City of Kelowna Regular Council Meeting AGENDA

April 23, 2013 6:00 pm Council Chamber City Hall, 1435 Water Street



			Pages
1.	Call t	o Order	
2.	Praye	r	
	A Pra	yer will be offered by Councillor Given.	
3.	Confi	rmation of Minutes	1 - 7
	Publi	c Hearing - April 9, 2013	
	Regu	ar Meeting - April 9, 2013	
4.	Bylav	vs Considered at Public Hearing	
	4.1	Bylaw No. 10837 (OCP13-0001) - Graeme James, 1242-1244 Pheasant Street	8 - 8
		Requires a majority of all Members of Council (5).	
		To give Bylaw No. 10837 second and third readings.	
	4.2	Bylaw No. 10838 (Z13-0002) - Graeme James, 1242-1244 Pheasant Street	9 - 9
		To give Bylaw No. 10838 second and third readings.	
	4.3	Bylaw No. 10839 (Z13-0012) - Blenk Development Corp, Various Wilden Properties	10 - 11
		To give Bylaw No. 10839 second and third readings and be adopted.	
	4.4	Bylaw No. 10832 (OCP13-0002) - Protech Consultants Ltd., 1760, 2025 and 2137 Quail Ridge Road	12 - 15
		Requires a majority of all Members of Council (5).	

To give Bylaw No. 10832 second and third readings.

4.5	Bylaw N Busines	lo. 10833 (TA13-0004) - Protech Consultants Ltd., CD15 Airport s Park	16 - 16
	To give	Bylaw No. 10833 second and third readings.	
4.6		lo. 10834 (Z13-0003) - Protech Consultants Ltd., 1760, 2025 and 2137 dge Road	17 - 17
	To give	Bylaw No. 10834 second and third readings.	
Notifi	cation of	Meeting	
	ity Clerk publicize	will provide information as to how the following items on the Agenda d.	
Devel	opment F	Permit and Development Variance Permit Reports	
anyon	e in the I	tate for the record any correspondence received. Mayor to invite public gallery who deems themselves affected by the required come forward.	
6.1		lo. 10822 (OCP13-0004) - Simple Pursuits Inc 641, 683 Osprey , 600 Raymer Avenue and 2764 Richter Street	18 - 18
	To adop	ot Bylaw No. 10822.	
	6.1.1	Bylaw No. 10823 (Z13-0005) - Simple Pursuits Inc 641 and 683 Osprey Avenue, 600 Raymer Avenue and 2764 Richter Street	19 - 19
		To adopt Bylaw No. 10823.	
	6.1.2	Development Permit Application No. DP13-0016 and Development Variance Permit Application No. DVP13-0017 - Simple Pursuits Inc 641 and 683 Osprey Avenue, 600 Raymer Avenue and 2764 Richter Street	20 - 52
		To consider a Development Permit for the form and character of the proposed mixed use development. To consider a Development Variance Permit to vary the height of the office building component from 15.0m / 4 storeys permitted to 19.4m / 5 storeys proposed and to vary the private open space for the 8 residential units from 120sq.m required to 32sq.m proposed.	
6.2	Bylaw N St. Paul	lo. 10825 (OCP12-0015) - 0754028 BC Ltd., 526 Doyle Avenue and 1368 Street	53 - 53

Requires a majority of all Members of Council (5).

5.

6.

To give Bylaw No. 10825 second and third readings and be adopted.

6.2.1 Development Permit Application No. DP12-0198 and Development Variance Permit Application No. DVP12-0199 - Doug Dueck - 526 Doyle Avenue and 1368 St. Paul Street

To consider a Development Permit for the form and character of the proposed two high rise towers is also under consideration. The following variances have been proposed as part of the revised development concept: 1. Vary the height from 44m permitted to 65m (Tower #1) and 88m (Tower #2) proposed; 2. Vary the required setback from a property line abutting a street from 3.0m required to 1.24m proposed for portions of a building above 15m; 3. Vary the building setback from an interior lot line from 15m required to 4.0m proposed for portions of a building above 22m; 4. Vary the building setback from a lot line abutting a lane for Tower #2 from 10m required to 3.6m proposed for portions of a building above 22m; 5. Vary the maximum horizontal dimension above 15m for Tower #2 from 26m permitted to 37.8m x 31.24m proposed; 6. Vary the maximum floor plate area for Tower #2 from 676m² to 822.65m² (Floors 5-13) - 770.63m² (Floors 14-21) - 695.85m² (Floors 22-28); 7. Vary the inclined plane above 15m from 80 permitted for Tower #1 to 85.58 for western elevation and 88.65° for the eastern elevation and to vary the 80° for Tower #2 to 87.07 ° for the western elevation and 83.09 for the eastern elevation.

- 7. Reminders
- 8. Termination

Page 1



Minutes

Date: Time: Location: Tuesday, April 9, 2013 6:00 pm Council Chamber City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Basran, Blanleil, DeHart, Given, Hobson, Singh, Stack, and Zimmermann

Staff Present:

City Manager, Ron Mattiussi; Acting General Manager of Community Sustainability, Doug Gilchrist; City Clerk, Stephen Fleming; Acting Manager, Urban Land Use, Alec Warrender; Council Recording Secretary, Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the Hearing to order at 6:03 p.m.

Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

2. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on March 27, 2013 and by being placed in the Kelowna Capital News issues on March 29, 2013 and April 2, 2013, and by sending out or otherwise delivering 4557 letters to the owners and occupiers of surrounding properties between March 27, 2013 and April 2, 2013.

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.

This meeting is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.

- 3. Individual Bylaw Submissions
 - 3.1. Bylaw No. 10820 Rezoning Application No. Z13-0010 Blenk Development Corporation - Various Wilden Properties

Staff:

Summarized the application before Council and responded to questions from Council.

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

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward followed by comments of Council. No one came forward.

There were no further comments.

3.2. Bylaw No. 10815 - Rezoning Application No. Z13-0001 - The Mission Group - 674 Old Meadows Road

Staff:

- Summarized the application before Council and responded to questions from Council.

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

Letters of Opposition:

- Linda Keil, 634 Armour Crescent
- Richard Drinnan, 669 Greene Road

Letters of Concern:

Brenda Thomson, 4223 Gordon Drive

Letter of Support:

Mark Thompson, Okanagan Mission Residents Association

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

Luke Turri, Applicant

- Displayed a PowerPoint presentation and responded to questions from Council.
- Confirmed that they are working with staff through the natural environment development permit process as well as the DP and DVP process.
- Advised that an Open House took place and that they met with the Okanagan Mission Residents Association. The Okanagan Mission Residents Association provided a letter of support.
- Advised that they've provided 20% more parking than is required.
- Confirmed there will be a traffic signal at Gordon and Old Meadows Road.

Gallery:

Heather White, 644 Armour Crescent

- Submitted letter from Linda Keil, who was unable to attend this evening's public hearing.
- Raised a concern with water table for Thompson Creek as it is high and seeps into neighbouring basements or crawl spaces.
- Raised concerns with setbacks.
- Raised concerns with pedestrian safety of school children.

There were no further comments.

3.3. Bylaw No. 10809 - Rezoning Application No. Z12-0068, Supplemental Report - Meiklejohn Architects Inc. - 1121, 1131, 1141 and 1151 Brookside Avenue

Staff:

Summarized the application before Council and responded to questions from Council.

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

Correspondence Received Prior to March 12 PH (Item was withdrawn by Applicant prior to Public Hearing)

Letters of Opposition: Dorothy Murray-Dixon, 206-1249 Pacific Avenue Betty Geddes, 1937 Pasnak Street

Additional information including a letter of opposition from Strata K608 and a petition of opposition signed by 13 owners/occupants of the surrounding properties as submitted by Andrew Pulvermacher, Strata K608, 3-1167 Brookside Avenue

Additional information including a petition of opposition signed by 52 owners/occupants of the surrounding properties and letters of opposition from Stratas K608, K-638 and KAS 674 as submitted by Joerg Klaemt, 2-1209 Brookside Avenue

Correspondence received for this Public Hearing:

Letters of Opposition: Barbara Hay, 2-1167 Brookside Avenue Andrew Pulvermacher, Strata K608, 3-1167 Brookside Avenue (2) Milton and Monica Black, 1111 Brookside Avenue and Michael Jackson, 2021 and 2026 Gordon Drive Milton and Monica Black, 1111 Brookside Avenue

Letters of Concern: Lee Ann Greenwood, 1235 Brookside Avenue Gladys Markin, 6-1171 Brookside Avenue

Petitions of Opposition:

Petition of Opposition signed by 13 owners/occupants of the surrounding properties as submitted by Andrew Pulvermacher, Strata K608, 3-1167 Brookside Avenue.

Petition of opposition signed by 13 owners/occupants for the surrounding properties

Letters of Support: Dr. Dan Krueger, Symtrio Chiropractic Clinic, 2033 Gordon Drive Jim Weir, Kelowna Adventist Church, 1130 Springfield Road Chelsea Bitgood, Strata KAS3586, Centre Point

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

Jim Meiklejohn, Principle Architect, Applicant:

- Provided some background information.
- Vision was to create a rental and affordable project. Not developing to the full density of RM3 zone.
- There will be safety upgrades and pedestrian enhancements to the street.
- Displayed maps, drawings and photographs and responded to questions from Council.

Dave Cullen, CTQ Consultant- Traffic Design:

- Provided staff with information regarding the existing street activity as well as added development activity. There currently is a delay turning left leaving Brookside Avenue and the delay does increase with development, however, the levels are effectively the same on waiting to make a left hand turn.
- Responded to questions from Council.

Ken Webster, Owner Evergreen Lands Ltd.:

- Asked for support of rezoning as the development will provide much needed rental housing. The project complies with the OCP and has 100 percent support from staff.
- Overhead electrical will be removed and placed underground. Will extend sidewalk to Gordon Drive on the side of the development.
- A resident Manager will be on site. Rentals will be for a minimum one year lease with no pets and no smoking.
- Responded to questions from Council.

Gallery:

Joerg Klaemt, Strata President of 1209 Brookside Avenue

- Submitted letter of concern and referred to the Petition and letter of opposition outlining concerns that had been submitted on March 6, 2013.
- Raised concern with traffic impacts.
- Concerned with only one access in and out.
- Responded to questions from Council.
- Opposed to this application.

Monica Black, 1111 Brookside Avenue

- Raised concern with parking and traffic.
- Raised concern with lack of viable transit options.
- Opposed to this application.

Andrew Pulvermacher, Strata President, 1167 Brookside Avenue

- Raised concern with parking and traffic.
- Referenced petition submitted earlier.
- Pointed out this project is at odds with the OCP and does not fit into the neighbourhood.
- Opposed to this application.

Marguarite Bilyk, #1 - 1225 Brookside Avenue

- Raised concern with parking and traffic.
- Believes stated increase in traffic is too low.
- Opposed to this application.

Paul Gowdy, #1 - 1209 Brookside Avenue

- Raised concern with parking.
- Opposed to the size of this application.

Corinna Chong, #3 - 1167 Brookside Avenue

Raised concern with access.

Andrew Pulvermacher, Strata President, 1167 Brookside Avenue

- Raised safety concern especially for seniors.
- Raised concern with large trees having to be removed.
- Referenced previously submitted correspondence.

Ken Webster, Owner; Jim Meicklejohn, Applicant and Dave Cullen - Traffic Consultant

Responded to questions raised by intervenors.

Council:

- Raised questions to the Traffic Consultant and Owner regarding adequacy of amount of parking provided for in the proposed development.
- Raised questions to Owner and staff regarding road width.
- Raised questions regarding increase in number of units from 68 to 72 and configuration of number of parking stalls on site.
- Raised questions to Owner and Traffic Consultant regarding road access and decision to cul-de-sac/block off Brookside Avenue some years ago.

There were no further comments.

3.4. Bylaw Nos. 10822 and 10823 - Official Community Plan Bylaw Amendment Application No. OCP13-0004 and Rezoning Application No. Z13-0005 - 641 and 683 Osprey Avenue, 600 Raymer Avenue and 2764 Richter Street

Staff:

- Summarized the application before Council and responded to questions from Council.

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

Letter of Support:

Rhonda Rea, Hair Saloon, 2575 Richter Street

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

Shane Worman, Applicant/Owner:

Present and available for questions.

There were no further comments.

4. Termination

The meeting was terminated at 8:56 p.m.

Certified Correct:





City of Kelowna Regular Council Meeting Minutes

Date: Location:

on: Tuesday, April 9, 2013 Council Chamber City Hall, 1435 Water Street

Council Members Mayor Walter Gray and Cou<mark>ncillo</mark>rs Bas<mark>ran,</mark> Blanleil, DeHart, Present: Given, Hobson, Singh, Sta<mark>ck, an</mark>d Zimmermann

Staff Present: City Manager, Ron Mattiussi; Acting General Manager of Community Sustainability, Doug Gilchrist; City Clerk, Stephen Fleming; Acting Manager, Urban Land Use, Alec Warrender; Council Recording Secretary, Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the meeting to order at 9:11 p.m.

2. Prayer

A Prayer was offered by Councillor DeHart.

3. Confirmation of Minutes

Moved By: Councillor Basran/Seconded By: Councillor Hobson

R249/13/04/09 THAT the Minutes of the Public Hearing and Regular Meeting of March 26, 2013 be confirmed as circulated.

Carried

- 4. Bylaws Considered at Public Hearing
 - 4.1. Bylaw No. 10820 (Z13-0010) Blenk Development Corporation Various Wilden Properties

Moved By: Councillor Blanleil/Seconded By: Councillor Basran

R250/13/04/09 THAT Bylaw No. 10820 be read a second and third time and be adopted.

Carried

4.2. Bylaw No. 10815 (Z13-0001) - The Mission Group - 674 Old Meadows Road

Moved By: Councillor Basran/Seconded By: Councillor Blanleil

R251/13/04/09 THAT Bylaw No. 10815 be read a second and third time.

Carried

4.3. Bylaw No. 10809 (Z12-0068) - Meiklejohn Architects Inc. - 1121, 1131, 1141 and 1151 Brookside Avenue

Moved By: Councillor Hobson/Seconded By: Councillor Singh

<u>R252/13/04/09</u> THAT Bylaw No. 10809 be read a second and third time.

<u>Carried</u>

Moved By: Councillor Zimmermann/Seconded By: Councillor Singh

<u>**R253/13/04/09</u>** THAT Council direct staff to report back on the reasoning for Brookside Avenue being blocked off and when this occurred;</u>

AND THAT staff report back with any vehicular or pedestrian safety options for Brookside Avenue.

Carried

4.4. Bylaw No. 10822 (OCP13-0004) - Simple Pursuits Inc. - 641 & 683 Osprey Avenue, 600 Raymer Avenue and 2764 Richter Street

Moved By: Councillor Given/Seconded By: Councillor Stack

R254/13/04/09 THAT Bylaw No. 10822 be read a second and third time.

Carried

Carried

4.5. Bylaw No. 10823 (Z13-0005) - 641 & 683 Osprey Avenue, 600 Raymer Avenue and 2764 Richter Street

Moved By: Councillor Stack/Seconded By: Councillor Given

R255/13/04/09 THAT Bylaw No. 10823 be read a second and third time.

6. Reminders - Nil.

7. Termination

The meeting was declared terminated at 9:36 p.m.

Certified Correct:

Mayor

/acm

BYLAW NO. 10837

Official Community Plan Amendment No. OCP13-0001 -Geoff and Leanne Proteau 1242-1244 Pheasant Street

A bylaw to amend the "Kelowna 2030 - Official Community Plan Bylaw No. 10500".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

- 1. THAT Map 4.1 GENERALIZED FUTURE LAND USE of "*Kelowna 2030* Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of Strata Lot 1 and 2, District Lot 137, ODYD, Strata Plan KAS1353, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1, located on Pheasant Street, Kelowna, B.C., from the Multiple Unit Residential (Medium Density) designation to the Multiple Unit Residential (Low Density) designation;
- 2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 8th day of April, 2013.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

8

BYLAW NO. 10838 Z13-0002 - Geoff and Leanne Proteau 1242-1244 Pheasant Street

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

- 1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Strata Lot 1 and 2, District Lot 137, ODYD, Strata Plan KAS1353, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1, located on Pheasant Street, Kelowna, B.C., from the RU6 Two Dwelling Housing zone to the RM1 Four Dwelling Housing zone.
- 2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

BYLAW NO. 10839 Z13-0012 - Glenwest Properties Ltd. Inc. No. C0889227 185 Clifton Road North, (E of) Upper Canyon Drive, (W of) Union Road and 225 Clifton Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

- 1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of a portion of The North West ¼ of Section 5, Township 23, ODYD, Except Plans 20895, KAP88266 and EPP24895 located on Clifton Road North; The South West ¼ of Section 5, Township 23, ODYD, Except Plans KAP83526, KAP88266, EPP9195 and EPP24895, located on Upper Canyon Drive; The North East ¼ of Section 5, Township 23, ODYD, Except Plans 896, B645, KAP69724 and EPP24895, located on Union Road; Lot D, Section 8, Township 23, ODYD, Plan KAP75116, Except Plan EPP24895, located on Clifton Road, Kelowna, B.C., from the P3 Parks and Open Space zone, the RU2h Medium Lot Housing (Hillside Area) zone and the A1 Agriculture 1 zone to the RU2h Medium Lot Housing (Hillside Area) zone and the RU1h Large Lot Housing (Hillside Area) zone and the RU1h Large Lot Housing (Hillside Area) zone and forming part of this bylaw.
- 2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

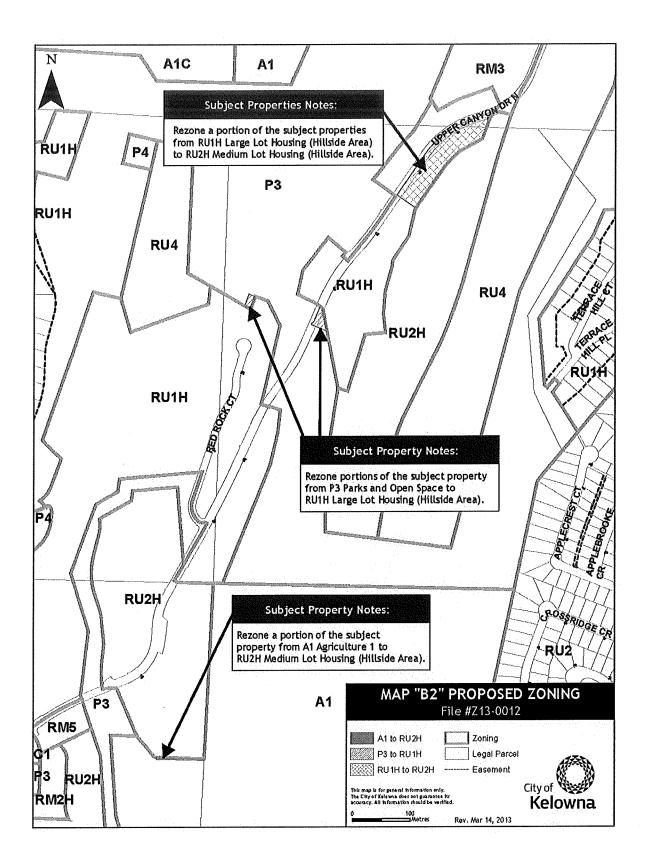
Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor



BYLAW NO. 10832

Official Community Plan Amendment No. OCP13-0002 -Pier Mac Petroleum Installation Ltd., Inc. No. BC0088217 1760, 2025 and 2137 Quail Ridge Boulevard

A bylaw to amend the "Kelowna 2030 - Official Community Plan Bylaw No. 10500".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

- 1. THAT Map 4.1 Generalized Future Land Use of "*Kelowna 2030* Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of the West ½ of Section 14, Township 23, ODYD, Except Plans H16596, KAP47192, KAP51877, KAP53641, KAP53790, KAP57365, KAP73608 and KAP82802, located on 1760 Quail Ridge Boulevard, Lot A, District Lot 32 and Section 14, Township 23, ODYD District Plan KAP52924, located on 2173 Quail Ridge Boulevard, and Lot B, District Lot 32 and Section 14, Township 23, ODYD, District Plan KAP52924, located on 2025 Quail Ridge Boulevard, Kelowna, B.C., from the Resource Protection Area (REP), Commercial (COMM), Industrial (IND) and Parks & Open Space (PARK) designation to the Commercial (COMM), Industrial (IND) and Parks & Open Space (PARK) designation as shown on Map "A" as attached;
- 2. AND THAT Chapter 4: Future Land Use, Table 4.2 Potential ASP Development Components be deleted in it's entirety that reads:

Area Structure Plans	Α	B	с	D	E	F	G	н	I	J	к
 Pier Mac North Clifton Road Eagle Ridge Tonn Mountain 	•	Po						• Lai min			es
nd replaced with:											
Area Structure Plans	А	в	C	D	E	F	G	н	I	J	К

- 3. AND THAT Map 5.8 Urban Design DP Area Designation be deleted in it's entirety and replaced with a new Map 5.8- Urban Design DP Area Designation as shown on Map "B" as attached;
- 4. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

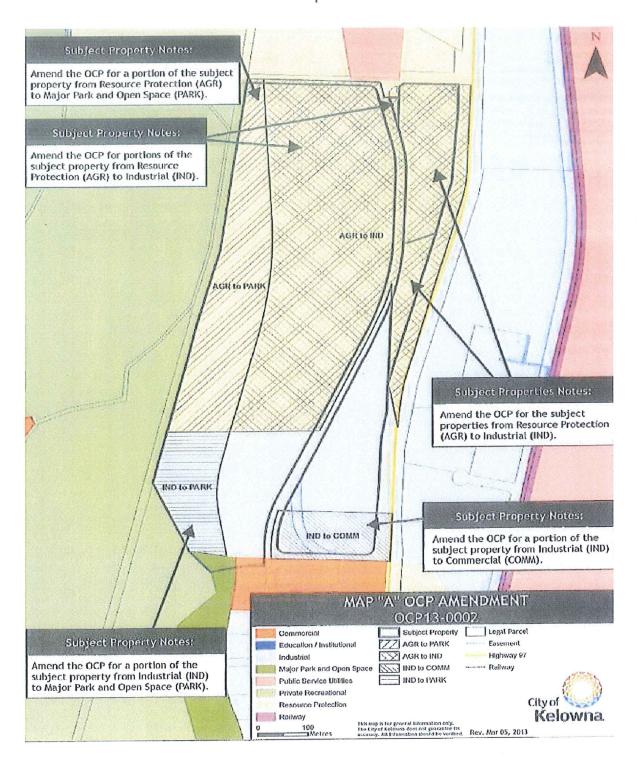
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

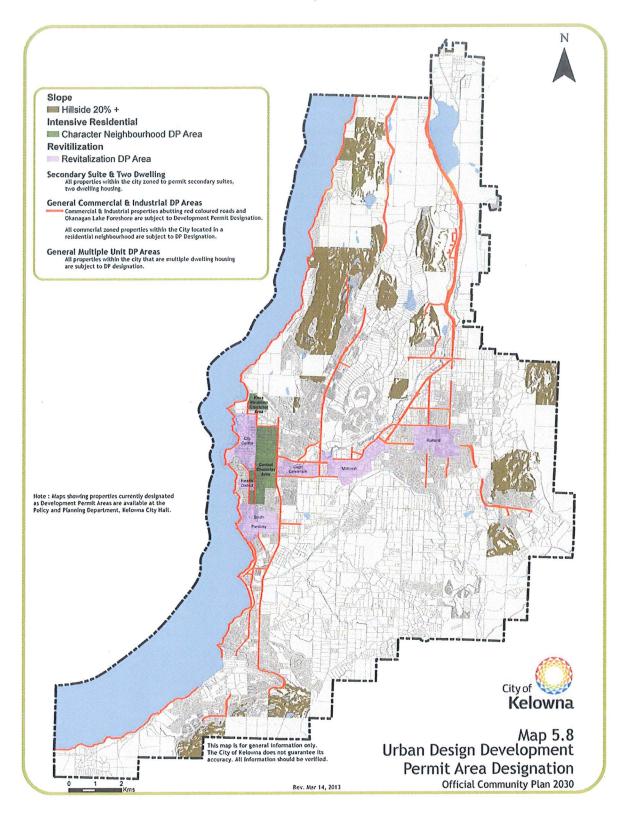
Adopted by the Municipal Council of the City of Kelowna this

Mayor

Map "A"







BYLAW NO. 10833

Text Amendment No. TA13-0004 -Amendment to the City of Kelowna Zoning Bylaw No. 8000 - CD15Airport Business Park

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that City of Kelowna Zoning Bylaw No. 8000 be amended as follows:

- 1. THAT Schedule 'B' Comprehensive Development Zones, CD15 Airport Business Park, 1.2 Principal Uses be amended by adding in its appropriate locations, and renumbering subsequent sub-paragraphs the following:
 - "(d) breweries and distilleries, major
 - (u) utility services, minor impact
 - (v) vehicle and equipment services, industrial
 - (w) warehouse sales"
- 2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Amended at first reading by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer-Ministry of Transportation and Infrastructure)

Adopted by the Municipal Council of City of Kelowna on the

Mayor

BYLAW NO. 10834 Z13-0003 - Pier Mac Petroleum Installation Ltd. 1760, 2025 and 2137 Quail Ridge Blvd

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

- 1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of The West ½ of Section 14, Township 23, ODYD, Except Plans H16596, KAP47192, KAP51877, KAP53641, KAP53790, KAP57365, KAP73608 and KAP2802; Lot A, District Lot 32 and Section 14, Township 23, ODYD, Plan KAP52924; Lot B, District Lot 32 and Section 14, Township 23, ODYD, Plan KAP52924, located on Quail Ridge Blvd, Kelowna, B.C., from the A1 Agriculture 1 zone, the CD15 Airport Business Park zone, I5 Extraction zone and the P3 Parks and Open Space zone to the CD15 Airport Business Park zone and the P3 Parks and Open Space zone.
- 2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

BYLAW NO. 10822

Official Community Plan Amendment No. OCP13-0004 -Simple Pursuits Inc. Inc. No. BC0449611 641 and 683 Osprey Avenue, 600 Raymer Avenue and 2764 Richter Street

A bylaw to amend the "Kelowna 2030 - Official Community Plan Bylaw No. 10500".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

- 1. THAT Map 4.1 GENERALIZED FUTURE LAND USE of "*Kelowna 2030* Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of Lot C, D.L. 14, ODYD, Plan EPP15783, located at 641 Osprey Avenue and Lot D, D.L. 14, ODYD, Plan EPP15783, located at 600 Raymer Avenue from the Commercial designation to the Mixed Use (Residential / Commercial) designation and by changing the Future Land Use designation of Lot 2, D.L. 14, ODYD, Plan EPP16791, located at 2764 Richter Street and Lot 1, D.L. 14, ODYD, Plan EPP16791 located at 683 Osprey Avenue from the Multiple Unit Residential Medium Density designation to the Mixed Use (Residential / Commercial) designation;
- 2. AND THAT pursuant to Section 882 of the *Local Government Act*, each reading of this bylaw receive an affirmative vote of a majority of all members of the Council;
- 3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 25th day of March, 2013.

Considered at a Public Hearing on the 9th day of April, 2013.

Read a second and third time by the Municipal Council this 9th day of April, 2013.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

BYLAW NO. 10823 Z13-0005 - Simple Pursuits Inc. Inc. No. BC0449611 641 and 683 Osprey Avenue, 600 Raymer Avenue and 2764 Richter Street

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

- 1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, D.L. 14, ODYD, Plan EPP16791, located at 2764 Richter Street and Lot 1, D.L. 14, ODYD, Plan EPP16791 located at 683 Osprey Avenue from the RU6 Two Dwelling Housing zone to the C4 Urban Centre Commercial zone.
- 2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 25th day of March, 2013.

Considered at a Public Hearing on the 9th day of April, 2013.

Read a second and third time by the Municipal Council this 9th day of April, 2013.

Adopted by the Municipal Council of the City of Kelowna this 9th day of April, 2013.

Mayor

REPORT TO COUNCIL



Date:	March 28 th , 2	013		Kelowna			
RIM No.	0940-50						
То:	City Manager						
From:	Land Use Mar	nagement, Com	nmunity Sustai	nability (AW)			
Application:	DP13-0016 /	DVP13-0017	Owner:	Simple Pursuits Inc., Inc. No. BC0449611			
Address:	641 & 683 Os 600 Raymer A 2764 Richter	Avenue	Applicant:	Simple Pursuits Inc., Inc. No. BC0449611			
Subject:	Development	Permit & Deve	elopment Varia	ance Permit			
Existing OCP D	esignation:	Commercial 8	£ Multiple Uni	t Residential - Medium Density			
Proposed OCP	Designation:	Mixed Use (R	esidential / Co	ommercial)			
Existing Zone:		C4 - Urban Centre Commercial & RU6 - Two Dwelling Housing					
Proposed Zone	2:	C4 - Urban Ce	entre Commer	cial			

1.0 Recommendation

THAT Final Adoption of Official Community Plan Amending Bylaw No. 10822 and the Zoning Amending Bylaw No. 10823 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP13-0016 for Lot C, D.L. 14, ODYD, Plan EPP15783, located at 641 Osprey Avenue, Lot D, D.L. 14, ODYD, Plan EPP15783, located at 600 Raymer Avenue, Lot 2, D.L. 14, ODYD, Plan EPP16791, located at 2764 Richter Street and Lot 1, D.L. 14, ODYD, Plan EPP16791 located at 683 Osprey 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 professional landscaper;

5. Registration of a plan of subdivision at Land Titles Office to consolidate the four subject properties into a single title prior to issuance of the Development Permit;

AND THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the Development Permit application in order for the permit to be issued.

AND THAT Council authorize the issuance of Development Variance Permit No. DVP13-0017 for Lot C, D.L. 14, ODYD, Plan EPP15783, located at 641 Osprey Avenue, Lot D, D.L. 14, ODYD, Plan EPP15783, located at 600 Raymer Avenue, Lot 2, D.L. 14, ODYD, Plan EPP16791, located at 2764 Richter Street and Lot 1, D.L. 14, ODYD, Plan EPP16791 located at 683 Osprey Avenue, Kelowna, B.C.;

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

Section 14.4.5 (c) Development Regulations - Height: To vary the height from 15.0m / 4 storeys permitted to 19.4m / 5 storeys proposed as shown on Schedule "A".

Section 14.4.6 (b) Development Regulations - Private Open Space: To vary the private open space for the 8 residential units from 120sq.m required to 32sq.m proposed.

2.0 Purpose

To consider a Development Permit for the form and character of the proposed mixed use development. To consider a Development Variance Permit to vary the height of the office building component from 15.0m / 4 storeys permitted to 19.4m / 5 storeys proposed and to vary the private open space for the 8 residential units from 120sq.m required to 32sq.m proposed.

3.0 Land Use Management

The subject properties are located within the South Pandosy Urban Centre, located east of the Pandosy commercial corridor between Pandosy and Richter Streets. The applicant's land assembly efforts will allow for a coordinated approach to the redevelopment of this area. While the applicant has applied for a comprehensive development of the subject properties, the development is designed in a way that will allow it to be phased over time.

Site Context - Residential Designation

Directly across from Osprey park is an ideal residential location where residents would have convenient access to the community park, and provide eyes on the street in the evening when a commercial development and Raymer Elementary would typically be unoccupied. Proximity to the adjacent school site also lends itself to a strong argument of ensuring 'complete communities' with residential uses that would attract families ensuring vibrancy and a synergy with the neighbourhood amenities.

Site Planning

The applicant will be applying a similar level of streetscaping that can be found within the commercial core of the South Pandosy Urban Centre which will help to improve pedestrian mobility in the area. The revised project has strong street edge conditions that help to animate the streetscape while de-emphasizing the parking to be sited at the core of the project. Each street frontage provides a varied design approach which will help to create a diverse user experience and draw a wide cross section of people to the area.

Form & Character

The project provides three different forms of development, each having a slightly different design aesthetic. The 5 storey office building will provide a strong anchor and street edge along the Tutt Street extension helping to create an active streetscape connecting Osprey Park to the commercial core of the South Pandosy Urban Centre. The street oriented townhouse units will help to animate the frontages across from Osprey Park and Raymer Elementary. The Richter Street frontage will be improved with the retail frontage that steps back in height away from Richter Street. Each component provides an active streetscape successfully screening the parking structure located at the centre of the project.

Variances

The additional storey proposed by the applicant has been well integrated into the project, and by stepping the 5th storey back the impact of the height is reduced while additional private open space is provided for the office component of the project. While Staff do not typically support private open space variances for residential developments, the location across from Osprey Park and within the South Pandosy Urban Centre provides multiple opportunities for residents to enjoy outdoor recreational experiences.

In summary, Staff are supportive of the proposed development. It will help to introduce more retail, office and residential uses within this important town centre location. The building and site design are appropriate forms of development that will help to animate and draw people to the South Pandosy Urban Centre.

4.0 Proposal

4.1 Project Description

The project features three different forms organized into one comprehensively planned development. There are two levels of parking, the lower level will be private parking with access from Osprey Avenue and the second level will be publicly accessible with access from Raymer Avenue. Moving from West to East, the project includes a 5 storey building with retail (678m²) at grade and office space (3158m²) spread over the next four stories. This component of the project has 'Natural Grey' concrete at grade, three stories of brick and stucco with wood soffits on the 5th floor. The townhouse component is broken into two with four units facing Raymer and four units facing Osprey, stucco with wood highlights are the principle materials. The Richter Street retail frontage has a glass feature on each corner highlighting the project. As a requirement of the high voltage line along Richter Street, a one storey building is permitted at grade with a larger setback required for portions of a building above one storey in height. This setback is required to preserve access to the high voltage wires for repair and maintenance. The proposed streetscape / landscape plan will be similar to the pattern established throughout South Pandosy providing wider sidewalks and street trees.

There are two variances associated with the project as follows:

- 1. Vary height from 15.0m / 4 storeys permitted to 19.4m / 5 storeys proposed;
- 2. Vary private open space for the 8 residential units from 120m² required to 32m² proposed.

The applicant has successfully placed the height and massing of the project in the centre of the parcel with the goal of mitigating any negative impacts associated with the height by stepping back the top storey.

The project compares to Zoning Bylaw No. 8000 as follows:

Zoning Analysis Table								
CRITERIA C4 ZONE REQUIREMENTS PROPOSAL								
Development Regulations								
Floor Area Ratio	1.3	1.29						
Height	15.0m / 4 Storeys	19.4m / 5 Storeys 1						
Front Yard	0.0m	0.0m						
Side Yard (south)	0.0m	0.0m						
Side Yard (north)	0.0m	0.0m						
Rear Yard	0.0m	0.0m						
Site Coverage	75%	50%						
	Other Regulations							
Minimum Parking Requirements	114 stalls req'd (114 x 125% maximum = 143 stalls)	137 stalls						
Bicycle Parking	Class I: 10 spaces Class II: 30 spaces	Class I: 10 spaces Class II: 30 spaces						
Private Open Space	120m ²	32m ²						
Loading Space	4 stalls	4 stalls						
¹ Vary height from 15.0m / 4 Storeys permitted to 19.4m / 5 Storeys proposed ² Vary private open space for residential units from 120m ² required to 32m ² proposed								

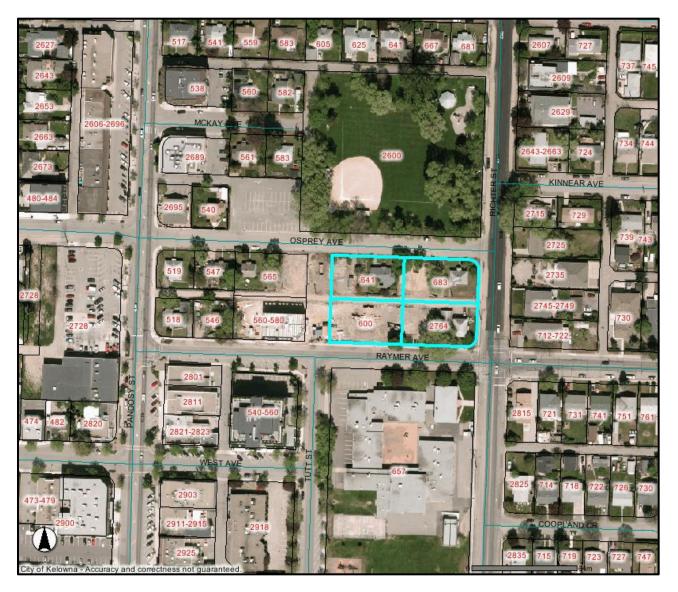
4.2 Site Context

The subject property is located in an area of transition between Pandosy and Richter Streets and adjacent to Osprey Park and Raymer Elementary in the South Pandosy Town Centre area.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use			
North	P3 - Parks & Open Space	P3 - Parks & Open Space			
	RU6 - Two Dwelling Housing	RU6 - Two Dwelling Housing			
East		(Multiple Unit Residential - Low			
		Density FLU Designation)			
South	P2 - Educational & Minor Institutional	P2 - Education & Minor			
South		Institutional			
West	C4 - Urban Centre Commercial	RU6 - Two Dwelling Housing			
west		(Commercial FLU Designation)			

Subject Property Map:



- 5.0 Current Development Policies
- 5.1 Kelowna Official Community Plan (OCP)
- 5.1.1 Development Process (Chapter 5) Considerations in Reviewing Development Applications

Ensure appropriate and context sensitive built form (Objective 5.5)

Building Height (Policy .1). Locate taller buildings in the geographic centre of Urban Centres and generally decrease height moving away from the centre, to a maximum of 4 storey's at the periphery of the Urban Centres, where adjoining land is designated for single/two unit housing.

South Pandosy: Generally 4 storey's. Six storey's within C4 or C9 zoned areas. Potential for 8 storey's where an architecturally distinct and significant buildings is placed at a corner, gateway or view terminus location that is of significance to the community or where a building is of cultural significance to the community.

Objective 5.8 Achieve high quality urban design.

Streetscaping (Policy 2). Urban Centre roads should be considered as part of the public space and streetscaped with full amenities (i.e. sidewalks, trees and other planting, furniture, bike facilities, boulevards, etc.).

Ensure opportunities are available for greater use of active transportation and transit to: improve community health; reduce greenhouse gas emissions; and increase resilience in the face of higher energy prices (Objective 5.10)

Maximize Pedestrian / Cycling Connectivity. Require that pedestrian and cyclist movement and infrastructure be addressed in the review and approval of all City and private sector developments, including provision of sidewalks and trails and recognition of frequently used connections and informal pedestrian routes.

Transit Infrastructure. Require that transit service needs to be integrated into community designs and development proposals to optimize access to transit service and incorporate essential infrastructure on transit routes identified.

Objective 5.20 Achieve high quality urban design and appropriate land uses.

South Pandosy Urban Design (Policy 2). Ensure that the urban design for South Pandosy clearly differentiates this commercial district from others in the City and interior of BC. To this end, redevelopment should:

• encourage the development of landmark buildings at key intersections within the precinct and at the terminus of significant sight lines. Landmark buildings should be distinguished from other buildings through the conscientious use of siting, common entrances, additional storey's, articulation of the footprint or roof-line, decorative structures, colour and other means appropriate to the setting and desired effect.

5.2.1 <u>Urban Design Development Permit Areas (Chapter 14) - Revitalization Design Guidelines</u>

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;
- Design and facilitate beautiful public open spaces that encourage year-round enjoyment;

- 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).

6.0 Technical Comments

- 6.1 Building & Permitting Department
 - Demolition permits are required for any existing building(s).
 - Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s) for new construction
 - Size and location of all signage to be clearly defined as part of the development permit
 - Any awnings over city property require an indemnification agreement(s).
 - A minimum Geodetic Elevation of 343.66 meters is required for all habitable spaces.
 - A Building 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(s):
 - The British Columbia Building Code (BCBC) may define this as a single building, possible divided into several structures if firewalls or equivalents are to be utilized. A complete building code analysis would be required to be reviewed prior to complete comments being provided.
 - Travel distances to exits from the parkade areas and the commercial space appears to be exceeded. An exiting analysis would be required to be provided as part of the building code analysis.
 - The second exits from the residential unit appear to be impeded by the vehicle parking spots. These exits / convenience exits may also require vestibules depending on the code analysis.
 - The requirements for exit thru lobby and exits from the upper floor commercial decks should be addressed in the exiting analysis.
 - Exiting of the 2nd, 3rd, 4th & 5th floors of the commercial building do not appear to meet the minimum number of exiting required from a floor area in the current layout configuration. Proposed floor layouts would be required to show compliance with the BCBC.

- Spatial calculation for building 4 should be provided prior to the release of the development permit since this may affect the form and character of the building.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications
- 6.2 Development Engineering Department

All the offsite infrastructure and services upgrades are addressed in the Development Engineering Report under file Z13-0005.

6.3 Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900. The Subdivision Bylaw requires a minimum of 150ltr/sec flow.

6.4 Fortis BC - Gas

Please be advised if this proposal was to go ahead our 114mm DP main in the lane between Osprey & Raymer Ave between Tutt & Richter St would need to be abandoned, and reinstated at a new alignment within the existing road alignment either along Osprey Ave or Raymer Ave. This would be billable to the Developer.

6.5 Fortis BC - Electric

No comment provided.

6.6 School District No. 23

See Attached.

6.7 Public Health Inspector

As previously noted, this proposed development will be serviced by the existing City of Kelowna community drinking water and sewerage systems and we have no objection to this proposal from a servicing perspective. Further, this development will provide employment options for nearby residential areas, which will aid in the creation and maintenance of a vibrant and complete community. This property is also easily accessible by both transit and pedestrian corridors, which can help reduce the reliance on single vehicle transportation. The inclusion of residential portions in this mixed use proposal complements the neighbouring school, park and would serve to increase or minimize some of the housing stock in this area that will be lost from the removal of the existing residences. We also contemplate and recommend for your consideration, that the housing stock in this region would benefit from affordable options that would improve access to individuals and families working in our community and transitioning into homeownership.

7.0 Application Chronology

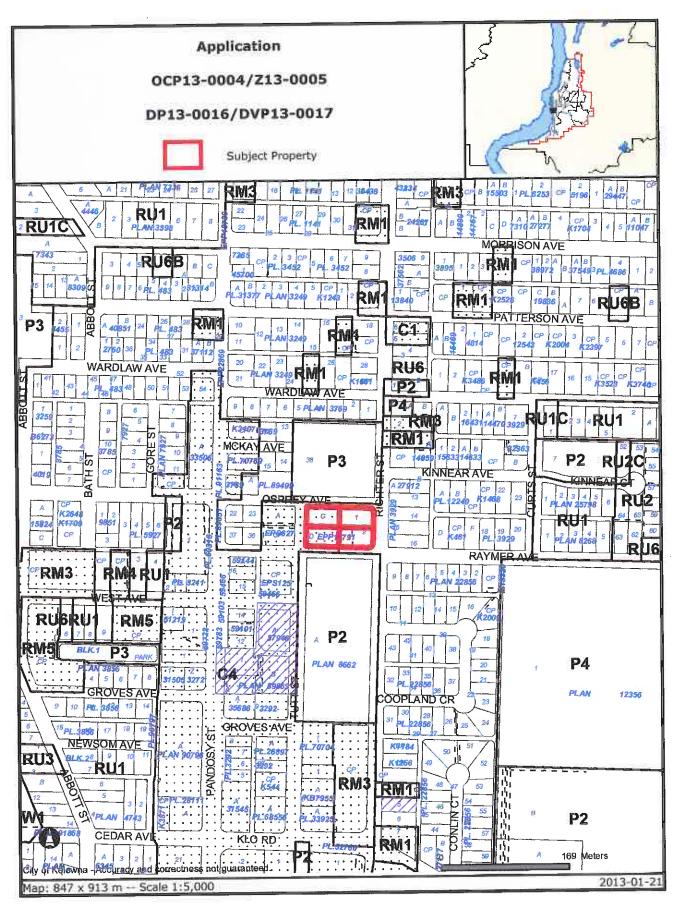
Date of Application Received: January 21, 2013

Report prepared by:

Alec Warrender, Land Use Planner

Reviewed by:	Danielle Noble, Manager, Urban Land Use
Approved for Inclusion	D. Gilchrist, A. General Manager, Community Sustainability
Attachments:	
Subject Property Map	
Sit Plan	
Elevations & Renderings	
Landscape Plan	
School District Comment	
Development Engineering Re	equirements
Applicant's Letter of Rationa	ale

Map Output



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.

APPROVED ISSUANCE OF A:

Development Permit No.:

DP13-0016 & DVP13-0017

WITHIN DEVELOPMENT PERMIT AREA:Revitalization Development Permit AreaDEVLOPMENT VARIANCE PERMIT:Vary height from 15.0m / 4 Storeys permitted to	
	1
proposed Vary private opén space for residential units fro 32m² proposed	

ISSUED TO: Simple Pursuits Inc., Inc. No. BC0449611

LOCATION OF SUBJECT SITE: 641 & 683 Osprey Avenue, 600 Raymer Avenue & 2764 Richter Street

	LOT	DISTRICT LOT	TWP	DISTRICT	PLAN
	C	14		ODYD	EPP15783
LEGAL	D 4	14		ODYD	EPP15783
DESCRIPTION:	2/	14	7	ODYD	EPP16791
	1	14	STATE STATE	ODYD	EPP16791

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";

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

Section 14.4.5 (c) Development Regulations - Height: To vary the height from 15.0m / 4 storeys permitted to 19.4m / 5 storeys proposed. Section 14.4.6 (b) Development Regulations - Private Open Space: To vary the private open space for the 8 residential units from 120sq.m required to 32sq.m proposed.

The development shall commence by and in accordance with an approved Building Permit within ONE YEAR of 2. the date of the Municipal Council authorization resolution.

DEVELOPMENT: 3.

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferrable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

PERFORMANCE SECURITY: 3.

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- N/A Cash in the amount of \$ (a)
- N/A A Certified Cheque in the amount of \$ (b) 42,295.00

An Irrevocable Letter of Credit in the amount of \$____ (c)

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

APPLICANT'S AGREEMENT: 5.

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by (a) whomsoever brought, by reason of the Municipality granting to me the said Permit.
- All costs, expenses, claims that may be incurred by the Municipality if the construction by me of (b) 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. 31

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

- 3 -

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

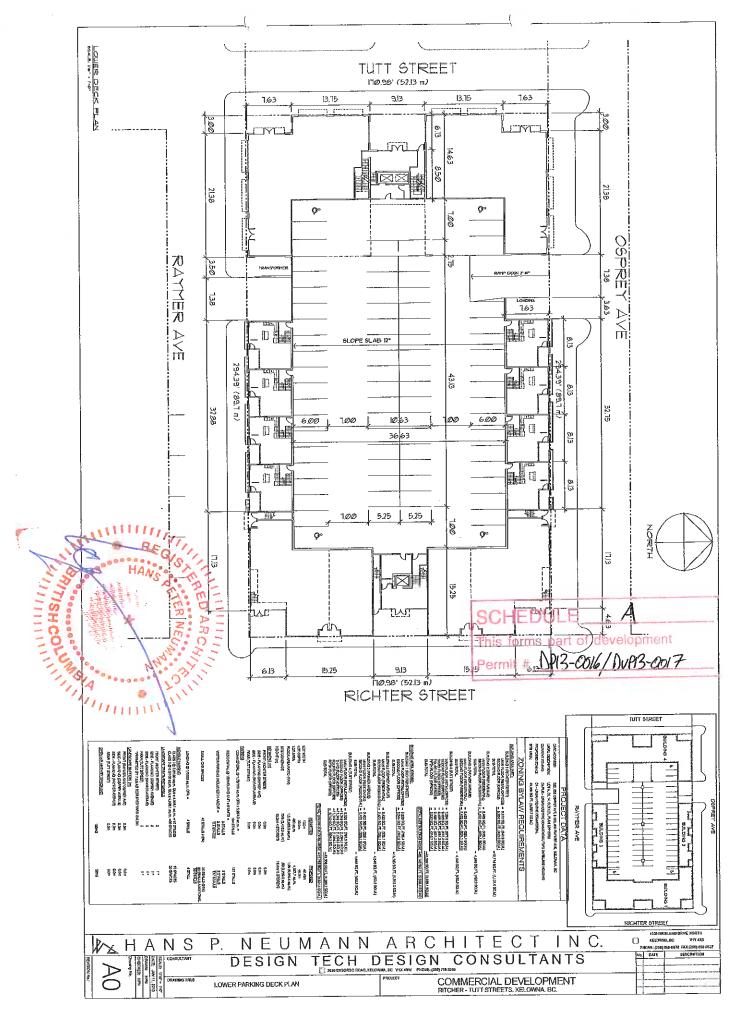
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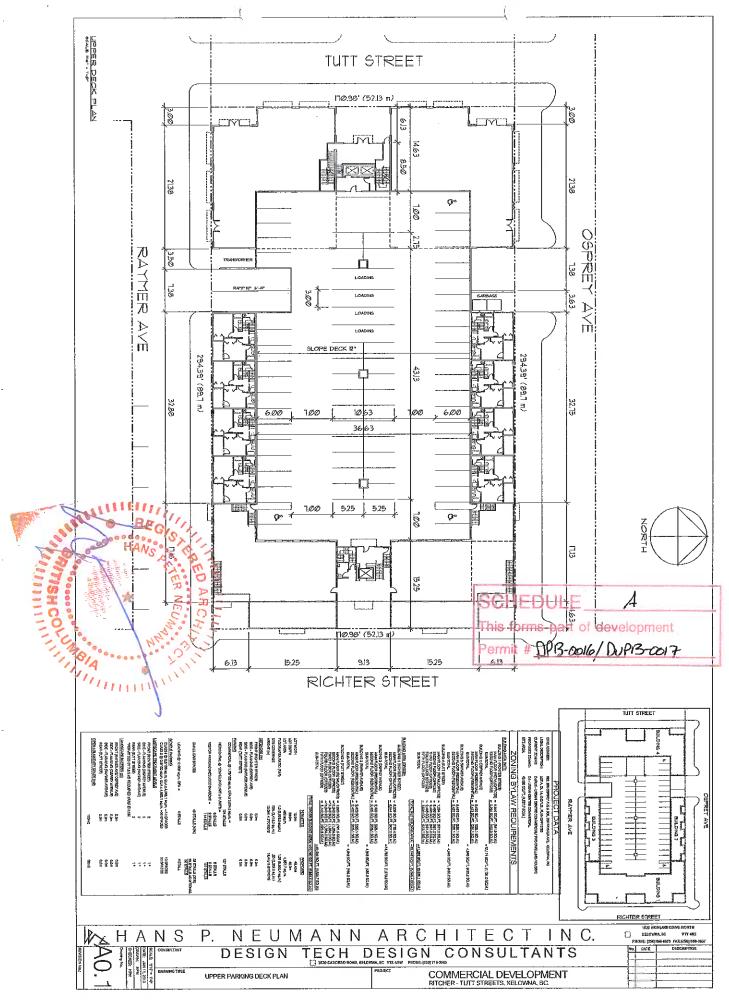
5. <u>APPROVALS</u>:

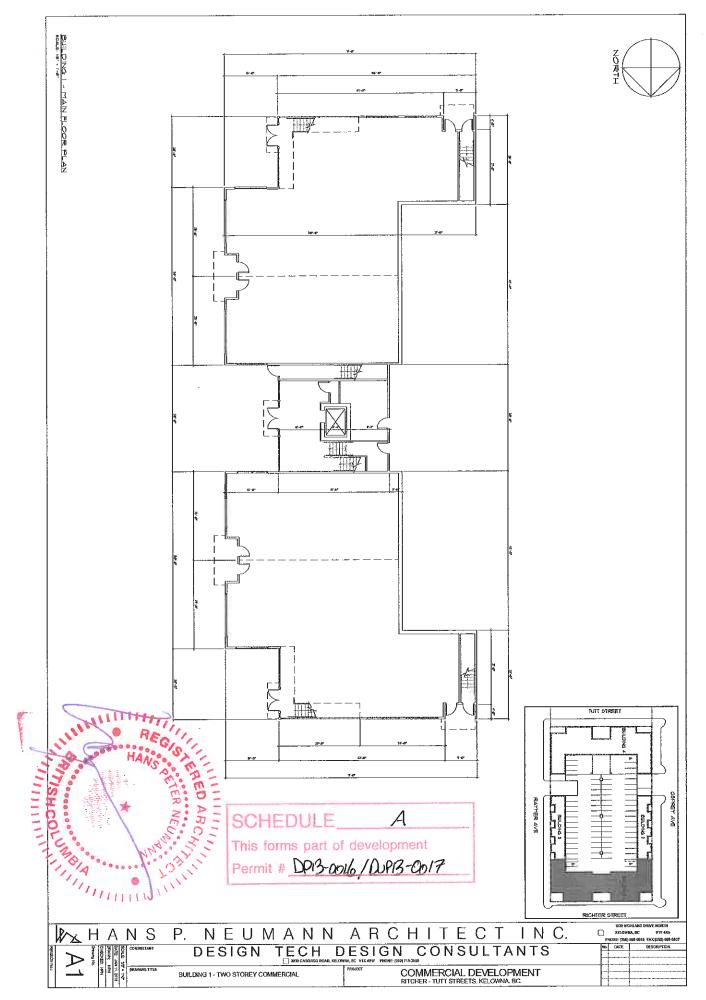
DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE 23rd DAY OF APRIL, 2013

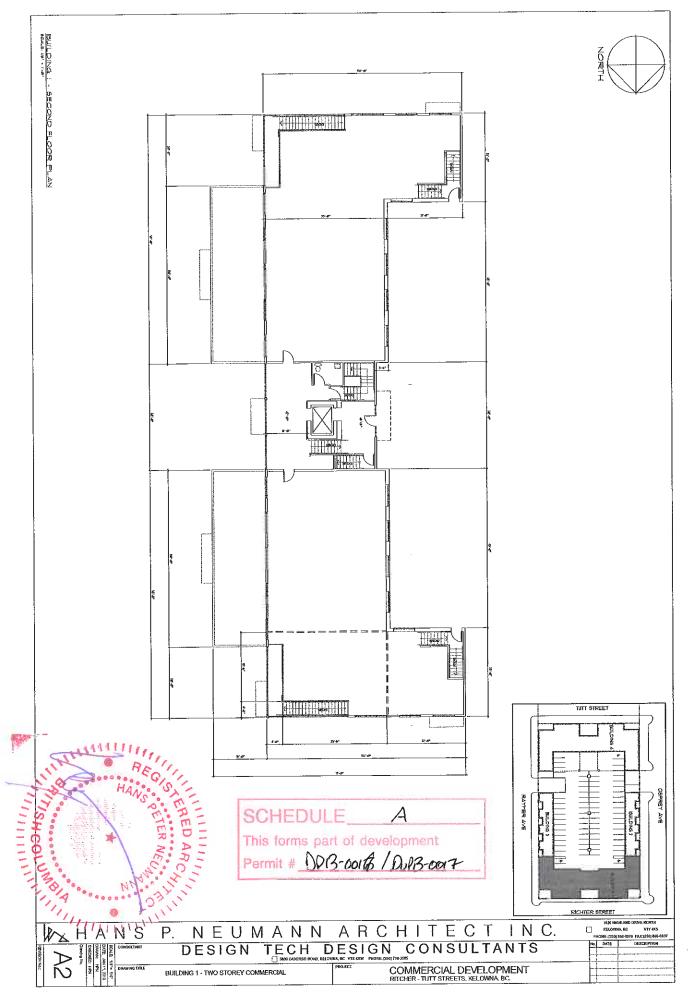
ISSUED BY THE ACTING GENERAL MANAGER OF COMMUNITY SUSTAINABILITY OF THE CITY OF KELOWNA THE _____ DAY OF APRIL, 2013.

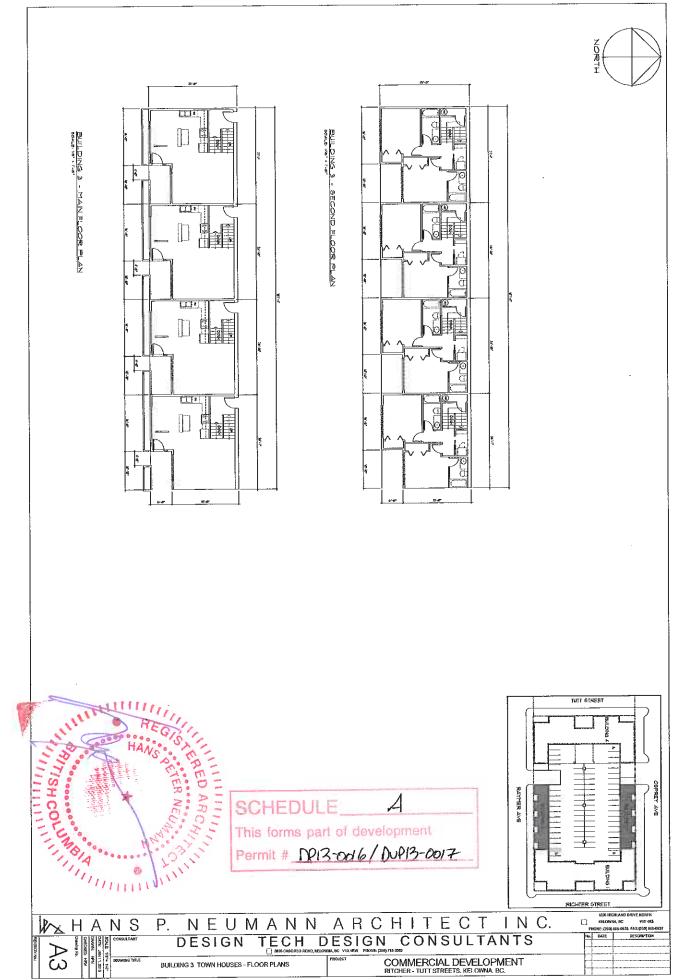
Doug Gilchrist, A. General Manager, Community Sustainability

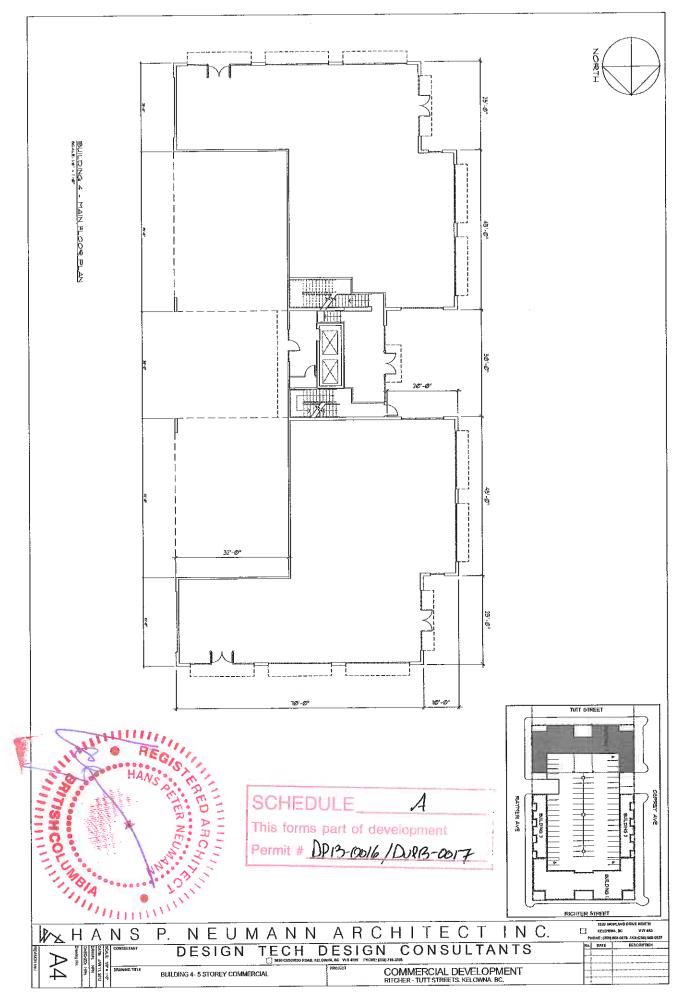


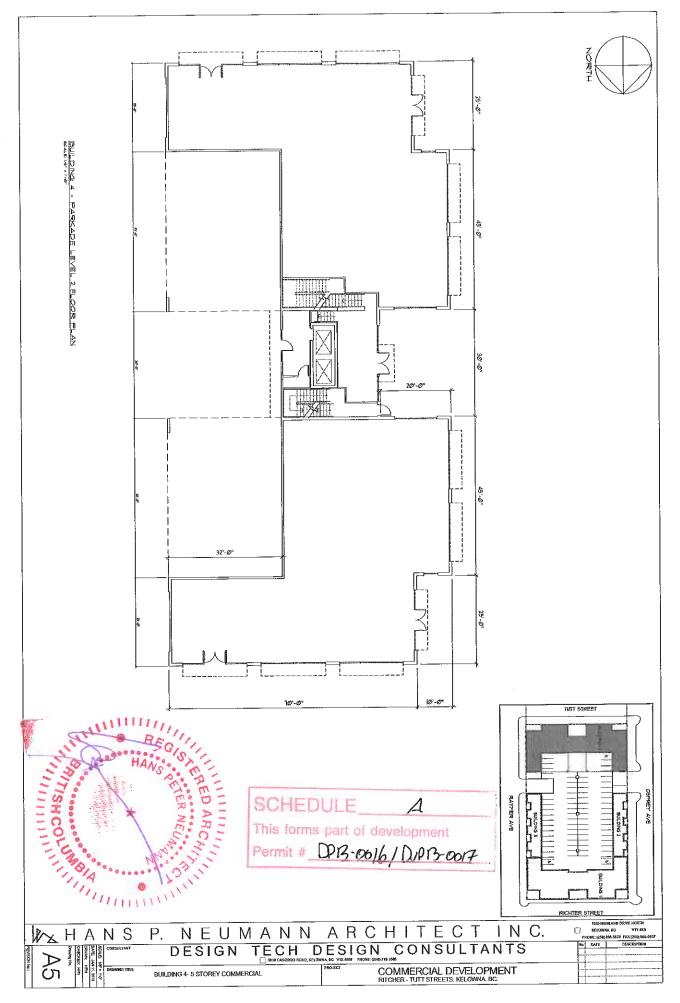


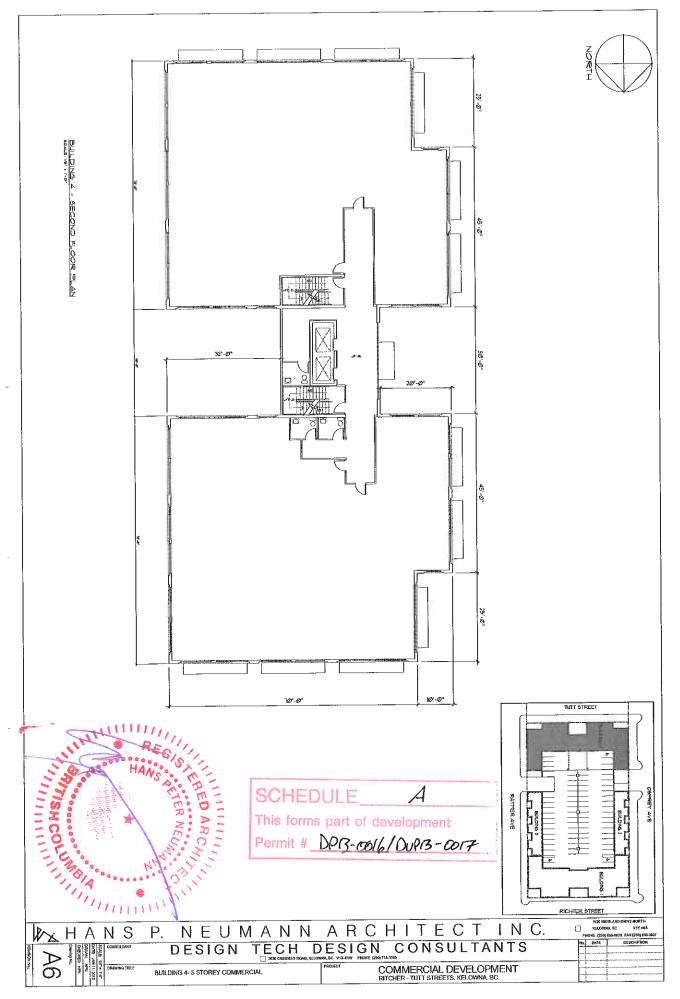


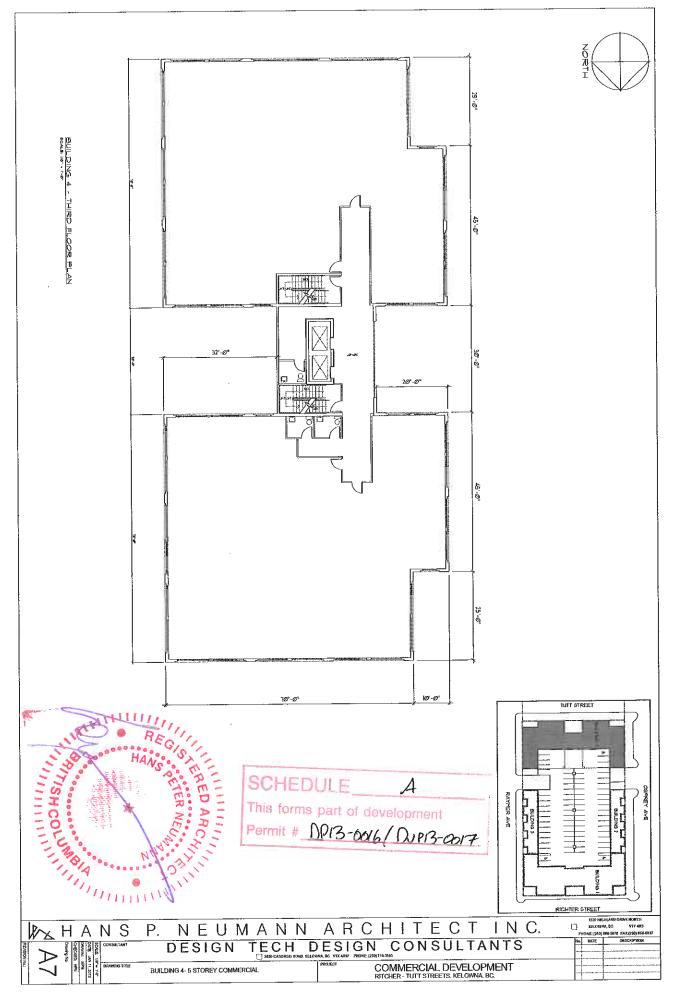


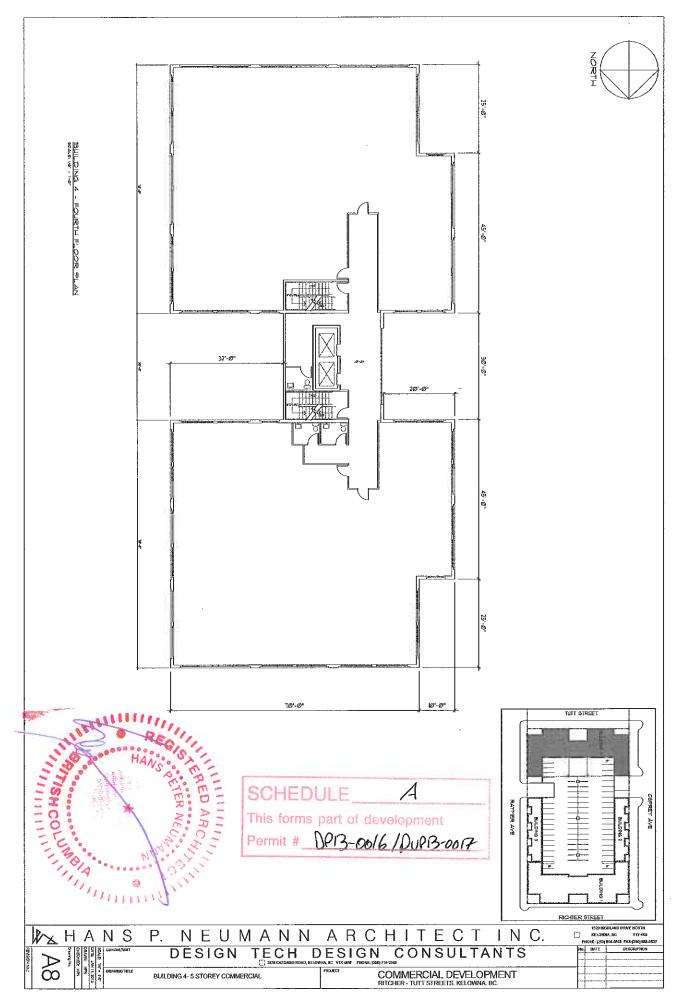


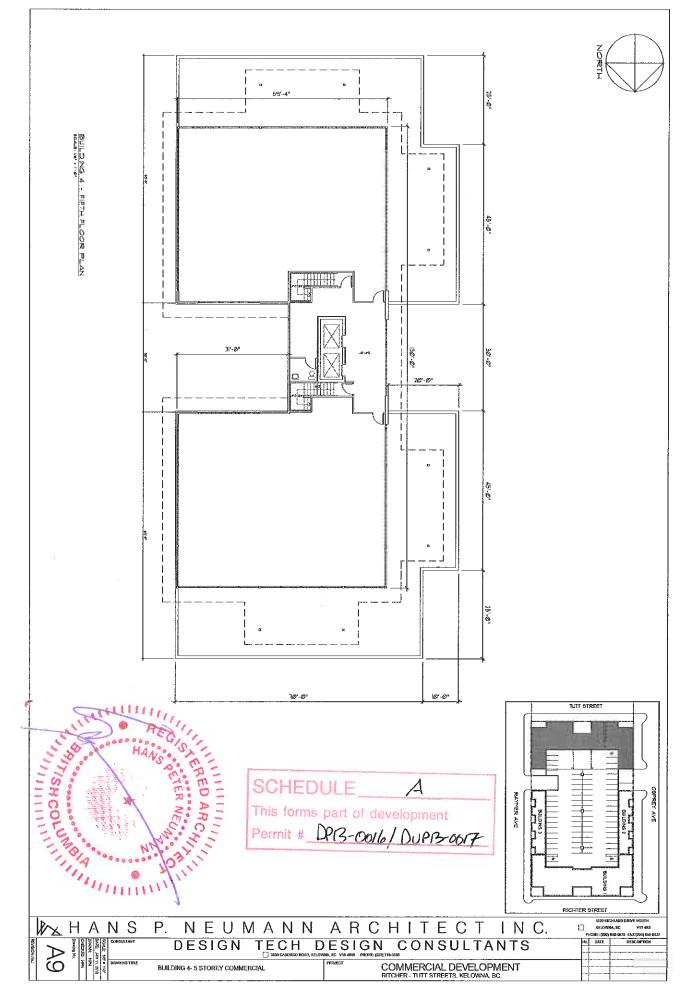


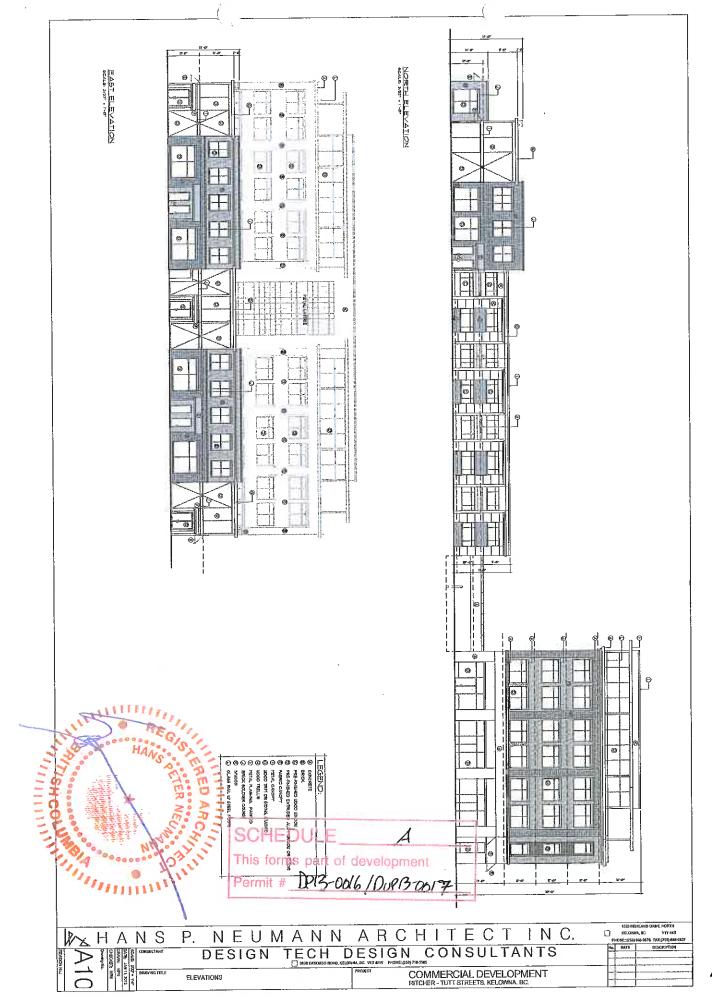


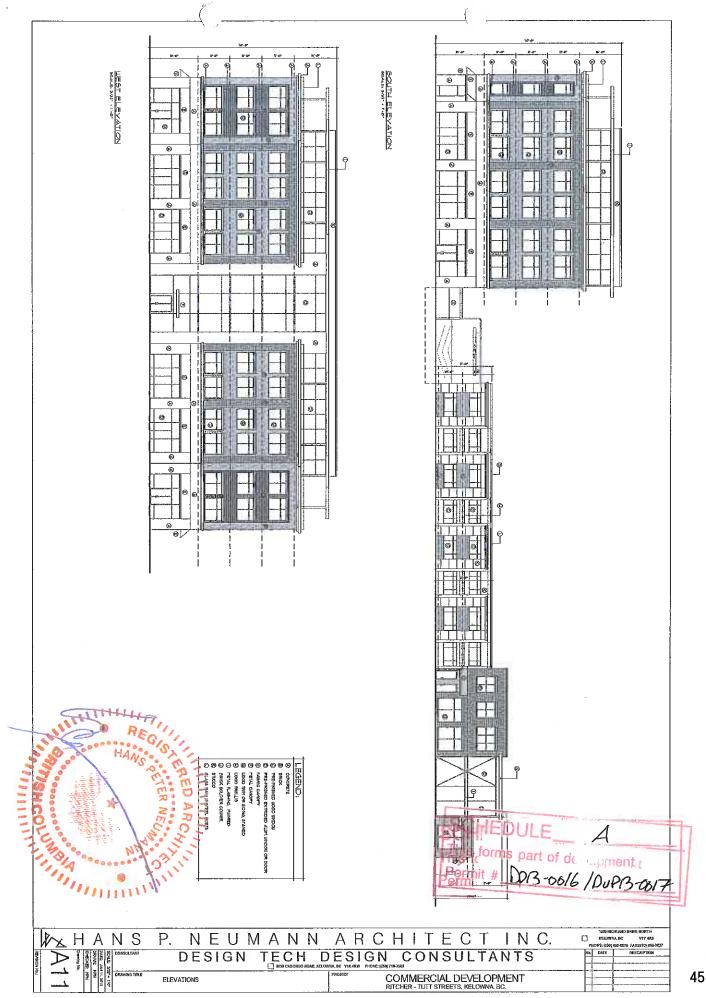


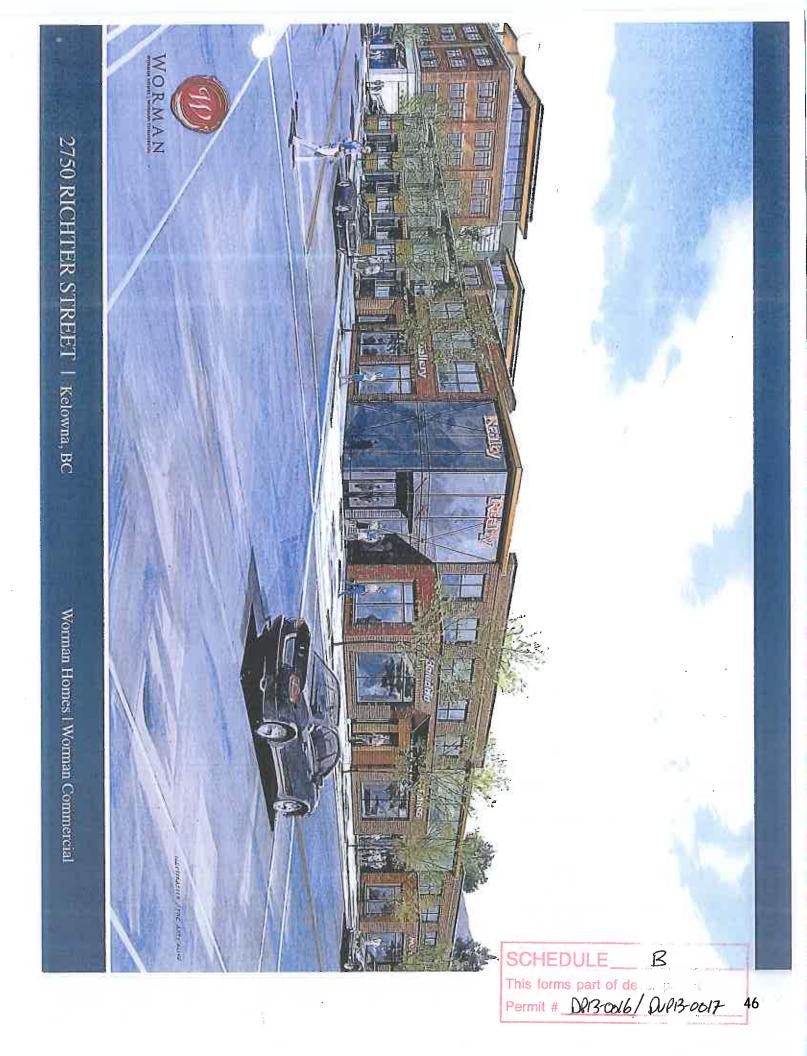


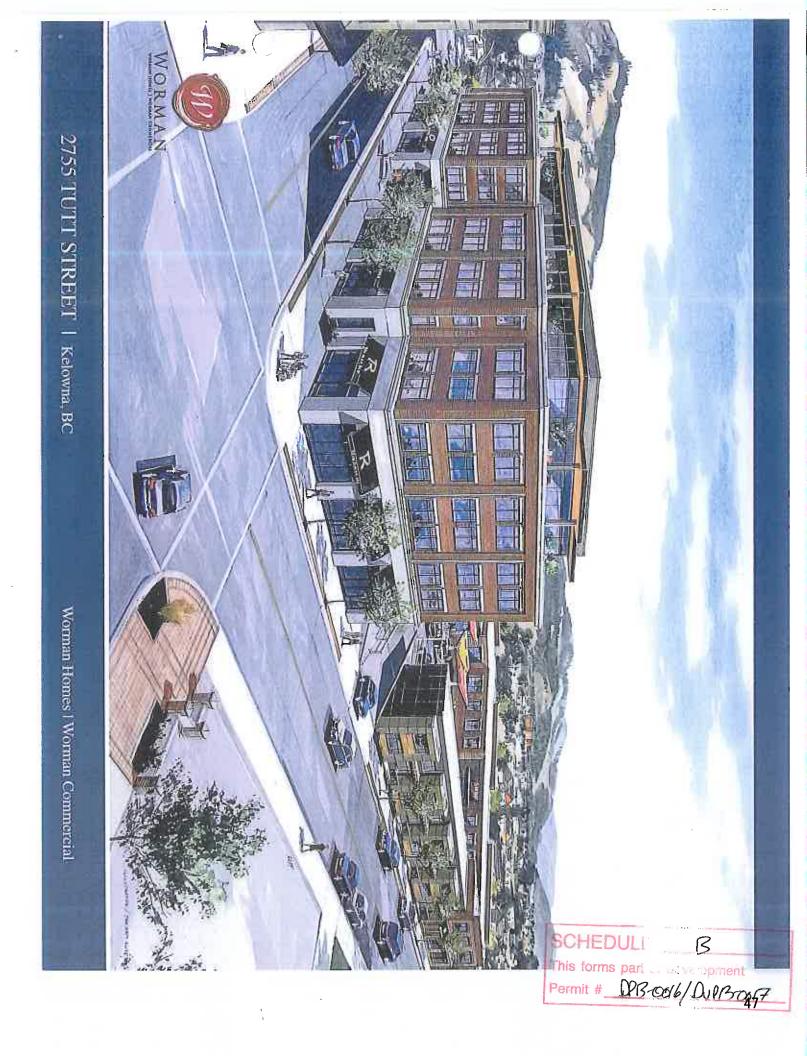












STUCCO BUMP OUT: BENJAMIN MOORE: WORN LEATHER SHOES #CSP-135

STUCCO RECESSED AREAS: BENJAMIN MOORE WINDY CITY #CSP-150

BRICK: MUTUAL MATERIALS OLD UNIVERSITY

WINDOWS: BLACK

EXTERIOR CONCRETE DETAILS: NATURAL GREY

WOOD DETAILS: SIKKENS #085 "TEAK"

FABRIC CANOPIES BLACK SOHEDULE B This forme part of development Permit # DPB-00/6/DVPB-00/7

EXTERIOR FINISHES

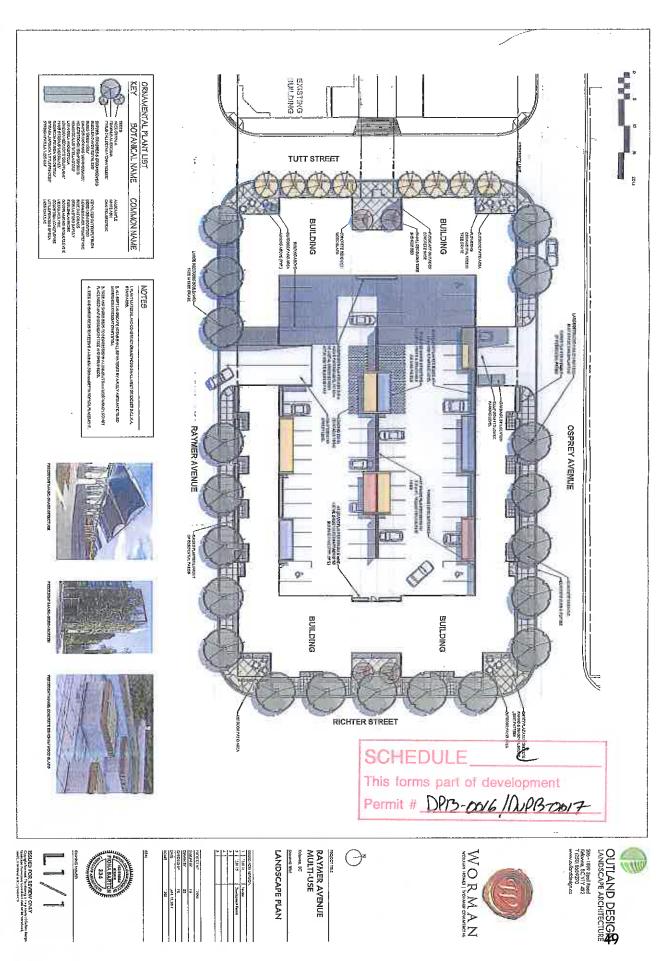
RAYMER & OSPREY PHASE 2 KELOWNA, BO

PRO.ECT No. 042012

RMAN

WORMAN HOMES | WORMAN COMMERCIAL

DATE December 14, 2012



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SCHOOL DISTRICT No. 23 (Central Okanagan) 685 Dease Road, Kelowna, B.C. V1X 4A4 Tel.(250) 491-4000 Fax.(250)870-5094

February 15, 2013

Alec Warrender City of Kelowna Community Sustainability 1435 Water Street Kelowna, BC V1Y 1J4

Dear Mr. Warrender,

SUBJECT: Z13-0005, OCP13-0004, SP13-0016, DVP13-0017 - Raymer Ave/Richter

Thank you for the opportunity to comment on this proposed mixed use development. The development site is directly across the street from Raymer Elementary School and as such, School District No. 23 has a number of comments and concerns in regards to this application.

School Background

Raymer Elementary School came into existence in 1948 as a two-room frame building situated on the corner of Richter and Raymer Ave. At the original time of build the school was surrounded by open fields, few houses and limited commercial outlets. On opening day the school served approximately 75 students. As the area has changed, and student populations increased, there have been a number of additions and renovations bringing the school to its current form.

Enrollment for Raymer Elementary is currently around 250 students and is expected to remain relatively constant moving forward. Raymer Elementary is an aging school that is slated for replacement, likely on the existing site due to its prime central location. The City of Kelowna OCP (objective 5.32) encourages the retention of schools in central and easily accessible areas and states that school locations in the Urban Centres should be promoted wherever possible. The replacement of this school may be 10 years into the future due to competing replacement priorities in the region and available provincial funding.

Transportation

The Raymer Elementary site is extremely constrained in terms of accommodating staff parking and student pick-up/drop-off movements. The lack of short term parking in the area and the significant amount of development that has occurred surrounding the school has added to the transportation and traffic pressures for Raymer Elementary.

Currently the main school parking lot on Raymer Ave is used for student pick-up/drop-off. Parents pull in behind the first row of parking and back out once they have dropped-off or collected their children. The access and egress to the second deck of parking on the proposed development is directly across the street from the main school parking lot.

There are also a number of students and parents who choose to walk or bike to school due to the central location. There is currently no sidewalk on the southern side of Raymer Ave outside the school.

Sewer Connection

Raymer Elementary's existing municipal sanitary sewer connection and the associated right of way, register in favour of School District No. 23, runs below the subject property.

Application Comments

The proposed mixed use development seems appropriate for this evolving neighborhood. The district considers the inclusion of eight residential townhouses a positive addition to this development that will hopeful yield additional enrollment for Raymer Elementary.

There are however a number of issues that should be addressed in partnership with the developer, City of Kelowna and School District No. 23. The district recognizes that the school is a contributing factor to traffic in the area and as such is willing to work with all parties involved to ensure development can continue without jeopardizing the safe operation of the school. The following are the issues which require further attention and collaboration:

 Vehicle conflicts – The additional vehicle conflicts that would be created by the access and egress of two properties onto the same section of Raymer Ave is the district's primary concern surrounding this proposed development. The school's parking lot directly across from the subject property's southern access point is used as a pick-up/drop-off location making Raymer Ave very congested in all directions around school bell times.

The district is willing to investigate, in conjunction with city staff and the developer, how the existing pick-up drop-off operations could be modified to reduce this conflict and improve safety. Options to accommodate these movements elsewhere on the school site are very limited.

Pedestrian safety – There is currently no sidewalk on the southern side of Raymer Ave directly
outside the school. The school administration had previously approached the City of Kelowna
requesting a sidewalk be built outside the school for the safe movement of students.

City and district staff have met onsite to look at possible options for sidewalk improvements. It's likely some of the Raymer Elementary site would be required to facilitate a revamped streetscape. The district is prepared to work with city staff on possible design options so long as staff parking levels are addressed and student drop-off/pick-up can be accommodated in the area. City and district staff plan to work together in 2013 to produce creative design options to determine whether a sidewalk along the school frontage is feasible.

- Construction management The construction of the proposed development will undoubtedly disrupt the flow of traffic and pedestrian movements in the area. It is imperative that Raymer Elementary remain operational throughout construction. Thought should be given to phasing the most disruptive elements of construction on Raymer Ave to occur during the summer months when school is not in session. The School District would also like to be involved in the development of all construction traffic management plans for the subject property.
- Sanitary Sewer -- The School District is willing to relinquish its right of way on the subject property should there be written agreement that a new sewer connection, compliant to today's standards, will be provided and constructed at no cost to the School District.

Please note that all School District staff recommendations relating to property and right of ways are subject to approval by the Board of Education. Thank you again for the opportunity to comment on this development and we look forward to working with the City of Kelowna and the developer to ensure Raymer Elementary remains a viable and safe Urban Centre school. Please don't hesitate to contact me (emily.watson@sd23.bc.ca) should you have any questions or comments in regards to this submission.

Kind Regards,

Emily Watson Planning Manager, School District No.23



Development Rationale for 2750 Richter & 2755 Tutt Street

January 15, 2013

To: City of Kelowna Council Re: Development Permit & Development Variance Permit

Dear City Staff and Council,

Thank you for your consideration of our OCP amendment, rezoning, development permit and development variance permits for the proposed buildings at 2750 Richter & 2755 Tutt Street.

In 2011 we submitted an application for redevelopment of the 4 lots considered by this application. Our plan at that time featured 4 individual buildings with surface parking. All 4 buildings were designated to be commercial and office uses with a "flex" space on the fourth floor which could be either office or residential. Through the prior application process we received feedback on a number of items. The most significant criticisms were the lack of dedicated residential use on the site and the fact that the surface parking lots were not "urban" in feel. We also learned very late in the application that there was a significant setback required from the high powered overhead electrical lines on Richter Street. These items contributed to us revamping our application last minute to only rezone and development permit 2 of the properties included in this application.

Having been forced to start over on the site we wanted to consider the feedback we had received and incorporate what we could into our new design. The application as submitted speaks to the concerns raised in our previous application.

We have now incorporated 8 residential townhouses into the design. We will still be including some "flex" space on the penthouse level which could be office or residential, but with the redesign we added 8 ground level, 2 bedroom townhouses. These townhouses have direct access to the street and an amazing "urban" interaction with the surrounding streetscape and parks.

Our new design has a very "urban" feel to it. With all the parking hidden from view we have been able to create active street front uses on almost the entire perimeter of our site. This street interaction fits very well into the South Pandosy Village feel.





CITY OF KELOWNA

BYLAW NO. 10825

Official Community Plan Amendment No. OCP12 - 0015 0754028 BC Ltd., Inc. No. BC0754028/D.M.R. Law Corporation, Inc. No. BC0776896/0814932 BC Ltd., Inc. No. BC0814932/ Betker Holdings Inc., No. BC0936374 526 Doyle Avenue and 1368 St. Paul Street

A bylaw to amend the "Kelowna 2030 - Official Community Plan Bylaw No. 10500".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT Chapter 5 - Development Process, Objective 5.5 Ensure appropriate and context sensitive built form, Policy .1 Building Height, be amended by adding the following table after the words "measured from the closest building face parallel to the lot line fronting a street. (See Diagram 5.1)"

Policy .1 Building Separation Does Not Apply to the following:			
Civic Address Legal Address			
526 Doyle Avenue	Lot A, District Lot 139, ODYD, Plan EPP9526		
1368 St. Paul Street Lot A, District Lot 139, ODYD, Plan KAP87835			

2. AND THAT Chapter 5 - Development Process, Objective 5.5 Ensure appropriate and context sensitive built form, Policy .1 Building Height, CITY CENTRES be amended by adding the following table to the end of the last paragraph:

Policy .1 Building Heights Does Not Apply to the following:			
Civic Address Legal Address			
526 Doyle Avenue	Lot A, District Lot 139, ODYD, Plan EPP9526		
1368 St. Paul Street	Lot A, District Lot 139, ODYD, Plan KAP87835		

3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time and adopted by the Municipal Council this

Mayor

City Clerk

REPORT TO COUNCIL

...



Date:	March 15 th , 20	013			Kelowna
RIM No.	1250-20				
То:	City Manager				
From:	Land Use Man	agement	t, Community	Sustain	ability (AW)
Application:	OCP12-0015 / 0198 / DVP12		Owners:	D.M.R BC0776 BC0814	28 BC LTD., INC. NO. BC0754028 & LAW CORPORATION, INC. NO. 5896; 0814932 BC LTD., INC. NO. 4932 / BETKER HOLDINGS INC., INC. 20936374
Address:	526 Doyle Ave 1368 St. Paul		Appli	cant:	0754028 BC LTD. (Doug Dueck)
Subject:	OCP Text Ame	endment			
Existing OCP De	esignation:	Mixed-L	Jse (Residenti	al/Com	mercial)
Existing Zone:		C7 - Central Business Commercial			

1.0 Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP12-0015 to amend the 2030 Official Community Plan Bylaw No. 10500, for Objective 5.5, Policy .1, Building Height to exclude the development proposed at 526 Doyle Avenue and 1368 St. Paul Street from the City Centre Building Heights Map in order to permit one 30 storey (88m) mixed use tower be considered by Council;

AND THAT Official Community Plan Bylaw Amendment No. OCP12-0015 to amend the 2030 Official Community Plan Bylaw No. 10500, for Objective 5.5, Policy .1, Building Height to exclude the development proposed at 526 Doyle Avenue and 1368 St. Paul Street in order to permit a 22 storey and 30 storey mixed use development with the two towers having a separation of 32.0m where the minimum tower separation for a project with a tower floor plate greater than 697m² is 36.5m., be considered by Council;

AND THAT Council considers the applicant's March 8th, 2013 Public Information Meeting to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the report of the Land Use Management Department dated March 15th, 2013;

AND THAT the Official Community Plan Bylaw Amendment Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Final Adoption of the Official Community Plan Bylaw Amendment Bylaw be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP12-0198 for Lot A, District Lot 139, ODYD, Plan EPP9526, located at 526 Doyle Avenue and Lot A, District Lot 139, ODYD, Plan KAP87835 located at 1368 St. Paul Street, 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 professional landscaper and for the public art program;

5) The registration of a covenant on title limiting the use of CRU #6 as a Major Child Care Centre including dedicated play space on top of the podium to the satisfaction of the Interior Health Authority as shown on Schedule "A";

6) The execution of the Servicing Agreement and associated bonding for the Development Engineering requirements;

7) Registration of a plan of subdivision at Land Titles Office to consolidate the two subject properties into a single title prior to issuance of the Development Permit;

8) That Cash-in-Lieu of the required parking $(35 \times 22,500.00 = 787,500.00)$ be provided prior to issuance of the Development Permit.

9) Prior to issuance of a Building Permit the applicant be required to design the building to accommodate Fortis BC's anticipated District Energy system;

10) Prior to issuance of a Building Permit the applicant be required to provide plans for two electric car charging stations and a bike share program including 10 bikes;

AND FURTHER THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the Development Permit Application in order for the permit to be issued;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP12-0199 for Lot A, District Lot 139, ODYD, Plan EPP9526, located at 526 Doyle Avenue and Lot A, District Lot 139, ODYD, Plan KAP87835 located at 1368 St. Paul Street, Kelowna, B.C.;

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

Section 14.7.5 (a) Development Regulations - Height: To vary the height from 44m permitted to 65m (Tower #1) and 88m (Tower #2) proposed; Section 14.7.5 (e) Development Regulations - Setbacks above 15m: To vary the building setback for Tower #1 along Doyle Avenue from 3.0m required to 1.24m proposed for portions of a building above 15m;

Section 14.7.5 (g) Development Regulations - 80° Inclined Angle: To vary the inclined plane above 15m from 80° permitted for Tower #1 to 85.58° for western elevation and 88.65° for the eastern elevation and from 80° for Tower #2 to 87.07° for the western elevation and 83.09° for the eastern elevation.

Section 14.7.5 (h) Development Regulations - Floor Plate Area: To vary the maximum floor plate area for Tower #2 from 676m² to 822.65m² (Floors 5-13) -770.63m² (Floors 14-21) - 695.85m² (Floors 22-28);

Section 14.7.5 (i) Development Regulations - Horizontal Dimension Above 15m: To vary the maximum horizontal dimension above 15m for Tower #2 from 26m permitted to 37.8m x 31.24m proposed;

Section 14.7.5 (l) (i) Development Regulations - Setbacks above 22m: To vary the building setback from an interior lot line for Tower #2 from 15m required to 4.0m proposed for portions of a building above 22m;

Section 14.7.5 (l) (ii) Development Regulations - Setbacks above 22m: To vary the building setback from a lot line abutting a lane for Tower #2 from 10m required to 3.6m proposed for portions of a building above 22m;

2.0 Purpose

To consider an OCP amendment to exclude the development proposed at 526 Doyle Avenue and 1368 St. Paul Street from the OCP's Building Height Policy in order to permit a 65m (22 storey) and 88m (30 storey) 2 tower, mixed use development where the City Centre Building Height Map allows 76.5m (~26 storeys); and to permit a 30 storey mixed use development with two towers having a separation of 32.0m where the minimum tower separation for a project with a floor plate greater than 697m² is 36.5m.

A Development Permit for the form and character of the proposed two high rise towers is also under consideration. The following variances have been proposed as part of the revised development concept:

1. Vary the height from 44m permitted to 65m (Tower #1) and 88m (Tower #2) proposed;

2. Vary the required setback from a property line abutting a street from 3.0m required to 1.24m proposed for portions of a building above 15m;

3. Vary the building setback from an interior lot line from 15m required to 4.0m proposed for portions of a building above 22m;

4. Vary the building setback from a lot line abutting a lane for Tower #2 from 10m required to 3.6m proposed for portions of a building above 22m;

5. Vary the maximum horizontal dimension above 15m for Tower #2 from 26m permitted to 37.8m x 31.24m proposed;

6. Vary the maximum floor plate area for Tower #2 from 676m² to 822.65m² (Floors 5-13) - 770.63m² (Floors 14-21) - 695.85m² (Floors 22-28);

7. Vary the inclined plane above 15m from 80° permitted for Tower #1 to 85.58° for western

elevation and 88.65° for the eastern elevation and to vary the 80° for Tower #2 to 87.07 ° for the western elevation and 83.09 for the eastern elevation.

3.0 Land Use Management

When this application was defered at the December 3rd, 2012 Council Meeting, Staff had indicated that the desire was to work with the applicant to establish a concept that could be supported, the ideal situation was to have a project that satisfied both the floor plate area and tower seperation regulations. Staff had indicated that the additional height (30 storeys) could be supported if these two important criteria had been addressed. Since then, the applicant has been able to secure the property to the north which has eliminated the tower seperation variance. However, the additional land assembly has been unable to address the floor plate area variance and it remains unchanged. While Staff would still prefer to see the floor plate area variance considerably reduced (or eliminated), Staff are supporting the project based on the increased tower seperation and the proposed amenity package.

Downtown Plan & OCP Considerations

Although the applicant has made positive changes the overall massing, the floor plate and height variance for Tower #2 remains a concern. As was evident through the Downtown Plan Charette public process creating a dynamic skyline, allowing strategic and sustainable density, and incorporating facilities/elements that enhance public benefits are all highly desirable public objectives. Through this collaborative process, the subject property was noted as having the potential to support building heights of up to 26 stories. However, these height considerations were balanced with an important 36.5m tower separation provision when floor plates exceed 697m². As proposed, the towers are sited 32m apart which is a reduction from the required 36.5m. Furthermore, this larger height profile would be more appropriate with a slender tower conforming to the 697m² maximum floor plate area. Notably, the first 8 stories of Tower #2 have a floor plate area of 822.65 m² which is in excess of the maximum allowable.

It is important to note that the building heights identified in the OCP 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 evaluation criteria for tall buildings have been identified 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

The proposed development does not satisfy all of these criteria, but the applicant has made improvements to the project that have brought it more in line with these criteria. Considering additional height above and beyond the OCP City Centre Building Height Map is not the core issue when evaluating the merits of the overall development proposal. However, approving additional height for a project that does not conform to the floor plate area continues to be a concern.

Visual & Shadow Impact Assessment

The Visual Impact analysis attached to this report shows how the proposed development has been improved to reduce impacts on the surrounding neighbourhood and the Downtown Urban Centre. There will be significant changes to Kelowna's sky line and the surrounding neighbourhood as a result of this project moving forward, but increasing the tower separation to 32m has helped to minimize these impacts. The larger tower separation in conjunction with the reduced the floor plate area for Tower #1 has significantly reduced the project's overall massing.

Amenity Package

Daycare

The applicant is still proposing to secure one of the street level retail spaces for the use of a daycare. The original proposal included a day-care space of $165m^2$ finished at a cost of approximately \$650,000. The applicant no longer plans to finish the space but will secure a $188m^2$ unit (see the attached site plan shown on Schedule 'A'). A covenant will be registered on title restricting the use and ensuring that the daycare is secured in perpetuity. The details of this covenant have not been fully endorsed by the City's Solicitor, however the applicant's lawyer will be required to provide a covenant that is appropriately drafted and acceptable to the City. The applicant will be responsible for the costs associated with the City's review of the legal document. The applicant will have to work with Interior Health on programming to ensure the licensing requirements can be satisfied.

Public Art

The public art component includes a sailboat at the entrance to the north tower and a bronze statue of a bicyclist on the corner of St. Paul and Doyle. The applicant has estimated the cost of these pieces at \$55,000 (see the attached Public Art Proposal).

Transportation & Mobility

The applicant has committed to providing two electric car charging stations and a bike share program providing 10 bikes as part of the proposal. While these aren't amenities that benefit the broader community, they are progressive features that have not yet been attempted in Kelowna. Notably, the applicant is not seeking a variance for parking reduction, but committing to the cash in-lieu amount. This provides the City with a further investment in comprehensive Downtown parkade solutions, rather than requesting a variance that would place additional strain on the available downtown parking stalls.

Sustainable Building

The applicant has committed to designing the building to take advantage of District Energy if / when it becomes available. Rainwater capture will also be used to irrigate on-site landscaping.

In summary, consideration of a project of this scale and size will be precedent setting for the City, and a proposal with this height and massing will have a lasting impact on the City's skyline. The redevelopment of the subject properties will achieve many planning objectives noted in the OCP and Downtown Plan that will help catalyze an environment of live, work, and play. The project will add additional residential and hotel units to the Downtown Urban Centre which will help to support local businesses, while there are components of the project that recognize the importance of its proximity to the Cultural District and this important transitional location. The applicant team has again made a number of improvements to the overall design of the project. This final package has advanced to a point where considerable effort has been undertaken for the land assembly to reduce the tower separation and consequently the massing of the two

towers. On balance, Staff are able to support the proposed development recognizing that it does not completely adhere to the framework of the Official Community Plan and C7 zoning regulations.

4.0 Proposal

4.1 Background

At the December 3rd, 2012 Regular Council meeting, Council deferred the proposed OCP amendment so that the applicant could work with Staff to review the viability of a project having a reduced floor plate area and an increased tower separation.

4.2 Project Description

Commercial and retail units will be wrapped around the exterior of the 4 storey podium, while parking will be located at the centre. The wrapping of the commercial units around the exterior of the podium provides the parking structure with a visual buffer and an active streetscape. Two residential towers will be located above the commercial / parking podium, Tower #1 is 22 storeys (65m) and Tower #2 will be 30 storeys (88m). The project is comprised of a total of 161 residential units (1 three bedroom, 90 two bedroom and 70 one bedroom), 128 hotel suites and approximately 3,000m² of commercial space.

The exterior of the proposed buildings are designed to be finished with grey and beige painted concrete, and the commercial retail units will have clear windows while the towers will have bronze tinted windows. The top surface of the podium has been designed to include extensive landscaping, a hot tub, pool and other amenities for the residents. The top of the podium is finished with a metal railing system around the perimeter. The private open space requirements will be met as each unit will have sufficient deck / patio space. In addition, residents will have access to approximately 1,858m² of open space located on top of the podium. The proposed streetscaping will be similar to what has been secured through the Madison development which would include street trees, benches and additional landscaping. The applicant has proposed public art features that will adorn the building podium, the corner of St. Paul and Doyle and the St. Paul lobby entrance will provide art pieces located near the entranceways. The applicant has also proposed that one of the commercial retail units (188m²) be secured as a day-care. A total of 7 variances have been requested, they are as follows:

- 1. Vary the height from 44m permitted to 65m (Tower #1) and 88m (Tower #2) proposed;
- 2. Vary the required setback from a property line abutting a street from 3.0m required to 1.24m proposed for portions of a building above 15m;
- 3. Vary the building setback from an interior lot line from 15m required to 4.0m proposed for portions of a building above 22m;
- 4. Vary the building setback from a lot line abutting a lane for Tower #2 from 10m required to 3.6m proposed for portions of a building above 22m;
- 5. Vary the maximum horizontal dimension above 15m for Tower #2 from 26m permitted to 37.8m x 31.24m proposed;
- 6. Vary the maximum floor plate area for Tower #2 from 676m² to 822.65m² (Floors 5-13) 770.63m² (Floors 14-21) 695.85m² (Floors 22-28);
- 7. Vary the inclined plane above 15m from 80° permitted for Tower #1 to 85.58° for western elevation and 88.65° for the eastern elevation and to vary the 80° for Tower #2 to 87.07° for the western elevation and 83.09 for the eastern elevation.

It should also be noted that the applicant will be providing cash-in-lieu for some of the required parking spaces. The applicant is providing 295 stalls where 330 stalls are required. In order to meet the parking requirements, cash-in-lieu of the required parking will be provided for 35 stalls ($35 \times 22,500 = 787,000.00$). The proposal compares to the C7 zone requirements is as follows:

CRITERIA	Deferred Application Development Proposa		C7 Zone			
Development Regulations						
Total Floor Area (m ²)	otal Floor Area (m ²) 26,571.3m ² 26,931m ²					
F.A.R.	7.54 6.41		FAR = 9.0			
Building Height	Tower #1 - 22 storeys / 65m	Tower #1 - 22 storeys / 65m	44.0m			
	Tower #2- 30 Storeys / <mark>88m</mark>	Tower #2- 30 Storeys / <mark>88m</mark>				
	Setbacks - At Gr	ade				
Front (St. Paul St.)	0.0m	0.0m	0.0m			
Rear (lane)	0.0m	0.0m	0.0m			
North Side	0.0m	0.0m	0.0m			
South Side	0.0m	0.0m	0.0m			
	Setbacks - 15m a	above grade				
East - St. Paul St.	3.0m	3.0m	3.0m			
West - lane	Tower #1 - 15.3m	Tower #1 - 15.3m	3.0m			
	Tower #2 - 3.64m	Tower #2 - 3.64m				
North - Property	1.22m	4.0m	4.0m			
South - Doyle Ave.	1.24m	1.24m	3.0m			
	Setbacks - 22m a	bove grade				
North - Adj. property	1.22m	4.0m	15.0m			
West - lane / Madison	Tower #2 - 3.64m	Tower #2 - 3.64m	10.0m			
Tower Separation	Tower Separation 19.5m 32.0m		30.0m			
	Floor	Plate				
Floor Plate - Exterior	Tower #1 - 25.96m x 25.96m	Tower #1 - 25.96m x 25.96m	26.0m (max)			
horizontal dimension	Tower #2 - 37.8m x 31.24m	Tower #2 - 37.8m x 31.24m				
Floor Plate - Diagonal	Tower #1 - 29.72m Tower #1 - 29.72m		39m (max)			
dimension	Tower #2 - 32.46m	Tower #2 - 32.46m				
	Tower #1:	Tower #1:				
	Floors 5 - 615.5 m ²	Floors 5 - 615.5 m ²				
	Floors 6-15 - 587.7 m ²	Floors 6-15 - 587.7 m ²				
	Floors 16-22 - 466.75 m ²	Floors 16-22 - 466.75 m ²				
Floor Plate - Area			676 m² (max)			
	<u>Tower #2:</u>	<u>Tower #2:</u>				
	Floors 5-13 - 822.65 m ²	Floors 5-13 - 822.65 m ²				
	Floors 14-21 - 770.63 m ²	Floors 14-21 - 770.63 m ²				
	Floors 22-28 - 695.85 m ²	Floors 22-28 - 695.85 m ²				
	Floors 29-30 - 627.56 m ²	Floors 29-30 - 627.56 m ²				
	Tower #1	$\frac{\text{Tower #1}}{\text{South}}$				
Vortical Angle 15-	South - 88.65°	South - 88.65°	900			
Vertical Angle - 15m	West - <mark>85.58</mark> °	West - <mark>85.58°</mark>	80°			
	Tower #2	Tower #2				
	West - 87.07°	West - 87.07°				
	East - 83.09°	East - 83.09°				

Private Open Space	2,415 m ²	2,415 m ²	2,065 m ²
	+ 2,022 m ² top of podium	+ 1,858m ² top of podium	
Parking Stalls (#)	210 stalls	295 stalls	330 stalls
	(Cash in lieu for 106 stalls)	(Cash in lieu for 35 stalls)	
Bicycle Parking (#)	Class I: 102	Class I: 102	Class I: 94
	Class II: 42	Class II: 42	Class II: 42
Loading Stalls (#)	4 stalls	4 stalls	4 stalls

Current Proposed Variances:

1. Vary the height from 44m permitted to 65m (Tower #1) and 88m (Tower #2) proposed;

- 2. Vary the required setback from a property line abutting a street from 3.0m required to 1.24m proposed for portions of a building above 15m;
- 3. Vary the building setback from an interior lot line from 15m required to 4.0m proposed for portions of a building above 22m;
- 4. Vary the building setback from a lot line abutting a lane for Tower #2 from 10m required to 3.6m proposed for portions of a building above 22m;
- 5. Vary the maximum horizontal dimension above 15m for Tower #2 from 26m permitted to 37.8m x 31.24m proposed;
- 6. Vary the maximum floor plate area for Tower #2 from 676m² to 822.65m² (Floors 5-13) 770.63m² (Floors 14-21) 695.85m² (Floors 22-28);
- 7. Vary the inclined plane above 15m from 80° permitted for Tower #1 to 85.58° for western elevation and 88.65° for the eastern elevation and to vary the 80° for Tower #2 to 87.07° for the western elevation and 83.09 for the eastern elevation.

4.3 Site Context

Subject Property Map:



Orientation	Zoning	Land Use	
North	C7 - Central Business Commercial	Office building	
East	C7 - Central Business Commercial	Newspaper office	
South	C4 - Urban Centre Commercial	Parking	
West	C7 - Central Business Commercial	cial Madison Development	
	14 - Central Industrial	Awning manufacturer	

Adjacent land uses are as follows:

5.0 Current Development Policies

- 5.1 Kelowna Official Community Plan (OCP)
- 5.1.1 <u>Development Process (Chapter 5) Considerations in Reviewing Development Applications</u> 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.

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 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;
- Design and facilitate beautiful public open spaces that encourage year-round enjoyment;
- 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 ground level access for first storey units within multiple unit residential projects;
- 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 non-vision 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 viewscapes at the pedestrian level for any public or semi-public space;
- Reinforce viewscapes 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.

Public Art (Objective 8)

- Incorporate quality public art that:
 - Is located strategically to enhance the visual environment and provide interactive and interpretive experiences;
 - $\circ\,$ Is complimentary and architecturally enhancing when related to a specific building.

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
 - This building is required to be of non-combustible construction. Any proposed deviance from this requirement of BCBC 2012 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.
 - 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.
 - Door swing and travel distances to be addressed at time of building permit application
 - Travel distances are required to meet BCBC 12 for the pool deck level to exit stairwells. This may require additional signage or an alternative solution at time of Building Permit
 - Guards are required for patio areas & all decks. The drawings provided don't clearly.
 - A fire resistance rating is required for garbage enclosure room(s). The drawings submitted for building permit are to clearly identify how this rating will be achieved.
 - 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.
 - Access to the mechanical rooms at roof level are required
 - 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).
- 6.2 Development Engineering Department

See Attached Development Engineering Memorandum

6.3 Fire Department

A central alarm and control facility is to be provided that is accessible from the primary entrance as per 3.2.6 of the BCBC. The standpipe system is to be provided with a 3" drain for PRV testing. A fire hydrant is to be located on the south side of St Paul St. within close proximity of the building and located within 45M of the FD connection. Fire flows calculations will be required as per the City of Kelowna Subdivision bylaw #7900 with a minimum of 150ltr/sec flow. The fire prevention bylaw requirements for high buildings will be required. Additional comments will be required at the building permit application.

6.4 Fortis BC - Gas

FortisBC Inc. has no land rights concerns at this time. It should be noted that land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

6.5 Fortis BC - Electric

Due to the overall size of the development, it is likely that there will be some impact to off-site FBC facilities in close proximity. The applicant is responsible for all off-site costs incurred as a part of this development. Any primary facilities that will be required on-site will require land rights protection prior to construction or energization. Otherwise, FBC has no land rights concerns at this time.

6.6 Infrastructure Planning

The developer should use the same vocabulary of streetscape elements / palette of materials as that used for the Madison frontages (Ellis Street and Doyle Avenue). The detailing of the sidewalk pattern in the Madison's case related directly to the location of the entrances to the commercial and residential units so obviously, this will not be the same as that of the proposed project. Nevertheless, the general character can be replicated through use of the same surface materials, benches, bollards, vegetation, trees and the curb let-down detail.

A Landscape Plan is required to be submitted as part of the Civil Engineering Drawing Review that details the public sidewalk including: i) the proposed trees/plants (species, size, etc), ii) tree planting detail (tree grate, structural soils, irrigation, etc.), iii) curb let-down detail, iv) furniture and v) street light locations, etc.

The irrigation system for the street trees and vegetation will be the responsibility of the developer and ultimately the future strata.

Urban Braille, as per the Madison frontage should be incorporated into the public streetscape. The applicant is encouraged to use CNIB's resources and the City's Accessibility Committee.

7.0 Application Chronology

Date of Application Received:	November 2 nd , 2012
Date of Council Deferral:	December 3 rd , 2012
Revised Application received:	March 4 th , 2013

Applicant's Public Information Meeting: March 8th, 2013

The applicant hosted a Public Information Meeting to provide neighbouring businesses and residents with information and an opportunity to make comment prior to the application advancing to Council. Council Policy 367 was recently adopted which provides guidelines for appropriate consultation measures. Although the application has been in process long before the policy was adopted, Staff encouraged the applicant to hold an open house to ensure public consultation was conducted on the refined development proposal.

Report prepared by:

Alec Warrender, Land Use Planner

 Reviewed by:
 Danielle Noble, Manager, Urban Land Use

 Approved for Inclusion
 D. Gilchrist, A. General Manager, Community Sustainability

 Attachments:
 D. Gilchrist, A. General Manager, Community Sustainability

 Subject Property Map Sit Plan
 Elevations & Renderings

 Elevations & Renderings
 Amenity Package Outline

 Public Art Proposal
 Development Engineering Requirements

 Public Information Meeting Summary

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Permit No.:

DP12-0198 & DVP12-0199

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

DEVLOPMENT VARIANCE PERMIT:

Multiple Variances (See Section 1. below)

ISSUED TO: 0754028 BC LTD. (Doug Dueck)

LOCATION OF SUBJECT SITE: 526 Doyle Avenue & 1368 St. Paul Street

	LOT	DISTRICT LOT	TWP	DISTRICT	PLAN
LEGAL	А	139		ODYD	Plan EPP9526
DESCRIPTION:	А	139		ODYD	Plan KAP87835

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 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 professional landscaper and for the public art program;

5) The registration of a covenant on title limiting the use of CRU #6 as a Major Child Care Centre including

dedicated play space on top of the podium to the satisfaction of the Interior Health Authority as shown on Schedule "A";

6) The execution of the Servicing Agreement and associated bonding for the Development Engineering requirements;

7) Registration of a plan of subdivision at Land Titles Office to consolidate the two subject properties into a single title prior to issuance of the Development Permit;

8) That Cash-in-Lieu of the required parking $(35 \times 22,500.00 = 787,500.00)$ be provided prior to issuance of the Development Permit.

9) Prior to issuance of a Building Permit the applicant be required to design the building to accommodate Fortis BC's anticipated District Energy system;

10) Prior to issuance of a Building Permit the applicant be required to provide plans for two electric car charging stations and a bike share program including 10 bikes;

AND THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the Development Permit in order for the permit to be issued.

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

Section 14.7.5 (a) Development Regulations - Height: To vary the height from 44m permitted to 65m (Tower #1) and 88m (Tower #2) proposed;

Section 14.7.5 (e) Development Regulations - Setbacks above 15m: To vary the building setback for Tower #1 along Doyle Avenue from 3.0m required to 1.24m proposed for portions of a building above 15m;

Section 14.7.5 (g) Development Regulations - 80° Inclined Angle: To vary the inclined plane above 15m from 80° permitted for Tower #1 to 85.58° for western elevation and 88.65° for the eastern elevation and from 80° for Tower #2 to 87.07° for the western elevation and 83.09° for the eastern elevation.

Section 14.7.5 (h) Development Regulations - Floor Plate Area: To vary the maximum floor plate area for Tower #2 from 676m² to 822.65m² (Floors 5-13) - 770.63m² (Floors 14-21) - 695.85m² (Floors 22-28);

Section 14.7.5 (i) Development Regulations - Horizontal Dimension Above 15m: To vary the maximum horizontal dimension above 15m for Tower #2 from 26m permitted to 37.8m x 31.24m proposed;

Section 14.7.5 (l) (i) Development Regulations - Setbacks above 22m: To vary the building setback from an interior lot line for Tower #2 from 15m required to 4.0m proposed for portions of a building above 22m;

Section 14.7.5 (l) (ii) Development Regulations - Setbacks above 22m: To vary the building setback from a lot line abutting a lane for Tower #2 from 10m required to 3.6m proposed for portions of a building above 22m;

- 2. The development shall commence by and in accordance with an approved Building Permit within ONE YEAR of the date of the Municipal Council authorization resolution.
- 3. <u>DEVELOPMENT</u>:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferrable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

3. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ N/A
- (b) A Certified Cheque in the amount of \$<u>N/A</u>.
- (c) An Irrevocable Letter of Credit in the amount of \$_____TBD____

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

5. <u>APPLICANT'S AGREEMENT</u>:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (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 Departmant 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

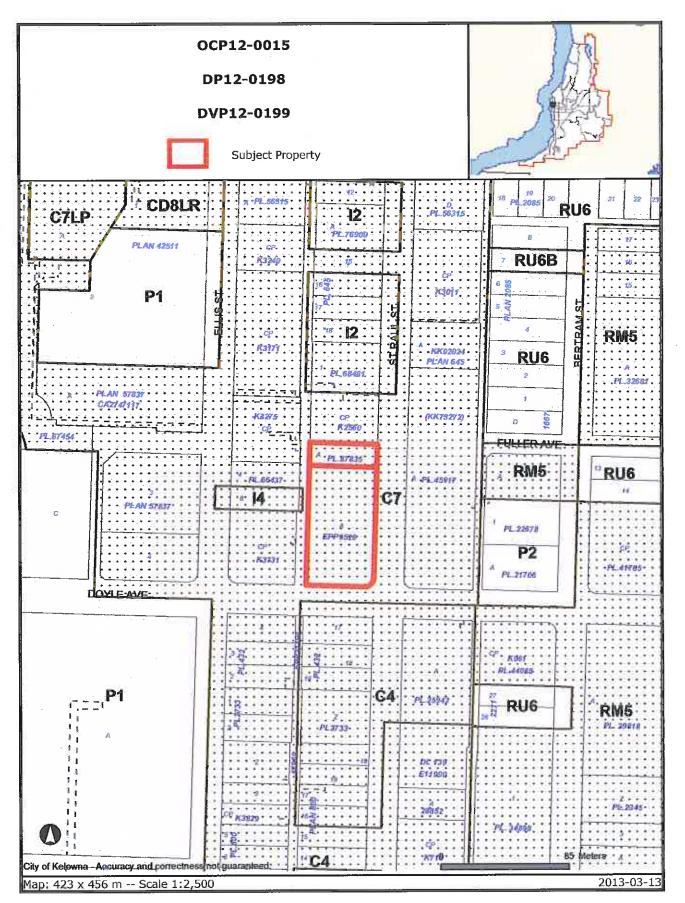
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5. <u>APPROVALS</u>:

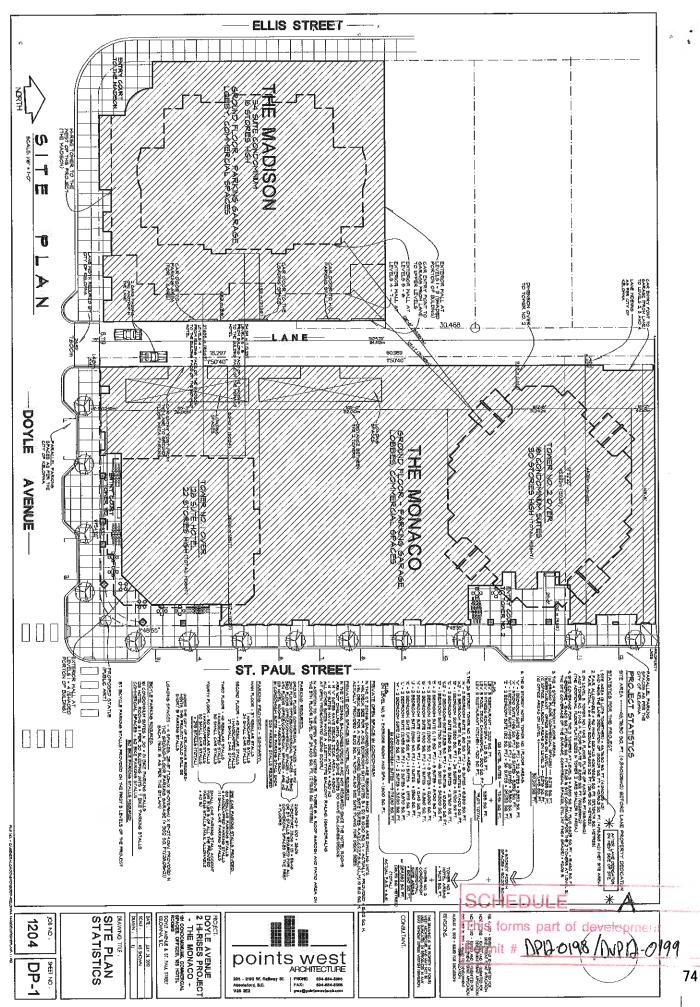
DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE 23rd DAY OF APRIL, 2013

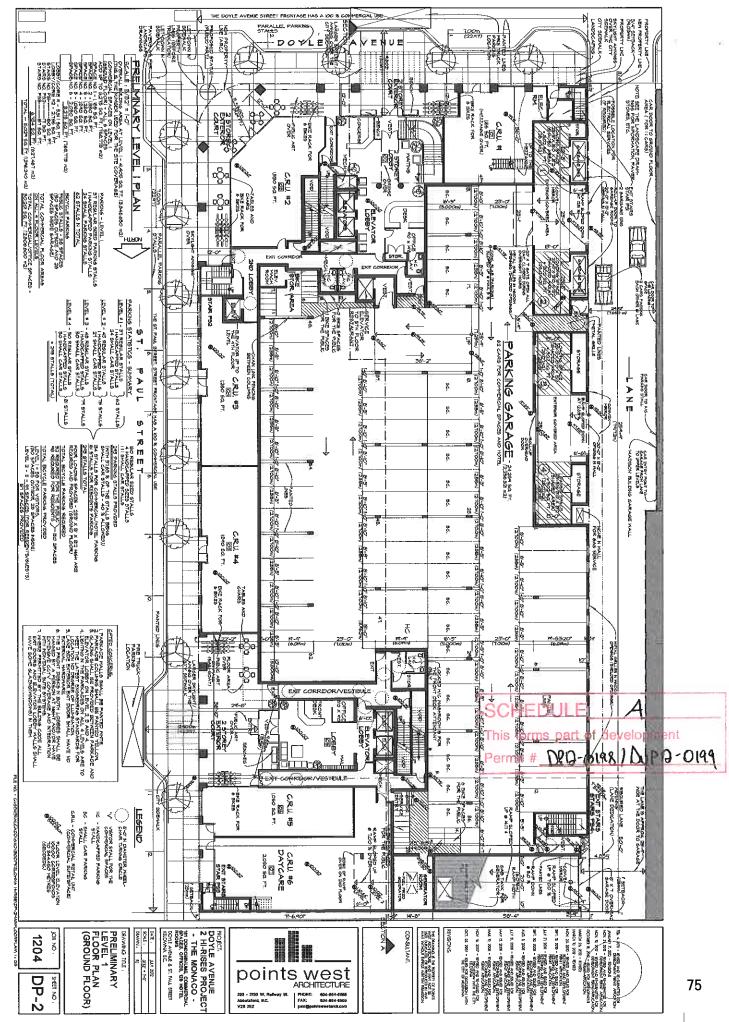
ISSUED BY THE ACTING GENERAL MANAGER OF COMMUNITY SUSTAINABILITY OF THE CITY OF KELOWNA THE _____ DAY OF _____, 2013.

Doug Gilchrist, A. General Manager, Community Sustainability

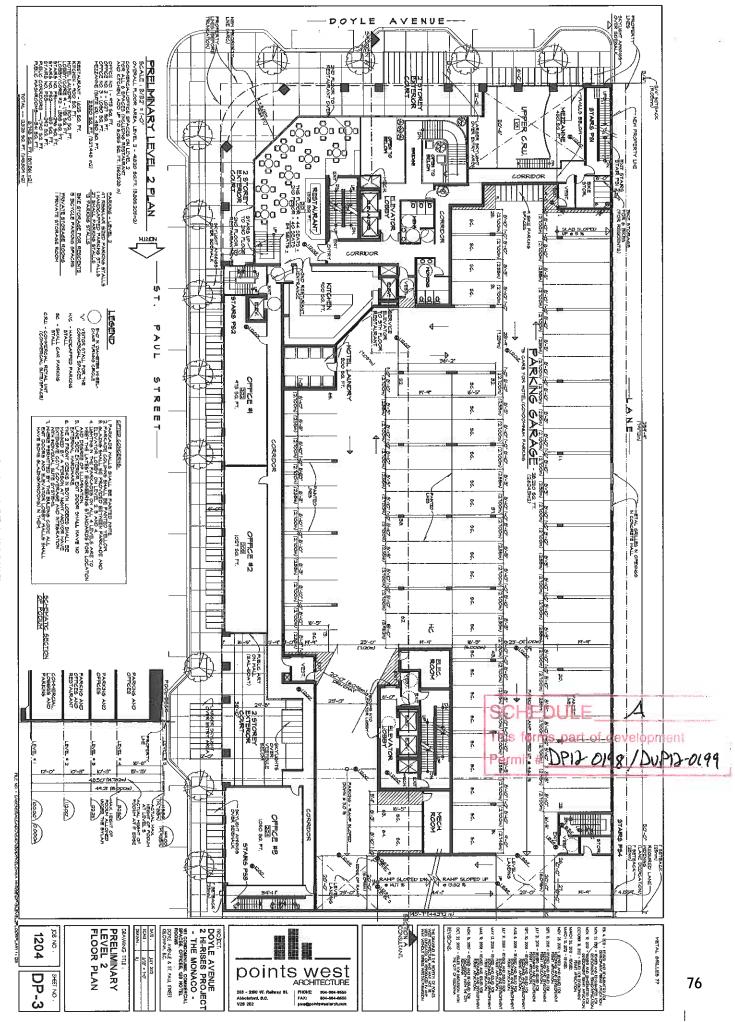


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

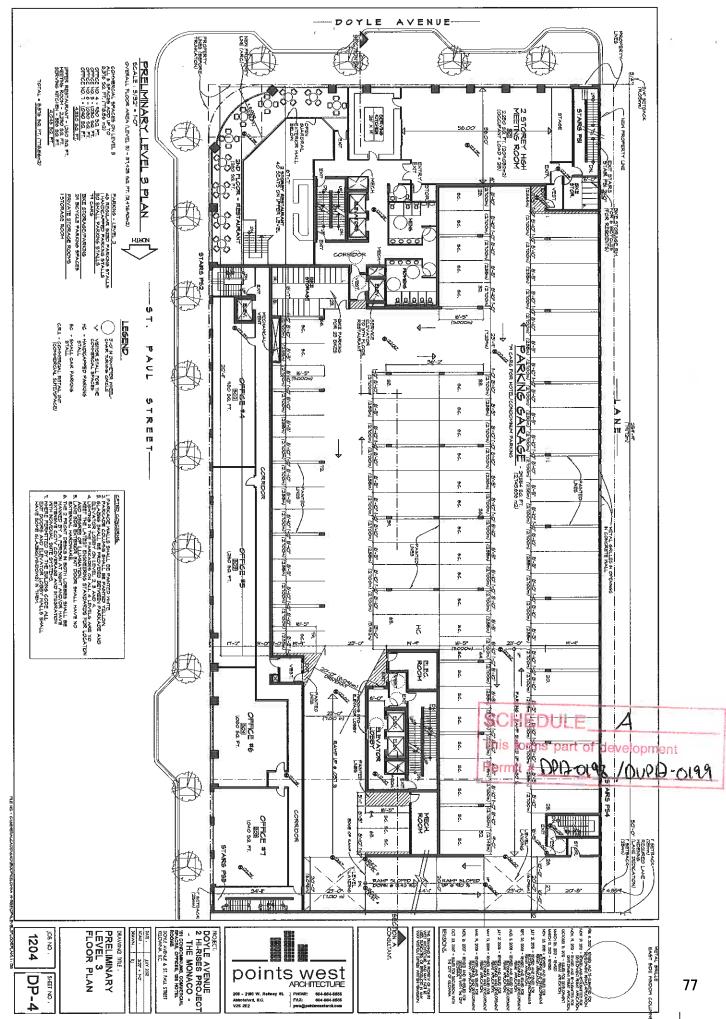


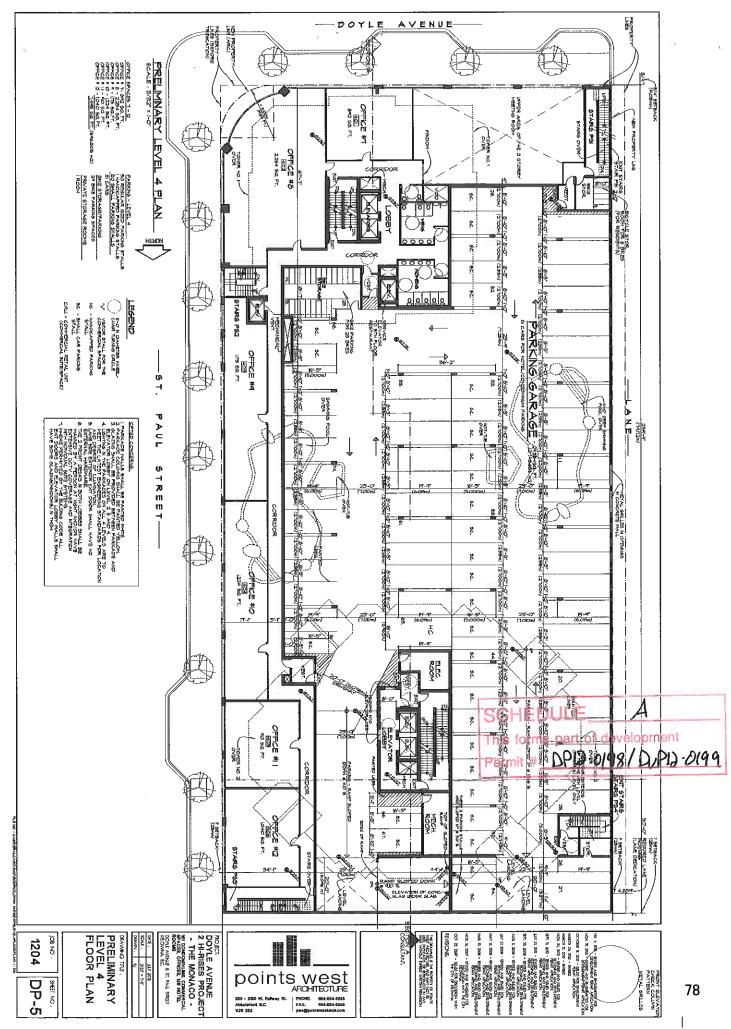


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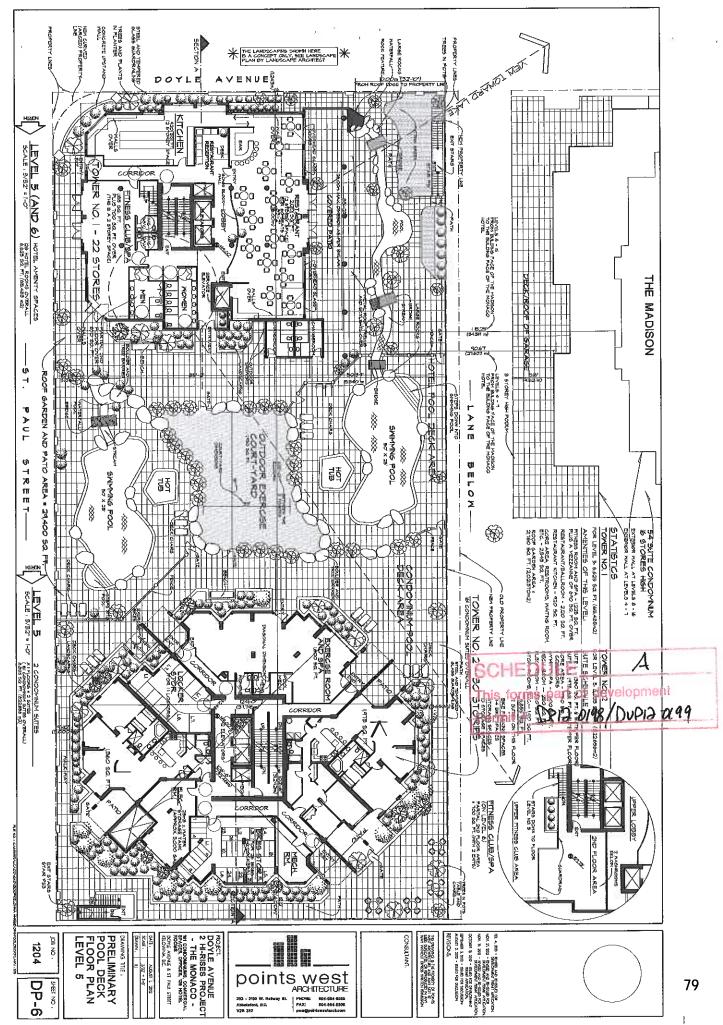


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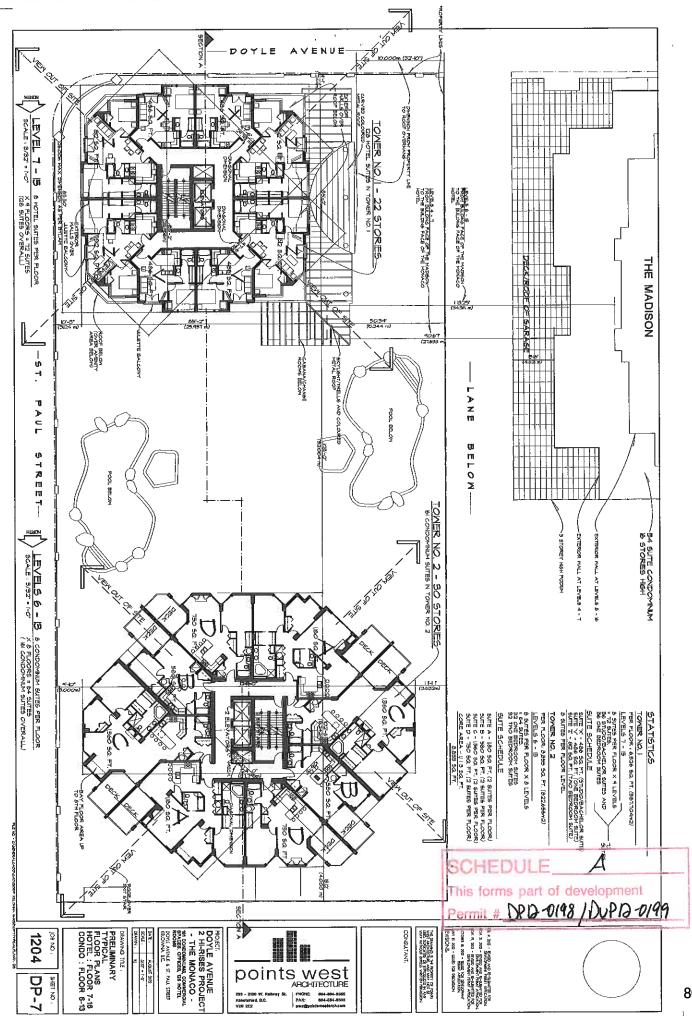


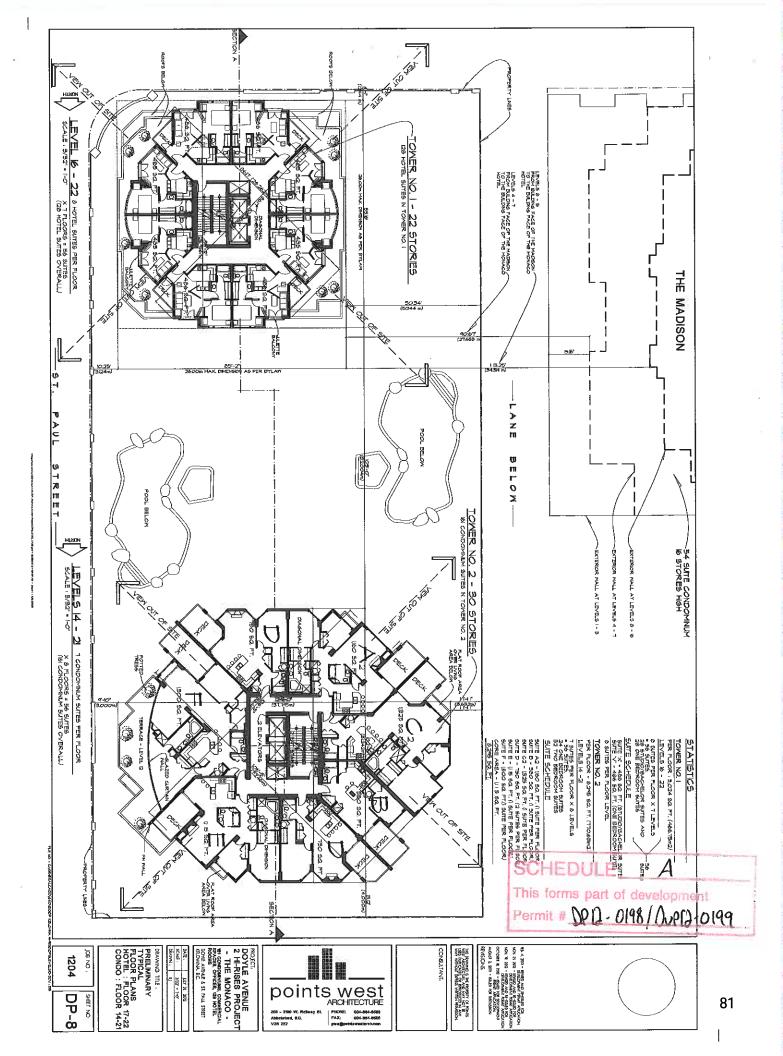


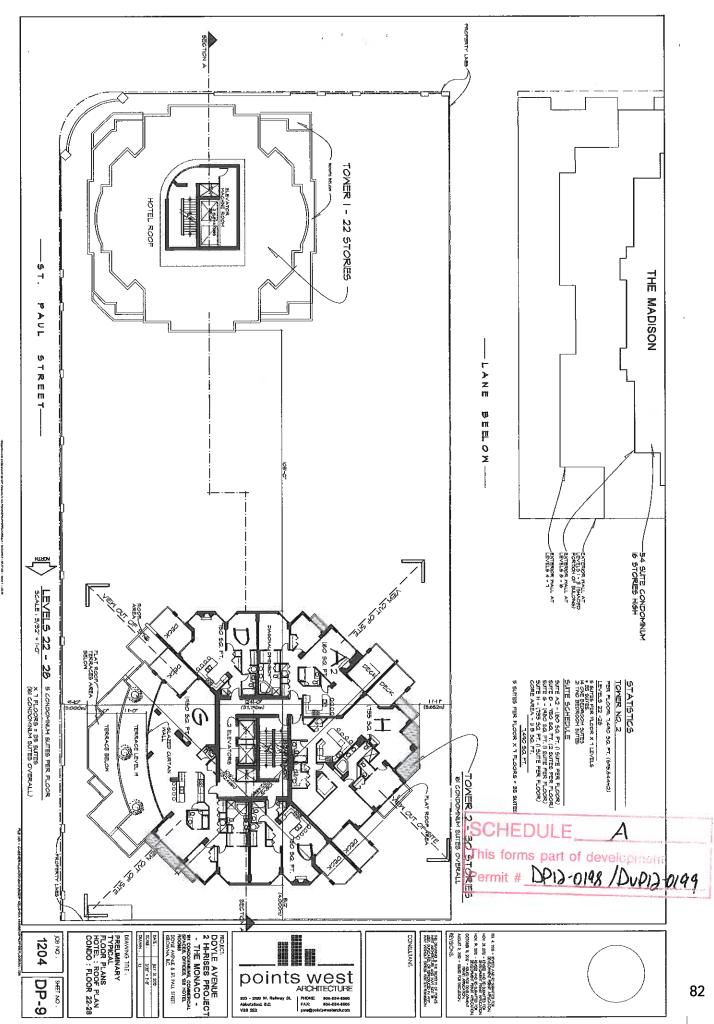
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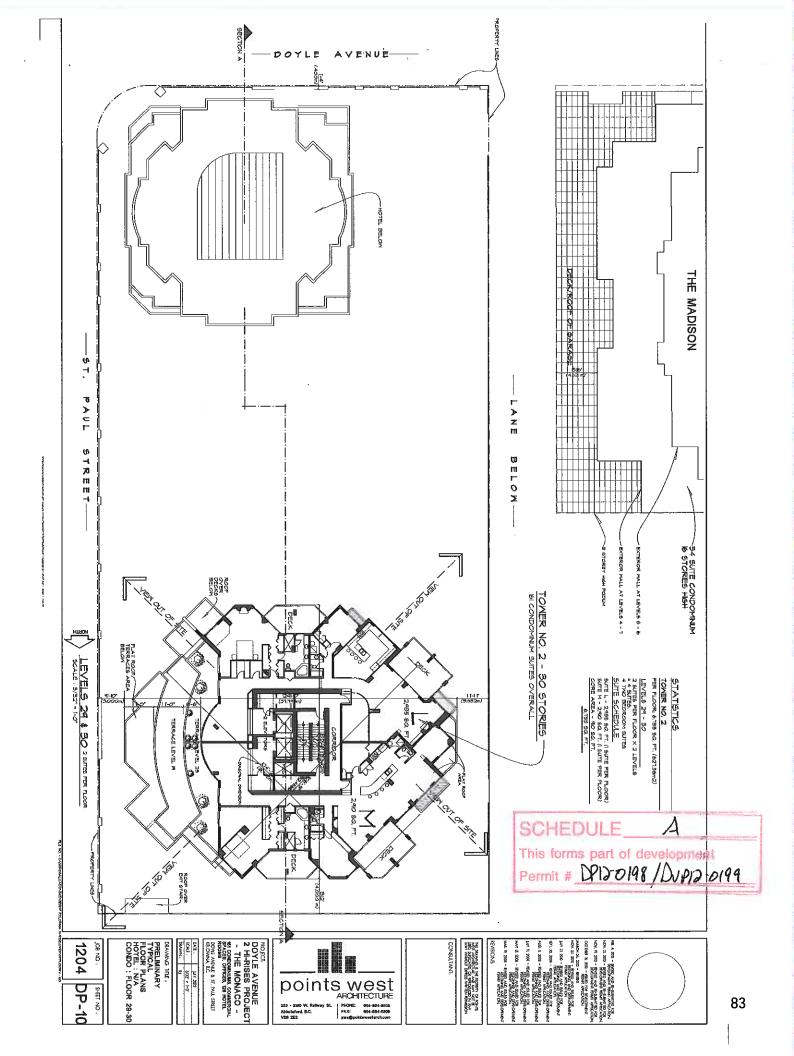


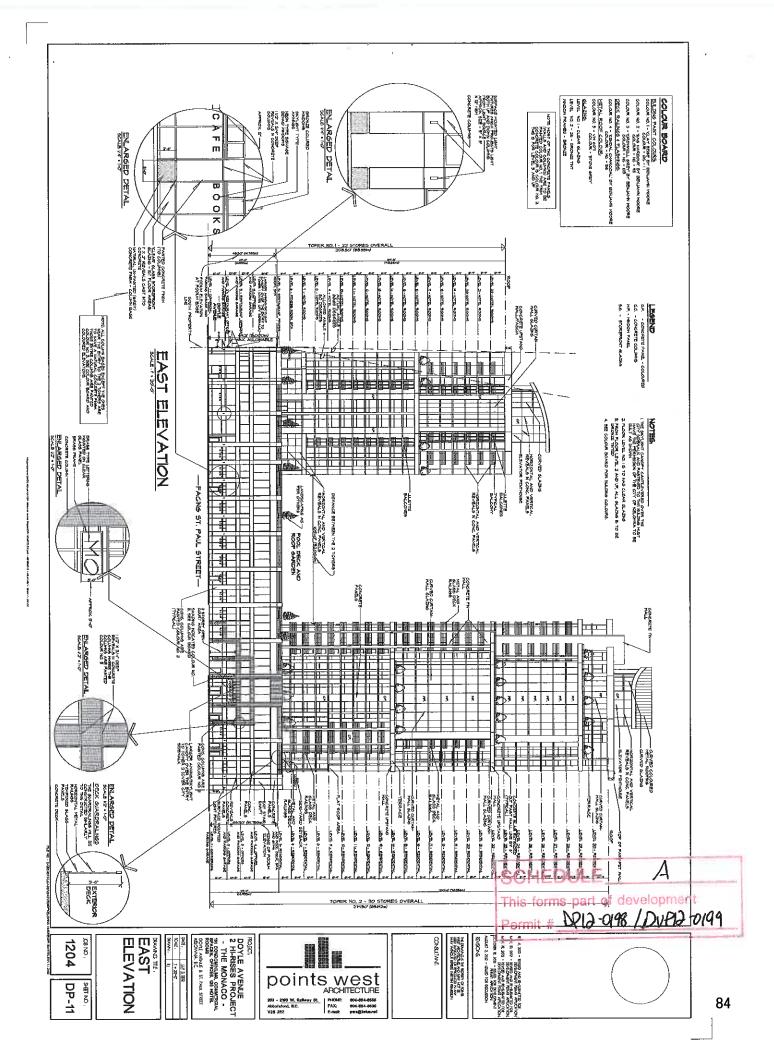
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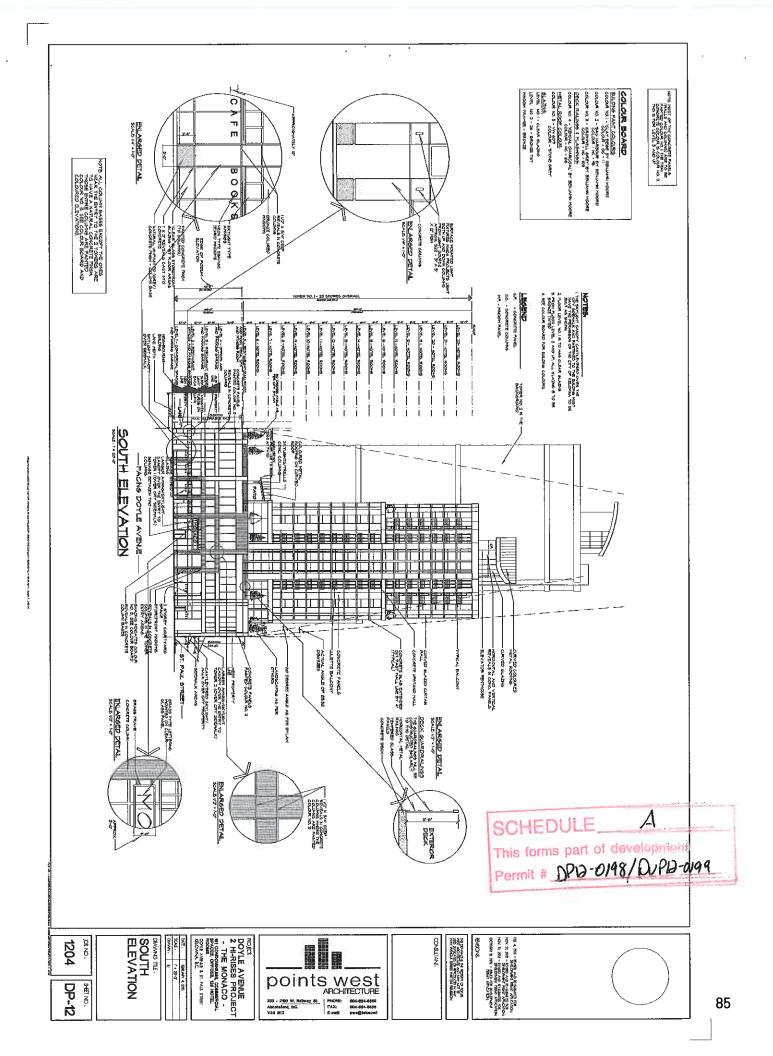


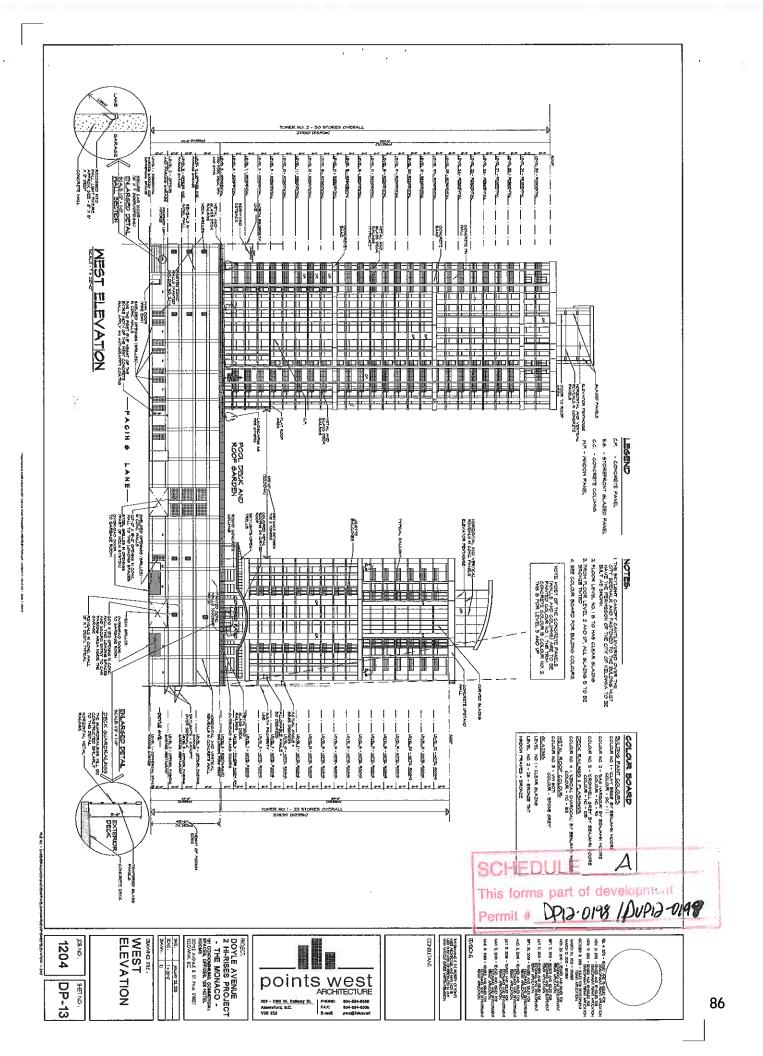


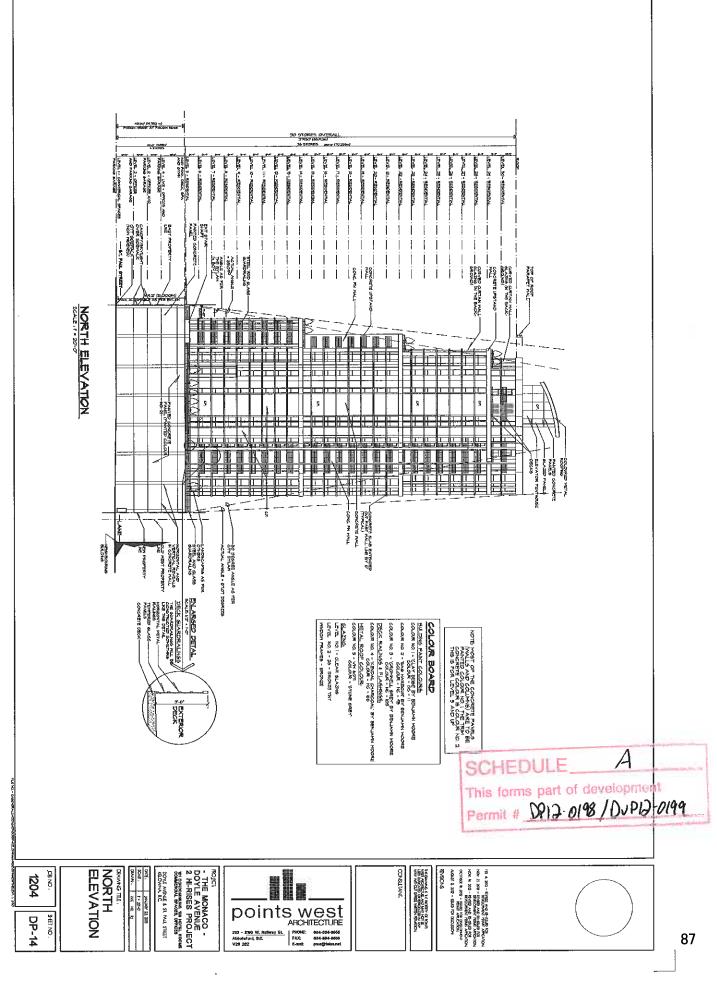


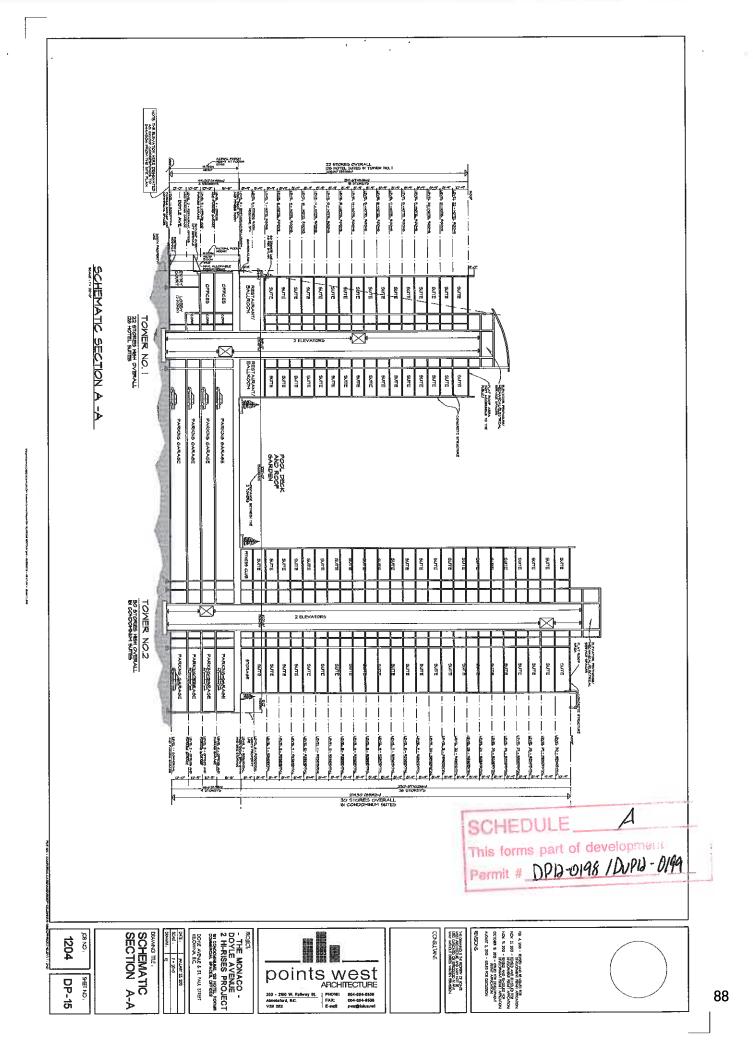


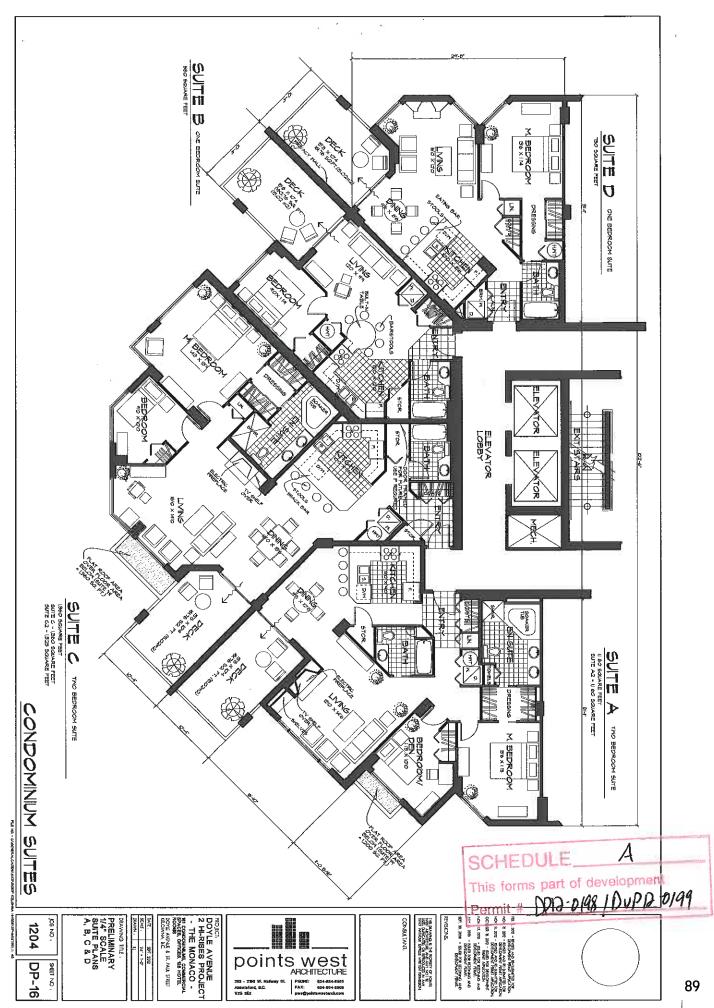




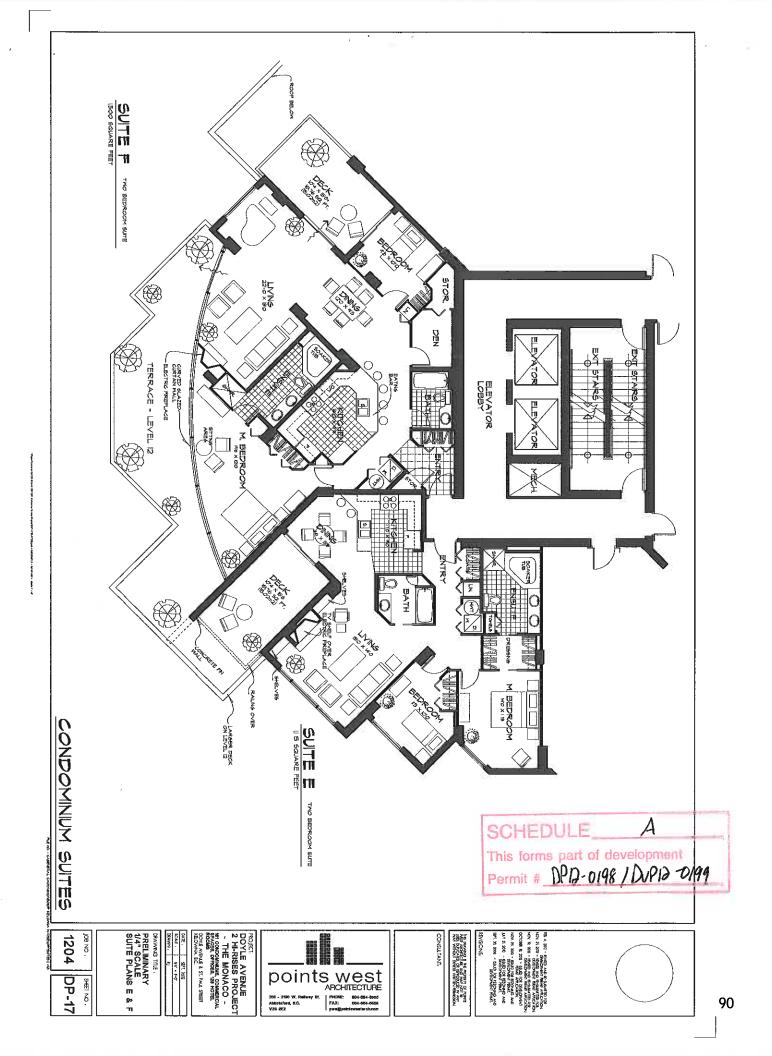


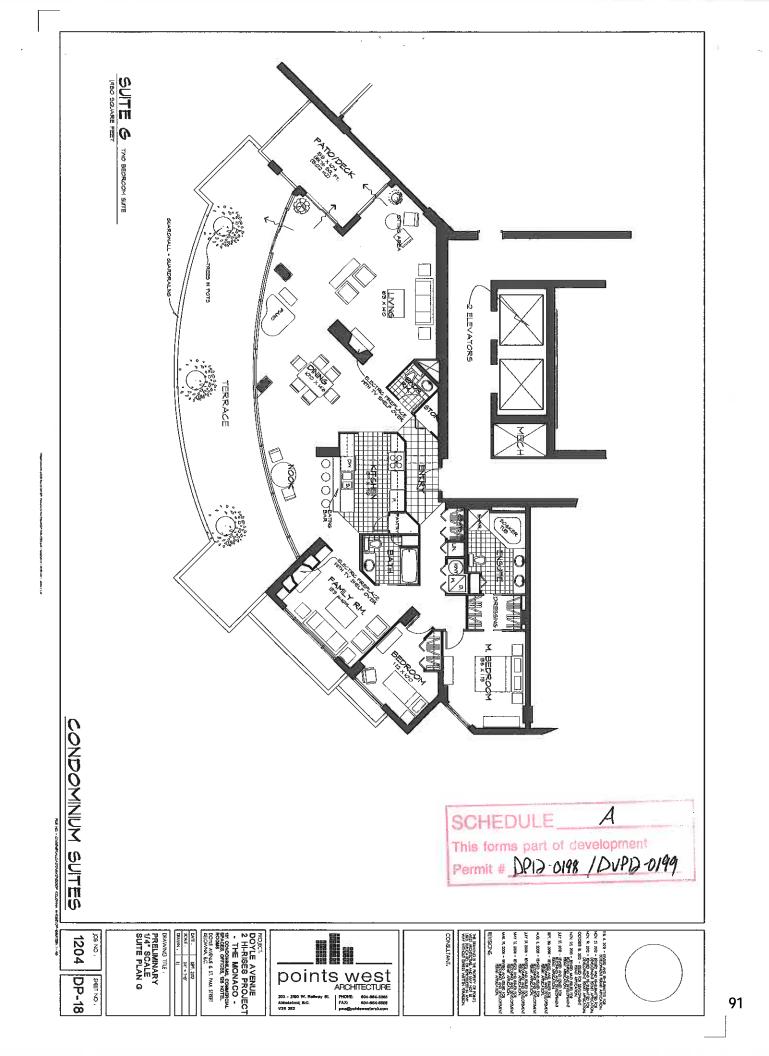


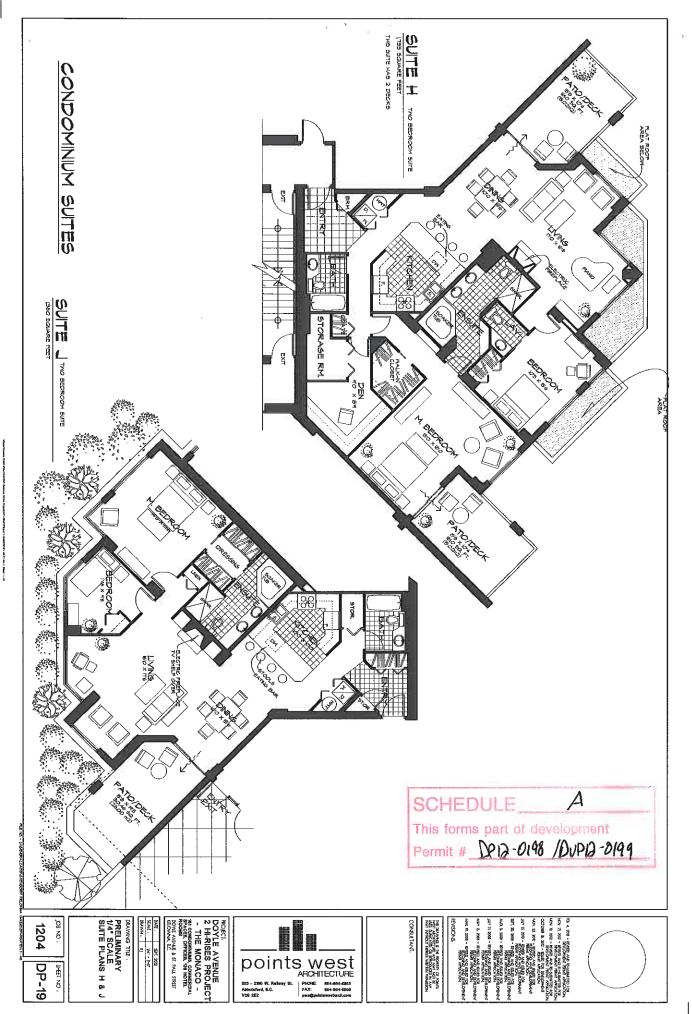


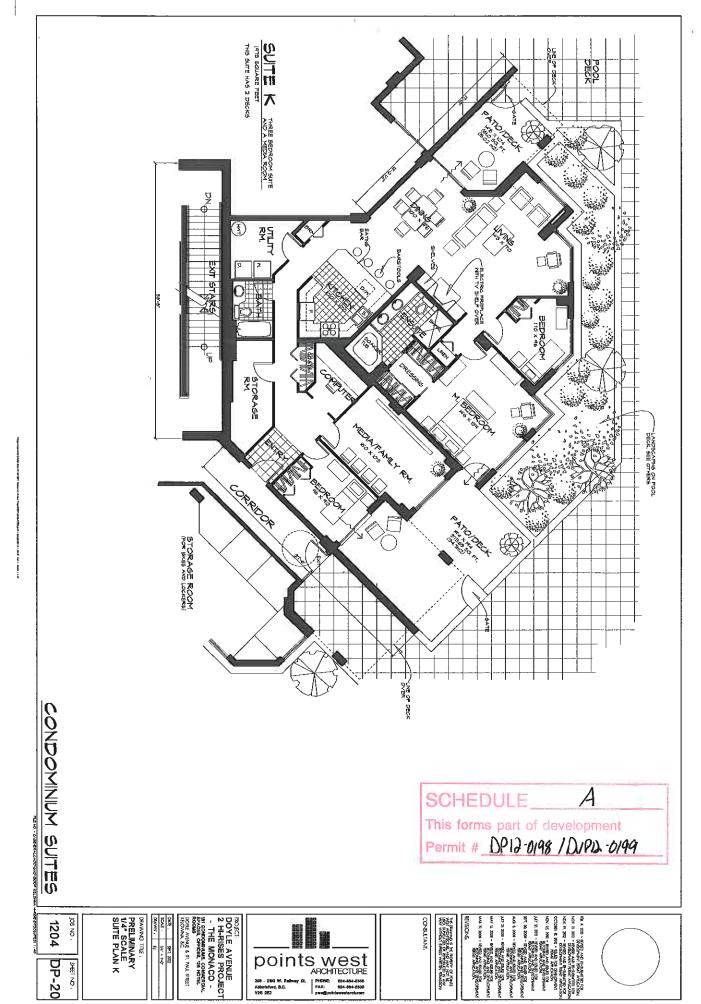


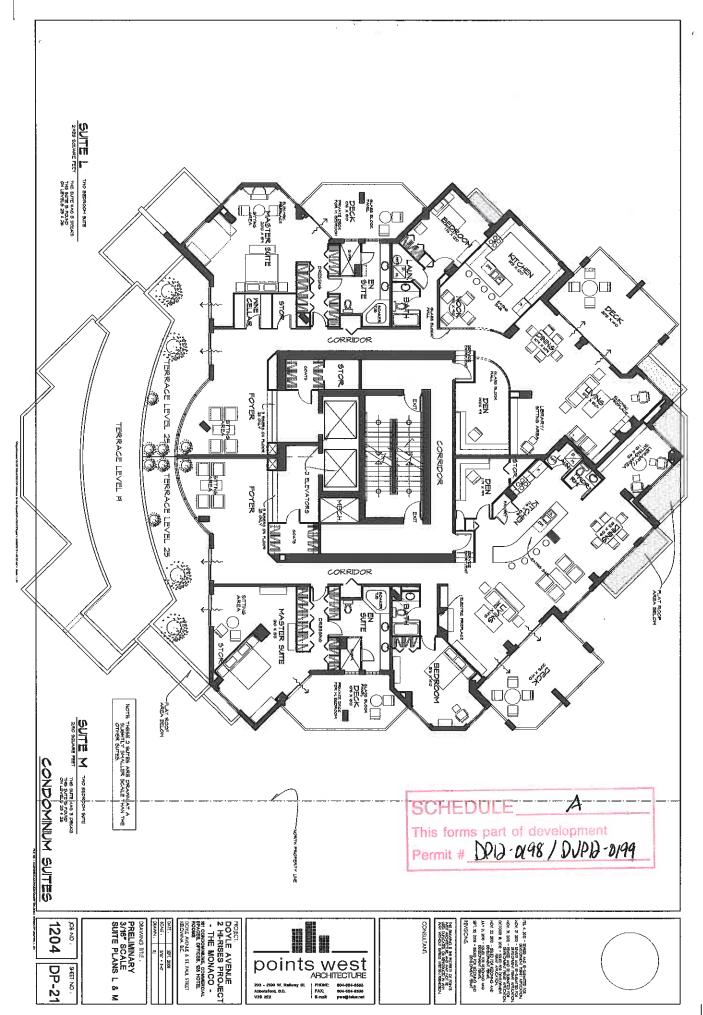
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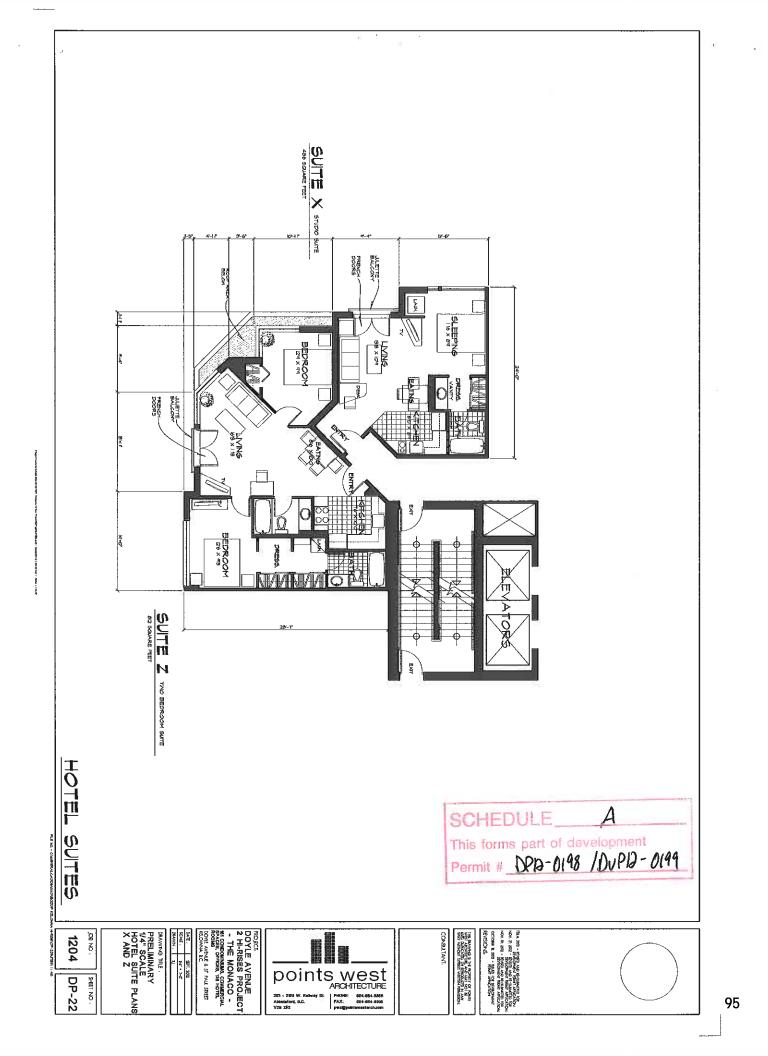


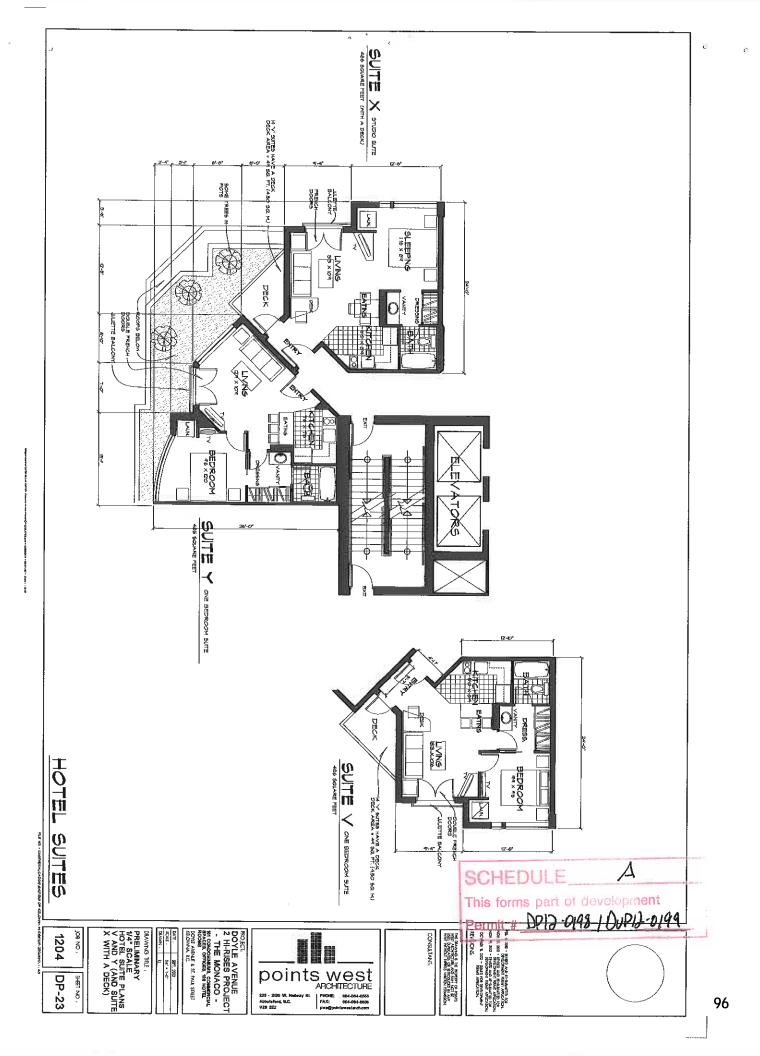






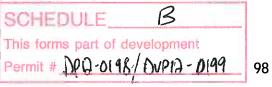














Colour No. 1 'Clay Beige' by Benjamin Moore Colour - OC-11



Colour No. 3 'Cromwell Gray' by Benjamin Moore Colour - HC-103



Colour No. 5 Metal Roof by VicWest Colour - Stone Grey



First Floor Glass Windows Colour - Clear Glass (Not Exactly as Shown)



Colour No. 2 'Sag Harbour Gray' by Benjamin Moore Colour - HC-95



Colour No. 4 Deck Railings & Flashing 'Kendall Charcoal' by Benjamin Moore Colour - HC-166



Colour No. 6 Aluminum Window Frames Colour - Anodized Dark Bronze



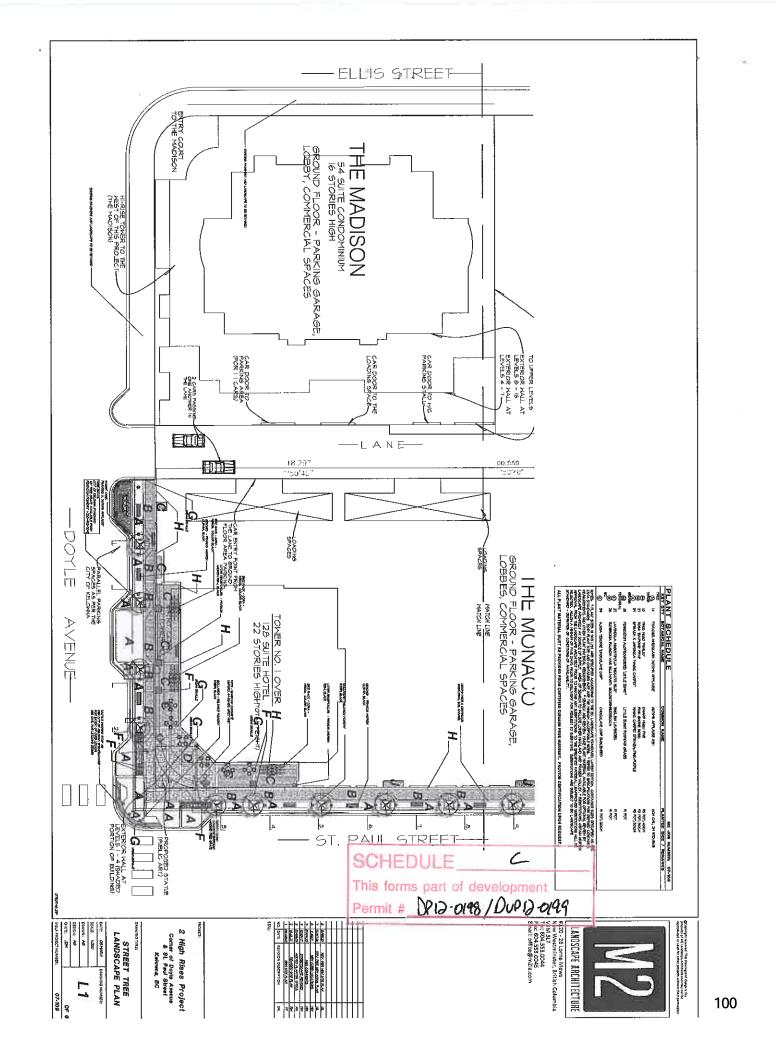
Glass Windows Colour - Bronze Tint (Not Exactly as Shown)

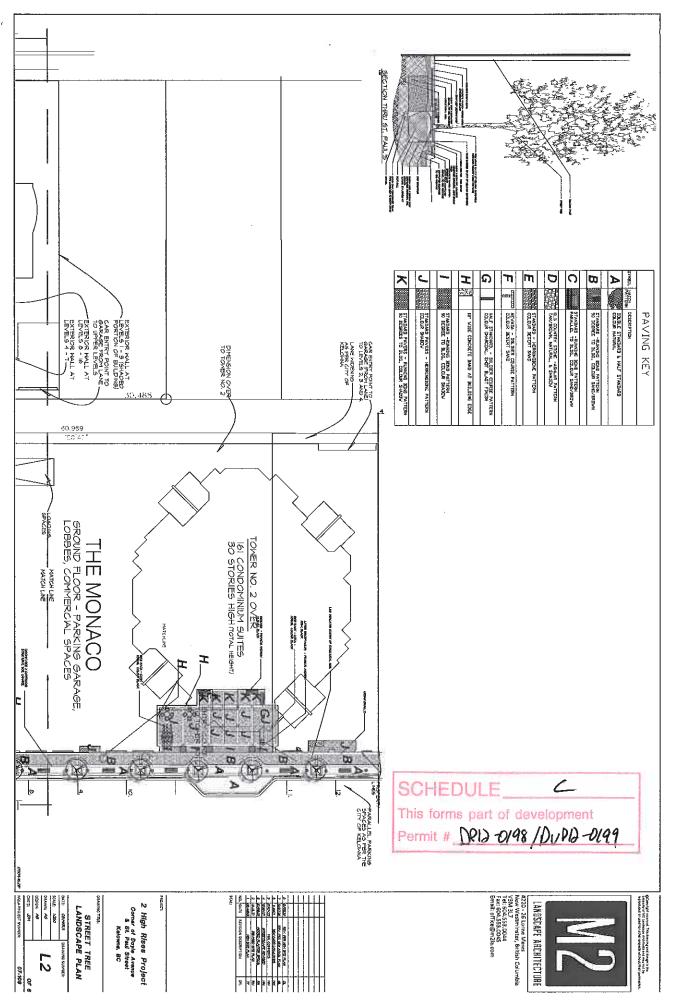
SCHEDULE____

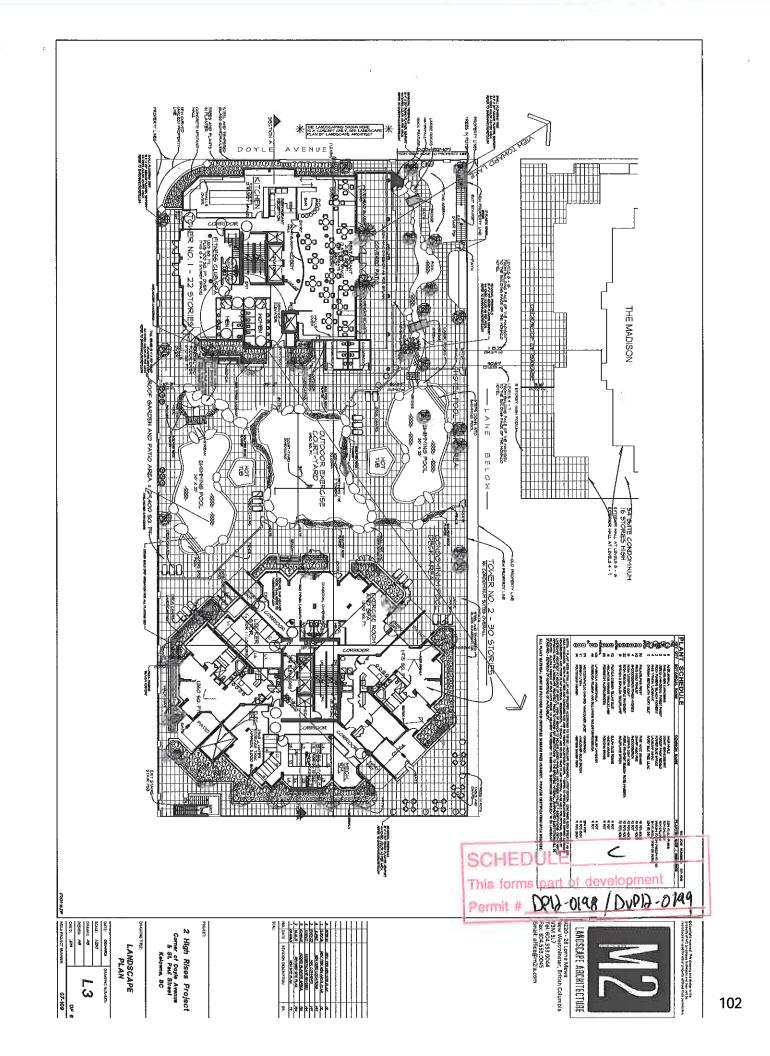
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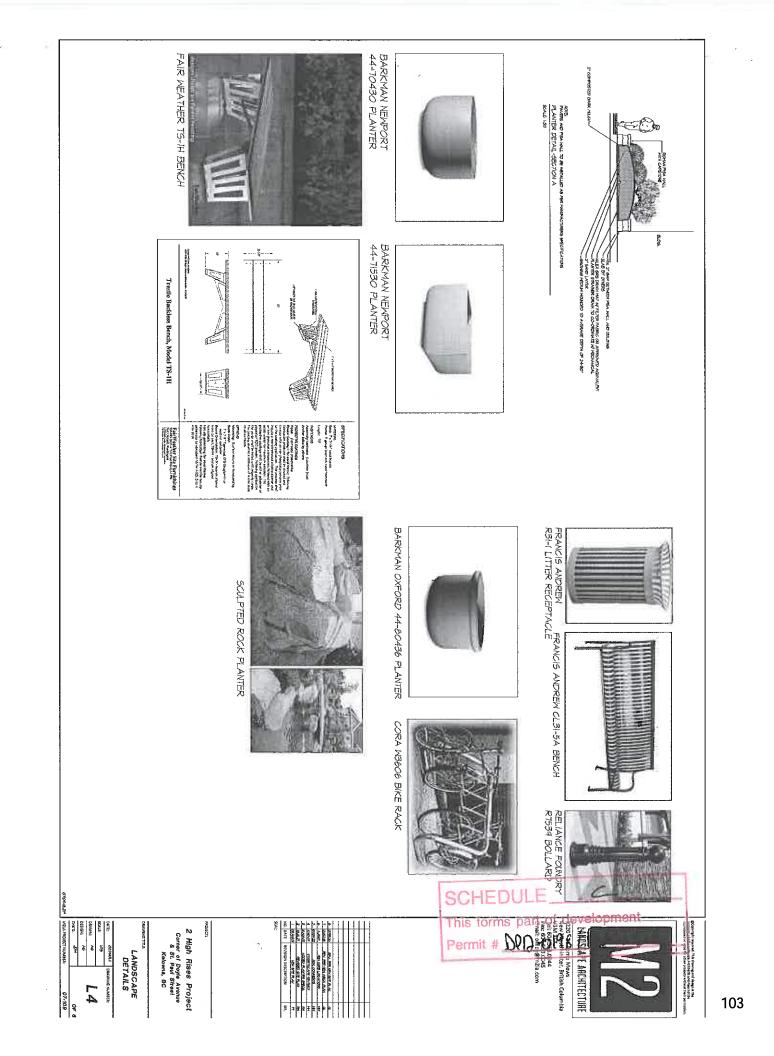
Exterior Materials Colour Selection

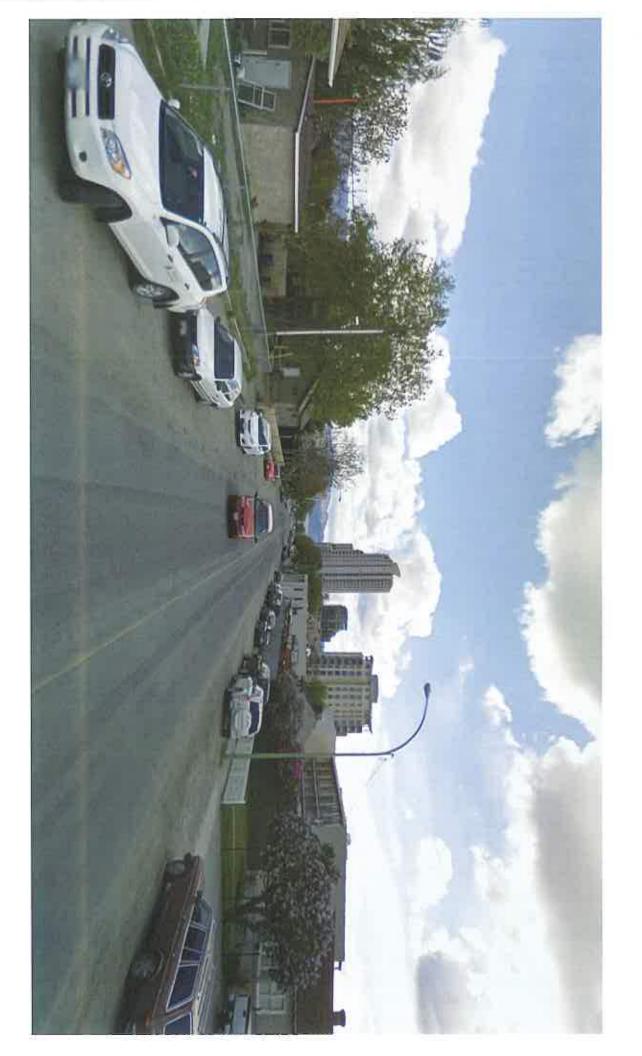
The Monaco











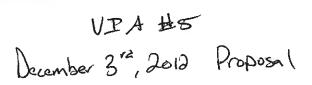
Visual Impact Assessment - #1







VITA #4





VITA #6 Revised Proposal



The Monaco Amenity

The Monaco is a living building that brings with it a wealth of amenities to greater serve the community. It will be a vital part of the neighborhood and have a pivotal roll in the city. As Kelowna's downtown becomes more defined with new residents, tourists, and professionals the need for services increase. The Monaco comes at an opportune time, with the new Interior Health Association office as well as several tech companies wanting to expand into the new downtown. The Monaco is the ideal product to fit the need of the growing traffic of downtown.

Two restaurants will serve the community, both with a unique atmosphere that few locations can match. Restaurant A located on the second and third floor of the corner of St Paul Street and Doyle Ave will have an open feel with a mezzanine overlooking the Okanagan valley. Restaurant B offers a panoramic view of Kelowna and Lake Okanagan from the 5th floor. From this location patrons can relax on The Monaco's above ground garden space. Viewing the reflecting pool, or practicing their putt on the putting green located beside the restaurant, a perfect way to unwind from a busy day.

The daycare facility located on the North East side of the buildings ground floor is a much needed amenity for the neighborhood. With 1000 future employees working in the neighborhood and 160 plus residents it will be even more crucial. The daycare will also have a secure, designated play area on the podium deck reinforcing the commitment to parents that the downtown can and should be enjoyed by all members of the family.

The Monaco features over a half acre of green park space on its terrace including two pools surrounded by lush greenery, rock and water features. Meandering streams create a natural, visibly appealing border between the garden amenities. Follow the walking path around the garden features to the putting green located on the south west corner completes the active environment.

Retail space in The Monaco is sought after by many high end shops looking for a highly visible space next to surrounding offices, hotel, and residences. The Madison and Monaco tower along with IHA makes this the ideal project for premium retailers. A high end boutique clothing shop from the Fraser Valley is looking to expand their brand to Kelowna. Within the requests for rights was a piano lounge. Kelowna does not yet have a place where a mature demographic can listen to jazz and ballroom dance.

Public art will link The Monaco with Kelowna's strong ties to the outdoors and active lifestyle. The Monaco will feature a bicyclist on the corner of St Paul Street and Doyle Ave. Further connecting the block from Ellis Street along the sidewalk the bicyclist will mimic the style of The Madison's Dancer IV. The bicyclist will be a great addition to Kelowna's public art and its art corridor. Turning the corner onto St. Paul at the entrance of the north tower a Sailboat will be a welcoming feature to the exterior of the building hinting at Lake Okanagan's many water sports.



CITY OF KELOWNA

MEMORANDUM

Date:March 11, 2013File No.:DP12-0198, DVP12-0199

To: Planning & Development Services Department (AW)

From: Development Engineering Manager

Subject: 526 Doyle Ave & 1368 St. Paul St - Lot A, Plan EPP9526 & Lot A, Plan 87835 REVISED The Monaco

Development Engineering has the following comments and requirements associated with this application. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

The Development Engineering Technologist for this project is Sergio Sartori.

1. Domestic Water and Fire Protection

- (a) The previously 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 and one new larger metered water service.
- (c) The estimated cost of this construction for bonding purposes is \$25,000.00 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.
- (d) The existing 250mm diameter AC waterman on St Paul Street fronting this development is within 4.27m of the property line. Soil compaction of the development site will impact the integrating of this waterman. It is likely that this watermain fronting this development will need replacing. The estimated cost of Watermain replacement for bonding purposes is \$45,000.00 Should the integrity of the Watermain on Doyle Avenue also be impacted, additional bonding for it's replacement will be required.
- (e) 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. Boulevard landscaping, complete with underground irrigation system, must be integrated with the on-site irrigation system.

2. <u>Sanitary Sewer</u>

- (a) The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. The previously 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 mains. Only one service will be permitted for this development. The estimated cost for construction for bonding purposes is \$10,000.00
- (b) It will be necessary to replace approximately 32 lineal meters of existing substandard 150mm diameter AC sanitary main on St Paul Street with 250mm diameter PVC main. The remainder of the 150mm diameter AC main up-to the Doyle Street intersection manhole may be abandoned. The estimated cost for construction for bonding purposes is \$25,000.00
- (c) A flow analysis check by the developer's consulting civil engineer will be required to determine the impact of the projected flow contributions to the existing sanitary sewer system and establish if there is sufficient capacity to support the proposed development needs. If it is determined that upgrades to the existing sanitary sewer system must be made, additional bonding will be required.

3. <u>Storm Drainage</u>

- (a) It will be necessary for the applicant to extend the piped storm drainage collection system in the rear lane including the installation of a catch-basin and manhole. The cost of these works is included in the road upgrading cost estimates.
- (b) 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 provision of lot grading plan, 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**
- (c) The existing storm main on Doyle Avenue fronting this development is within 5.50m of the property line. It is anticipated that the soil compaction of the development site will impact the integrating of this main. It is likely that the existing man will need to be repaired or replaced. The estimated cost of main replacement for bonding purposes is **\$35,000.00**

4. Road Improvements

 (a) <u>Doyle Avenue</u> fronting this development site is urbanized but the existing curb and sidewalk is in a deteriorated state. The upgrades will require curb, gutter and sidewalk removal and reconstruction as well as the re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The developer shall use the same vocabulary of streetscape elements as that used for the Madison frontage (Doyle Avenue). Although the materials and pattern need not be identical, the general character shall be replicated through use of the same surface colors, benches, bollards, and the curb let-down details. Tree spacing shall match the existing spacing along the Doyle Ave Contact the City Planning Specialist, Pat McCormick @

pmccormick@kelowna.ca for further input on the streetscape design.

Urban Braille shall be incorporated as an extension to the Madison frontage. The applicant is encouraged to use the resources of The Canadian National Institute for the Blind (CNIB). Contact: <u>Walter.Stancec@cnib.ca</u>

The estimated cost of the road improvements and anticipated reconstruction, for bonding purposes is **\$75,000.00** If it is determined that additional road reconstruction is required, additional bonding will be required. Soil compaction of the development site will impact the integrating of the frontage roads. The decommissioning of existing services and installation of new services will also require road cuts. The extent of pavement restoration will be at the discretion of the City Development Engineer.

(b) <u>St. Paul Street</u> fronting this development must be upgraded to a full urban standard including a new sidewalk, curb and gutter, storm drainage system including catch basin modifications, pavement widening, and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction.

The developer shall use the same vocabulary of streetscape elements as that used for the Madison frontages (Ellis Street and Doyle Avenue). Although the pattern need not be identical, the general character can be replicated through use of surface materials, benches, bollards and vegetation. The tree spacing along St. Paul should be approximately the same as Doyle Ave.

The estimated cost of the road improvements and reconstruction, for bonding purposes is **\$145,000.00**

(c) <u>Lane</u> adjacent to this development site will require widening and reconstruction to a paved commercial standard including the extension of the piped drainage system. The estimated cost of this construction for bonding purposes is \$25,000.00

- 5. Road Dedication and Subdivision Requirements
 - (a) Dedicate widening of the rear lane to provide the required widening to provide an ultimate 7.6m wide commercial standard lane.
 - (i) 6.0m radius corner rounding at the Doyle Ave, St. Paul St intersection.
 - (ii) Lot consolidation.
 - (iii) 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. <u>Street Lighting</u>
 - (a) Street lights are installed on St Paul Street and Doyle Ave fronting the proposed development. Re-location or adjustments to the existing street lighting system may be required to accommodate the road upgrading construction.

8. <u>Engineering</u>

- (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 all existing infrastructure fronting this development and provide a pre-construction video report of the storm and sanitary mains to the City Engineer. After soil compaction is complete, the condition of the infrastructure shall be inspected and a new video report provided by the consultant complete with the engineer's findings and recommendations.
- (c) Of particular concern is the 250mm diameter AC water main that is within 4.70 meters of the property line on St Paul Street. A contingency plan should be in place in the event of a main break.
- (d) A 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.

9. <u>Geotechnical Report</u>

- (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 pisometers 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.

10. <u>Survey Monuments and Iron Pins</u>

- (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.
- 11. Bonding and Levy Summary
 - (a) <u>Bonding</u>

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Watermain and servicing	\$ 70,000.00
Sanitary Mains and servicing	\$ 35,000.00
Storm Mains and servicing	\$ 45,000.00
St. Paul Street Rd frontage	\$145,000.00
Doyle Avenue frontage	\$75,000.00
Lane upgrading	\$ 25,000.00

Total Bonding

\$395,000.00

Bonding requirements have been satisfied and are in place with the City as part of the Rezoning (Z07-0056) and previous Development Permit (DP10-0125) applications.

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 soil compaction, additional bonding will be required.

<u>NOTE</u>: 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.

12. Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as (3% of Total Off-Site Construction Cost plus HST) **\$9,479.96** (\$8,464.25 + \$1,015.71) *This fee has been paid as part of the Rezoning (Z07-0056) and previous Development Permit (DP10-0125) applications.*

13. Latecomer Protection

Under provisions of Section 990 of the BC Municipal Act, and in conformance with the City of Kelowna Subdivision Development & Servicing Bylaw No. 7900, the owner is eligible to apply for latecomer protection for the following:

(i) Lane paving and storm drainage system within the lane

14. <u>Development Variance Permit and Site Related Issues</u>

The development variances permit to vary;

- the maximum height requirement does not compromise our servicing requirements.
- the building setback from an interior lot line (north).
- the building setback from a lot line abutting the lane.
- the separation distance between more than one tower on the same property.
- the maximum horizontal dimension above 15m for both towers.
- the maximum floor plate area for both towers.
- the inclined plane above 15m.

does not compromise our municipal servicing requirements.

Steve Muenz, P. Eng. Development Engineering Manager

Jf/ss

12/03/2013

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The Monaco Public Information Meeting

The public information meeting was held May 8th between the time of 5:30pm - 8pm. The location chosen for the event was The Bike Shop Cafe 101 - 1357 Ellis St Kelowna which is in close proximity to the project site.

I (Tyler Dueck) informed 20 business's by walking door to door, as well as requesting landlords to inform their tenants. A list of notified businesses and copies of email invitations that were sent out has been submitted to the City of Kelowna Land Use Management Department. I also asked the strata manager from The Madison Robert Zivkovic (Associated Property Management,) and resident Dina Kotler to email and post notices to The Madison unit owners.

At the meeting two different 3D renderings were on display. One rendering represents a straight on view and one represented a corner view. I also had a rendering of the previous application to compare. Most of the attendees showed up together so I introduced myself and asked them to sign the attendance form and fill in the comment sheets. Approximately 18 people were in attendance. The attendees were a mix of 8 local business owners and or building owners, and 10 people announced they were residents of The Madison (1300 block of Ellis St.) Unfortunately only two people signed our attendance/comment sheet however both signified their support of the project.

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I informed the attendees of the benefits to the community that the proposed Monaco has to offer. During my presentation one of the Madison resident interjected "but what is in it for me" with several other residents echoing the sentiment. I proceeded to elaborate on the amenities that are directly accessible and, or viewable from The Madison. I mentioned that there will be a half acre of greenspace above the podium visible to The Madison east facing residents. I let them know that quite a few inquiries from upscale retailers and commercial operators have expressed interest in locating in our project. There are several quality restaurants designed within The Monaco. I also mentioned the daycare on the ground floor. A Madison resident responded by saying "look at me what do I need that for", the sentiment resounded with other residents of The Madison. I didn't know how to answer that. I mentioned our public art as an enhancement to the neighborhoods overall esthetic appeal. Realtors from the Remax office on the ground floor of The Madison also mentioned the increase in property value for neighbors including The Madison.

Once The Monaco is built along with the Interior Health Association building there will be a more lively, desirable vibrant downtown. Security was also addressed. The hotel will have a concierge and other staff monitoring the building and neighborhood to ensure safety. I also mentioned that a well lived in building is safer than an empty lot with an empty building.

The public information meeting was held in accordance with the new policy implemented after I sent out notification with exception to newspaper notification and

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time elapsed prior to the meeting. Premier Pacific agreed with City of Kelowna Land Use Management Department that this would be a positive step to further inform the public of the modification of an existing application. Impacted property owners were informed 1 week prior to the meeting. Completion of a public information meeting was important to the timing of the report so Premier Pacific along with the Land Use Management Department decided it was best to go ahead with the meeting as soon as possible to include this step in the report.

Since only 2 comment sheets were filled out, I have done my best to reflect from my notes the questions and concerns from the neighbors that were addressed at the meeting.

Tyler Dueck VP Project Development Premier Pacific Group

On March 4, 13 Tyler Dueck VP Project Development assisted by Brittany Dombrosky canvassed the neighborhood block of Doyle Ave, St Paul Ave, Cawston Ave, and Ellis St. The intent was to inform tenants of the new developments of The Monaco and inform of a public information open house dated for March 8, 13.

Front Shop Hair Salon Vantage West Realty It's Media Georgie Girl **Distefano Architecture** Spectrum The De Pieri Clinic Images and Shades Water Garden Opus **Fashion Foundations** Remax **Posh Galery Bistro Beyond Audio O'Rourkes Grocery** Canada Safety Equipment Property Owner of 1314 St Paul. Goddard Surveying The Bike Shop Café

Tyler Dueck VP Project Development Premier Pacific Group 778.808.1000