6.1.1 SETBACKS AND STEP BACKS

- a) A minimum depth of 3 metres from the property line to be further defined as a build-to-line for 75% of the property line adjacent to the street frontage along Chapman Place and a step back above the second storey of a minimum of 6 metres from the property line to the approval of the development authority.
- b) Any portion of a development adjacent to a designated pathway connecting to park space shall be setback a minimum of 12 metres from the property line. This does not include the underbuilding parkade as the designated pathway is intended to be on top of the parkade.

- c) Any portion of a development adjacent to Sub-area I shall provide a minimum setback of 3 metres from the property line and a step back above the second storey of a minimum of 6 metres from the property line to the approval of the development authority.
- d) The parking structure must be built to the North and East property lines and must be coordinated with the parking structures of Sub-areas A, B, and C to ensure a contiguous public open space is created above the parking structure.



**SECT. 04**  
**STREET CONDITION**



**SECT. 05**  
**PARK STEPBACK CONDITION**

### 3.7 SITE-SPECIFIC DESIGN GUIDELINES - SUB-AREA H



a) Building siting and massing should generally conform to Plan CG-1.

b) Building H should be set back a sufficient distance from any sidewalk edges to allow a transition space that clearly demarcates the public realm from the private. Private outdoor amenity space associated with ground-level units can be provided within this space.

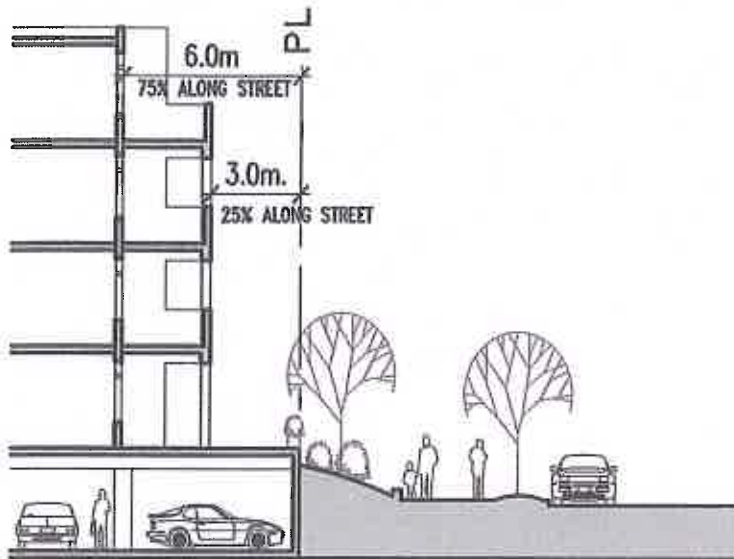
c) The principal entrance to Building H should be clearly identifiable from Rosemead Avenue.

d) Use of historic references that complement the character of the adjacent Marshall Street Heritage Conservation Area is encouraged.

#### 3.7.1 DIMENSIONAL PARAMETERS

##### 3.7.1.2 SETBACKS AND STEP BACKS

a) A minimum depth of 3 metres from the property line to be further defined as a build-to-line for 75% of the property line adjacent to the street frontage along Chapman Place and a step back above the second storey of a minimum of 6 metres from the property line to the approval of the development authority.



SECT. 04  
STREET CONDITION



# Interior Health

November 8, 2010

**Your File #:** Z10-0078, OCPI0-0014, TAI0-0011  
**Our File #:** 13-269-00427

**Referral Agency:** City of Kelowna – Alec Warrender  
**Applicant:** City of Kelowna – Derek Edstrom  
1435 Water Street  
Kelowna, B.C. V1Y 1J4

**Site Location:** 575 & 653 Harvey Avenue, Kelowna, B.C.

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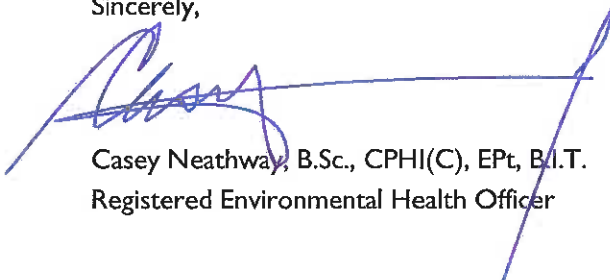
Thank you for the opportunity to provide comment on the above-named application. Interior Health's recommendations are based on compliance with all applicable sections of the *B.C. Sewerage System Regulation* (B.C. Reg. 326, 2004), and the *B.C. Drinking Water Protection Act* (S.B.C. 2001, c.9) and its Regulations. We welcome the option to offer input to ensure that all newly proposed and modified developments reflect the best options for public health protection and healthy built environments.

**We have no objection to this proposal.**

As all lots affected by the proposal will be serviced by community water and sewerage systems, we have no objection to this application from a sanitation perspective. Furthermore, the application proposes a number of options for a healthy built community, which is greatly supported by Interior Health. As part of this response, I have included comments from Pam Moore, Interior Health's Healthy Built Environment Specialist pertaining to the proposal.

If you have any questions, or require further information, please contact the undersigned directly.

Sincerely,



Casey Neathway, B.Sc., CPHI(C), EPT, B.I.T.  
Registered Environmental Health Officer





# Interior Health

November 1, 2010

Alec Warrender  
Land Use Management Services  
City of Kelowna  
1435 Water Street  
Kelowna, BC V1Y 1J4

Dear Alec,

RE: Rezoning Application No. Z10-0078, OCP10-0014, TA10-0011  
575-599 & 653 Harvey Avenue

Thank you for the opportunity to respond to this rezoning and OCP amendment for the property known as Central Green. The amendment to rezone to a comprehensive development zone allows for a more harmonious integration of development design concepts as outlined in the Official Community Plan.

From a population health perspective the Central Green Development Permit Area Guidelines aligns with the concepts for positive health outcomes. Specifically:

- The inclusion of a minimum 15% of the housing stock as affordable housing is welcomed as with a stable place to call home, people can build healthy families and communities.
- Allocation of 2 of the 5 hectares for public park space increases the opportunity for the public to engage in physical activity which is directly linked with reducing overweight/obesity levels and chronic disease prevalence.
- The guidelines focus on walkability through out the site another element in increasing physical activity levels.
- The inclusion of public art located in areas within the development helps to promote social interaction and build a 'sense of community.

Interior Health supports this application and would welcome the opportunity to become more involved in this development process.

If you have any questions or comments, please contact me at [pam.moore@interiorhealth.ca](mailto:pam.moore@interiorhealth.ca).

Sincerely,

Pam Moore  
Healthy Community Environments  
Interior Health Authority

Bus: (250)980-5077 Fax: (250)980-5060

Email: [pam.moore@interiorhealth.ca](mailto:pam.moore@interiorhealth.ca)

Web: [www.interiorhealth.ca](http://www.interiorhealth.ca)

HEALTH PROTECTION

#200-1835 Gordon Drive

Kelowna, BC V1Y 3H5

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

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**Date:** March 17, 2011  
**File No.:** Z10-0078

**To:** Real Estate & Building Services (DE)

**From:** Development Engineering Manager(SM) Revised Comments

**Subject:** **Central Green Comprehensive Development Zone** Harvey Ave at Richter St  
Construction Cost Estimates Proposed Sub Areas A to H, Park

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Development Engineering has 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

For the estimates provided in this report, we have made the assumption that existing City utility services will be decommissioned at the mains and new services provided to each lot unless otherwise noted.

**Proposed Sub Areas A and B**

*Domestic Water and Fire Protection*

This lot is currently serviced with a 50mm diameter Copper service and two 19mm copper services. These services shall be decommissioned at the main and a new service will be required. The estimated construction cost to remove the existing services and provide an upgraded service is **\$40,000.00**

*Sanitary Sewer*

This lot is currently serviced with two 100mm diameter PVC services and a 150mm diameter service. These services shall be decommissioned at the main and a new service will be required. The estimated construction cost to remove the existing services and provide an upgraded service is **\$30,000.00**

*Storm Drainage*

This lot is currently serviced with a C.I. 300mm service that is shallow. This service shall be decommissioned at the manhole and a new service will be required. The estimated construction cost to remove the existing service and provide an upgraded service is **\$10,000.00**

### *Road Improvements*

The urbanization along the Harvey Avenue and Richter Street frontages is complete however there are two driveway letdowns existing at 653 Harvey that will need to be removed and replaced with barrier curb. A curb letdown will be required for the access proposed across from Saucier Avenue. The estimated cost of construction for these works is **\$40,000.00**

Chapman Place Access. The developer is responsible to upgrade the Chapman Place access approach . The works consist of construction of curb and gutter, sidewalk, storm sewer works, fillet pavement and adjustment and/or re-location of existing utility appurtenances. The construction cost of this frontage upgrade is estimated at **\$25,000.00**

### **Proposed Sub Area C**

#### *Domestic Water and Fire Protection*

This lot is currently un-serviced and will require installation of a new water service. The construction cost to install a water service is estimated at **\$5,000.00**

#### *Sanitary Sewer*

This lot is currently serviced with a 150mm PVC service complete with inspection chamber. It is anticipated that this service shall be utilized by this development therefore no upgrades are anticipated. Should adjustments need to be made, additional bonding will be required.

#### *Storm Drainage*

This lot is currently un-serviced and will require installation of a new storm service. The estimated construction cost to install a sanitary service is **\$10,000.00**

### *Road Improvements*

The urbanization along the Richter Street frontage is complete however a curb let down will be required for the access to this lot.

The estimated cost of construction for this curb removal and let down is **\$10,000.00**  
Should traffic conditions dictate, access to Richter Street will be restricted to right-in, right out only.

### **Proposed sub Area D**

#### *Domestic Water and Fire Protection*

This lot is currently un-serviced and will require installation of a new water service. The estimated construction cost to install a water service is **\$5,000.00**

*Sanitary Sewer*

This lot is currently un-serviced and will require installation of a new sanitary service. The estimated construction cost to install a sanitary service is **\$10,000.00**

*Road Improvements*

The urbanization along the Richter Street frontage is complete however a curb let down will be required for the access to this lot.

The estimated cost of construction for this curb removal and let down is **\$10,000.00**

Should traffic conditions dictate, access will be restricted to right-in right out only.

**Proposed Sub Area E**

*Domestic Water and Fire Protection*

This lot is currently serviced with a 50mm diameter Copper service. This service shall be decommissioned at the main and a new service will be required. The construction cost to remove the existing service and provide an upgraded service is estimated at **\$10,000.00**

*Sanitary Sewer*

This lot is currently un-serviced and will require installation of a new sanitary service with inspection chamber.

The construction cost to install a sanitary service is estimated at **\$10,000.00**

*Road Improvements*

Rowcliff Avenue does not meet the current urban development standard along the frontage of the property. The applicant is responsible to upgrade the Rowcliff Avenue frontage. The works consist of construction of: curb and gutter, landscaped boulevard complete with trees and underground irrigation, 1.85m sidewalk, storm sewer works, fillet pavement and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction.

The construction cost of this frontage upgrade is estimated at **\$10,000.00**

**Proposed Sub Area F**

*Domestic Water and Fire Protection*

This lot is currently un-serviced and will require installation of a new service.

The construction cost to install a water service is estimated at **\$10,000.00**

*Sanitary Sewer*

This lot is currently un-serviced and will require installation of a new sanitary service with inspection chamber

The construction cost to install a sanitary service is estimated at **\$5,000.00**

*Road Improvements*

Buckland Avenue does not meet the current urban development standard along the frontage of the property. The applicant is responsible to upgrade the Buckland Avenue frontage. The works consist of construction of: curb and gutter, 1.85m sidewalk, storm sewer works, fillet pavement and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction.

The construction cost of this frontage upgrade is estimated at **\$15,000.00**

**Proposed Sub Area G**

*Domestic Water and Fire Protection*

This lot is currently un-serviced and will require installation of a new water service. The construction cost to install a water service is estimated at **\$5,000.00**

*Sanitary Sewer*

This lot is currently un-serviced and no sanitary main is fronting the property. An extension of the existing main in Rosemead Avenue will be required. The construction cost to install the upgraded sanitary main is estimated at **\$15,000.00**

*Storm Drainage*

This lot is currently un-serviced and will require installation of a new storm service. The estimated construction cost to install a sanitary service is **\$5,000.00**

*Road Improvements*

Chapman Place does not meet the current urban development standard along the frontage of the property. The applicant is responsible to upgrade the Chapman Place frontage. The works consist of construction of curb and gutter, sidewalk, storm sewer works, fillet pavement and adjustment and/or re-location of existing utility appurtenances. The construction cost of this frontage upgrade is estimated at **\$50,000.00**

**Proposed Sub Area H**

*Domestic Water and Fire Protection*

This lot is currently un-serviced and will require installation of a new water service. The construction cost to install a water service is estimated at **\$10,000.00**

*Sanitary Sewer*

This lot is currently un-serviced and no sanitary main is fronting the property. An extension of the existing main in Rosemead Avenue will be required. The construction cost to install the upgraded sanitary main is estimated at **\$10,000.00**

### *Storm Drainage*

This lot is currently un-serviced and will require installation of a new storm service. The estimated construction cost to install a sanitary service is **\$5,000.00**

### *Road Improvements*

Chapman Place does not meet the current urban development standard along the frontage of the property. The applicant is responsible to upgrade the Chapman Place frontage. The works consist of construction of curb and gutter, sidewalk, storm sewer works, fillet pavement and adjustment and/or re-location of existing utility appurtenances. The construction cost of this frontage upgrade is estimated at **\$50,000.00**

### **Park**

#### *Domestic Water and Fire Protection*

This lot is currently serviced with a 100mm irrigation service and will require installation of a new domestic water service. The construction cost to install a water service is estimated at **\$5,000.00**

#### *Sanitary Sewer*

This lot is currently serviced with a 100mm PVC sanitary service. This service shall be utilized for the park development.

### *Road Improvements*

Rowcliffe Avenue does not meet the current urban development standard along the frontage of the property. The works consist of construction of: curb and gutter, landscaped boulevard complete with trees and underground irrigation, 1.85m sidewalk, storm sewer works, fillet pavement and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction. The construction cost of this frontage upgrade is estimated at **\$55,000.00**

### **Water Notes**

All the proposed land uses, other than the park area, would fall within the multi-family or commercial zones requiring a minimum 150 L/s fire flow. When running the model for this scenario, all individual nodes surrounding these lands will satisfy this demand with the exception of the cast iron noted below.

There is some old cast iron pipe running on a generally north-south alignment, west side of property, between Harvey and Buckland that should be replaced (approx 240m). This Cost is estimated at **\$100,000**

In addition, adding new pipe between Buckland and Richter should provide enough loops to satisfy the minimum fire flow demand required by the proposed Zone (approx 190m).

The cost is estimated at **\$50,000**

**The costs associated with these improvements will be allocated to each development, based on the Gross Floor Area.**



**Watermain upgrade per sub area allocation**

A	\$ 44,450
B	\$ 60,605
C	\$ 11,050
D	\$ 6,690
E	\$ 2,140
F	\$ 3,450
G	\$ 11,450
H	\$ 10,165

Total amount           \$150,000

At this time, we cannot ensure any additional fire flow, beyond the minimum required 150 L/s will be available. Therefore, building design must take this limitation of water availability into consideration.

**Sanitary Notes**

Sanitary flows for this property and based on the information supplied. it would appear that approximately 30.8lps would be anticipated at full build out. Prior to approval we would need the developer to confirm the flows either through a calculated flow (lps) or a fixture count. In addition it is recommended that a flow meter be installed on the highway and any other discharge route to confirm the actual flow as compared to the model results.

Upgrade gravity sewer from Ellis St. (Lane North of Rosemead) to Rosemead Ave and Rosemead Ave (200mm WS to 250mm PVC) the cost is estimated at **\$250,000**

**The costs associated with these improvements will be allocated to each development, based on the Gross Floor Area.**

**Sanitary Main upgrade per sub area allocation**

A	\$ 56,650
B	\$118,430
C	\$ 18,420
D	\$ 11,150
E	\$ 3,570
F	\$ 5,760
G	\$ 19,100
H	\$ 16,920

Total amount           \$250,000

1. Bonding and Levy Summary(a) Bonding

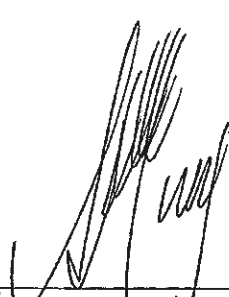
Watermains	\$150,000.00
Water servicing	\$ 90,000.00
Sanitary Mains	\$250,000.00
Sanitary servicing	\$ 80,000.00
Storm servicing	\$ 30,000.00
Harvey Ave Rd frontage	\$ 30,000.00
Chapman Pl Rd frontage	\$125,000.00
Richter St Rd frontage	\$ 30,000.00
Rowcliffe Ave Rd frontage	\$ 70,000.00
Buckland Ave Rd frontage	\$ 15,000.00
 Total Bonding	 <b>\$870,000.00</b>

**NOTE:** The total amounts shown above are comprised of estimated construction costs. The total amounts are not escalated by 140% to include engineering design and contingency protection. They are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so. Bonding for required off-site construction must be provided as a condition of 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 4<sup>th</sup> reading of the zone amending bylaw. The City Development Engineering Section will prepare the servicing agreement for execution by the owner and the City.

Administration Charge

An administration charge will be assessed for processing of each application, review and approval of engineering designs and construction inspection. The administration charge is calculated as (3% of Total Off-Site Construction Cost plus HST)




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Steve Muenz, P. Eng.  
Development Engineering Manager  
JF

# MEMORANDUM

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TO: Mr. Derek Edstrom  
FROM: Ray Young  
DATE: February 24, 2011  
RE: LEED Implementation/Central Green  
FILE No.: **00122-1101**

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Further to our telephone conference of today, this is just a note to confirm our view, that provided we are impartial how developers obtain LEED certification, or what level of LEED is achieved above LEED Certified standard, we can use a S. 219 covenant to provide [something like]:

"The Lands shall not be built upon except in strict accordance with site and building plans prepared to a level of detail and specification to the satisfaction of the City's Director of Land Use Management and that are certified and verified as achieving at least a LEED Certified standard by a LEED AP holding such credentials from the Green Building Certification Institute."

**PURPOSE-BUILT RENTAL HOUSING AGREEMENT**

THIS AGREEMENT dated for reference \_\_\_\_\_, 20\_\_ affects:

**LEGAL DESCRIPTION OF PROPERTY SUBJECT TO THE AGREEMENT:**

[INSERT LEGAL DESCRIPTION]

("Land")

And is

**BETWEEN:**

[INSERT DEVELOPER/OWNER NAME]

[INSERT ADDRESS]

("Owner")

**AND:**

**CITY OF KELOWNA**, a local government incorporated pursuant to the *Community Charter* and having its offices at 1435 Water Street, Kelowna, B.C. V1Y 1J4

("City")

**GIVEN THAT:**

- A. The Owner has applied to the City for rezoning of the Lands to permit the construction of a housing complex that will include purpose-built rental housing units, as defined in this Agreement, on certain lands more particularly described in this Agreement;
- B. The City may, pursuant to section 905(1) of the *Local Government Act*, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure, and availability of the housing units on the land or construction on land;
- C. The Owner and the City wish to enter into this Agreement to provide for purpose- built rental housing on the terms and conditions set out in this Agreement, and agree that this Agreement is a housing agreement under s. 905 of the *Local Government Act*; and
- D. The City has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement;

This Agreement is evidence that in consideration of \$1.00 paid by the City to the Owner (the receipt of which is acknowledged by the Owner) and in consideration of the promises exchanged below, the City and Owner agree, as a housing agreement between the Owner and the City under s. 905(1) of the *Local Government Act*, as follows:

**ARTICLE 1  
INTERPRETATION**

**1.1 Definitions -**

"Caregiver" means an individual who provides assistance with the performance of the personal functions and activities necessary for daily living that a person is unable to perform efficiently for himself or herself;

"City" means the City of Kelowna;

"Dwelling Unit" means accommodation providing sleeping rooms, washrooms, and no more than one kitchen, intended for domestic use, and used or intended to be used permanently or semi permanently for a Household. This use does not include a room in a hotel or a motel.

"Household" means

- (a) a person;
- (b) two or more persons related by blood, marriage, or adoption; or associated through foster care, all living together in one dwelling unit as a single household using common cooking facilities;
- (c) a group of not more than five persons, including boarders, who are not related by blood, marriage, or adoption, or associated through foster care, all living together in one dwelling unit as a single household using common cooking facilities; or
- (d) a combination of (b) and (c), provided that the combined total does not include more than 3 persons unrelated by blood, marriage or adoption or associated through foster care; all living together in one dwelling unit as a single household using common cooking facilities.

In addition, a household may also include up to one Caregiver or nanny;

"Land" means the land described herein;

"LTO" means the Kamloops Land Title Office or its successor;

"Official Community Plan" means the City of Kelowna Official Community Plan Bylaw No. 7600, or its successor bylaw;

"Owner" means the registered owner of the Lands from time to time and any parcels into which the Lands are subdivided;

"Purpose-Built Rental Housing" means a self-contained building(s) containing three or more Dwelling Units that are intended to be used for rental housing and does not include buildings that are stratified; and

"Tenancy Agreement" means a tenancy agreement as defined in, and subject to, the *Residential Tenancy Act*.

**1.2 Interpretation - In this Agreement:**

- (a) reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;
- (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;
- (c) reference to a particular numbered section or article, or to a particular lettered Schedule, is a reference to the correspondingly numbered or lettered article, section or Schedule of this Agreement;
- (d) if a word or expression is defined in this Agreement, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;
- (e) the word "enactment" has the meaning given in the *Interpretation Act* on the reference date of this Agreement;
- (f) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
- (g) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided;
- (h) the provisions of s. 25 of the *Interpretation Act* with respect to the calculation of time apply;
- (i) time is of the essence;
- (j) all provisions are to be interpreted as always speaking;
- (k) reference to a "party" is a reference to a party to this Agreement and to their respective successors, assigns, trustees, administrators and receivers;
- (l) reference to a "day", "month", "quarter" or "year" is a reference to a calendar day, calendar month, calendar quarter or calendar year, as the case may be, unless otherwise expressly provided;
- (m) the definitions given in the City of Kelowna Zoning Bylaw No. 8000, or its successor bylaw, and the Official Community Plan apply for the purposes of this Agreement; and
- (n) any act, decision, determination, consideration, consent or exercise of discretion by a party, or other person, as provided in this Agreement must be performed, made or exercised acting reasonably.

**1.3 Purpose of Agreement - The Owner and the City agree that:**

- (a) this Agreement is intended to serve the public interest by providing for occupancy of a certain number of Dwelling Units, of the kinds provided for in this Agreement, that are in demand in the City of Kelowna but that are not readily available;



- (b) performance of this Agreement by the Owner is a condition, as contemplated by s. 904 of the *Local Government Act*, of the Owner becoming entitled to certain density bonuses respecting development of the Land, which density bonuses the Owner acknowledges are a benefit to the Owner; and
- (c) damages are not an adequate remedy to the City in respect of any breach of this Agreement by the Owner, such that the Owner agrees the City should be entitled to an order for specific performance, injunction or other specific relief respecting any breach of this Agreement by the Owner.

**ARTICLE 2  
HOUSING AGREEMENT AND LAND USE RESTRICTIONS**

**2.0 Land Use Restrictions** - The Owner and the City hereby covenant and agree as follows:

- (a) The Land must be used only in accordance with this Agreement;
- (b) The Owner will design, construct and maintain a building or buildings providing \_\_\_ Dwelling Units as purpose-built rental housing;
- (c) The Owner acknowledges that the registration of this Affordable Housing Agreement will allow the City to grant a density bonus of \_\_\_\_\_.
- (d) The Owner acknowledges that the City will not support applications to stratify the building and allow the identified purpose-built rental dwellings to be sold independently of each other.

**ARTICLE 3  
HOUSING AGREEMENT AND TRANSFER RESTRICTIONS**

**3.0 Purchaser Qualifications** - The City and the Owner agree as follows:

- (a) the Owner must not sell or transfer, or agree to sell or transfer, any interest in any building containing Purpose-Built Rental Housing on the Land other than a full interest in the fee simple title to an agency or individual that will continue to ensure that the identified Purpose-Built Rental Housing is available in accordance with this Agreement.

**3.2 Mortgages and Mortgage Insurers** – In the event that the a building providing Purpose-Built Rental Housing is subject to a mortgage or charge in favour of a lender insured by a mortgage insurer, as further defined in Schedule “A” (attached), the terms of Schedule “A” shall govern.

**ARTICLE 4  
GENERAL**

**4.1 Notice of Housing Agreement** - For clarity, the Owner acknowledges and agrees that:

- (a) this Agreement constitutes a housing agreement entered into under s. 905 of the *Local Government Act*;
- (b) the City is requiring the Owner to file a notice of housing agreement in the LTO against title to the Land; and

(c) once such a notice is filed, this Agreement binds all persons who acquire an interest in the Land.

**4.2 No Effect On Laws or Powers** - This Agreement does not

- (a) affect or limit the discretion, rights, duties or powers of the City under any enactment or at common law, including in relation to the use or subdivision of land,
- (b) impose on the City any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement,
- (c) affect or limit any enactment relating to the use or subdivision of land, or
- (d) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of land.

**4.3 Management** – The Owner covenants and agrees that it will furnish good and efficient management of the Dwelling Units and will permit representatives of the City to inspect the Dwelling Units at any reasonable time, subject to the notice provisions of the *Residential Tenancy Act*. The Owner further covenants and agrees that it will maintain the Dwelling Units in a satisfactory state of repair and fit for habitation and will comply with all laws, including health and safety standards applicable to the Land. Notwithstanding the foregoing, the Owner acknowledges and agrees that the City, in its absolute discretion, may require the Owner, at the Owner's expense, to hire a person or company with the skill and expertise to manage the Dwelling Units.

**4.4 Notice** - Any notice which may be or is required to be given under this Agreement must be in writing and either be delivered or sent by facsimile transmission. Any notice which is delivered is to be considered to have been given on the first day after it is dispatched for delivery. Any notice which is sent by fax transmission is to be considered to have been given on the first business day after it is sent. If a party changes its address or facsimile number, or both, it must promptly give notice of its new address or facsimile number, or both, to the other party as provided in this section.

**4.5 Agreement Runs With the Land** - Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted by the Owner to the City in respect of the Land and this Agreement burdens the Land and runs with it and binds the Owner's successors in title and binds every parcel into which it is consolidated or subdivided by any means, including by subdivision or by strata plan under the *Strata Property Act*.

**4.6 Limitation on Owner's Obligations** - The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Land.

**4.7 Release** – The Owner by this Agreement releases and forever discharges the City and each of its elected officials, officers, directors, employees and agents, and its and their heirs, executors, administrators, personal representatives, successors, and assigns, from and against all claims, demands, damages, actions, or causes of action by reason of or arising out of advice or direction respecting the ownership, lease, operation or management of the Land or the Dwelling Units which has been or at any time after the commencement of this Agreement may be given to the Owner by all or any of them. This clause will survive the termination of this Agreement.

**4.8 Joint Venture** – Nothing in this Agreement will constitute the Owner as the agent, joint venturer, or partner of the City or give the Owner any authority to bind the City in any way.

- 4.9 Waiver** - An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.
- 4.10 Further Acts** - The Owner shall do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.
- 4.11 Severance** - If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.
- 4.12 Equitable Remedies** - The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.
- 4.13 No Other Agreements** - This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.
- 4.14 Amendment** - This Agreement may be discharged, amended or affected only by an instrument duly executed by both the Owner and the City.
- 4.15 Enurement** - This Agreement binds the parties to it and their respective successors, heirs, executors and administrators. Reference in this Agreement to the "City" is a reference also to the elected and appointed officials, employees and agents of the City.
- 416 Deed and Contract** - By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

**IN WITNESS WHEREOF** the parties hereunto have executed this Agreement on the date and year first above written.

**SIGNED, SEALED & DELIVERED** in )  
the presence of: )

\_\_\_\_\_  
Signature of Witness )

\_\_\_\_\_  
Print Name )

\_\_\_\_\_  
Address )

\_\_\_\_\_  
Occupation )

**OWNER**  
by its authorized signatories:

\_\_\_\_\_

\_\_\_\_\_  
Print Name:

\_\_\_\_\_

\_\_\_\_\_  
Print Name:

**SIGNED, SEALED & DELIVERED** in )  
the presence of: )

\_\_\_\_\_  
Signature of Witness )

\_\_\_\_\_  
Print Name )

\_\_\_\_\_  
Address )

\_\_\_\_\_  
Occupation )

**CITY OF KELOWNA**  
by its authorized signatories:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**SCHEDULE A**  
**MORTGAGE and MORTGAGE INSURER AGREEMENT TERMS**

In the event that an Owner, of a property containing Purpose-Built Rental Housing to which this Housing Agreement pertains, enters into a mortgage in respect of the property in question, the Owner, the Lender, the Mortgage Insurer, and the City agree to the following terms:

In this Agreement:

"**Lender**" means a mortgagee or holder of a financial charge (the "Charge") that is registered against the title to the Property;

"**Mortgage Insurer**" means Canada Mortgage and Housing Corporation or another company or organization that has an interest in the Charge and that has entered into a mortgage default insurance agreement or other mortgage loan insurance arrangement with a Lender; and

"**Owner**" means the current Owner of the Property;

"**Property**" means the Purpose Built Rental Housing and any real property upon which it is located, identified in the Housing Agreement attached hereto.

In the event of default by the Owner under the Charge, where a Lender or Mortgage Insurer holding a Charge on the Property, notifies the City that the Owner is in default under its Charge, the City shall have a sixty (60) day period beginning on the date of such notice to take such steps as the City deems necessary to preserve the Housing Agreement. Following the sixty (60) day period, if the Owner's default is not cured, the Lender or Mortgage Insurer can enforce the rights under the Charge, including the right to foreclose or sell the Property. Upon sale or foreclosure of the Owner's Property by the Lender or Mortgage Insurer, the Housing Agreement shall cease to apply to the Property and shall be discharged from the title to the Property by the City. Notwithstanding the foregoing, if the proceeds of sale from the Lender or Mortgage Insurer exceed the loss under the Charge including all costs and expenses incurred, as determined by the Lender or Mortgage Insurer, such excess amount shall be paid to the City, subject to any prior encumbrances or applicable provincial or federal legislation.

**END OF DOCUMENT**