

Regular MeetingApril 3, 2012

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Tuesday, April 3<sup>rd</sup>, 2012.

Council members in attendance: Mayor Walter Gray, Councillors Colin Basran, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann.

Council members absent: Councillor Andre Blanleil.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; General Manager, Community Sustainability, Jim Paterson; Director, Land Use Management, Shelley Gambacort; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 6:49 p.m.

2. A Prayer was offered by Councillor Stack.

3. CONFIRMATION OF MINUTES

Regular A.M. Meeting - March 19, 2012  
 Regular P.M. Meeting - March 19, 2012  
 Regular Meeting, Chauffeur's Permit Appeal - March 20, 2012  
 Public Hearing - March 20, 2012  
 Regular Meeting - March 20, 2012  
 Regular A.M. Meeting - March 26, 2012  
 Regular P.M. Meeting - March 26, 2012

Moved by Councillor Hobson/Seconded by Councillor Given

**R306/12/04/03** THAT the Minutes of the Regular Meetings of March 19, 2012, March 20, 2012 and March 26, 2012 and the Minutes of the Public Hearing of March 20, 2012 be confirmed as circulated.

Carried

4. Councillor Singh was requested to check the minutes of this meeting.

5. BYLAWS CONSIDERED AT PUBLIC HEARING

(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS)

5.1 Bylaw No. 10664 (Z11-0089) - Derek & Wilhelmina Brown (Heather Martin) - 320 Strathcona Avenue

Moved by Councillor Singh/Seconded by Councillor Basran

**R307/12/04/03** THAT Bylaw No. 10664 be read a second and third time.

Carried

Councillors Basran, Stack and Zimmermann - Opposed.

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- 5.2 Bylaw No. 10671 (OCP12-0001) - Melcor Lakeside Inc. - 373 Prestwick Street - Requires a majority of all Members of Council (5)

Moved by Councillor Zimmermann/Seconded by Councillor DeHart

R308/12/04/03 THAT Bylaw No. 10671 be read a second and third time.

Carried

- 5.3 Bylaw No. 10672 (Z12-0001) - Melcor Lakeside Inc. - 373 Prestwick Street

Moved by Councillor Stack/Seconded by Councillor Given

R309/12/04/03 THAT Bylaw No. 10672 be read a second and third time.

Carried

6. THE CITY CLERK WILL PROVIDE INFORMATION AS TO HOW THE FOLLOWING ITEMS ON THE AGENDA WERE PUBLICIZED.

The City Clerk advised that Notice of Council's consideration of the Development Variance Permit Applications was given by sending out or otherwise delivering 18 letters to the owners and occupiers of the surrounding properties between March 16, 2012 and March 23, 2012.

The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

7. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 7.1 Land Use Management Department, dated March 7, 2012 re: Development Variance Permit Application No. DVP12-0018 - Lance & Tammy Torgerson (OCORP Development Ltd.) - 596 McClure Road City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

Staff:

- Confirmed that the Applicant has obtained approval for the proposed variances from the abutting property owners.

The City Clerk advised that no correspondence and/or petitions had been received.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicant was present, but did not have anything further to add to staff's comments.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Basran

R310/12/04/03 THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0018, for Lot B, District Lots 167 and 358, O.D.Y.D., Plan 42240, located at 596 McClure Road, Kelowna, BC;

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

**Section 6.5.7 (Accessory Development):**

To vary the maximum allowable lot coverage for accessory buildings or structures from 90 m<sup>2</sup> to 184 m<sup>2</sup>, as per Schedule "A";

**Section 13.1.6(b) (Development Regulations):**

To vary the maximum height of accessory buildings in an urban residential zone from 4.5m permitted to 6.0m proposed, as per Schedule "B";

AND THAT issuance of the Development Variance Permit be subject to the receipt of a streamside "Restoration Plan" and cost estimate prepared by a qualified professional acceptable to the Manager, Environment & Land Use;

AND THAT issuance of the Development Variance Permit be subject to the registration of a Section 219 No Build/No Disturb Restrictive Covenant on sensitive streamside areas;

AND FURTHER THAT issuance of the Development Variance Permit be subject to the receipt of performance bonding in the form of a certified cheque or letter of credit in the amount of 125% of the cost estimate prescribed in the "Restoration Plan".

Carried

- 7.2 Land Use Management Department, dated February 24, 2012 re: Development Variance Permit Application No. DVP11-0191 - Joseph & Stephanie Fesik (Jules Kenwood) - 1407 Kendra Court City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

The City Clerk advised that the following correspondence and/or petitions had been received:

- o Letter of Concern:
  - Linda Zander, 1291 Loseth Drive

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Jules Kenwood, Applicant

- Was informed by City staff that a variance would be required for the retaining wall.
- Addressed the concerns raised by Ms. Zander in her correspondence to Council.

There were no further comments.

Moved by Councillor Stack/Seconded by Councillor Given

**R311/12/04/03** THAT Council authorize the issuance of Development Variance Permit No. DVP11-0191 for Lot 7, Section 13, Township 26, ODYD, Plan KAP79323, located at 1407 Kendra Court, Kelowna, BC;

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

**Section 7.5.9 (Fencing & Retaining Walls):**

To vary the minimum horizontal distance between retaining walls from 1.2m required to 0.6m proposed, as per Schedule "A".

AND THAT issuance of the Development Variance Permit be subject to an adequate landscaping plan being submitted, to the satisfaction of the Director of Land Use Management, in the interests of screening the existing and proposed retaining walls;

AND FURTHER THAT Development Variance Permit issuance be subject to a Building Permit application being made for the retaining wall.

Carried

The meeting recessed at 7:14 p.m. The meeting reconvened at 7:22 p.m.

- 7.3 Land Use Management Department, dated February 9, 2012 re: Development Permit Application No. DP10-0125 and Development Variance Permit Application No. DVP10-0126 - 0754028 BC Ltd. (New Town Planning Services Inc.) - 526 Doyle Avenue City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

The City Clerk advised that the following correspondence and/or petitions had been received:

- o Letters of Opposition:
  - Dina and Mel Kotler, 1302-1395 Ellis Street (2)
  - Elaine Hatch, 407-1331 Ellis Street (4)
  - Birgit Badke, 604-1329 Ellis Street
  - Maxwell Mosley, 606-1395 Ellis Street (2)
  - Sarah Mosley, 606-1395 Ellis Street
  - Dr. Luigi Rossi, 1402-1395 Ellis Street (2)
  - Maria Tokarchuk, 767 Fuller Avenue (2)
  - Rachel Eby, 1395 Ellis Street
  - Linda and Pat Aldous, 1395 Ellis Street
  - Michelle Fleming, 1395 Ellis Street (3)
  - Ronald and Patricia Walker, 702-1395 Ellis Street (2)
  - Dr. Duncan Innes, 3833 Gallaghers Parkway
  - Lenore Tadd, 410-550 Yates Road (2)
  - Wayne Lee, 2988 Volterra Court
  - Brian McClelland, 307-1590 Spall Road
  - David Jenkins, 5086 South Ridge Drive
  - Janet Smith, 123-609 Truswell Road
  - Bill Romanow, 657 Francis Avenue
  - Julie Daniels, 343-550 Yates Road
  - Suzanne Perron, 1465 Athans Court
  - Wes Fawcett, 3950 Bluebird Road
  - Bev Gretzinger, 311 Poplar Point Drive
  - Vera Danielson, 1202-1395 Ellis Street
  - Bob and Joanne King, 414-1331 Ellis Street
  - Bob and Lynda Heyworth, 703-1395 Ellis Street
  - Moneca Faircrest, 1431 Sutherland Avenue
  - Judith Ohs, 239-595 Yates Road
  - Mary Cocivera, 1732 Marona Court
  - Jinus Makari, 402-1395 Ellis Street
  - Marc and Lili Levesque, 1395 Ellis Street
  - Elinor Sobon, 13 Alameda Court

- Sandra Rexin, 1035 Bernard Avenue
- Valerie Fortey, 1742 Markham Court
- David Cameron, 2662 O'Reilly Road
- John Cameron, 420-550 Yates Road
- Deborah McGovern, 1140 Hillcrest Street
- John Woodmore, 605 Seaford Road
- Ed Case, Kelowna
- Bill Watson, Kelowna
- Sue Thomson, 1448 Letta Road
- Carl Hanson, 433-665 Cook Road
- Debbie Eden, 107-940 Glenwood Avenue
- Maria Steelman, 1555 Gregory Road
- Stan Sturrock, 634 Dehart Road
- Dennis and Brenda Carr, 1621 Carshyl Court
- Sture and Grace Gustafsson, 765 Stockwell Avenue
- Joshua Stehmeier, 201-1433 St. Paul Street
- O.J. Mardall, 6-3775 Springbrook Road
- Heidi and Steve Rapanos, 504-1395 Ellis Street
- Bob Verigin, 301-769 KLO Road (2)
- Sue Harper, 303-680 Doyle Avenue
- Veda Routley, 416-1331 Ellis Street
- Lisa Masini, 680 Cambridge Avenue
- Florrie McCallum, 1104-1395 Ellis Street
- Vi Chwartacki, 890 Dougall Road S
- Sheri Wood, 2124 Lillooet Crescent
- Bonnie Sheppard, 303-680 Doyle Avenue
- Jane and Pete Nouwen, 741 Barnaby Road
- Barbara Cameron, 420-550 Yates Road
- Patricia Olson, 4-12000 Highway 33 East
- Judith Akins, 1560 Blondeaux Crescent
- Corey Mazurat, 305-307 Whitman Road
- Erika van Oyen, 305-307 Whitman Road
- Linda Frandsen, 3320 Jackson Court
- Bob Enns, 815 Martin Avenue
- Darlene and Don Garrie, 2180 Chilcotin Crescent
- Andrea Buck, 2930 Collens Hill Road
- D.L. Duncan, 1547 Lakeview Street
- Caroline Hill, 9224 Glen Street
- Thane Friesen, 1201-1395 Ellis Street
- Darrell Hudson, 801-1395 Ellis Street
- J.E. Pells, 895 Kennedy Street
- Lynne Glata, 5287 Silverado Place
- Cindie Hudson, 1536 Sonora Drive
- Gary Danielson, 1202-1395 Ellis Street
- Allan Farrar, 23-1020 Lanfranco Road
- Heather Rice, North End Resident's Association, 621 Broadway Avenue
- Marlene McDougall, 311-1212 Mountainview Street
- Lynda Heyworth, 1395 Ellis Street
- Ron Hudson, 704-1395 Ellis Street
- Robert Heyworth, 703-1395 Ellis Street
- Ruth Whitson, 204-720 Commonwealth Road
- Purdeep Sangha, 406-1395 Ellis Street
- Jim Copeman, 621 Broadway Avenue
- Kebrina Caldwell, 210-272 Houghton Road
- Aidan Johannesson, 116 Summerhill Place
- Melinda Hatch, 1025 Cawston Avenue
- Rick Evans, 3321 Hihannah View, West Kelowna
- William Arndt, 116 Summerhill Place
- Chris Sladen, Kelowna, BC

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- Carol Chester and Roy Quade, 1102-1395 Ellis Street
- Rosie Lawrence, 1572 Wilmot Avenue
- Mona Swikert, 240-680 Doyle Avenue
- Letters of Support:
  - Nicole Begrand-Fast, Begrand Fast Design Inc., 315 Lawrence Avenue (2)
  - Julie Desert, 5374 Chute Lake Road
  - Darren and Kim Ansley, The Bike Shop Café and Catering, 101-1357 Ellis Street
  - Brandon Antonio Merwin, 961 Skeena Court
  - Christy Lovig, Doak Shirreff, 200-537 Leon Avenue
  - Roy Sommerey, Doak Shirreff, 200-537 Leon Avenue
  - Heidi and Bob Garnett, 4323 Lysons Crescent
  - Craig Kelley, 2262 Bennett Road
  - Nick Desert, Begrand-Fast Design Inc., 315 Lawrence Avenue
  - Jessica Zucchi, 2249 Wilkinson Street
  - Yoree Grozenok, 2-146 East McCurdy Road
  - Dean Krawchuk, 625 Rowcliffe Avenue
  - Louis Drummond and Bernard Wilson, Owners of Sturgeon Hall Restaurant, Bordello's Italian Pizzeria and Fernando's Taqueria
  - Joe Higgins, President of 564913 BC Ltd, DKH Management, Foxrock Enterprises and Retaine Financial Corp.
  - Greg Salloum, Salco Management Ltd., 2402 Highway 97 North
  - Angie Bricker, 1331 Ellis Street
  - Cindy Staines, Luscious Lashes Inc., 108-1289 Ellis Street
  - Kate Morgan, POSH Gallery, 1393 Ellis Street
  - Gary Johnstone, WestWide Sales Group, 867 Long Ridge Drive
  - Andrew Lipsett, Lipsett Phtography Group, 183 Ritchie Court (2)
  - Luigi and Sandy Cicchelli, 859 Woodhaven Place
  - Dave Potts, Trade N Save, 1431 Ellis Street
  - Luigi Coccaro, La Bussola Restaurant, 1451 Ellis Street
  - Doug Cheney, 406-686 Lequime Road
  - Judy Valks, 80-3745 Lakeshore Road
  - Nick Sintichakis, 1654 Ellis Street
  - Robert Jung, 19-565 Bernard Avenue
  - Cathy Higgins, Fresh Start Enterprises Inc., 557 Clement Avenue
  - Debbie Shillitto, 417 Lawrence Avenue
  - Mark Rogers, Mark Rogers Insurance Advisors, 103-1353 Ellis Street
  - Linda Winnick, Picture Perfect, 339 Bernard Avenue
  - Raegan Hall, Blonde, 293 Bernard Avenue
  - Tyler Dyck, Sun City Physiotherapy, 1468 St. Paul Street
  - Bob Dow, 1032 Lawrence Avenue
  - Adrian Singh, 625-1088 Sunset Drive
  - Kevin Renwick, Okanagan Staffing Services Inc., 1476 St. Paul Street
  - Niall McGregor, 1402-1128 Sunset Drive
  - Bob West, 269 Bernard Avenue
  - Jennifer Robertson, 408-457 West Avenue
  - Mark West, Epic Real Estate Solutions Inc., 101-1449 St. Paul Street
  - Tony Pantazopoulos, Yamas Taverna, 1630 Ellis Street
  - Rebekka Dick, Saigon Restaurant, 270 Bernard Avenue (4)
  - Tony Peyton, 601 Kincaid Road
  - Doreen and Stan Velin, Cruzwear Unlimited, 539 Bernard Avenue
  - Kyle Oram, KVI Travel, 1328 Water Street
  - Bob Dow, 1032 Lawrence Avenue
  - John Skrotzki, 82-595 Yates Road
  - Brice MacDermott, MacDermott's Mens Wear Ltd., 10-565 Bernard Avenue
  - Nick and Mary-Ann Kummer, 810 Bay Avenue (2)

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- Hans Birker, Bohemian Bagel Café & Catering Company, 524 Bernard Avenue (2)
  - Jena Smyth, 3745 Mission Springs Drive
  - Dr. Troy Tater, The Core Centre of Health, 102-1441 Ellis Street
  - Jana Folk, 28-2001 Hwy 97 S.
  - Jorin Wolf, Jorin Wolf Interior Design, 102-346 Lawrence Avenue
  - R. Trager, 334 Woodwind Court
  - Robert (Bob) Wiltshire, 2170 Alvarado Trail
  - J. Dale and Katherine Henry, 5416 Tanager Court
  - Don Betton, 1942 McDougall Street
  - Paul Mitchell, Pushor Mitchell LLP, 301-1665 Ellis Street
  - Lance Alexander, Scotch Thistle Realty Inc., 328 Poplar Point Drive
  - Colby Johnson, Heritage Law Group, 830 Bernard Avenue
  - Dave Manuel, Lease Line Equipment & Vehicle Leasing, 100-1751 Harvey Avenue
  - Carley Leboldus and Tim Palaniuk, Asphalt Shoes Ltd, 215 Bernard Avenue
  - Brad Marshall, 201-680 Doyle Avenue
  - Tony Pelan, 499 Okaview Road
  - Chris Furey, [REDACTED]
  - Noemi Nevery, Amysgifts, 565 Bernard Avenue
  - Susie Monroy, Kelowna, BC
  - Walter Baumgart, 1399 Ellis Street
  - Lidia Baumgart, 1399 Ellis Street
  - Rod Reinbold, X10sion 207 Clothing Co. Ltd, 207 Bernard Avenue
  - Mark Whittle, Falcon Group of Companies, 222 Adams Road
  - Donna Chadwick, 2570 Sarsons Road
  - Alf Kempf, Pushor Mitchell, 301-1665 Ellis Street
- Letters of Concern:
    - Daniel Daniluck, 308-1395 Kelglen Crescent
    - Esther Sotelecan, 502-1395 Ellis Street
    - Michael Sotelecan, 502-1395 Ellis Street
  - Additional Information:
    - Package of 10 pages of additional information as submitted by the Applicant
  - Petition of Opposition:
    - An online Petition of Opposition containing 196 signatures as of April 2, 2012
  - Petition of Support:
    - A Petition of Support as submitted by the Applicant containing 1,072 signatures

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Keith Funk, New Town Planning Services Inc., Applicant

- Gave a presentation regarding the proposed "Monaco" development.
- Advised that the developer tried, to no avail, to obtain the "air rights" from the adjacent property owner.
- Explained how the sightlines for the units would look and displayed a conceptual drawing entitled the "Monaco Interface Units".
- Addressed the concerns regarding the "attainable" housing within the development and advised that 42 of the 240 units will be considered "attainable".
- Expressed concerns with the floor plate for the C7 zone.

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- Advised that the developer is confident that they will be able to sell the units being proposed.
- Addressed the concerns raised with respect to the "Tower Separation Variance".
- Addressed the concerns raised with respect to the closeness of the development to the "Madison".
- Advised that the Strata Disclosure Agreement will limit the use of the "rental" units to out-patients residential usage.
- Confirmed that the Strata Disclosure Agreement can only be amended by the Strata Council.

## Gallery:

Lars Hada, 2708 Bathe Street

- Believes that the proposed development will set a precedent for future development in the downtown core and is opposed to the development.
- Expressed a concern that the development will increase traffic congestion in the downtown core.

Jordan Finn, 31 Traders Cove Road

- Supports the development.

Sofija Crescenzo, 1864 Broadview Avenue

- Supports the development.

Gerald Butler, 1905 Pandosy Street

- Believes that the proposed development is in the wrong location and has too many variances.
- Opposed to the development.
- Expressed a concern with the closeness of the development to the Madison as well as the height variances being requested.

Lisa Masini, 680 Cambridge Avenue

- Opposed to the development.

Nick Desert, 5374 Chute Lake Road

- Supports the development.

Aidan Johannesson, 116 Summerhill Place

- Opposed to the development.

## Staff:

- Summarized the cash-in-lieu option for parking as proposed by the Applicant and confirmed that the developer is providing 220 stalls with cash-in-lieu for 55 stalls.

Julie Daniels, 550 Yates Road

- Opposed to the development.

Lance Alexander, 328 Poplar Point Drive

- Supports the development.

Lorraine Andrews, 1331 Ellis Street

- Opposed to the development.

Walt, 1399 Ellis Street

- Has a business in the ground floor of the Madison building.
- Supports the development.

Ken Ihas, 632 Spruceview Place S

- Advised that he is one of the owners of the adjacent property, 1368 St. Paul Street.



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- Opposed to the development and variances.
- Expressed a concern with the lack of communication by the Applicant or developer with them as an immediately adjacent landowner.
- Not opposed to redevelopment of the site in a mixed-use capacity.

Jim Carta

- Supports the development.

Rob Mabey, 3825 Feeney Road

- Opposed to the variances as they are too aggressive with respect to the Downtown Plan.
- Expressed a concern that the proposal does not fit into the Downtown Plan.

Don Gagnon, President of the Strata Council at the Madison

- Opposed to the massing of the project and the proposed variances.
- Advised that there has not been an ongoing liaison with the Applicant with respect to the proposed development.
- Would support a height variance for a single, 26-storey tower, if all the other variances were minimized.

Mike Geddes, 4767 Bellevue Road

- Supports the development.

Ken McLaughlin, 218 Glen Park Road

- Supports the development.

Resident of the Madison

- Opposed to the development.

Vicki Rigetti, 1336 Wilson Avenue

- Supports the development.

Bob Hayworth, 1395 Ellis Street

- Opposed to the development.
- Opposed to the variances as they are extreme.

Heather Rice, 621 Broadway Avenue

- Opposed to the development in its current form.

Cathy Higgins, 936 Manhattan Drive

- Supports the development.

Linda Hayworth, 1395 Ellis Street

- Opposed to the development.

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Michael Sotelecan, 1395 Ellis Street

- Opposed to the development.

Keith Funk, New Town Planning Services Inc., Applicant

- Responded to a number of the public's concerns.
- Responded to questions from Council.
- Confirmed that the funds being considered for the amenity contribution has now been taken off the table.

Moved by Councillor Stack/Seconded by Councillor Singh

**R312/12/04/03** THAT the meeting be continued past 11:00 p.m. in accordance with Section 5.5 of Council Procedure Bylaw No. 9200.

Carried

Keith Funk, New Town Planning Services Inc., Applicant

- Explained how the development morphed from a 1-tower development to a 2-tower development.

There were no further comments.

The meeting recessed at 11:08 p.m. The meeting reconvened at 11:16 p.m.

Staff:

- Summarized the Development Regulations for the C7 zone.
- Summarized Land Use Management's concerns with the proposed development as it went through the planning process. Staff has consistently not been supportive of the development based on the variances being requested.
- Confirmed that staff fully supports mixed-use residential in the downtown.

Council:

- Expressed a concern with the following aspects of the proposed development:
  - o two (2) towers being proposed as opposed to one (1);
  - o the size of the development is too big for the site;
  - o parking;
  - o the proposal does not meet the intent of the Downtown Plan or Official Community Plan;
  - o the number of variances being requested; and
  - o the proposed tower separation of 9m is too short a distance.

Moved by Councillor Stack/Seconded by Councillor Basran

**R313/12/04/03** THAT Council NOT authorize the issuance of Development Permit No. DP10-0125 for Lot A, District Lot 139, ODYD, Plan EPP9526, located at 526 Doyle Avenue, Kelowna, B.C.;

AND THAT Council NOT authorize the issuance of Development Variance Permit No. DVP10-0126 for Lot A, District Lot 139, ODYD, Plan EPP9526, located at 526 Doyle Avenue, Kelowna, B.C. to vary:

**Section 14.7.5 (a) Development Regulations - Height:**

To vary the maximum height from 44m permitted to 63.4m (Tower #1) and 74.3m (Tower #2) proposed.

**Section 14.7.5 (g) Development Regulations - 80° Inclined Angle:**

To vary the inclined plane above 15m from 80° permitted to 86.56° proposed for the western elevation of each tower.

**Section 14.7.5 (h) Development Regulations - Floor Plate Area:**

To vary the maximum floor plate area for Tower #1:

- from 676m<sup>2</sup> permitted to 822.65m<sup>2</sup> proposed (Floors 5-11);
- from 676m<sup>2</sup> permitted to 716.75m<sup>2</sup> proposed (Floors 12-18).

To vary the maximum floor plate area for Tower #2:

- from 676m<sup>2</sup> permitted to 822.65m<sup>2</sup> proposed (Floors 5-11);
- from 676m<sup>2</sup> permitted to 773.9m<sup>2</sup> proposed (Floors 12-18);
- from 676m<sup>2</sup> permitted to 695.4m<sup>2</sup> proposed (Floors 19-24).

**Section 14.7.5 (i) Development Regulations - Horizontal Dimension Above 15m:**

To vary the maximum horizontal dimension above 15m for both towers from 26m permitted to 37.8m x 31.24m proposed.

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

To vary the building setback from an interior lot line (north) for portions of a building above 22m from 15m required to 4.47m proposed.

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

To vary the building setback from a lot line abutting a lane for portions of a building above 22m from 10m required to 3.63m proposed.

**Section 14.7.5 (l) (iii) Development Regulations - Setbacks above 15m:**

To vary the separation distance between more than one tower on the same property for portions of a building above 22m from 30m required to 9.29m proposed.

Carried

8. REMINDERS - Nil.

9. TERMINATION

The meeting was declared terminated at 12:02 a.m.

Certified Correct:

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Mayor

SLH/dld

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City Clerk