

# REPORT TO COUNCIL



**Date:** February 3, 2012

**To:** City Manager

**From:** Land Use Management, Community Sustainability (AW)

**Application:** DP11-0121 / DVP11-0122

**Owner:** 0804815 BC Ltd Inc.

**Address:** 426-436, 440-446, & 450-454  
Bernard Avenue

**Applicant:** CEI Architecture Planning Interiors

**Subject:** Development Permit & Development Variance Permit

**Existing OCP Designation:** Commercial

**Existing Zone:** C7 - Central Business Commercial

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## 1.0 Recommendation

THAT Council authorize the issuance of Development Permit No. DP11-0121 for; Lot 5, Blk. 16, DL 139, O.D.Y.D., Plan 462, Exc. the W 17.05 ft thereof; Lot 4, Blk. 16, DL 139, O.D.Y.D., Plan 462; Lot 3, Blk. 16, DL 139, O.D.Y.D., Plan 462, located on Bernard Avenue, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a registered Landscape Architect;
5. The registration of a restrictive covenant acceptable to the City of Kelowna on the title of Lot A, DL 139, O.D.Y.D., Plan KAP44871 to limit the maximum future development to one additional storey in order to transfer remaining development potential to the subject properties;
6. Registration of a plan of subdivision at Land Titles Office to consolidate the three subject properties into a single title prior to issuance of Development Permit;
7. The Amenity Contribution (\$805,000 Total) for Affordable Housing Reserve Fund (\$161,000) and Downtown Urban Design improvements (\$644,000) be provided prior to issuance of occupancy permit;
8. That Cash-in-Lieu of the required parking (24 x \$22,500.00 = \$540,000.00) be provided prior to issuance of the Development Permit.

9. The Development Engineering requirements are to be satisfied prior to issuance of the Development Permit.

AND THAT the applicant be required to complete the above-noted condition within 180 days of Council approval of the Development Permit application in order for the permit to be issued.

AND FURTHER THAT Council authorize the issuance of Development Variance Permit No. DVP11-0122; Lot 5, Blk. 16, DL 139, O.D.Y.D., Plan 462, Exc. the W 17.05 ft thereof; Lot 4, Blk. 16, DL 139, O.D.Y.D., Plan 462; Lot 3, Blk. 16, DL 139, O.D.Y.D., Plan 462, located on Bernard Avenue, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 14.7.5(a) - Development Regulations - Height

Vary maximum building height from 44m permitted in Area 1 to 76.5m proposed

Section 14.7.5(g) - Development Regulations - Inclined Angle

Vary inclined angle above 15m elevation above grade from 80° required to 83° proposed

Section 14.7.5(f) - Development Regulations - Setbacks

Vary the building setback from an interior lot line from 4.0m required to 1.94m from the western property line for portions of a building above 15m;

Section 14.7.5(l)(i) - Development Regulations - Setbacks above 15m

Vary the building setback from an interior lot line from 15m required to 1.94m from the western property line and 4.0m from the eastern property line for portions of a building above 22m;

Section 14.7.5(l)(ii) - Development Regulations - Setbacks above 15m

Vary the building setback from a lot line abutting a lane from 10m required to 3.1m proposed for portions of a building above 22m;

## 2.0 Purpose

To consider a Development Permit for the form and character of the proposed mixed-use 27 storey high rise tower. A Development Variance Permit has been proposed for the following variances:

1. Building height from 44m permitted to 76.5m proposed (27 stories);
2. Daylight angles from 80° permitted to 83° proposed;
3. Vary the building setback from an interior lot line from 4.0m required to 1.94m from the western property line for portions of a building above 15m;
4. Vary the building setback from an interior lot line from 15m required to 1.94m from the western property line and 4.0m from the eastern property line for portions of a building above 22m;
5. Vary the building setback from a lot line abutting a lane from 10m required to 3.1m proposed for portions of a building above 22m;

This development proposal was originally approved by Council on April 7<sup>th</sup>, 2009. As the applicant was not prepared to move forward with the development within the 2 year window allowed, the Development Permit authorization lapsed. The applicant would like to have the application reconsidered to be favorably positioned to respond to market conditions when the timing becomes more opportune.

### 3.0 Land Use Management

The proposed development of 205 residential units in the downtown area of Kelowna will add a significant number of new residents into the area. The proposal includes 30 bachelor units, 123 one bedroom units and 54 two bedroom units. The addition of this residential population in the Downtown Urban Centre will create additional demand for commercial and retail businesses in the downtown area. This will also help to attract and keep people into the downtown area beyond the current daytime business cycle which will add “eyes on the street”. While there are multiple planning objectives that are achieved with a project of this nature, a number of urban design and massing impacts must be considered when evaluating a building of this scale.

#### Urban Design

The proposed development incorporates a high level of design and utilizes a rich pallet of quality materials for the exterior finishes and the proposed brick finish to the podium replicates the existing façade of the neighbouring “Lulu Lemon” building. The inclusion of commercial space along the street frontage provides opportunities to create vibrant retail spaces along the pedestrian realm. The proposed building design also includes the provision for landscaped deck areas on top of the podium, as well as to the top of the 21<sup>st</sup> storey. These landscaped deck areas are designed to incorporate trees planted in raised concrete planters.

The introduction of a tower of this scale is envisaged to provide a high quality public realm complimentary to the character of established streetscape, and the architectural expression and building materials will establish a high quality of urban design for other revitalization efforts to take queues from. The tower design incorporates an identifiable base, middle, and top through a change in setbacks, projections, textures, and detailing. Additionally, the podium is designed to facilitate an animated pedestrian environment inviting a variety of retail uses, and ultimately disguises the parking.

#### Downtown Plan

As a result of the Downtown Plan process the subject property was noted as having the potential to support building heights up to 76.5m (approximately 26 stories). However, these height considerations were balanced with an important 30.5m tower separation provision when floor plates do not exceed 697m<sup>2</sup>. As there are no other tower developments existing or proposed within this distance and the proposed floor plate is less than 697m<sup>2</sup>, the tower separation policy is considered to be satisfied. It should also be noted that the new policy allows for Council to consider height variances to the C7 zone provided the additional height (beyond that provided in the Zoning Bylaw) results in the creation of affordable housing or yields other significant community benefits.

As identified in the Charrette, it is important to reiterate that the building heights proposed do not imply or recommend that all development reach this maximum height potential. Rather, site-specific consideration of each development is required to ensure an overall improvement to the urban design and public realm of the Downtown. The criteria for the evaluation of tall buildings must assess:

- Contextual fit into the surrounding urban fabric
- Shadowing of the public realm
- View impacts
- Overlook and privacy impacts on neighbouring buildings
- Impacts on the overall skyline
- Distance between adjacent buildings above 22m in height

- Impacts on adjacent or nearby heritage structures
- Building form and massing to mitigate negative impacts of buildings over 22m in height

As shown below, the proposed development is in general conformance with these newly established criteria.



### Variances Requested

There are five variances associated with the proposed development, they are as follows:

1. Building height from 44m permitted to 76.5m proposed (27 stories);
2. Daylight angles from 80° permitted to 83° proposed.
3. Vary the building setback from an interior lot line from 4.0m required to 1.94m from the western property line for portions of a building above 15m;
4. Vary the building setback from an interior lot line from 15m required to 1.94m from the western property line and 4.0m from the eastern property line for portions of a building above 22m;
5. Vary the building setback from a lot line abutting a lane from 10m required to 3.1m proposed for portions of a building above 22m;

As noted the Official Community Plan and the Downtown Building Height Plan the subject properties are in a location where up to 76.5m (approximately 26 stories) could be supported conditional upon the form and character of the proposed development being a high quality and where the additional height results in the creation of affordable housing or yields other significant community benefits. The applicant will be providing cash-in-lieu of the required parking for a total of 24 stalls.

Although a few variances have been requested the applicant has made significant efforts to mitigate the impact of the development by adhering to the crucial floor plate area regulation and by securing the development rights of the adjacent property. This has resulted in an urban form that helps mitigate the negative impacts associated with high rise developments.

### Amenity Contribution

The applicant has proposed to provide an amenity contribution of \$805,000 with the suggestion that \$644,000 of this sum be allocated to community/aesthetic improvements in the Downtown Area and the remaining \$161,000 be put into the Housing Opportunities Reserve Fund. This generally is in keeping with the Draft Downtown Plan Amenity Contribution program.

### Restrictive Covenant

A copy of the proposed restrictive covenant that will limit the development potential of the Lulu Lemon property and effectively transfers potential development density of that site to the subject property has been provided. This will reduce the overall density (FAR) for both properties to 6.22 which is well within the allowable 9.0 FAR allowable under the C7 - Urban Centre Commercial zone.

In summary, the proposed development is tastefully designed and will enhance this portion of the Bernard streetscape with an animated and lively at-grade pedestrian experience. The mixed-use activities of this tower will introduce a significant amount of residential development to the core of the Downtown Urban Centre. The applicant has provided an appropriate amenity contribution that will enhance Downtown public amenities and will benefit both downtown residents and merchants, but also the community. The restrictive covenant placed on the adjacent corner property mitigates the impacts associated with this development and restricts future development on that corner lot that would have the potential to add considerable bulk and massing to this block. Staff had previously supported this development and continue to support the proposal which generally respects the policy changes that have occurred since this development was originally proposed.

**4.0 Proposal**  
**4.1 Background**

In 2009, the proposed development was endorsed by both the Advisory Planning Commission and City Council under the original DP/DVP application. As per the *Local Government Act*, a Development Permit lapses after two years if substantial construction has not commenced.

**4.2 Site Context**

The subject properties are located in the core of the Downtown Urban Centre. The adjacent land uses are as follows:

Direction	Zoning Designation	Land Use
North	P2 - Educational & Minor Institutional	Government
East	C7 - Central Business Commercial	Commercial
South	C7 - Central Business Commercial	Commercial
West	C7 - Central Business Commercial	Commercial



**4.3 Project Description**

The applicant is proposing the development of the three subject properties with a new mixed-use building comprised of 427 m<sup>2</sup> of commercial space at grade facing Bernard Avenue and a total of 205 residential units. The building is designed as a 27 storey building (76.5m), allocating 21 storeys (63m) to residential units constructed on top of a 6 storey (15m) podium. The podium is designed to have grade level commercial units facing Bernard Avenue and to provide 6 internal levels of structured parking.

Exterior Finish

The exterior of the podium facing Bernard Avenue is finished with brick veneer and the grade level commercial retail units are finished with aluminium store front window units, as well as a metal canopy feature above the top of the windows. The form and character of the proposed façade of the podium is designed to blend with the existing building located to the west (the Lulu Lemon building). The area above the commercial level is finished with spandrel glass in window wall units to provide a perception of active occupancies, while the opaque glazing is designed to cover the parking areas located behind. The top of the podium is surrounded with a glazed metal guard railing system.

The next 21 storeys of the proposed building provide space for residential dwelling units. The exterior of the building is to be finished with a blend of exposed concrete and glazed metal window wall system up to the top of the 21<sup>st</sup> storey. There is a step in the building façade at the 16<sup>th</sup> storey that is expressed by a horizontal concrete building element, which is repeated at the 22<sup>nd</sup> storey. The building step back from the north and south sides provides space for a landscaped deck area on top of the 21<sup>st</sup> storey. The exterior of the building above the 22<sup>nd</sup> storey is also finished with a glazed window wall system acknowledging that there is less exposed concrete with the horizontal lines of the balcony guard rail system being more prominent. The top of the building is capped with a shade structure, as well as a curved enclosure for the roof top mechanical systems. This enclosure is finished with a pre-finished metal material.

Floor Plate

The top of the podium is terminated at the 15m high elevation above street level in compliance with the requirements of the C7 zone and it will be landscaped to provide outdoor amenity space for the building residents. The tower floor plate is the same size from the 7<sup>th</sup> storey through to the 15<sup>th</sup> storey where the elevation is stepped back to provide building articulation and massing relief. The floor plate size reduction creates a step in the building façade that introduces an additional horizontal element mid-height of the building façade which will reduce the building mass and lessen the impact on the day lighting angle. The floor plate is reduced again at the 22<sup>nd</sup> storey with the stepped area being landscaped to provide outdoor amenity area for the residents. This reduced floor plate size continues up to the 27<sup>th</sup> storey, where the floor plate is again reduced to create a patio area along the west side of the units.

Access

Access to the proposed development will be from the rear lane. Overhead doors along the lane will provide access to the waste and recycling room and the loading bay to the building.

Parking summary;

Commercial @ 1.3 stalls per 100m <sup>2</sup>	=	6 stalls required
Residential @ 1 stall per unit	=	205 stalls required
Total parking required		211 stalls required
187 stalls provided, short fall of 24 stalls to be "cash in lieu"		

As such, the applicant will be required to provide a cash-in-lieu of parking contribution for 24 stalls (24 x \$22,500.00 = \$540,000.00) prior to issuance of the Development Permit.

Restrictive Covenant

The applicant has negotiated with the owners of the property to the west of the subject properties to register a restrictive covenant on that title restricting future development of that property to a maximum of one additional storey to the existing two storey building. When the site

area of this property is added to the subject property and the development for both properties is averaged over all properties, the resulting density is reduced to an FAR of 6.62. The future construction of the additional storey at 410 Bernard Avenue is not part of this application, and will require appropriate applications in the future.

The proposal compares to the C7 zone requirements is as follows:

CRITERIA	PROPOSAL	C7 ZONE REQUIREMENTS
<b>Development Regulations</b>		
Site Coverage (%) Buildings and Paved areas	100%	N/A
Total Floor Area (m <sup>2</sup> )	12,749.88m <sup>2</sup>	
F.A.R.	8.61	FAR = 9.0 max
Including Lululemon site	6.22	
Building Height	76.5m (27 storeys) (V1)	44.0m
<b>Setbacks - At Grade</b>		
Front (St. Paul St.)	0.0m	0.0m
Rear (lane)	0.0m	0.0m
North Side	0.0m	0.0m
South Side	0.0m	0.0m
<b>Setbacks - 15m above grade</b>		
East - Bank	4.0m	4.0m
West - Lululemon	1.94m (V2)	4.0m
North - Lane	3.1m	3.0m
South - Bernard	3.1m	3.0m
<b>Setbacks - 22m above grade</b>		
East - Bank	4.0m (V3)	15.0m (adjacent parcel)
West - Lululemon	1.94m (V3)	15.0m (adjacent parcel)
North - Lane	3.1m (V4)	10.0m
South - Bernard	3.1m	3.0m
<b>Floor Plate</b>		
FP - Exterior horizontal dimension	21.74m	26.0m (max)
Floor Plate - Diagonal dimension	38.6m	39m (max)
Floor Plate - Area	672.35 m <sup>2</sup>	676 m <sup>2</sup> (max)
Vertical Angle above 15m	83° proposed (V5)	80° required
<b>Private Open Space</b>		
Private Open Space	4,277.52 m <sup>2</sup>	2,220 m <sup>2</sup>
Parking Stalls (#)	187 (Cash in lieu for 24 stalls)	211
Bicycle Parking (#)	Meets Requirements	Class I: 103 spaces Class II: 21 spaces
Loading Stalls (#)	1 stall proposed	1 stall required

(V1) Vary height from 44m permitted to 75.12m proposed;



- (V2) Vary the building setback from an interior lot line from 4.0m required to 1.94m from the western property line for portions of a building above 15m;
- (V3) Vary the building setback from an interior lot line from 15m required to 1.94m from the western property line and 4.0m from the eastern property line for portions of a building above 22m;
- (V4) Vary the building setback from a lot line abutting a lane from 10m required to 3.1m proposed for portions of a building above 22m;
- (V5) Vary the inclined plane above 15m from 80° permitted to 83° proposed for the north & south elevations.

**5.0 Current Development Policies - 2030 Official Community Plan**

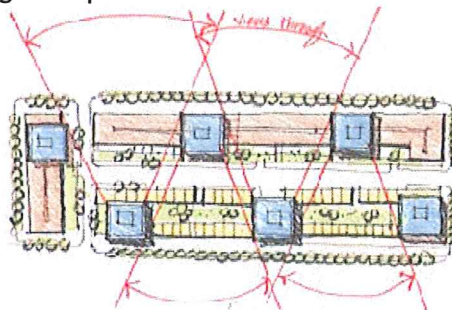
**5.1.1 Development Process (Chapter 5) - Considerations in Reviewing Development Applications<sup>1</sup>**

**Ensure appropriate and context sensitive built form (Objective 5.5)**

**Building Height (Policy .1).** In determining appropriate building height, the City will take into account such factors as:

- Contextual fit into the surrounding urban fabric
- Shadowing of the public realm
- View impacts
- Overlook and privacy impacts on neighbouring buildings
- Impacts on the overall skyline
- Distance between adjacent buildings above 22m in height
- Impacts on adjacent or nearby heritage structures
- Building form and massing to mitigate negative impacts of buildings over 22m in height

For all properties where height variances are required, a minimum separation distance of 36.5 m (120 ft.) will be sought between adjacent towers where there are floor plates larger than 697 sq. m (7,500 sq. ft.) and a minimum separation distance of 30.5 m (100 ft.) will be sought between towers where floor plates are less than 697 sq. m. (7500 sq. ft.). In addition, where a height variance is required, adequate view corridors shall be provided between towers. For blocks a minimum of 100m in width, any portion of a building above 44.0m should be sited to afford existing surrounding tower development on the same block a 40 degree panoramic view, measured from the closest building face parallel to the lot line fronting a street. (See Diagram 5.1)



(Diagram 5.1)

Unless existing zoning provides for greater heights, building heights within the areas noted on Map 5.3 should be as noted below:

**City Centre:** For the Downtown area, building heights shall, at maximum, be as noted on the “Downtown Building Heights” map. To achieve those heights, Council may consider variances from the heights set out in the Zoning Bylaw, provided that the

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

additional height (beyond that provided in the Zoning Bylaw) results in the creation of affordable housing or yields other significant community benefits.

### 5.1.2 Urban Design Development Permit Areas (Chapter 14) - Revitalization Design Guidelines

#### Objectives

- Use appropriate architectural features and detailing of buildings and landscapes to define area character;
- Convey a strong sense of authenticity through high quality urban design that is distinctive of Kelowna;
- Enhance the urban centre's main street character in a manner consistent with the area's character;
- Provide for a scale and massing of buildings that promotes an enjoyable living, pedestrian, working, shopping and service experience;
- Encourage an appropriate mix of uses and housing types and sizes;
- Create open, architecturally-pleasing and accessible building facades to the street; and
- Improve existing streets and sidewalks to promote alternative transportation.

#### Guidelines

##### *Relationship to the Street (Objective 2.0)*

- Ensure streetwall height is proportional (0.75:1 maximum) to the width of the street as measured from building face to building face. Any development that exceeds this height must utilize a podium and step back above the streetwall;
- Provide for public movement, street furniture, and building access zones to be incorporated into sidewalks adjacent to development;
- Design buildings to occupy 100% of a property's frontage along streets, eliminating elements that disrupt the streetwall such as off-street parking, dead spaces, empty lots, or driveways;
- Coordinate building setbacks with adjacent sidewalks to increase the space for public use (i.e., utilize a building setback or building indentation as a patio space or seating area, incorporate corner rounding into the public realm with specialized paving treatment and street furniture);
- Provide a high quality public realm consistent with the character of urban development (i.e. incorporate focal points/plazas, pedestrian pathways, parks and open space, enhanced streetscapes, and landscaping).

#### Downtown Considerations

- Articulate the street façade in a vertical rhythm that is consistent with the traditional subdivision pattern (i.e., maintain the character of narrow buildings and storefronts through changing materials, patterns, reveals, setbacks, façade portions, or design elements to maintain façade widths);
- Incorporate a level of detailing that conveys a sense of craftsmanship consistent with the era in which original downtown buildings were built (i.e., incorporate architectural features such as quoins, traditional brick patterns, pediments, keystones, recessed entrances, etc.);
- Windows should be set back from the building face (as opposed to flush) and include headers and sills;
- Windows at street level should keep the sills low for displays of retail goods and for high visibility into interior spaces;

- Upper floor windows should have vertical proportions where the height is at a minimum, 1.5 times the width;
- Brick and cut stone are preferred building materials, where appropriate. Materials should emulate a range of colours found on prominent buildings located Downtown;
- Incorporate high quality signage utilizing traditional size, style, fonts and design. Prominent and colourful signage creating a rich visual character is encouraged, however, illuminated signs in fluorescent colours are discouraged.

*Building Design (Objective 4.0)*

- Align architectural features from one building to the next. (i.e., building kickplate, top and bottom height of first floor windows, transoms over entranceway, horizontal and vertical proportions of the building, sign band above street level, parapet and cornice line, window sills on upper floors, roof line and proportions);
- Mitigate the effect of shadowing on public areas. A visual assessment sun/shadow study is required for those developments greater than 5 storeys in height;
- Design active facades that incorporate windows and doors on at least 75% of a building's frontage;
- Design buildings with an identifiable base, middle, and top through a change in setbacks, projections, textures, materials, detailing, or other architectural features;
- Incorporate distinctive massing articulation and architectural treatments for corner sites, highly visible building sites, or buildings/portions of buildings that terminate important view corridors (i.e., varying building heights, change in façade plane, additional pedestrian space, large windows, awnings, canopies, arcades, or archways);
- Orient windows, entrances, balconies and other building elements to surrounding points of interest and activity;
- Use architectural elements such as atriums, grand entries and large ground-level windows to reveal active interior spaces;
- Promote pedestrian-scaled architecture along the street through the use of street wall massing, articulation, quality materials and decorative details, textures, colours, lighting, and signage;
- Design buildings with individual entrances leading to streets and pathways rather than lobby entrances;
- Provide transition zones between the inside and outside of buildings and where applicable, between the public and private realms, with increased setbacks to incorporate courtyards, arcades, plazas, and/or patios;
- Incorporate a high level of transparency (non-reflective and non-tinted glazing) on a minimum of 75% of the first floor elevation for commercial, mixed use, and industrial developments;
- Finish buildings with exterior building materials that are natural, indigenous, durable and appropriate to the character of the development. Recommended building materials include brick, stone, wood and heavy timber, clear glass, metal, composite cement board, and finished in-situ concrete and modular concrete;
- Prohibited building materials include vinyl siding, reflective or nonvision glass, plastic, unpainted or unstained wood, including pressure treated wood, and concrete block;
- Stucco and stucco-like finishes shall not be used as a principal exterior wall material;
- Select exterior building materials that are appropriate to the building face orientation (sun, wind, noise, views) as well as building use and street frontage;
- Vents, mechanical rooms/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.

*View Corridors (Objective 5.0)*

- Preserve and protect existing views, and where possible, create new views at the pedestrian level for any public or semi-public space;
- Reinforce views to and from developments (i.e. through the placement of seating, open spaces, circulation routes and massing of buildings);
- Retain extensive views (including from afar) to both the Lake and to the mountains, and special care should be taken with respect to massing of new developments on street ends from the pedestrian level and from other strategic locations;
- Design new developments that take into account the view characteristics of adjacent ground floor public areas, of surrounding buildings as well as the view potential of the proposed building itself.

*Tower Design (Objective 9)*

- Design towers that are sited, shaped, and oriented along their longest axis in order to enhance the views to and through the skyline;
- Incorporate tower forms and the upper portions of buildings as integral yet distinct elements of the overall building design. Tower tops are encouraged to have trellising and roof projections that are fundamental expressions of the building structure and contain substantial landscaping;
- Evaluate tower buildings with respect to their compatibility with surrounding structures and contribution to the general skyline. Tower design should contemplate:
  - Colour, reflectivity, shape, materials, detailing, and ease of maintenance;
  - Generally, lighter-coloured buildings are preferred;
- Incorporate architecture that expresses a slender verticality, particularly in its upper elements. Design buildings greater than ten floors that are tall, slender towers rather than bulkier towers of the same floor space ratio;
- Design new buildings to take into account microclimatic effects, including shading of adjacent areas (i.e., reduce the casting of long shadows on high volume pedestrian areas) and wind tunneling;
- Integrate new developments with the established urban pattern through siting and building design by utilizing transitional structures, setbacks, landscaping, etc.;
- Enhance large, flat expanses of roof (whether actively used or not) with texture, colour, and/or landscaping where visible from above or adjacent properties;
- Enhance towers with elements such as gazebos, trellises, and pergolas providing visual interest and usability of rooftop spaces;
- Incorporate balconies into building design as outdoor rooms rather than as appendages to a building's mass. Recess balconies a minimum depth of 1m within the adjoining building face;
- Design podiums to provide an animated pedestrian environment with the use of street wall massing, articulation, and overall design. Podiums should highlight their active uses and disguise any parking or ancillary uses.

**6.0 Technical Comments****6.1 Building & Permitting Department**

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s) for new construction
- This building is required to be of non-combustible construction. Any proposed deviance from this requirement of BCBC 06 requires an approved alternate solution report approved prior to the release of the Development Permit.

- A minimum Geodetic Elevation of 343.66 meters is required for all habitable spaces including the parking garage(s).
- A Geotechnical report is required to address the sub soil conditions and potential impact on neighbouring properties. A Geotechnical pier review will be required at time of building permit application.
- A Structural peer review will be required at time of building permit application.
- Requirements of the City of Kelowna fire prevention regulations bylaw No. 6110 for buildings greater than 6 stories are to be shown on the building permit drawings.
- Size and location of all signage to be clearly defined as part of the development permit
- Awnings over city property require an indemnification agreement(s).
- Size and location of all signage to be clearly defined as part of the development permit
- Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building. Vestibules are required from the parking levels into the exit stairwells. The 27th Level Mezzanines do not appear to meet the allowances for mezzanines as defined in the Building Code. There are spatial calculation required to address unprotected openings between separate residential units on levels 7 thru to 21
- We strongly recommend that the developer have his professional consultants review and prepare solutions for potential impact of this development on adjacent properties. Any damage to adjacent properties is a civil action which does not involve the city directly. The items of potential damage claims by adjacent properties are items like settlement of foundations (preload), damage to the structure during construction, additional snow drift on neighbour roofs, excessive noise from mechanical units, vibration damage during foundation preparation work etc. The architectural drawings also show an additional floor added to the neighbouring building. This addition will require a separate Development Permit and Building Permits.
- Demolition Permit(s) required for the existing structure(s).
- Where is the proposed staging area for this project going to be and what is proposed for hoarding of the site to maintain public safety. Are tower cranes going to be used and are they swinging over private and public properties other than this site?
- Full Plan check for Building Code related issues will be done at time of Building Permit applications

6.2 Development Engineering Department  
See Attached

6.3 Interior Health Authority  
No objection

## 7.0 Application Chronology

Date of Application Received: July 13, 2011  
Advisory Planning Commission: August 16, 2011

The above noted application was reviewed by the Advisory Planning Commission at the meeting on August 16, 2011 and the following recommendations were passed:

THAT the Advisory Planning Commission supports Development Permit Application No. DP11-0121 for 426-436/440-446/450-454 Bernard Avenue, to consider a Development Permit for the form and character of the 27 storey, 205 residential unit mixed-use development.

**Anecdotal Comment:**

The Advisory Planning Commission supported the Development Permit siting consistency with the previous Council approval and feels it is a welcome addition to the downtown core given the mixed uses and quality of the building design.

THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP11-0122 for 426-436/440-446/450-454 Bernard Avenue, to consider a development Variance Permit to vary building height from 44m permitted to 77m proposed (27 stories) and to vary the daylight angles from 80° permitted to 83° proposed.

**Anecdotal Comment:**

The Advisory Planning Commission supported the two proposed variances as they have minimal impact on the overall development. The Advisory Planning Commission also acknowledged support due to the Applicant's amenity contribution and restrictive covenant secured for the property to the west.

Report prepared by:



Alec Warrender, Urban Land Use Planner

Reviewed by:



Danielle Noble, Manager of Urban Land Use Management

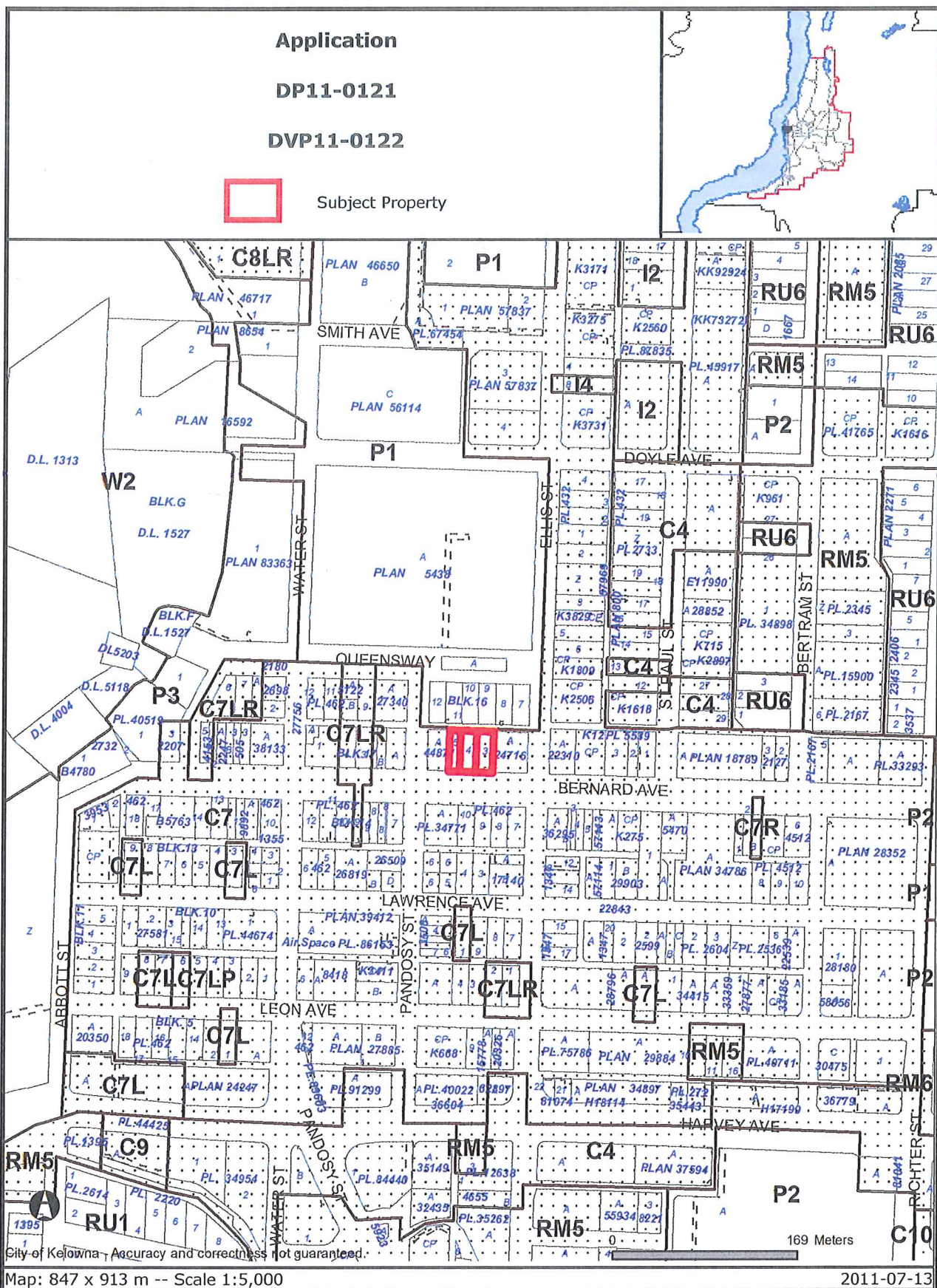
Approved for inclusion:



Shelley Gambacort, Director of Land Use Management

**Attachments:**

Subject Property Map  
Site Plan  
Building Elevations  
Rendering  
Landscape Plan



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

**PROJECT TEAM**

**DEVELOPER:**

AQUILINI DEVELOPMENT  
2ND FLOOR, 510 WEST  
HASTINGS STREET  
VANCOUVER, BC  
V6B 1L6

**CONSTRUCTION  
MANAGER:**

2ND FLOOR, 510 WEST  
HASTINGS STREET  
VANCOUVER, BC  
V6B 1L6

**ARCHITECT:**

CEL ARCHITECTURE  
PLANNING INTERIORS  
160-160 HANBURNTON DRIVE  
VANCOUVER, BC  
V7V 5G9

**INTERIOR  
DESIGN:**

B+H CHILDREN  
200-4102 ALBERNI STREET  
VANCOUVER, BC  
V6E 1V9

**LANDSCAPE  
ARCHITECT:**

PAC PARTNERSHIP LANDSCAPE  
ARCHITECTS LTD.  
510 FLOOR EAST ASHLEY HOUSE  
1201 WEST PENDER STREET  
VANCOUVER, BC, V6E 9Z2

**CIVIL  
ENGINEER:**

CFO CONSULTANTS LTD.  
100-100 HANBURN AVENUE  
VANCOUVER, BC  
V7V 5B9

**STRUCTURAL  
ENGINEER:**

GLONATI SIMPSON  
STRUCTURAL ENGINEERS  
VANCOUVER, BC  
V6A 1N5

**MECHANICAL  
ENGINEER:**

SPR ENGINEERING LTD.  
100-420 LAMAR STREET  
BURNABY, BC V5A 1B8

**ELECTRICAL  
ENGINEER:**

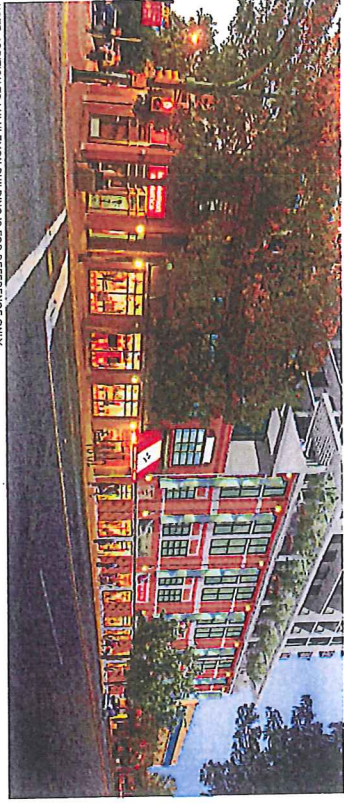
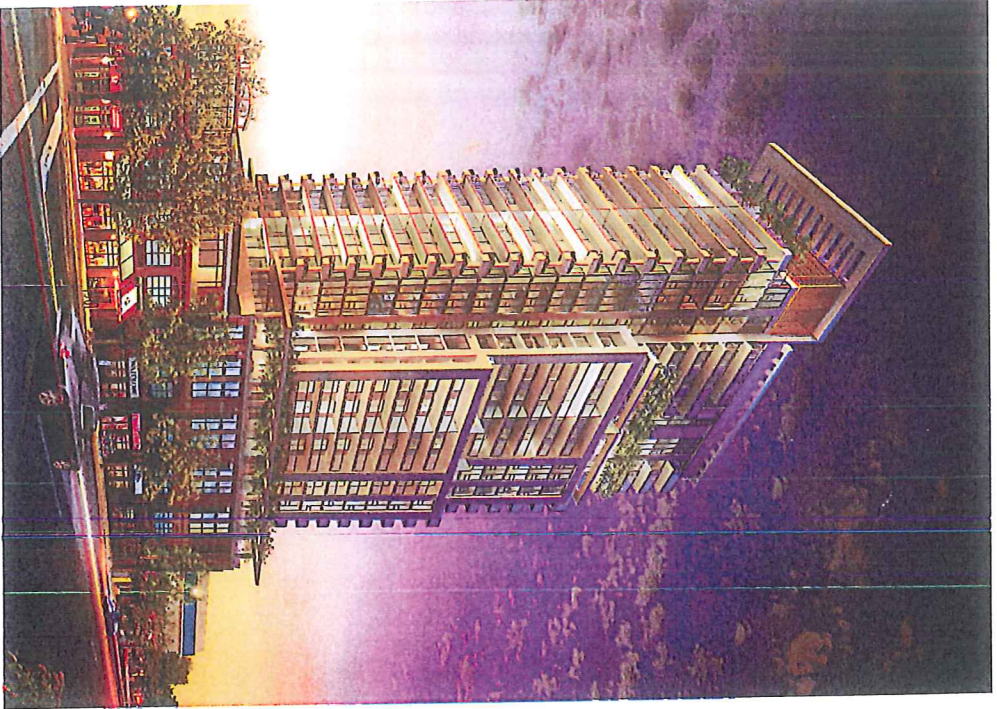
NOBLET ISM & ASSOCIATES LTD.  
2009 WEST 4TH AVENUE  
VANCOUVER, BC  
V6J 1N5

**CODE  
CONSULTANT:**

B+H HOBSON CONSULTING LTD  
789 BORN WICHELWARD  
NORTH VANCOUVER, BC  
V7S 1V4

**GEOTECHNICAL  
ENGINEER:**

ENFIELD CONSULTANTS LTD.  
108-3877 HWY 7N  
KELLOWNA, BC  
V1X 5S3



NOTE: ADDITION TO LULULEMON BUILDING IS FOR REFERENCE ONLY

NOTE: ADDITION TO LULULEMON BUILDING IS FOR REFERENCE ONLY

“24” at 426 - 450 BERNARD AVENUE, KELOWNA, B.C.

This forms part of development  
Permit # 2011-0121 / 2011-0122



**ai ARCHITECTURE  
PLANNING  
INTERIORS**  
VANCOUVER, VANCOUVER, KELOWNA, LOS ANGELES  
100-100 HANBURN AVENUE  
VANCOUVER, BC V7V 5B9  
TEL: 604-682-9133  
FAX: 604-682-9133

CONSULTANTS

DATE:	1. Aug 2011
ISSUED FOR:	Issued by Development Permit (D)



PROJECT TITLE  
**426 BERNARD  
AVENUE TOWER**

DRAWING TITLE  
**COVER SHEET**

CHECKED: NS DRAWN: TEAM  
SCALE: AS NOTED  
PROJECT NO. 08-202 DRAWING NO. DP000



# PROJECT DESCRIPTION

Project Description: 426 Bernard Avenue

## Program, Context and Form

The tower proposed for 426 Bernard Avenue reflects the uniqueness of the Okanagan Valley. Throughout the design process, we asked ourselves, what a multi-story residential tower in the Okanagan Valley should look like. Are there unique contextual issues associated with the Okanagan Valley that influence form? What are the key and how should we address these issues?

We believe the Okanagan is unique from Vancouver, Toronto or Calgary. We have a unique setting and a unique climate. It is the context and building program that determine form. The building program is straight forward. Planning incorporates smaller, more adaptable units. The units are oriented towards the ground and circulation. In the center, the building reaches to be a striking focal point.

The final form and architecture needs to be expressive and dignified. The building will set the trend for future towers in the common core. There are no predetermined images or styles. The building is the product of analysis that carefully considers these issues:

1. View.
2. Sun.
3. Outdoor living.
4. Building materials.
5. Street level.
6. Sustainability and
7. Sustainable building strategies.

## In addition:

1. Transparency to enhance the historic living experience with an abundance of natural light.
  2. Access to outdoor living that enhances the built environment by connecting to the natural environment.
  3. Pedestrian friendly design that encourages walking and cycling.
  4. Efficient parking that minimizes building area.
  5. Efficient parking that minimizes building area.
  6. The use of natural materials that is appropriate to the Okanagan region in Concrete and Brick.
- The uniqueness of the Okanagan Valley is its climate and context. People in the Okanagan enjoy an active lifestyle that includes outdoor living. Outdoor living is enhanced by making outdoor and indoor spaces work together. Access to views is vital, so that we are always connected to the stunning landscape of the Okanagan Valley.

## The Architecture

The tower is a contemporary in context. The building orientation changes from the base to the top. The lower base of the building reinforces the city grid and is parallel to Bernard Street. The top of the building is oriented towards the west to maximize views of the lake. The top is formed from a double plane that creates shadow cast defines the pedestrian scale. The double plane element is incorporated throughout the design.

The building structure expresses a classical bottom, middle section and top. The south west corner incorporates a tapered column that light and shade (intercepting) that runs from the base to the top of the building. The signature feature expresses a tapered column that light and shade (intercepting) that runs from the base to the top of the building.

Glazing, concrete and aluminum define the primary material palette. Brick is incorporated and expressed at the base to provide a sense of continuity to the surrounding buildings. Steel cladding and black anodized aluminum sections for glazing is incorporated.

The materials are chosen with the maintenance expected over the life of the building.

## The Street Level

This building addresses the street by providing the public, the lowest connected level. It is constructed from concrete, providing a sense of continuity to the surrounding buildings. The building is designed to be a pedestrian friendly environment. A canopy is proposed to provide screening and protection from the elements. Barriers provide shade and texture. Cladding is to be consistent with the requirements of the City and the opening design is a double door system. The design of the street level addresses the space established by the City of Kelowna Official Community Plan.

## Green Strategy

We have prepared a substantial sustainable design strategy. The building is designed to a LEED silver equivalent rating. The building of this building is the foundation core reflects the need for sustainable use. The Green Code will be applied to the building for each owner who don't own outdoor. The strategy is intended to support the notion that not all people have the same abilities and the building requirements could be reduced to accommodate a smaller public.

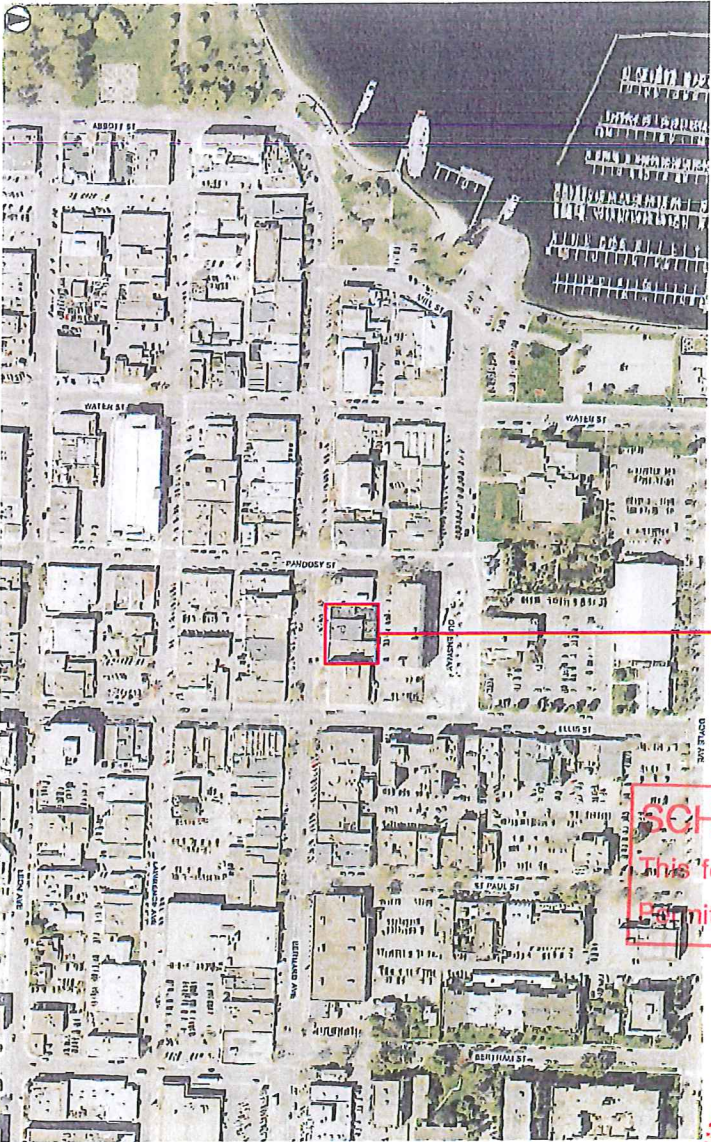
The units are smaller and more adaptable.

Low E2 glazing is incorporated to assist with sun protection. Precast concrete of ventilation are proposed to minimize air conditioning use.

At level 7, 22 and the Penthouse, balconies are expanded and allow for vertical gardens to enhance the users and their experience. Trees and low level plantings are encouraged and will soften the hard edges of the building, while providing a park like experience and providing shading to the adjacent spaces.

In detail, we are proposing efficient energy systems to maximize thermal comfort, water efficient water technologies, smart appliances and green building technologies.

The building planning is efficient and straight forward. The units are designed to take full advantage of the views. Services balconies that allow for outdoor living and dining. Access to the balconies is enhanced by the incorporation of folding hybrid doors that maintain the opening to the exterior deck, indoor spaces meet with the outdoors and expand the usable living space.



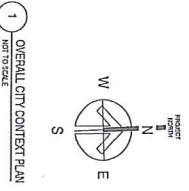
SUBJECT SITE  
426 BERNARD AVENUE

SCHEDULE A  
This forms part of development  
Permit # DP11-001 / DP11-002

**cei** ARCHITECTURE  
PLANNING  
INTERIORS  
VANCOUVER, VICTORIA, & DENVER, LOS ANGELES

**BRITISH COLUMBIA ARCHITECTS ASSOCIATION**

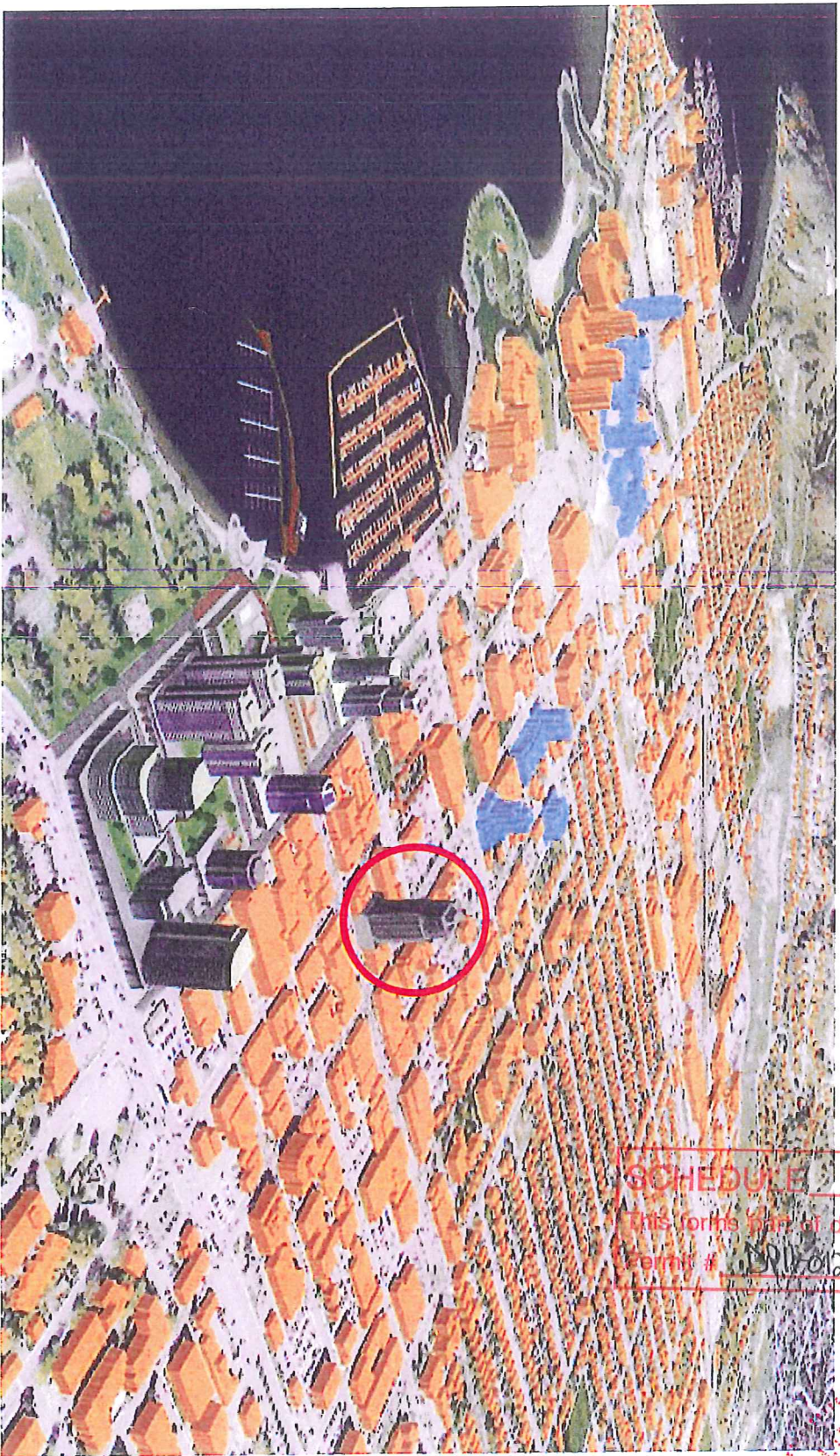
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PROJECT TITLE	426 BERNARD AVENUE TOWER
PROJECT NO.	DP100
SCALE: NTS	DATE: 08-2012
DRAWING NO.	DP100
CHECKED BY	DRAWN BY
DESIGNED BY	PROJECT TEAM
PROJECT NO.	DP100
DATE: 08-2012	DRAWING NO.



CONSULTANTS:  
1. July 2011  
Issued for Development Permit (D)



**SCHEDULE A**  
 This forms part of development  
 permit # **DRP11-0121 / DRP11-0122**



CONSULTANTS:

PROJECT NO. \_\_\_\_\_ DATE OF ISSUE \_\_\_\_\_

1. July 5 2011 Issues for Development Permit (D)



**AQUILINI DEVELOPMENT**

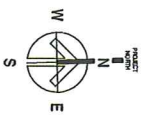
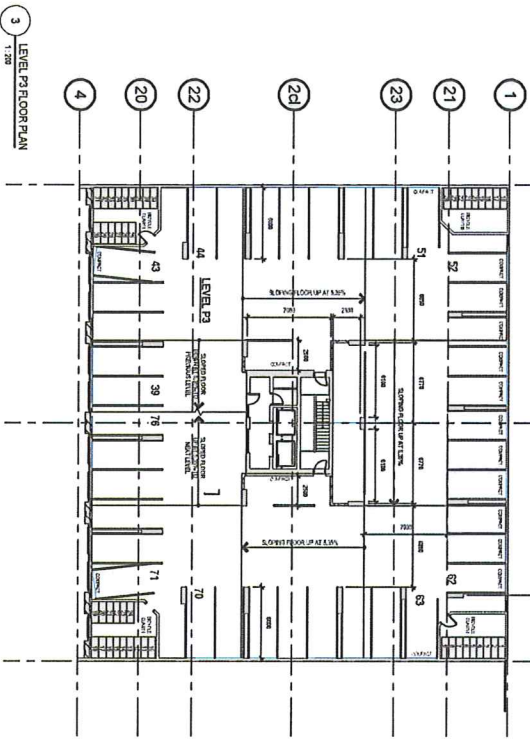
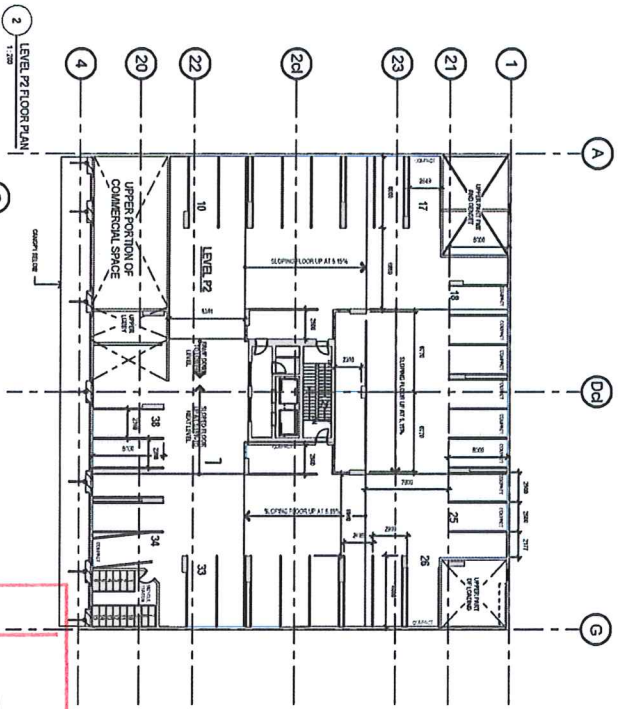
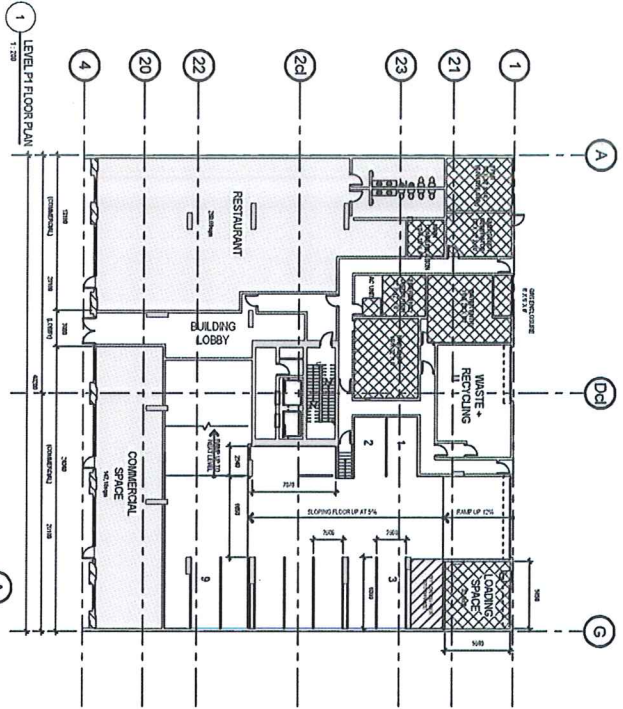
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**426 BERNARD AVENUE TOWER**

DRAWING TITLE  
**AERIAL VIEW**

CHECKED: NB DRAWN: TEAM

SCALE: NTS

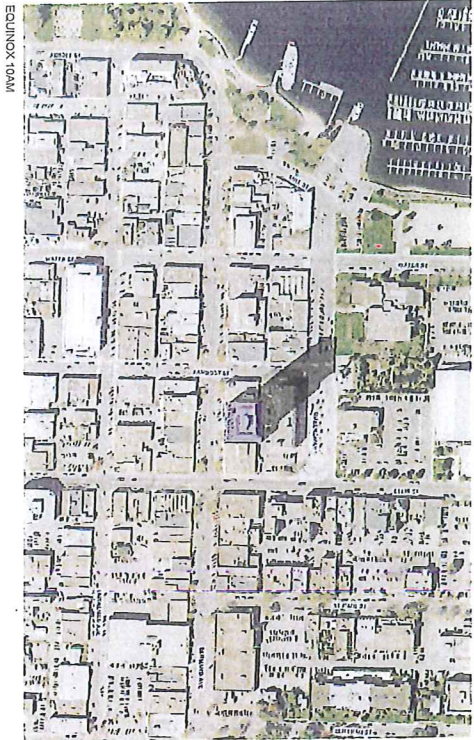
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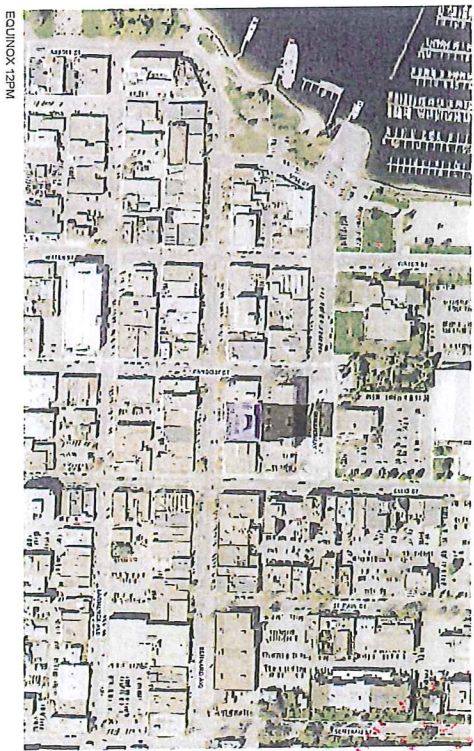
**SCHEDULE A**  
 This forms part of development  
 Permit # DP11-0121 / DU11-0122

<b>CONSULTANTS</b>	
<b>SCALE</b>	
<b>PROJECT TITLE</b> 426 BERNARD AVENUE TOWER	
<b>PROJECT TITLE</b> LEVEL P1, P2 AND P3 PARKING FLOOR PLAN	
<b>CHECKED:</b> HSB <b>SCALE:</b> 1:200	<b>DRAWN:</b> TEAM
<b>PROJECT NO.:</b> 08-202	<b>DRAWING NO.:</b> DP300
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<b>DATE:</b> 27 JAN 2011 <b>BY:</b> [Signature] <b>FOR:</b> [Signature]	

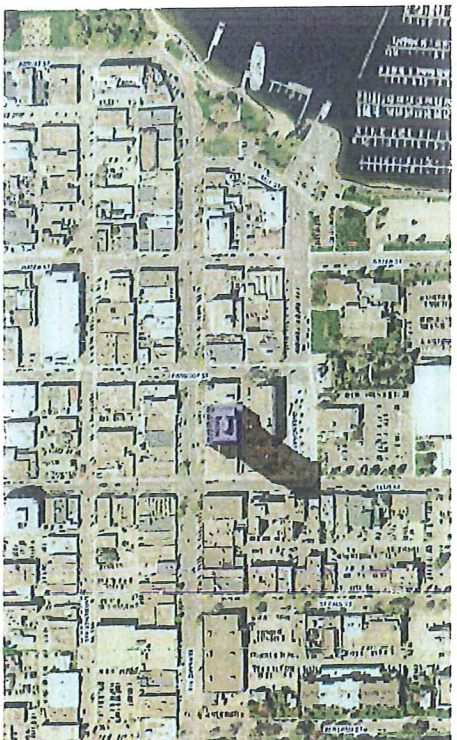




EQUINOX 10PM

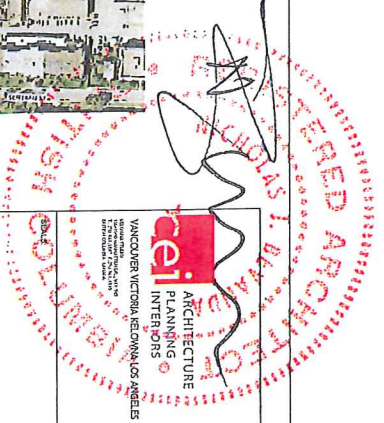


EQUINOX 12PM



EQUINOX 2PM

**SCHEDULE**     A      
 This forms part of development  
 Permit # DP11-0121 / DP11-0122



<p><b>CONSULTANTS</b></p>	
<p><b>PROJECT TITLE</b></p> <p>426 BERNARD AVENUE TOWER</p>	
<p><b>PROJECT NO.</b></p> <p>08-202 DP103</p>	
<p><b>DATE</b></p> <p>1. July 2 2011</p>	
<p><b>ISSUED FOR</b></p> <p>Issued to Development Permit (D)</p>	
<p><b>SCALE</b></p> <p>SCALE NTS</p>	
<p><b>CHECKED BY</b></p> <p>DMWK TSMJ</p>	
<p><b>DRAWING TITLE</b></p> <p>SHADOW STUDY</p>	
<p><b>PROJECT NO.</b></p> <p>08-202 DP103</p>	
<p><b>DRAWING NO.</b></p> <p>DP103</p>	



# ZONING INFORMATION

PROJECT NAME	BERNARD AVENUE TOWER
PROJECT LOCATION	425 BERNARD AVENUE, REDMOND, CA, 94061
LEGAL ADDRESS	LOTS 3, 4 AND 5 (REAR) BLDG. 18 PLAN 482 COVO
LAND USE ZONING	CT
SITE AREA	148,031 sqm (COMBINED 3 SITES)
SITE COVERAGE	ALLOWABLE 100%
FLOOR AREA RATIO	9.0
BUILDING HEIGHT	9.51 (reference 6.22 with west neighbor site)
MAX FLOOR PLATE SIZE ABOVE 5m	75.12m
MAX. CONT. EXTERIOR HORIZONTAL DIMENSION ABOVE 5m	67.25m
MAX. DIAGONAL DIMENSION ABOVE 5m	26.6m
FUNCTIONAL COMMERCIAL SPACE AT STREET LEVEL	38.5m
PARKING	99%
1 PER DWELLING UNIT	3775m <sup>2</sup> x 4m = 83.5%
1.3 PER 100sqm SFM (Commercial)	205
CLASS 1 (1.1 PER DWELLING UNIT)	6
FLOOR AREA RATIO CALCULATION	211
	144

# YARD SETBACK INFORMATION

YARD SETBACKS	LOT 10 (RESIDENTIAL)		ABOVE 5m RESIDENTIAL		DUAL USE SETBACK	
	REQUIRED	PROPOSED	REQUIRED	PROPOSED	REQUIRED	PROPOSED
FRONT YARD	0.0m	0.0m	3.00m	3.00m	8.00m FROM HORIZONTAL	8.00m FROM HORIZONTAL
REAR YARD	0.0m	0.0m	3.00m	3.00m	8.00m FROM HORIZONTAL	8.00m FROM HORIZONTAL
SIDE YARD	0.0m	0.0m	4.0m	4.0m	NA	NA

REMOVED OCTOBER 24 2011

# UNIT SUMMARY

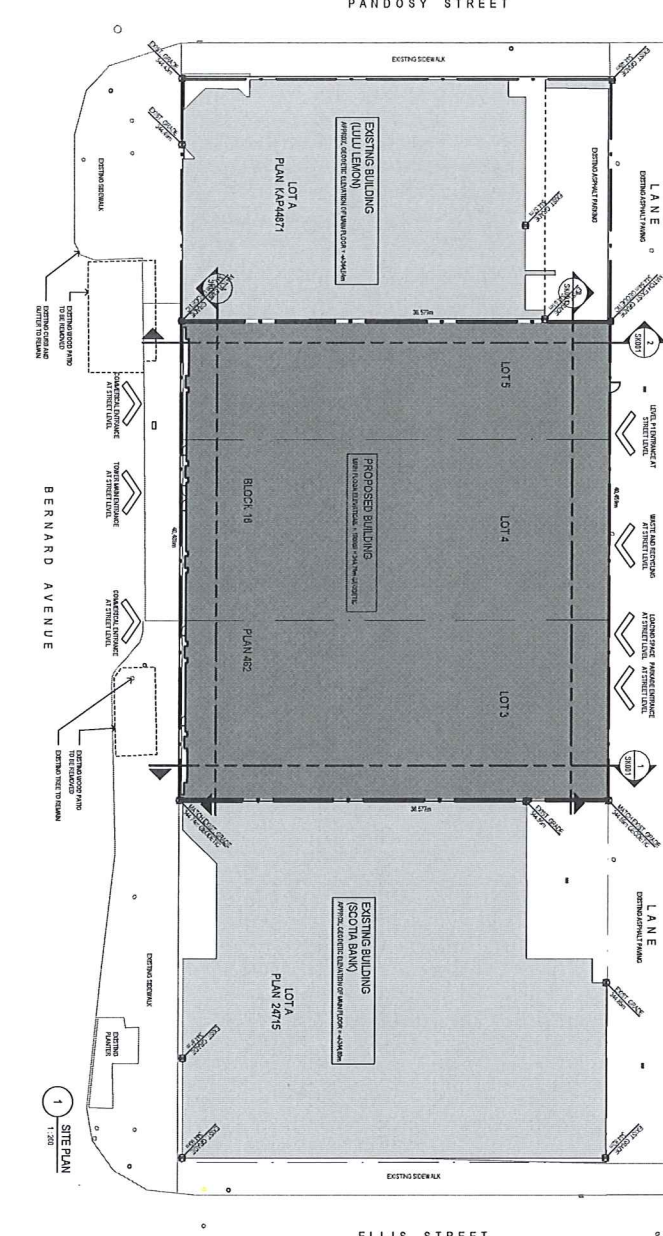
LEVEL	RESIDENTIAL	COMMERCIAL	RECREATION	RECREATION + OPEN	ZEBROOM	TOTAL
7	2	6	2	0	0	8
8-15	16	48	18	18	18	108
16-21	0	12	0	36	36	48
22-29	0	0	0	0	0	0
27	0	0	0	0	0	0
TOTAL	18	66	18	54	54	206

# PRIVATE OPEN SPACE SUMMARY

LEVEL	COMMUNITY MANAGEMENT SPACE	BLDG ONLY	TOTAL
7	32.23 sqm	451.94 sqm	484.17 sqm
8-15	0	1271.84 sqm (158.86 sqm * 8)	1271.84 sqm
16-21	0	653.36 sqm (112.25 sqm * 6)	653.36 sqm
22-29	0	287.12 sqm	287.12 sqm
27	0	423.54 sqm (113.15 sqm * 4)	423.54 sqm
TOTAL	32.23 sqm	3894.77 sqm	4277.55 sqm

**SCHEDULE A**  
This forms part of development Permit # DP11-0121 / DP11-0122

NET FLOOR AREAS	= COMMERCIAL AREA - RESIDENTIAL AREAS = 81 (2sqm) + 508 (0.5sqm) + 6 (53.15sqm) + 6 (593.34sqm) = 1150.03 sqm
SITE AREA	= 148,031 sqm
NEW FAR	= 12 (50.0 sqm) / 148,031 sqm = 8.21%
SITE AREA OF WEST NEIGHBOUR	= 747.12 sqm
NEIGHBOUR DENSITY	= 41 (100sqm)
NEW AFFECTIVE FAR	= 42 (120.0 sqm) + 11 (100sqm) / (148,031 sqm + 747.12 sqm) = 3.25%



**caj** ARCHITECTURE  
PLANNING  
INTERIORS

WANGDAI VICTORIA REDMOND LOS ANGELES

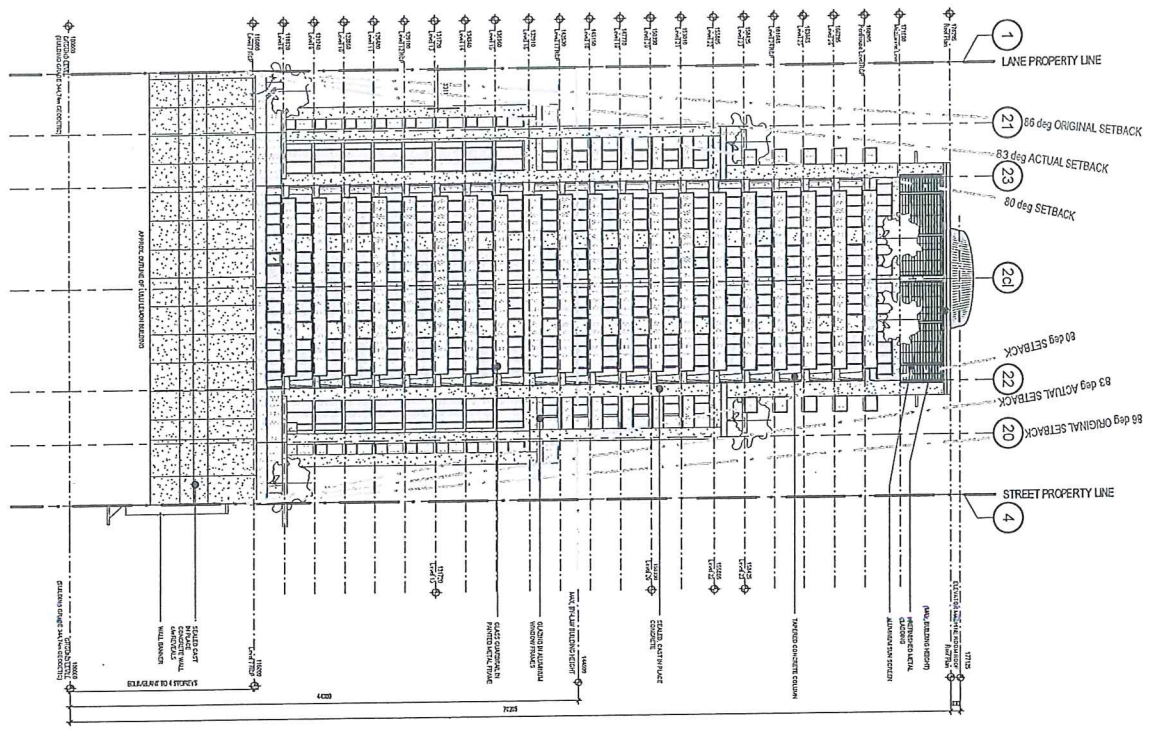
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DRAWING TITLE: SITE PLAN

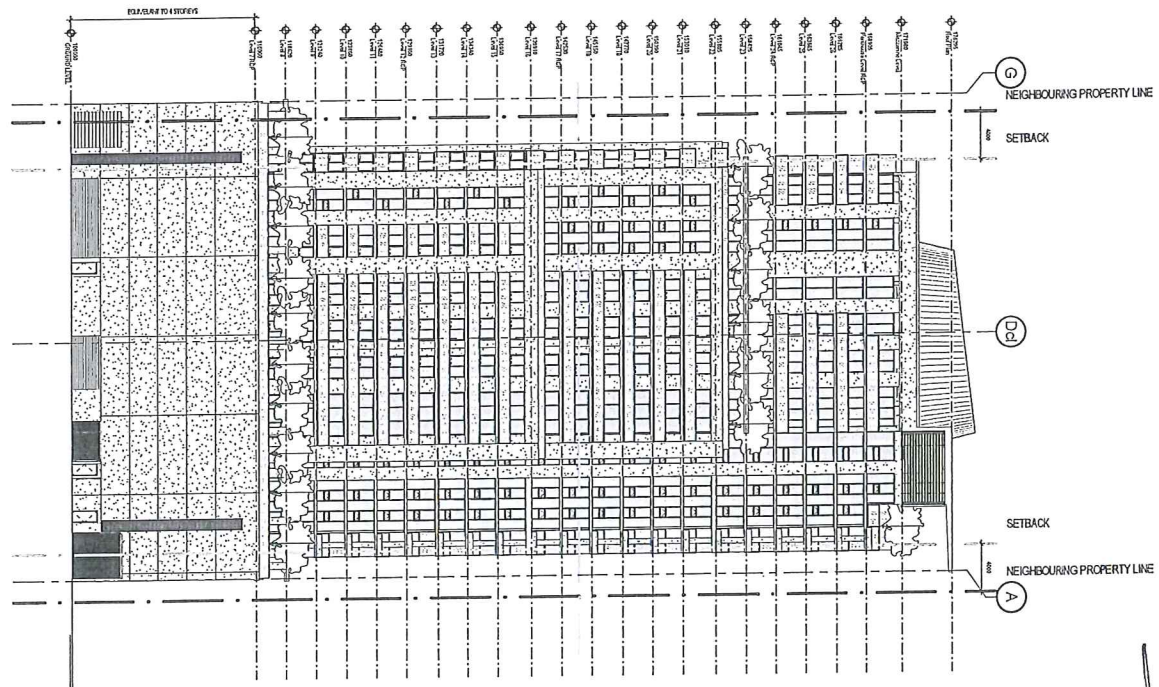
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DATE: 08-20-2011

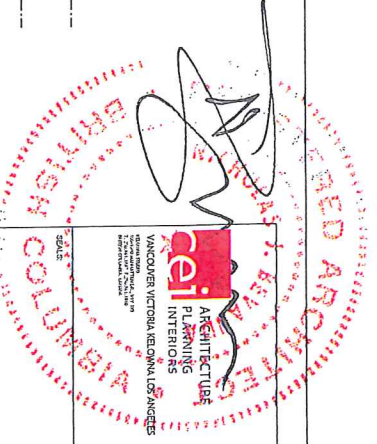
1 WEST BUILDING ELEVATION  
1:320



2 NORTH BUILDING ELEVATION  
1:320



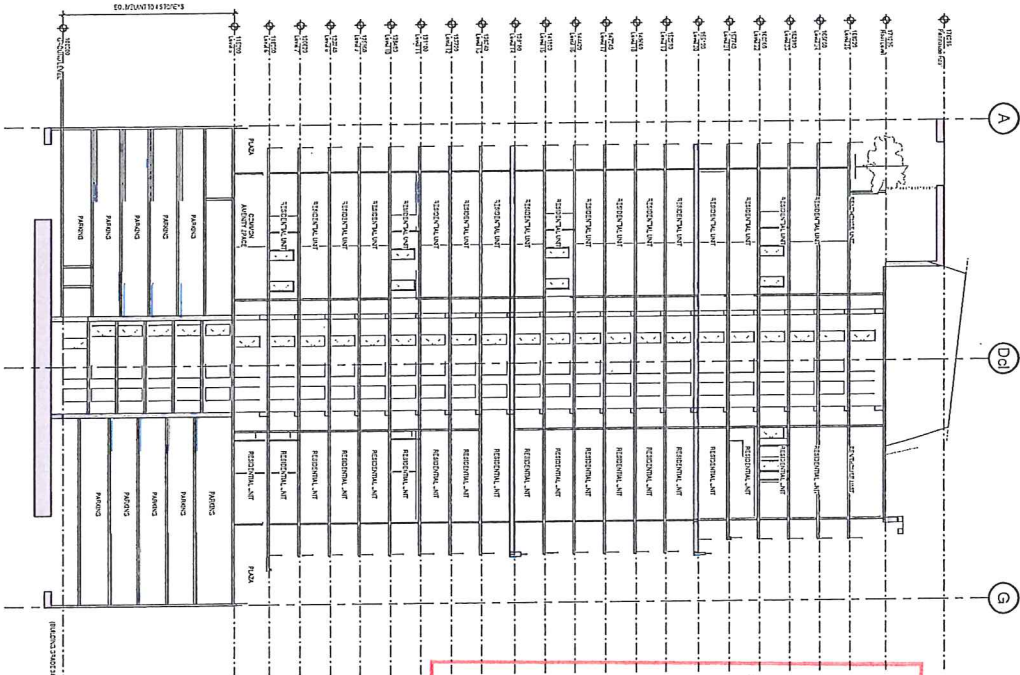
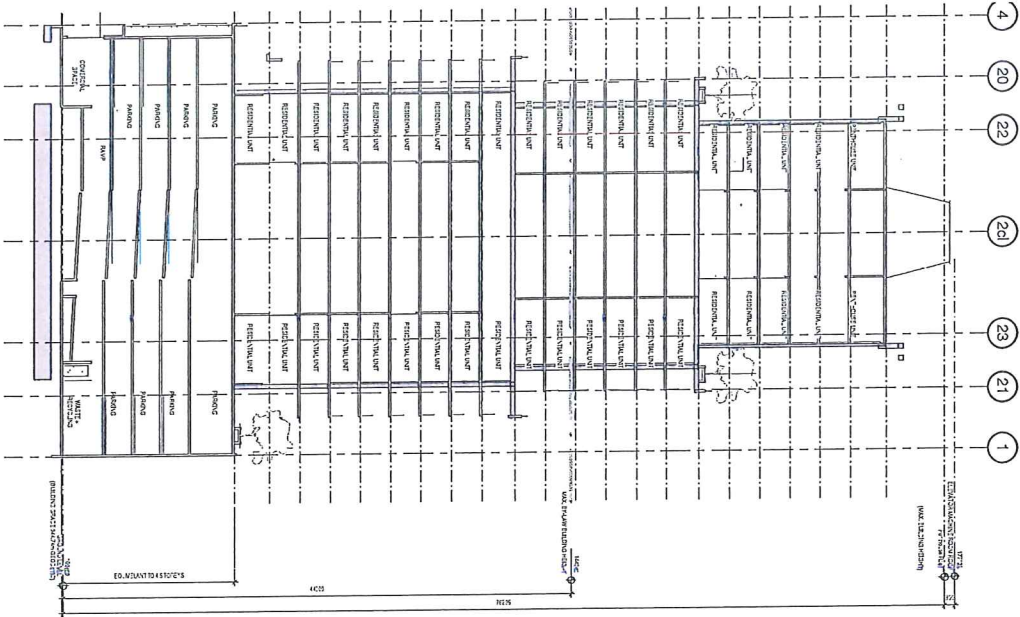
**SCHEDULE A**  
This forms part of development  
Permit # DP11-0121 / DUP11-022



PROJECT TITLE <b>426 BERNARD AVENUE TOWER</b>	PROJECT NO. 08-202	DRAWING NO. DP401
CHECKED BY NS	DRAWN BY TEJAL	SCALE 1:320
DRAWING TITLE <b>WEST AND NORTH BUILDING ELEVATIONS</b>		
CONSULTANTS <b>AQUILINI DEVELOPMENT</b>		
DATE 1. July 2011		
ISSUED FOR DEVELOPMENT PERMIT (D)		







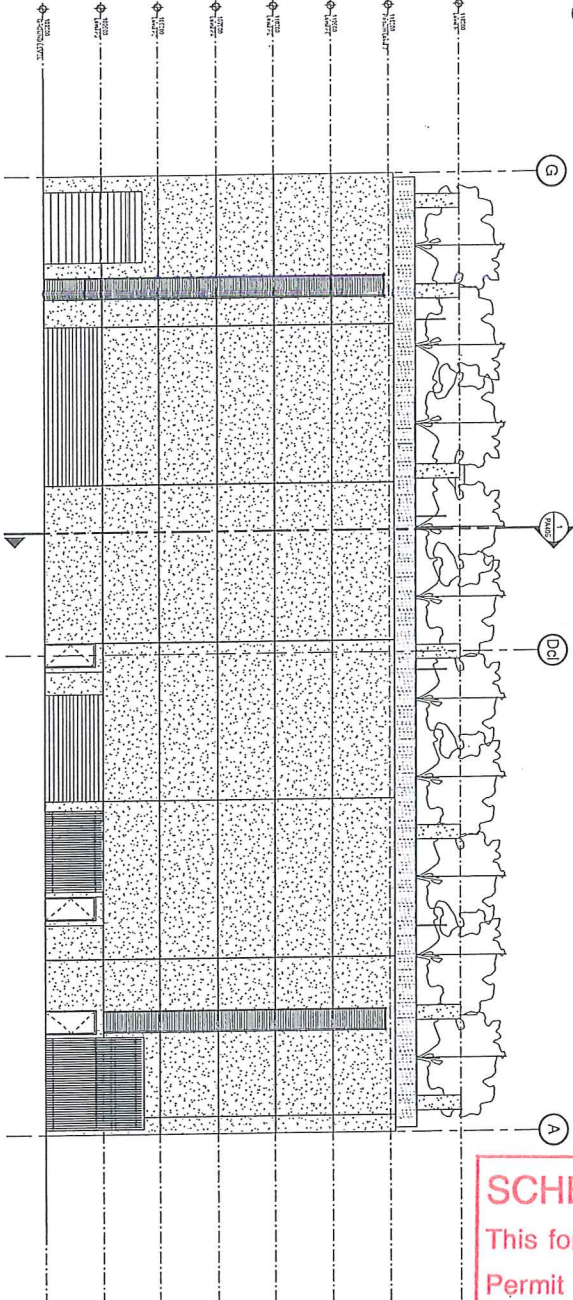
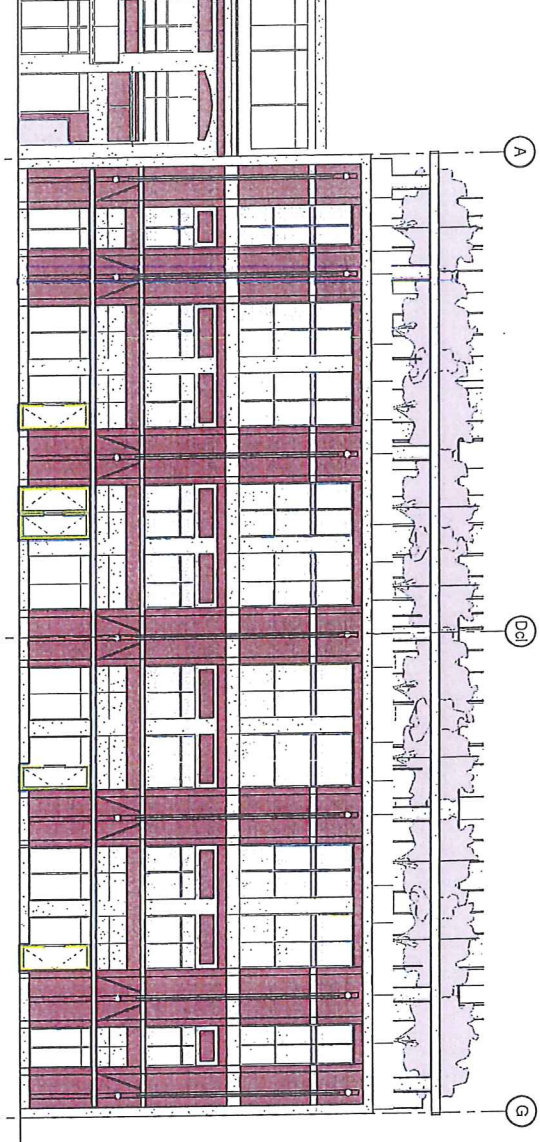
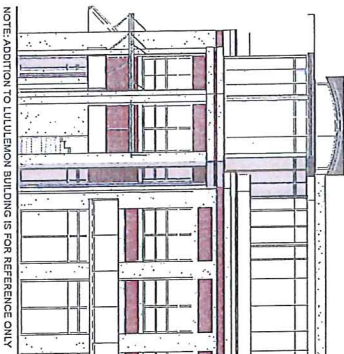
**SCHEDULE A**  
 This forms part of development  
 Permit # DP11-021 / DP11-012



<p>PROJECT TITLE <b>426 BERNARD AVENUE TOWER DEVELOPMENT</b></p> <p>PROJECT NO. <b>08-202</b></p> <p>CHECKED BY <b>NS</b></p> <p>SCALE <b>1:200</b></p> <p>PROJECT NO. <b>08-202</b></p>	<p>PROJECT TITLE <b>BUILDING SECTIONS</b></p> <p>PROJECT NO. <b>DP406</b></p> <p>DRAWN BY <b>TEJAL</b></p> <p>DATE <b>1, July 2011</b></p> <p>HEAD OF DEVELOPMENT PERMIT (HDP)</p>
--	--

SECTION A

BUILDING SECTION B



**SCHEDULE B**  
 This forms part of development  
 Permit # DP11-012 / DP11-012



**CONSULTANTS:**  
 CELI ARCHITECTURE  
 1, July 2, 2011  
 Issued for Development Permit (D)

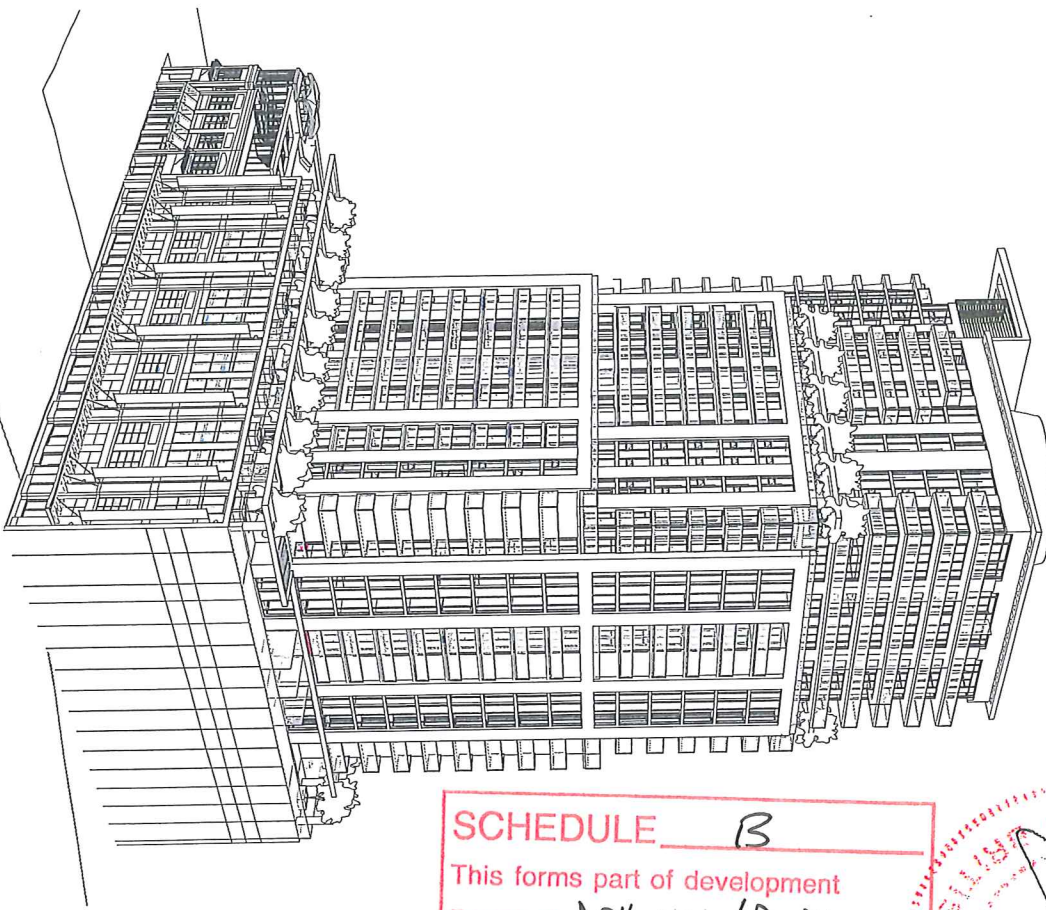


**PROJECT TITLE:**  
 426 BERNARD  
 AVENUE TOWER

**DRAWING TITLE:**  
 ENLARGED BASE  
 ELEVATIONS

**OWNER:** N.B. BAYNE, TRUST  
**SCALE:** 1:100  
**PROJECT NO.:** 08-202  
**DRAWING NO.:** DP402

2 SOUTH EAST PERSPECTIVE



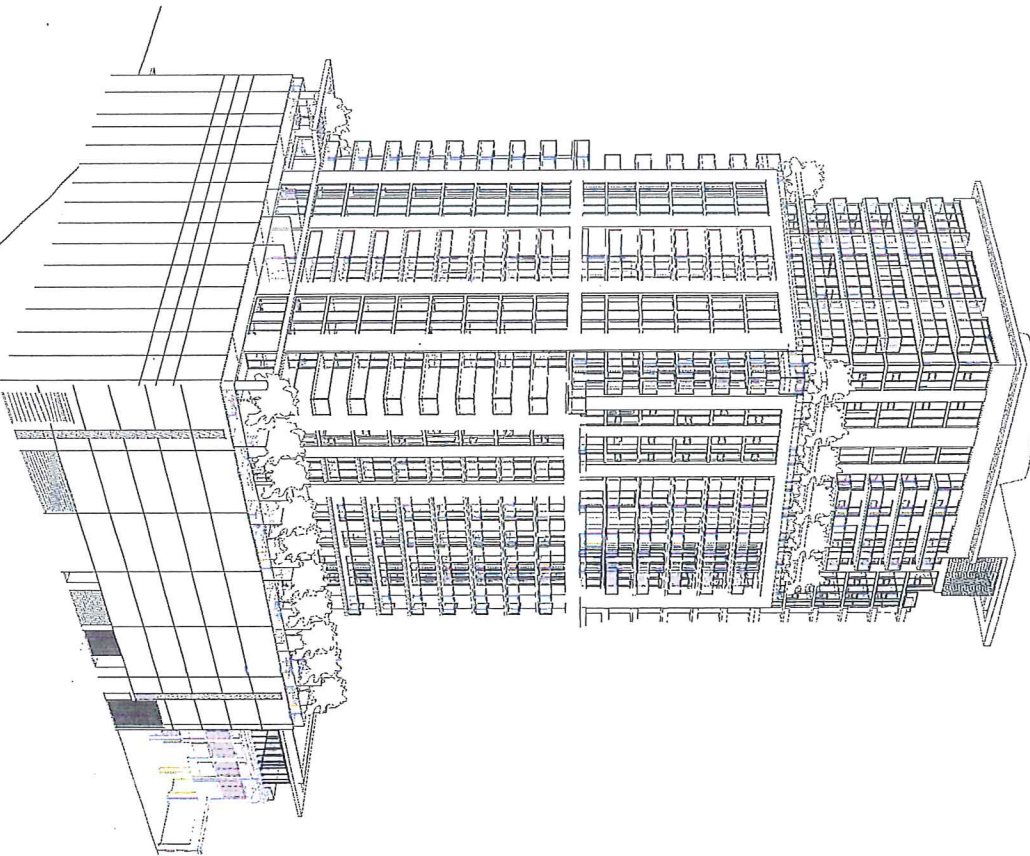
NOTE: ADDITION TO LULLUMON BUILDING IS FOR REFERENCE ONLY

**SCHEDULE B**  
 This forms part of development  
 Permit # DP11-0121 / Du11-0122

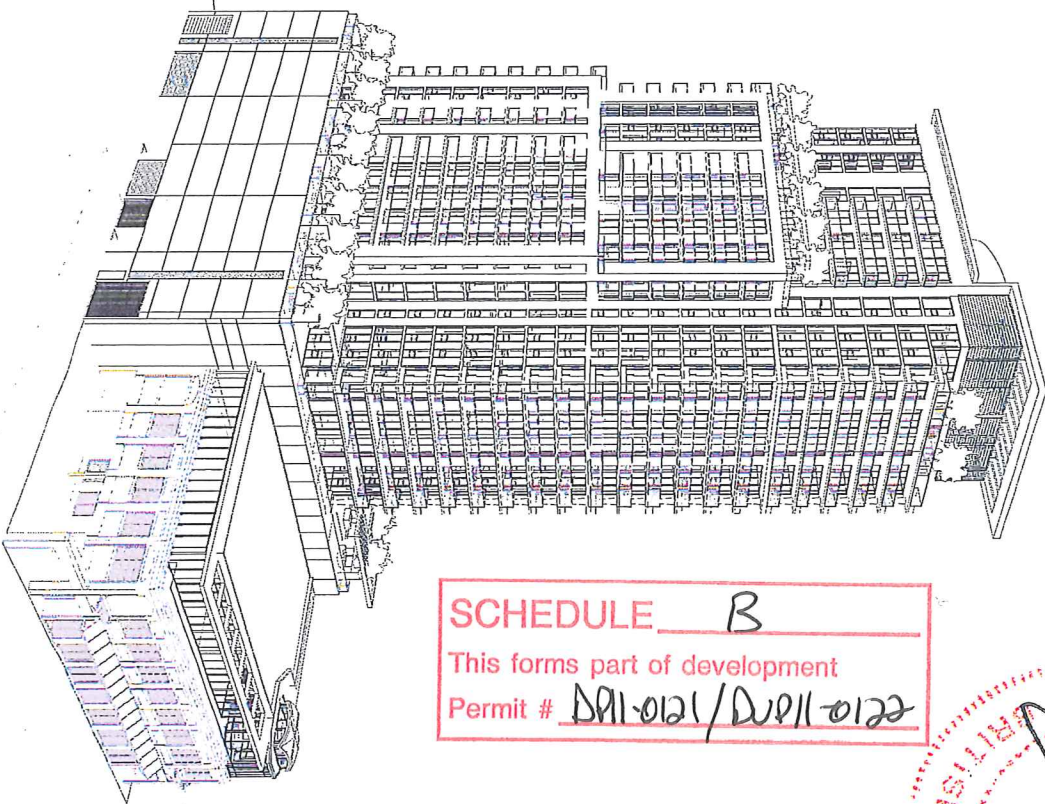


<p>PROJECT TITLE  <b>426 BERNARD AVENUE TOWER</b></p>	
<p>PROJECT NO.  <b>08-202</b></p>	
<p>DRAWING NO.  <b>DP403</b></p>	
<p>DATE  <b>1. April 2011</b></p>	<p>REVISION  <b>Issued for Development Permit (D)</b></p>
<p>CONSULTANTS:</p>	
<p>PROJECT TITLE  <b>426 BERNARD AVENUE TOWER</b></p>	
<p>PROJECT NO.  <b>08-202</b></p>	
<p>DRAWING NO.  <b>DP403</b></p>	

1 NORTH EAST PERSPECTIVE



2 NORTH WEST PERSPECTIVE



NOTE: ADDITION TO ULLULEMON BUILDING IS FOR REFERENCE ONLY

SCHEDULE B  
This forms part of development  
Permit # DA1-0121 / Dup 11-0122

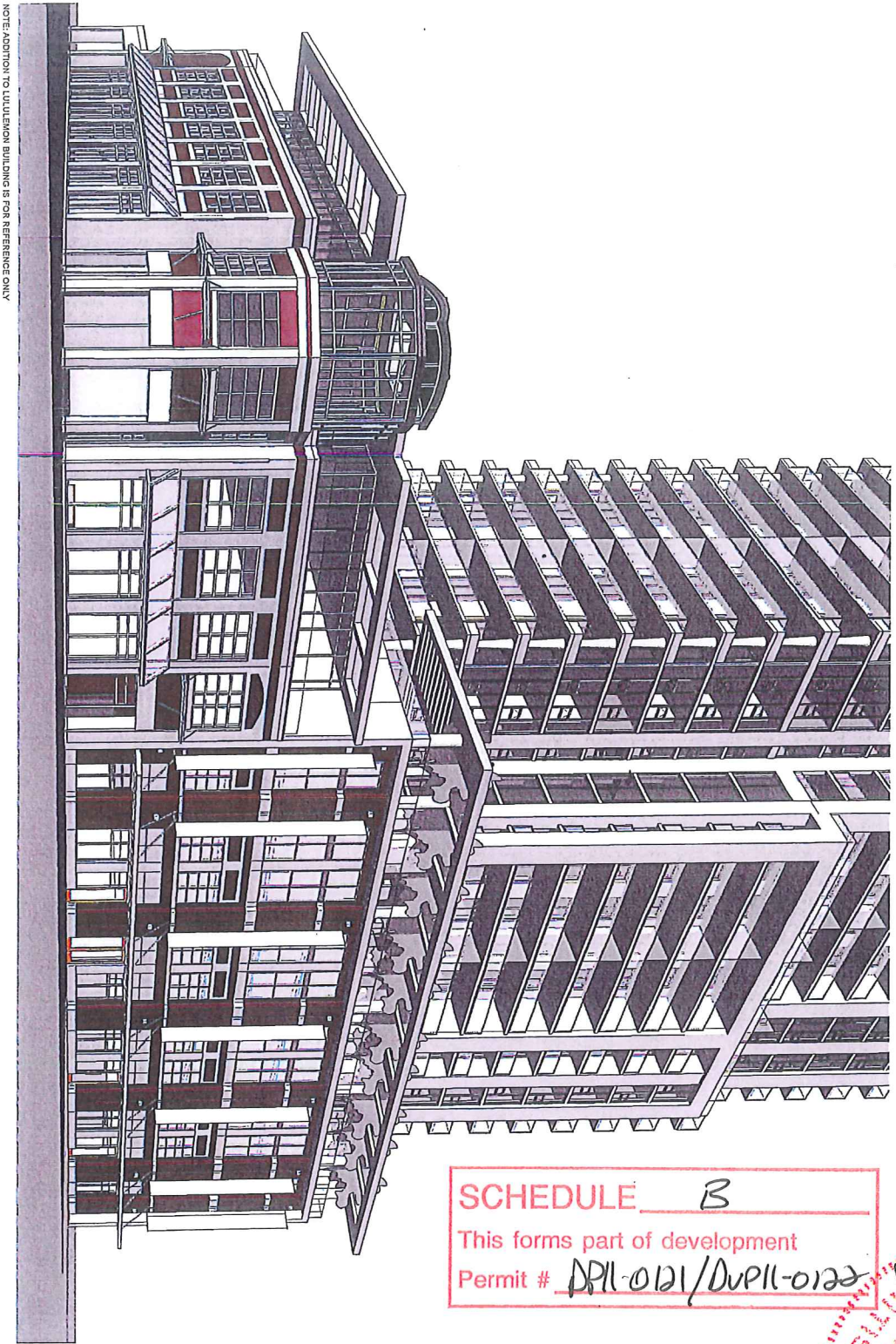


CONSULTANTS	ai ARCHITECTURE PLANNING INTERIORS VANCOUVER, VICTORIA, NEDMOUNT, AND ANDES
PROJECT TITLE	426 BERNARD AVENUE TOWER
DRAWING TITLE	TOWER PERSPECTIVES
CHECKED: NB	DRAWN: TEAM
SCALE: NTS	
PROJECT NO.	DRAWING NO.
08-202	DP404



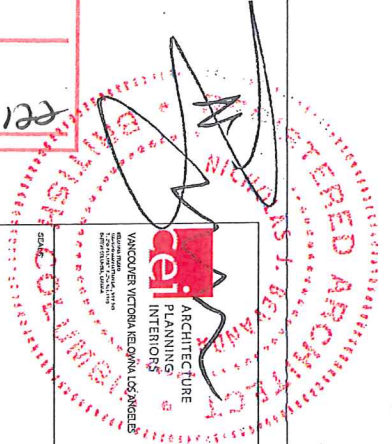
1, July 2 2011  
Issued for Development Permit (D)

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NOTE: ADDITION TO LITTLETON BUILDING IS FOR REFERENCE ONLY

**SCHEDULE B**  
 This forms part of development  
 Permit # DP11-0121/DUP11-0122



**cei** ARCHITECTURE  
 PLANNING  
 INTERIORS  
 VANCOUVER VICTORIA KELLOWA LOS ANGELES  
 1000 WESTERN AVENUE, SUITE 1100  
 VANCOUVER, BC V6E 2V6  
 TEL: 604.681.1100 FAX: 604.681.1101  
 WWW.CEIARCHITECTURE.COM

CONSULTANTS:  
 PROJECT TITLE:  
 PROJECT NO.:

DATE: 1. July 2011  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 ISSUED FOR: Development Permit (D)

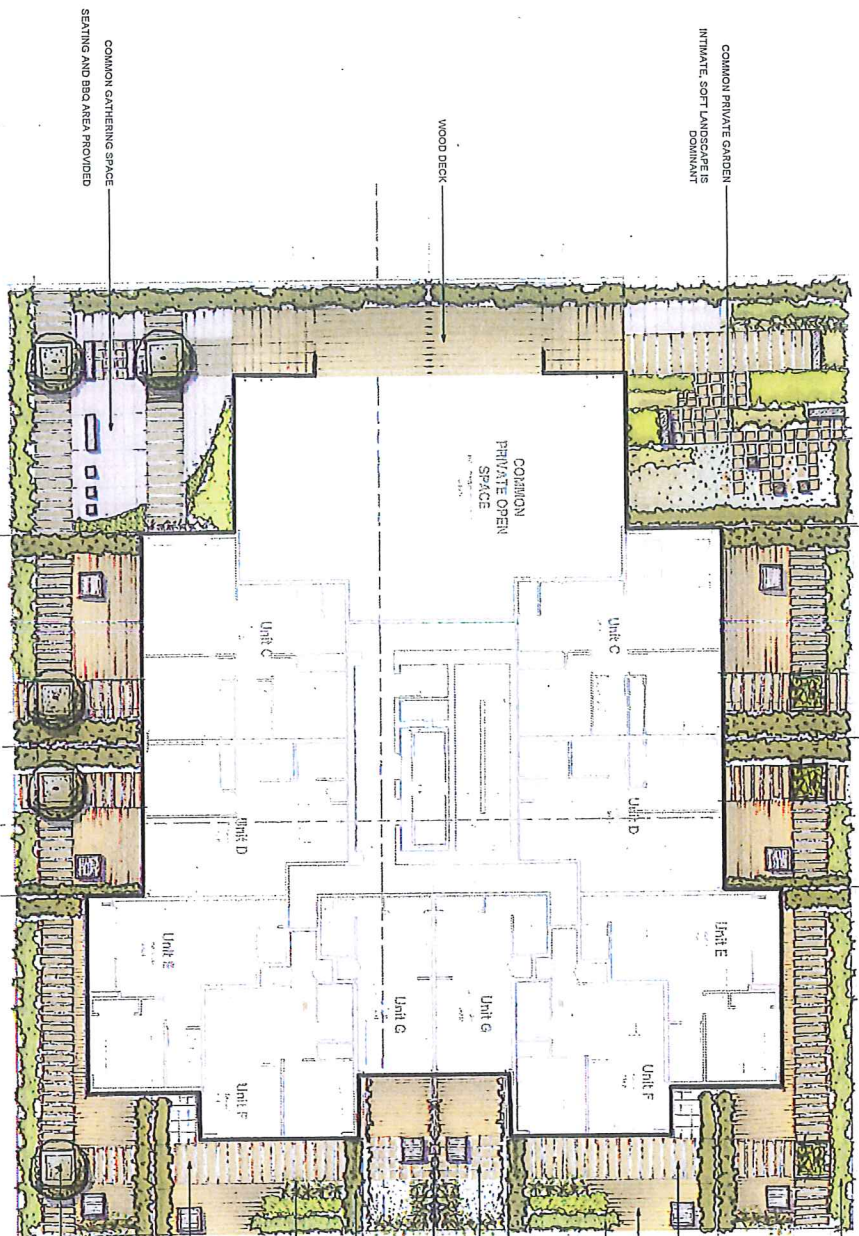


**AQUILINI  
 DEVELOPMENT**

PROJECT TITLE:  
**426 BERNARD  
 AVENUE TOWER**

DRAWING TITLE:  
**STREET LEVEL VIEW**

CHECKED BY: [Signature] DRAWN BY: TEAL  
 SCALE: NTS  
 PROJECT NO.: **08-202** DRAWING NO.: **DP405**



COMMON PRIVATE GARDEN  
INTIMATE, SOFT LANDSCAPES  
COMMON

COMMON GATHERING SPACE  
SEATING AND BBQ AREA PROVIDED

WOOD DECK

COMMON  
PRIVATE OPEN  
SPACE

Unit C

Unit D

Unit D

Unit E

Unit G

Unit G

Unit F

Unit F

- ORNAMENTAL PLANTING IN RAISED PRECAST CONCRETE PAVERS
- CORNUS ALABASTER
- PINUS MUGO MICHXUS
- SPREA SP.
- EUCOMMIS ALATIS COMPACTUS
- POTENTILLA SP.

**SCHEDULE**  
This forms part of development  
Permit # ADK-1100/190-100

- GROUND COVER
- AEGICOSTAPHYLOS DIVAURISI
- VINCA MINOR

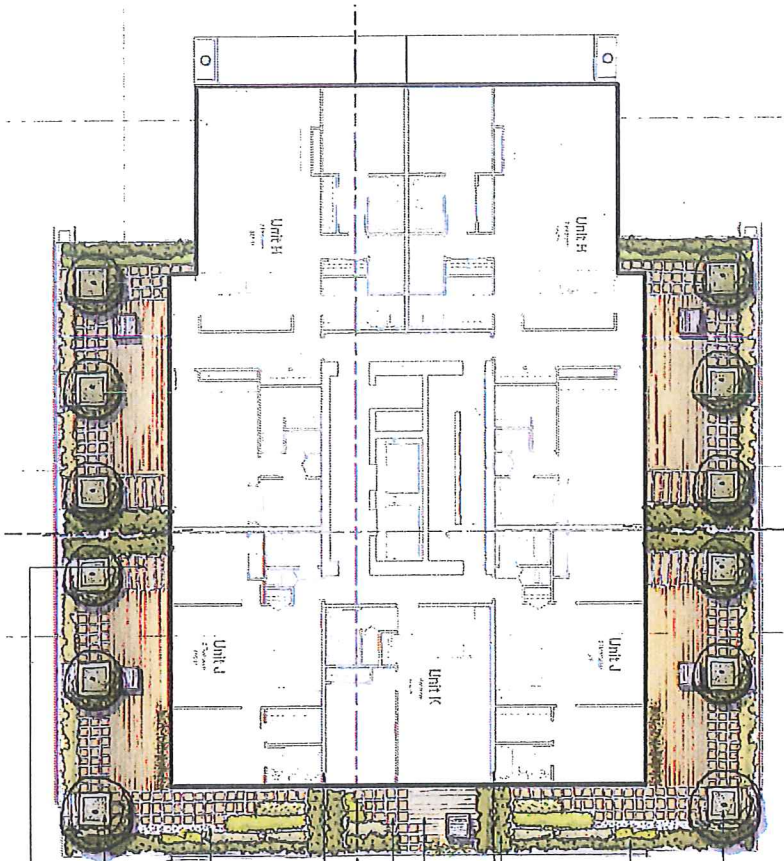
- GROUND COVER
- HEMEROCALLIS SP.
- VINCA MINOR

- SCREENING/EDGEING
- TAXUS MEDIA H.X. EDDIE
- THUJA OCCIDENTALIS SHIMAKO

- ARCHITECTURAL PRIVACY SCREEN
- PRECAST CONCRETE PAVERS

NOTES:  
ALL PLANTING SHOULD BE IRRIGATED  
WOOD DECKS TO BE FLUSH FINISHED WITH FL

<p>ARCHITECTURE PLANNING INTERIORS VANOCOME VICTORIA, HELMOLA LOS ANGELES 1000 VANOCOME DRIVE, SUITE 100 VANOCOME, BC V9A 1M1</p>		<p>CONSULTANTS: PWL partnership</p>	
<p>PROJECT TITLE 426 BERNARD AVENUE TOWER</p>		<p>PROJECT NO. 0837</p>	
<p>DATE 1. June 22, 2011</p>		<p>SCALE AS NOTED</p>	
<p>PROJECT NO. 0837</p>		<p>DRAWING NO. LDP-100</p>	



NOTES:  
 ALL PLANTING SHOULD BE IRRIGATED  
 WOOD DECKS TO BE FLUSH FINISHED WITH FL

- MEDIUM SIZE TREE IN RAISED CONCRETE PLANTER
- STYPAK JAPONICA
- ORRERINAWA PLANTING IN RAISED CONCRETE PLANTER
- CORNUS ALABASTRICA
- SPINEA DOBIGNYENSIS
- RHOODODENDRON SP?
- EDONIVUS ALATUS COMPACTUS
- SOYENTILLO SP?
- SCREENING SCREEN
- TRAVUS MEDIA H.M. EDDIE
- THUJA OCCIDENTALIS SANABAGO
- WOOD DECK
- PRECAST CONCRETE PAVERS
- ARCHITECTURAL PRIVACY SCREEN
- GROUND COVER
- HEMEROCALLIS SP.
- VINCA MINOR
- GROUND COVER
- ARCTOSTAPHYLOS UVA-URSI
- VINCA MINOR
- PRECAST CONCRETE PAVERS

**SCHEDULE** ↙  
 This forms part of development  
 Permit # DPH-0121/DUPH-0122

 VANCOUVER VICTORIA BIRMINGHAM LOS ANGELES		 CONSULTANTS	
SCALE:		PROJECT TITLE: <b>426 BERNARD AVENUE TOWER</b>	
DRAWN: TEAL		PROJECT NO: <b>0837</b>	
CHECKED: JIB		DRAWING TITLE: <b>LANDSCAPE PLAN LEVEL 22</b>	
SOUP: AJ/RTB		DATE: 1 June 22 2011	
PROJECT NO: <b>0837</b>		DRAWING NO: <b>LDP-101</b>	
		1 June 22 2011	





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

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**Date:** August 24, 2011  
**File No.:** DP11-0121 DVP11-0122  
**To:** Planning & Development Services Department (AW)  
**From:** Development Engineering Manager  
**Subject:** 426 - 454 Bernard Ave Lots 3, 4, 5 Plan 462 Block 16 Hi-Rises **AQUILINI**

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

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

1. Domestic Water and Fire Protection

- (a) The existing lots are serviced with small -diameter copper water services. The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs.
- (b) Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal of all existing services and the installation of a fire hydrant if required, and one new larger metered water service. The estimated cost of this construction for bonding purposes is **\$20,000.00**. If it is determined that upgrades to the existing water distribution system must be made to achieve the required fire flows, additional bonding will be required.
- (c) Preloading of the development site will impact the integrity of the 150mm diameter PVC watermain within the Lane. It is likely that this watermain fronting this development will need repair or replacement. The estimated cost of watermain replacement for bonding purposes is **\$10,000.00**.
- (d) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost.

## 2. Sanitary Sewer

- (a) The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. The existing lots are connected with small diameter sewer services. The applicant, at his cost, will arrange for the installation of one new larger service, as well as the capping of all existing unused services at the main. Only one service will be permitted for this development. The estimated cost for construction for bonding purposes is **\$10,000.00**
- (b) It is anticipated that preloading of the development site will also impact the integrating of the main within the Lane. It is likely that the existing man will need to be repaired or reconstructed. The estimated cost of construction for bonding purposes is **\$15,000.00**
- (c) A downstream flow analysis check is required by the consulting civil engineer to determine the impact of additional flow contributions on the existing sanitary pipe system. If it is determined that upgrades to the existing pipe system must be made, additional bonding will be required.

## 3. Storm Drainage

- (a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include a minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the development and /or recommendations for onsite drainage containment and disposal systems. The on-site drainage system may be connected to an existing or proposed drainage system with an overflow service. The estimated cost for providing a overflow service for bonding purposes is **\$ 10,000.00**
- (b) It is anticipated that preloading of the development site will also impact the integrating of the main within the Lane. It is likely that the existing man will need to be repaired or reconstructed. The estimated cost of construction for bonding purposes is **\$15,000.00**

## 4. Road Improvements

- (a) Bernard Avenue fronting this development is urbanized but requires the construction of a curb and gutter and the existing wide sidewalk is in a deteriorated state. The existing piped storm drainage system requires a main extension with a terminal manhole. Preloading of the development site will impact the integrating of this frontage road. The installation of new services will also require road cuts. The extent of pavement restoration will be at the discretion of the City Development Engineer. The estimated cost of the road improvements and reconstruction, for bonding purposes is **\$45,000.00**. If it is determined that additional road reconstruction must be made, additional bonding will be required.

- (b) The Public Lane fronting the development site is urbanized. Preloading of the development site will impact the integrating of this frontage lane. The decommissioning and installation of new services will also require pavement cuts. It is anticipated that the lane will be repaved for the full frontage length of this development. The estimated cost of this construction for bonding purposes is **\$15,000.00**
- (c) City staff have been directed to proceed with detailed design of a streetscape concept for Bernard Avenue. This design work has commenced. It is expected that the first phase of construction of the Bernard Avenue improvements will take place in the spring of 2012.

As per the concept design completed in 2003, the implementation of a design for Bernard Avenue is expected to require a high degree of coordination of streetscape elements. The complexity of the exercise will require a comprehensive approach to achieve the desired outcome and it will not be possible for implementation to take place on an ad hoc basis, i.e., property-by-property according to each property owner's timelines.

Therefore, redevelopment of any property along Bernard Avenue between Abbott and Richter Streets, prior to implementation of a comprehensive streetscape plan, will be required, in the interim, to maintain and or replace the existing sidewalk as well as curb and gutter.

The calculated contribution amount, towards the construction costs of this comprehensive reconstruction of Bernard Avenue, will be provided to each property owner at a later date.

5. Road Dedication and Subdivision Requirements

- (i) Lot consolidation.
- (ii) Grant statutory rights-of-way if required for utility services.

6. Electric Power and Telecommunication Services

- (a) The development site is within the Urban Town Center. Electrical and telecommunication services to this site as well as the local distribution wiring must be installed in an underground duct system. The existing building and the proposed new building must be connected by an underground service. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost.

7. Engineering

- (a) Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked "issued for construction" by the City Engineer before construction may begin.
- (b) The Developer's Civil Consultant will inspect the condition of the existing infrastructure fronting this development and provide a pre-construction video report to the City Engineer. After preloading is complete, the condition of the infrastructure shall be inspected and a new video report provided by the consultant complete with the engineer's findings and recommendations.
- (c) The separate application will be required by the developer's consultant prior to commencement of pre-loading. Development Engineering will provide a "Notice to Proceed" once all the requirements are met.

8. Geotechnical Report

- (a) As a requirement of this application and / or prior to issue of a building permit, the applicant must provide a comprehensive geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:
- (b) Area ground water characteristics.
- (c) Site suitability for development; i.e. unstable soils, etc.
- (d) Drill and/or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyze soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- (e) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

9. Survey Monuments and Iron Pins

- (a) If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

10. Bonding and Levy Summary

(a) Bonding

Watermain and servicing	\$ 30,000.00
Sanitary Main and servicing	\$ 25,000.00
Storm Main and servicing	\$ 25,000.00
Bernard Ave Rd frontage	\$ 45,000.00
Lane frontage upgrading	\$ 15,000.00

Total Bonding

**\$140,000.00**

If it is determined that upgrades to the existing water distribution system must be made to achieve the required fire flows, additional bonding will be required.

If it is determined that additional reconstruction of works including; roads, utilities, services, etc, must be made as a result of preloading, additional bonding will be required.

NOTE: The bonding amounts shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and 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 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 issuance of a building permit.

11. Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as (3% of Total Off-Site Construction Cost plus GST) in the amount of **\$3,360.00** (\$3,000.00 + 360.00 HST)

12. Development Variance and Site Related Issues

- (a) The requested maximum height variance from 44m to 78m (27 stories) does not compromise Works and Utilities servicing requirements
  - (b) The requested Daylight standard variance above 15m does not compromise Works and Utilities servicing requirements
  - (c) The developer shall provide a Construction Staging Plan prior to obtaining the demolition permit.
-

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

# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

Development Permit No.: DP11-0121 & DVP11-0122

EXISTING ZONING DESIGNATION:	C7 - Central Business Commercial
WITHIN DEVELOPMENT PERMIT AREA:	Comprehensive Development Permit Area

ISSUED TO:	CEI Architecture Planning Interiors.
LOCATION OF SUBJECT SITE:	426-436, 440-446, & 450-454 Bernard Avenue (lot to be consolidated)

	LOT	BLOCK	D.L.	DISTRICT	PLAN
LEGAL DESCRIPTION:	Lot 3 Lot 4 Lot 5 (ex. the W17.05ft thereof)	16	139	ODYD	462

### SCOPE OF APPROVAL

- This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- Applicants for a Heritage Alteration Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

### 1. TERMS AND CONDITIONS:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The Amenity Contribution (\$805,000 Total) for Affordable Housing Reserve Fund (\$161,000) and Downtown Urban Design improvements (\$644,000) be provided prior to issuance of occupancy permit;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 14.7.5(a) Development Regulations - Height

Vary maximum building height from 44m permitted in Area 1 to 76.5m proposed

Section 14.7.5(g) Development Regulations - Inclined Angle

Vary inclined angle above 15m elevation above grade from 80° required to 83° proposed





- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Director of Planning & Development Services.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

**I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.**

\_\_\_\_\_  
Signature of Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

\_\_\_\_\_  
Telephone No.

5. APPROVALS:

DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE @ DAY OF @, 2012

ISSUED BY THE LAND USE MANAGEMENT DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_\_\_ DAY OF @, 201@ BY THE DIRECTOR OF LAND USE MANAGEMENT.

\_\_\_\_\_  
Shelley Gambacort  
Director of Land Use Management