

City of Kelowna Public Hearing AGENDA



Tuesday, January 24, 2017
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

1. (a) The purpose of this Hearing is to consider certain bylaws which, if adopted, shall amend *Kelowna 2030* - Official Community Plan Bylaw No. 10500 and Zoning Bylaw No. 8000.

(b) All persons who believe that their interest in property is affected by the proposed bylaws shall be afforded a reason-able opportunity to be heard or to present written submissions respecting matters contained in the bylaws that are the subject of this hearing. This Hearing 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.

(c) All information, correspondence, petitions or reports that have been received concerning the subject bylaws have been made available to the public. The correspondence and petitions received after January 11, 2017 (date of notification) are available for inspection during the course of this hearing and are located on the information table in the foyer of the Council Chamber.

(d) Council debate on the proposed bylaws is scheduled to take place during the Regular Council meeting after the conclusion of this Hearing. It should be noted, however, that for some items a final decision may not be able to be reached tonight.

(e) It must be emphasized that Council will not receive any representation from the applicant or members of the public after conclusion of this Public Hearing.

2. Notification of Meeting

The City Clerk will provide information as to how the Hearing was publicized.

3. Individual Bylaw Submissions

3.1	2273-2275 Aberdeen St, BL11332 (Z16-0056) - Robert Anderson and Alexander Kramar	4 - 21
	To rezone the subject property from RU6 – Two Dwelling Housing to RM1 – Four Dwelling Housing to legalize 2 existing dwellings on the rear of the subject property (4 dwellings total).	
3.2	Text Amendments, BL11333 (TA16-0005) - Carriage House Regulations & Secondary Suite Definition	22 - 32
	To consider Text Amendments to Zoning Bylaw No. 8000 in order to restrict carriage houses on lots less than 1.0 hectare that rely on on-site sewage disposal and a housekeeping amendment to the definition of the term Secondary Suite.	
3.3	238 Queensway, BL11335 (OCP16-0026) & BL11336 (Z16-0074)- City of Kelowna	33 - 67
	To rezone the subject properties to the P1 – Major Institutional zone and to amend the Future Land Use designation identified in the OCP to Educational / Major Institutional (EDINST) for a Tourism Kelowna Visitor Information Centre.	
3.4	1330 St. Paul St, BL11338, (Z16-0067) - Burro Developments Ltd	68 - 89
	To consider a rezoning application on the subject property from I2 – General Industrial Zone to the C7 – Central Business Commercial Zone.	

4. Termination

5. Procedure on each Bylaw Submission

- (a) Brief description of the application by City Staff (Land Use Management);
- (b) The Chair will request that the City Clerk indicate all information, correspondence, petitions or reports received for the record.
- (c) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.
- (d) The Chair will call for representation from the public in attendance as follows:
 - (i) The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.
 - (ii) The Chair will recognize ONLY speakers at the podium.
 - (iii) Speakers are encouraged to limit their remarks to 5 minutes, however, if they have additional information they may address Council again after all other members of the public have been heard a first time.
- (e) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total

of 10 minutes maximum.

(f) Questions by staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.

(g) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

Note: Any applicant or member of the public may use visual aids (e.g. photographs, sketches, slideshows, etc.) to assist in their presentation or questions. The computer and ELMO document camera at the public podium are available. Please ask staff for assistance prior to your item if required.

REPORT TO COUNCIL



Date: December 12, 2016

RIM No. 1250-30

To: City Manager

From: Community Planning Department (TB)

Application: Z16-0056

Owner:

Robert Arnold Anderson
Lynn Marguerite Anderson
Alexander Richard Kramar
Margaret Susan Kramar

Address: 2273-2275 Aberdeen Street

Applicant:

Robert Arnold Anderson
Alexander Richard Kramar

Subject: Rezoning Application

Existing OCP Designation: MRL - Multiple Unit Residential

Existing Zone: RU6 - Two Dwelling Housing

Proposed Zone: RM1 - Four Dwelling Housing

1.0 Recommendation

THAT Rezoning Application No. Z16-0056 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Strata Lot 1, District Lot 136, ODYD, Strata Plan KAS3174 Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V; and Strata Lot 2, District Lot 136, ODYD, Strata Plan KAS3174 Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V, located at 2273-2275 Aberdeen Street, Kelowna, BC from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling Housing zone, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated September 30, 2016;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit & Development Variance Permit for the subject property.

2.0 Purpose

To rezone the subject property from RU6 - Two Dwelling Housing to RM1 - Four Dwelling Housing to legalize 2 existing dwellings on the rear of the subject property (4 dwellings total).

3.0 Community Planning

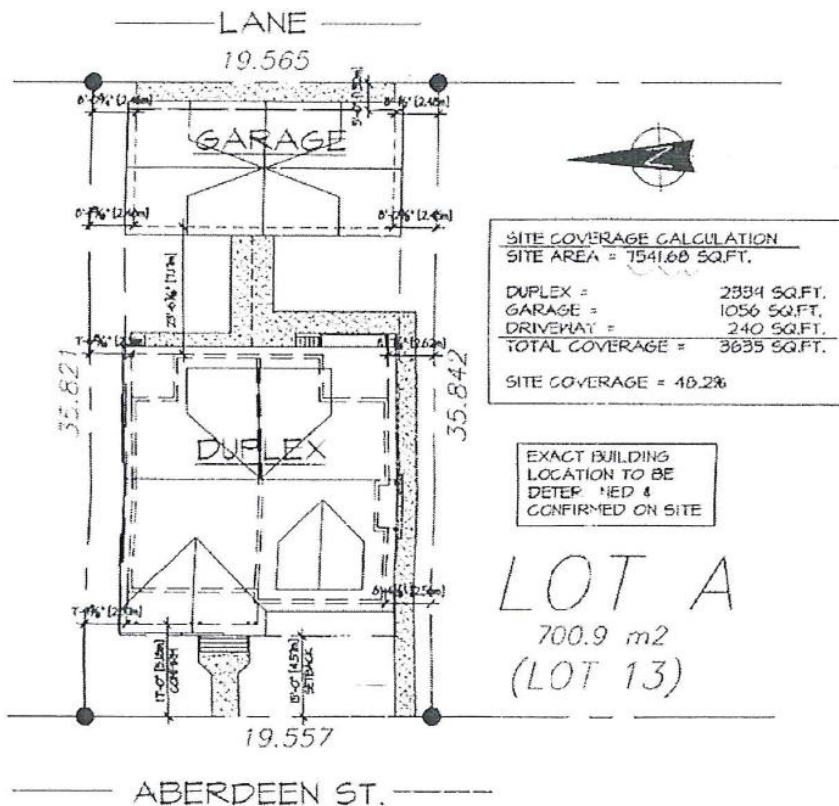
Community Planning supports the proposed rezoning as it is consistent with the Official Community Plan (OCP) Future Land Use Designation of Multiple Unit Residential Low Density (MRL). The proposal is also consistent with OCP Urban infill policies of Sensitive Infill and Compact Urban Form. The rezoning will allow for 2 existing rental units to be legalized for a total of 4 dwellings on the subject property.

The proposal requires 1 rear yard setback variance, and 1 parking variance from 6 stalls required to 4 stalls provided. The property is located approximately 2 blocks north of the proposed RU7 - Sensitive Infill Zone, which only requires 1 parking stall per dwelling.

4.0 Proposal

4.1 Background

The subject property is zoned RU6 - Two Dwelling Housing and was developed with 2 dwellings and a detached four-bay garage with two bonus rooms above in 2006. The garage was constructed such that one half of the garage belonged to each side of the duplex on the front of the property.



Under previous ownership, the bonus rooms above the garages were converted into dwellings and used as rental units. The new owners purchased the property in 2014 and continued to rent the

units until a bylaw complaint in 2016. Staff have been working with the applicants over the past several months to propose a solution that would allow the dwellings to be legalized and preserve rental units in an urban area. The proposal is of a similar configuration that staff would anticipate to see in the proposed RU7 - Sensitive Infill Zone, however the applicants have proposed RM1 so as to comply with current OCP Future Land Use.

4.2 Project Description

The subject property currently contains 2 strata units. The strata is considered a building strata which means the lot remains common property. This is why the rezoning is possible as the property is still considered one single lot. Under the current OCP guidelines further stratification of the property would not be possible because the rental vacancy rates remain under 3%; therefore, the applicants propose to continue to use the dwellings as rental units.

The building at the rear of the property features a 4 bay garage split evenly between the two strata units. The RM1 zone allows for four dwellings on the subject property, which will exist in 2 duplex structures.

The existing dwellings on the rear of the property are located above the garages, are modest in size, and are accessed through the garages. The property meets the requirements for private outdoor space, and all existing vegetation will be preserved. There are no changes to the dwellings proposed at this time.

4.3 Variances

The applicants have applied for 2 variances pertaining to rear yard setback and parking. These variances were not required under the existing zoning of RU6 for a duplex, however the rezoning to RM1 and the legalization of the two rear dwellings changes the requirements. A rear yard setback variance from 6.0 m required to 1.54 m proposed is requested. The structure meets the setbacks for an accessory building, however it does not meet the setbacks for two dwelling housing.

The applicants have also applied for a parking variance from 6 stalls required to 4 proposed. Due to the site layout there is no opportunity to provide the additional 2 stalls as required. The applicants have stated that due to the relatively small size of the rental units, and the close proximity to services and transit, many potential tenants may not own vehicles. Additionally, it is worth noting that the proposed RU7 zone area that will exist approximately 2 blocks away would only require 4 parking stalls for 4 dwellings.

4.4 Site Context

The property is located on the east side of Aberdeen Street, just north-east of Rose Avenue and Richter Street. It is several blocks north of the newly proposed RU7 zone area. The property is near an active transportation corridor on Ethel St, and is within walking distance to the Kelowna General Hospital. The property has a walkscore of 51, meaning that it is somewhat walkable.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 - Two Dwelling Housing	Residential
East	RU6 - Two Dwelling Housing	Residential
South	RU6 - Two Dwelling Housing	Residential
West	RU6 - Two Dwelling Housing	Residential

Zoning Analysis Table		
CRITERIA	RM2 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	1000 m ²	701.6 m ²
Lot Width	30.0 m	19.6 m
Lot Depth	30.0 m	35.8 m
Development Regulations		
Height	9.5 m	4.3 m
Side Yard (south)	2.5 m	2.6 m
Side Yard (north)	2.5 m	2.5 m
Rear Yard	6.0 m	1.5 m ^①
Other Regulations		
Minimum Parking Requirements	6 stalls	4 stalls ^②
Private Open Space	25 m ² per dwelling	Meets requirement
^① Indicates a requested variance from 6.0 m required to 1.5 m existing ^② Indicates a requested variance from 6 parking stalls required to 4 parking stalls existing		

5.0 Current Development Policies

Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Sensitive Infill.² Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- Operable bedroom windows required as per the 2012 edition of the British Columbia Building Code (BCBC 12).
- The drawings submitted for Building Permit application is to indicate the method of fire separation between the suites.
- Range hood above the stove and the washroom to vent separately to the exterior of the building. The size of the penetration for this duct thru a fire separation is restricted by BCBC 12, so provide size of ducts and fire separation details at time of Building Permit Applications.
- A fire rated exit stairwell is required from the suite to the exterior c/w fire rated doors that open into the stairwell and a fire rating on the bottom of the stairs. Please provide these details on the building permit drawing sets.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

6.1 Please see attached Schedule "A" dated September 30, 2016

6.3 Fire Department

- Ensure access to both homes is maintained from Aberdeen and that both homes have an address off of Aberdeen.

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

7.0 Application Chronology

Date of Application Received: August 22, 2016
Date Public Consultation Completed: November 17, 2016

Report prepared by: Trisa Brandt, Planner I
Reviewed by: Terry Barton, Urban Planning Manager
Reviewed by: Ryan Smith, Community Planning Department Manager
Approved for Inclusion: Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Schedule "A": dated September 30, 2016
Site Plan
Elevations and Floor Plans
Context/Site Photos

CITY OF KELOWNA

MEMORANDUM

Date: September 30, 2016
File No.: Z16-0056

To: Community Planning (TB)

From: Development Engineering Manager(SM)

Subject: 2273-2275 Aberdeen Street

RU6 to RM1

The Development Engineering Department has the following comments and requirements associated with this rezoning 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**

The subject property is currently serviced with two - 19mm water services. The developer will need to determine the domestic and fire protection requirements of this proposed development. Only one service will be permitted for this development. The applicant will arrange for the disconnection of the existing services and the installation of a new larger service. The disconnection of the existing small diameter water services and the tie-in of a larger new service can be provided by City forces at the developer's expense. One metered water service will supply the development. The applicant will be required to sign a Third Party Work Order for the cost of the water service upgrades. For estimate inquiry's please contact Sergio Sartori, by email ssartori@kelowna.ca or phone, 250-469-8589.

2. **Sanitary Sewer**

Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service which is acceptable for this development.

3. **Road Improvements**

Aberdeen St must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, drainage system including catch basins, manholes and pavement removal and replacement, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. A one-time cash payment in lieu of construction must be collected from the applicant for future construction by the City. The cash-in-lieu amount is determined to be **\$10,850.00** not including utility service cost.

- (a) Only the service upgrades must be completed at this time. The City wishes to defer the upgrades to Aberdeen St. fronting this development. Therefore, cash-in-lieu of immediate construction is required and the City will initiate the work later, on its own construction schedule.

Item	Cost
Drainage	\$ 3,625.00

Curb & Gutter	\$ 1,956.00
Sidewalk	\$ 2,445.00
Road Fillet	\$ 1,797.00
Blvd Landscaping	\$ 367.00
Street Lighting	\$ 660.00
Total	\$10,850.00

4. Subdivision

- (a) Grant Statutory Rights of Way if required for utility services.
- (b) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager

5. Development Permit and Site Related Issues

Direct the roof drains into on-site rock pits or splash pads.
Driveway access is permitted from the lane only.

6. Electric Power and Telecommunication Services

The electrical and telecommunication services to this building must be installed in an underground duct system, and the 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. Bonding and Levy Summary(a) Levies


1. Aberdeen Street frontage improvements **\$10,850.00**

(b) Bonding

1. Service upgrades To be determined



Sergio Sartori
Development Engineering Technologist



Development Engineering Manager
(initials)

BP 31946

2273 Aberdeen St

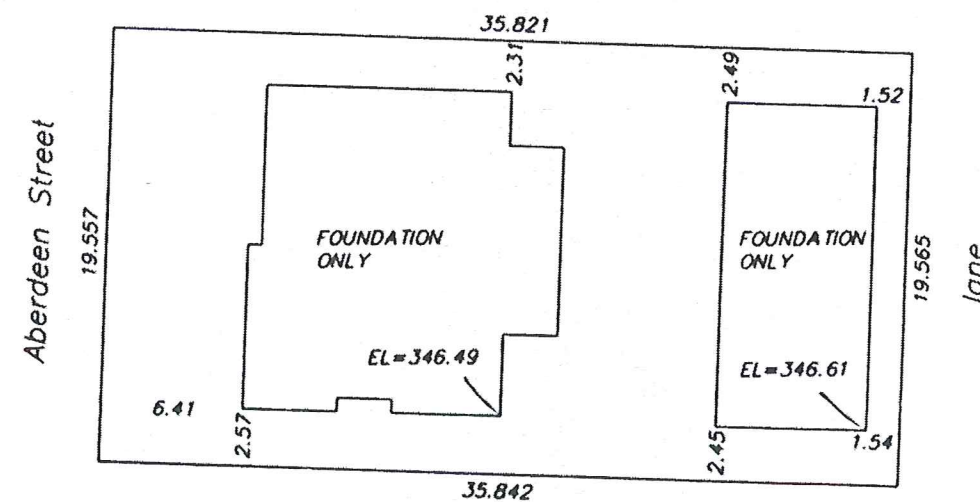
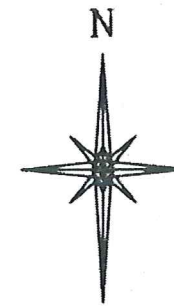
HS

**B.C. LAND SURVEYOR'S CERTIFICATE OF
LOCATION OF BUILDING ON LOT A
PLAN KAP81322 DL 136 O.D.Y.D.**

SCALE 1:300

DISTANCES ARE IN METRES.

AUG 04 2006

CITY OF KELLOWNA
Inspection Services Dept

©

THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY SIGNED AND SEALED.**CERTIFIED CORRECT**

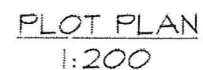
this 2nd day of August, 2006.

D.A. Goddard

BCLS

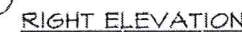
FILE 13728 FB 305**RE: D. PARKER**THIS PLAN IS FOR MORTGAGE OR
MUNICIPAL PURPOSES ONLY AND IS
NOT TO BE USED TO DEFINE THE
BOUNDARIES OF THIS LOT.D.A. Goddard Land Surveying Inc.
103-1358 ST. PAUL STREET KELOWNA

Oct 4/06 BP 31946 = 2273-2275 Aberdeen St



EXACT BUILDING
LOCATION TO BE
DETERMINED &
CONFIRMED ON SITE

LOT A
700.9 m2
(LOT 13)

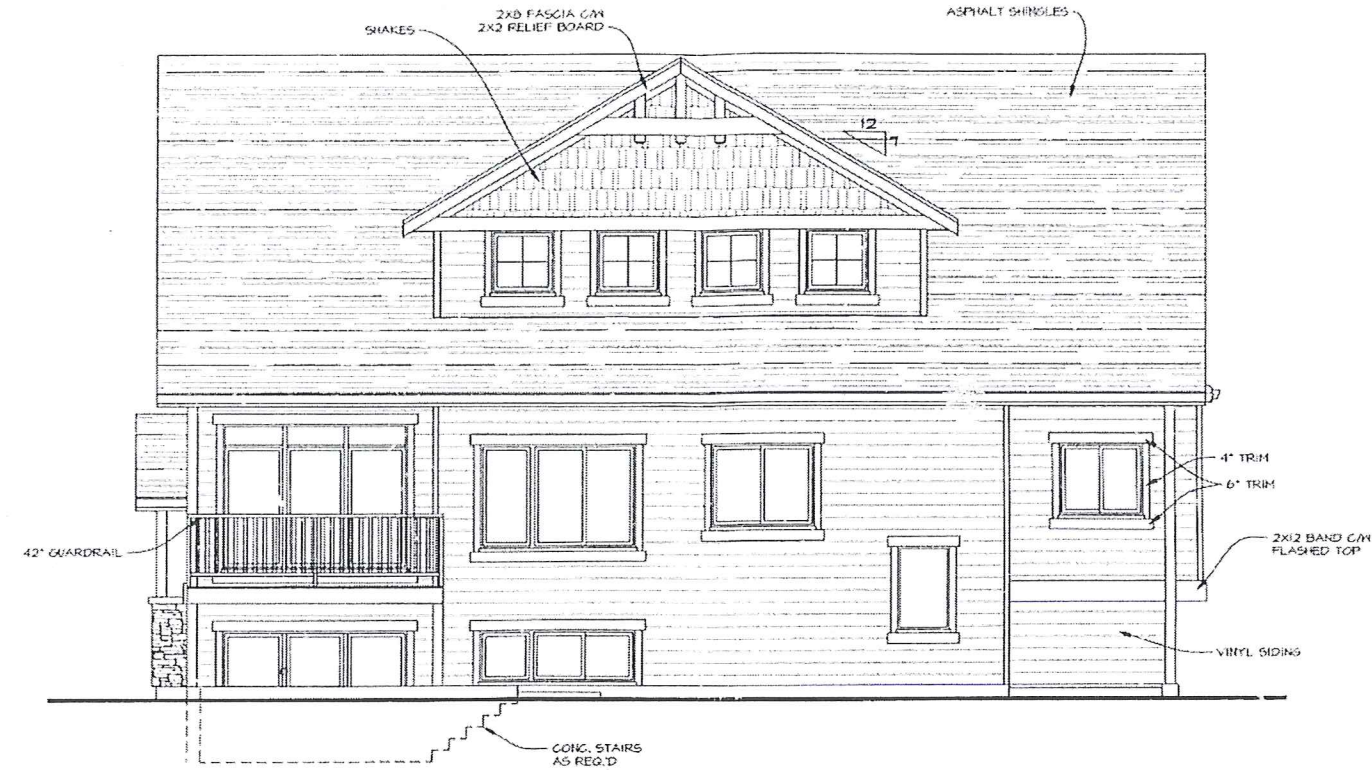


TANER

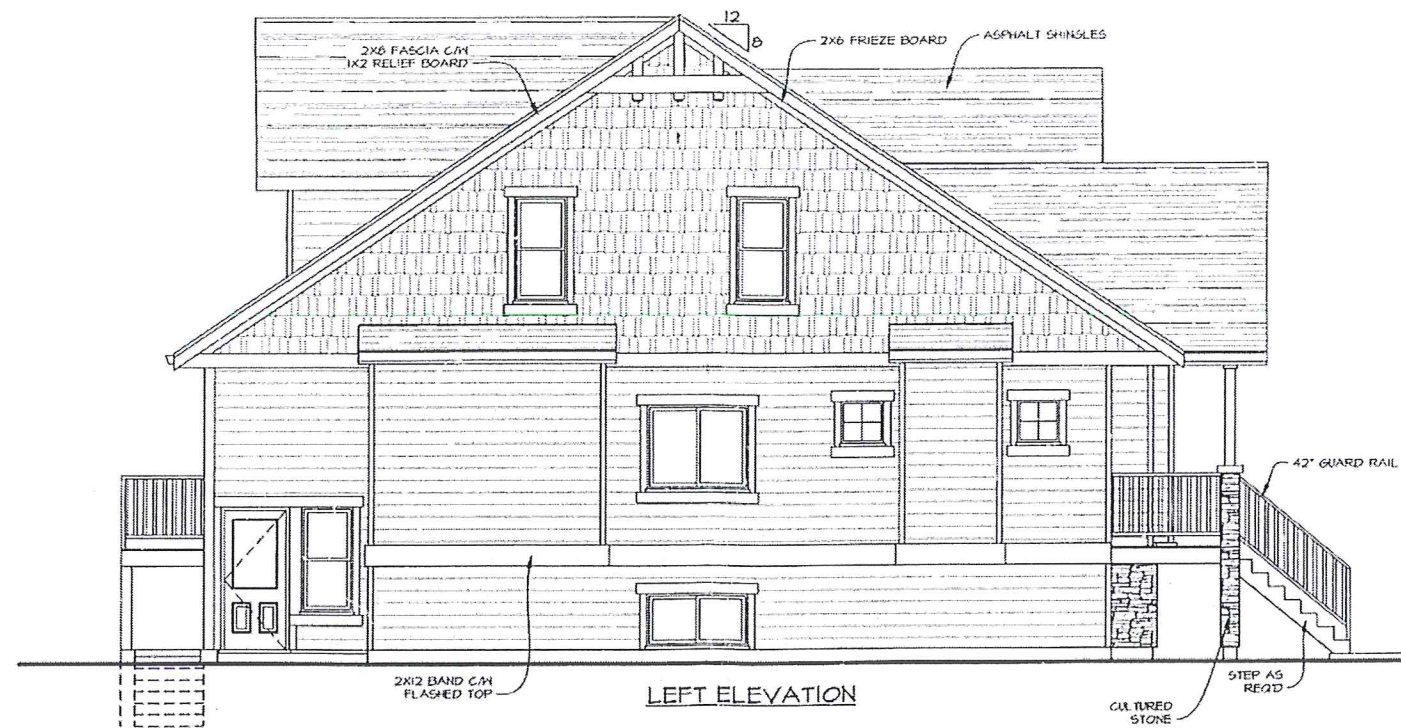
* BAXTER DESIGN & SHANE BAXTER shall not be responsible for any variances from the structural drawings and specifications, or adjustments required resulting from conditions encountered at the job site, and is the sole responsibility of the owner or contractor.

* BAXTER DESIGN & SHANE BAXTER makes every effort to provide complete and accurate construction drawings. However, we assume no liability for any errors or omissions which may affect construction. It is the responsibility of all trades and subtrades to check and verify all dimensions and details before commencing with the construction. Should any discrepancies be found on these plans please advise our office so we can make the necessary corrections.

1



REAR ELEVATION



LEFT ELEVATION

ERRORS AND OMISSIONS

- BAXTER DESIGN & SHANE BAXTER shall not be responsible for any variances from the structural drawings and specifications, or adjustments required resulting from conditions encountered at the job site, and is the sole responsibility of the owner or contractor.
- BAXTER DESIGN & SHANE BAXTER makes every effort to provide complete and accurate construction drawings. However, we assume no liability for any errors or omissions which may affect construction. It is the responsibility of all trades and sub-trades to check and verify all dimensions and details before commencing with their portion of the construction. Should any discrepancies be found on these plans please advise our office so we can make the necessary corrections.

BAXTER DESIGN
Custom Building Design
17408 K.L.O. Road
KELOWNA, B.C.
V1W 3P3
ph: (250) 862-9662
email: baxterdesign@shaw.ca

LOT A - ABERDEEN ST.
DUPLEX PLAN
KELOWNA, B.C.

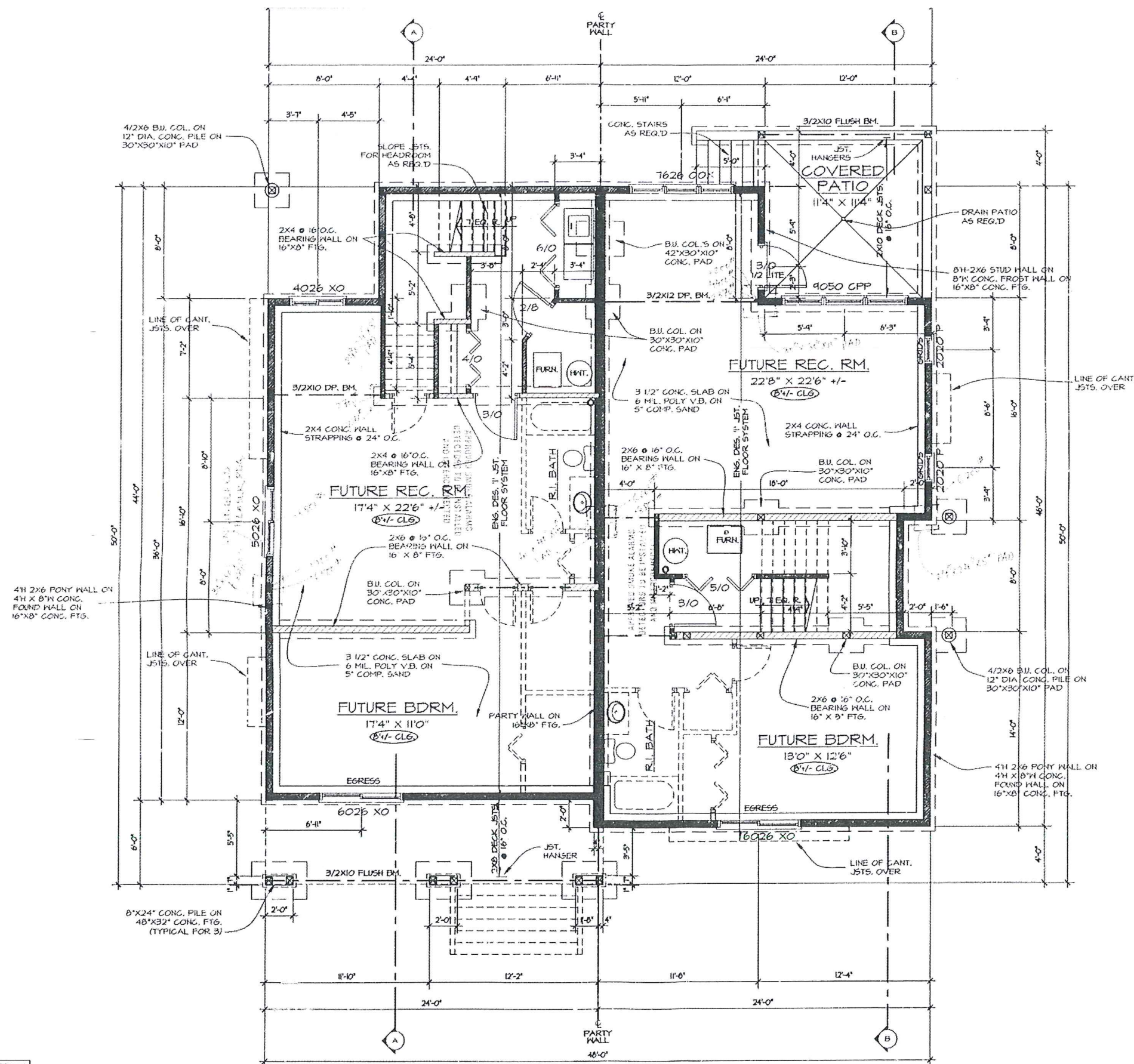
DRAWING SCALE: 1/4" = 1'-0"

DATE: MAY 5 / 06

REV. DATE(S):

DRN. BY: S.H.B.

2/6



OMISSIONS

R shall not be responsible for any variances and specifications, or adjustments required in the field at the job site, and is the sole contractor.

R makes every effort to provide complete and correct information. However, we assume no liability for any omissions or errors. It is the responsibility of the sub-trades to check and verify all dimensions and details with their portion of the drawings. Any omissions or errors found on these plans can make the necessary corrections.

UNIT 'A'
BASEMENT / FOUNDATION PLAN
DEVELOPED & FUTURE DEVELOPED AREA 900 SQ.FT.

UNIT 'B'
BASEMENT / FOUNDATION PLAN
DEVELOPED & FUTURE DEVELOPED AREA 910 SQ.FT.



BAXTER DESIGN
Custom Building Design

17908 K.L.O. Road
KELOWNA, B.C.
V1W 3P3

ph: (250) 862-3662
email: baxterdesign@shaw.ca

LOT A - ABERDEEN ST.
DUPLEX PLAN
KELOWNA, B.C.

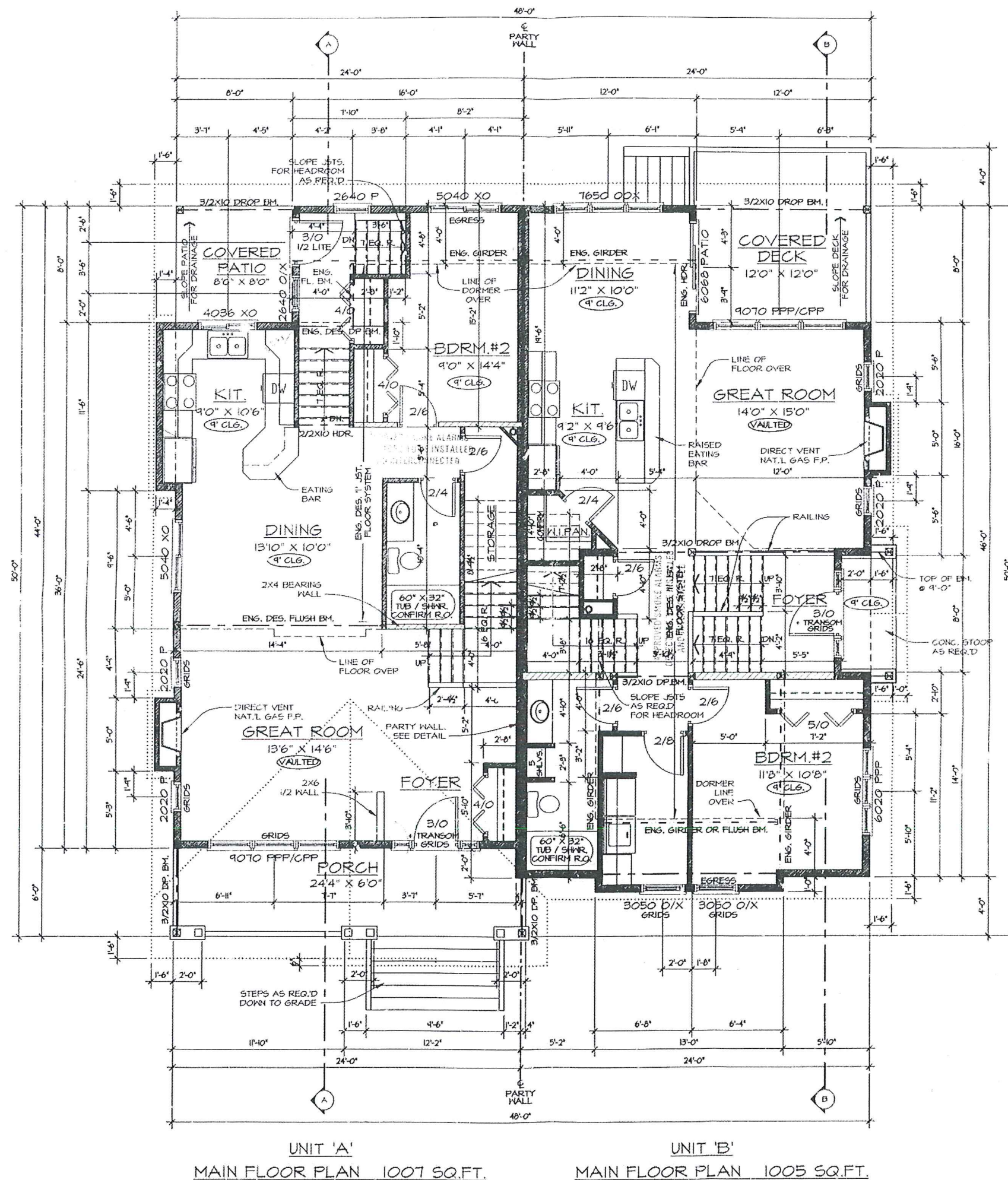
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DATE: MAY 5 / 06

REV. DATE(S):

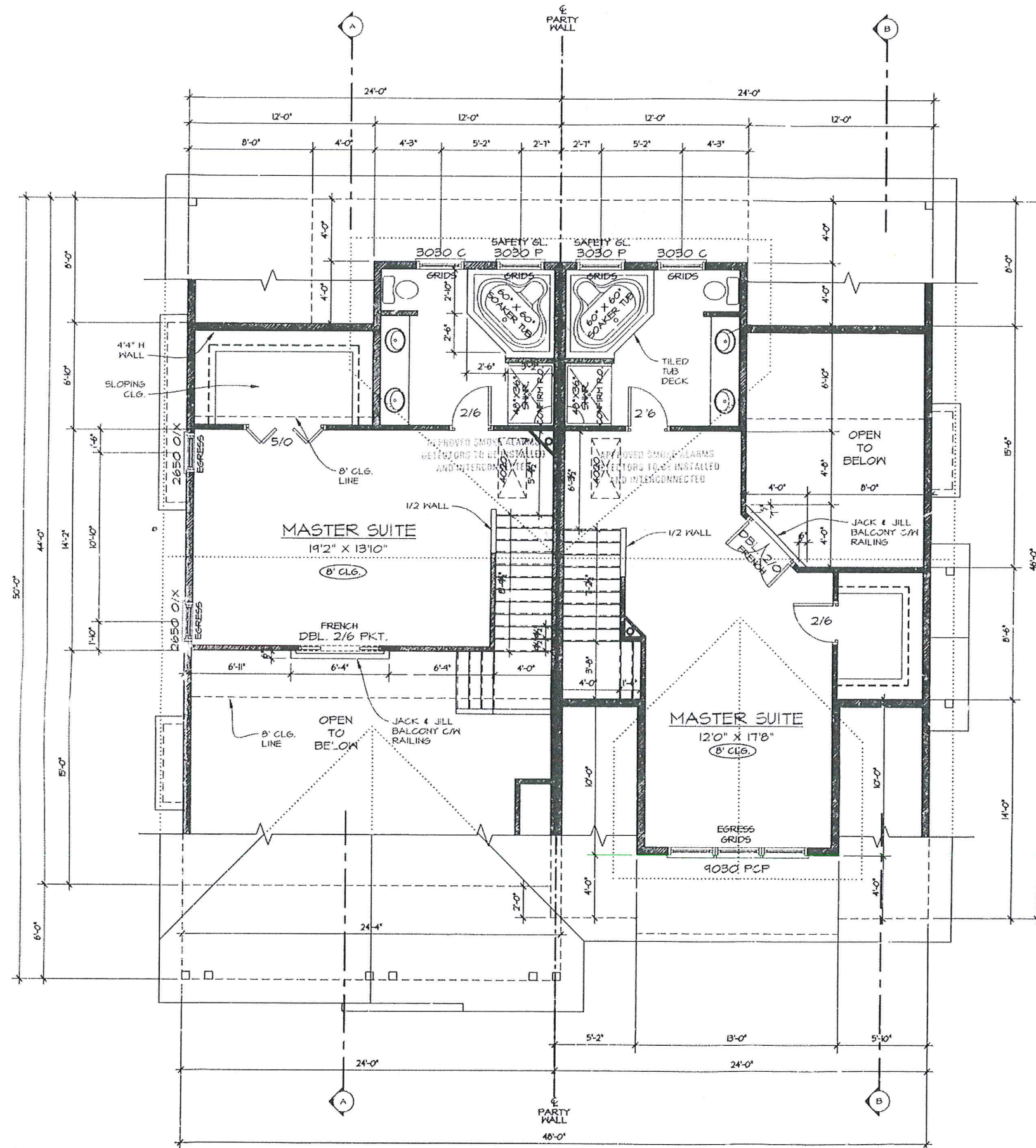
DRN. BY: S.H.B.

3



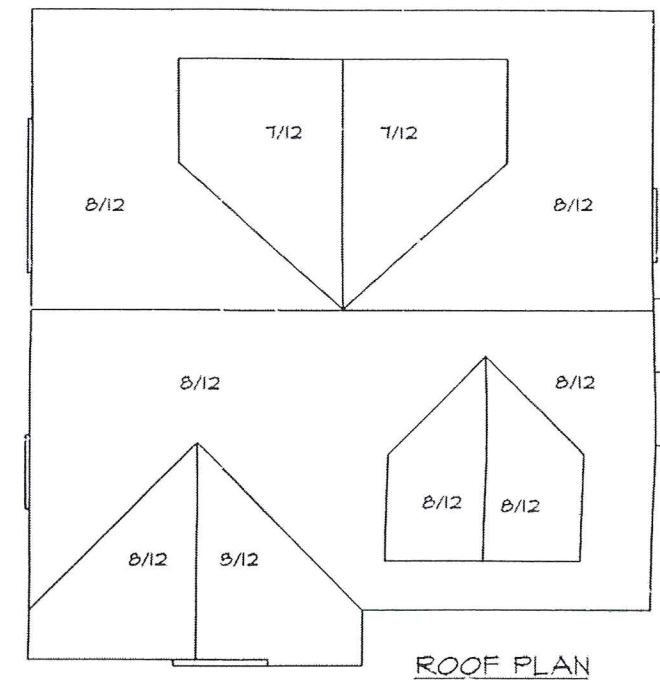
BAXTER DESIGN
Custom Building Design
17908 K.L.O. Road
KELOWNA, B.C.
V1W 3P3
ph: (250) 862-9662
email: baxterdesign@shaw.ca

LOT A - ABERDEEN ST.
DUPLEX PLAN
KELOWNA, B.C.
DRAWING SCALE: 1/4" = 1'-0"
DATE: MAY 5 / 06

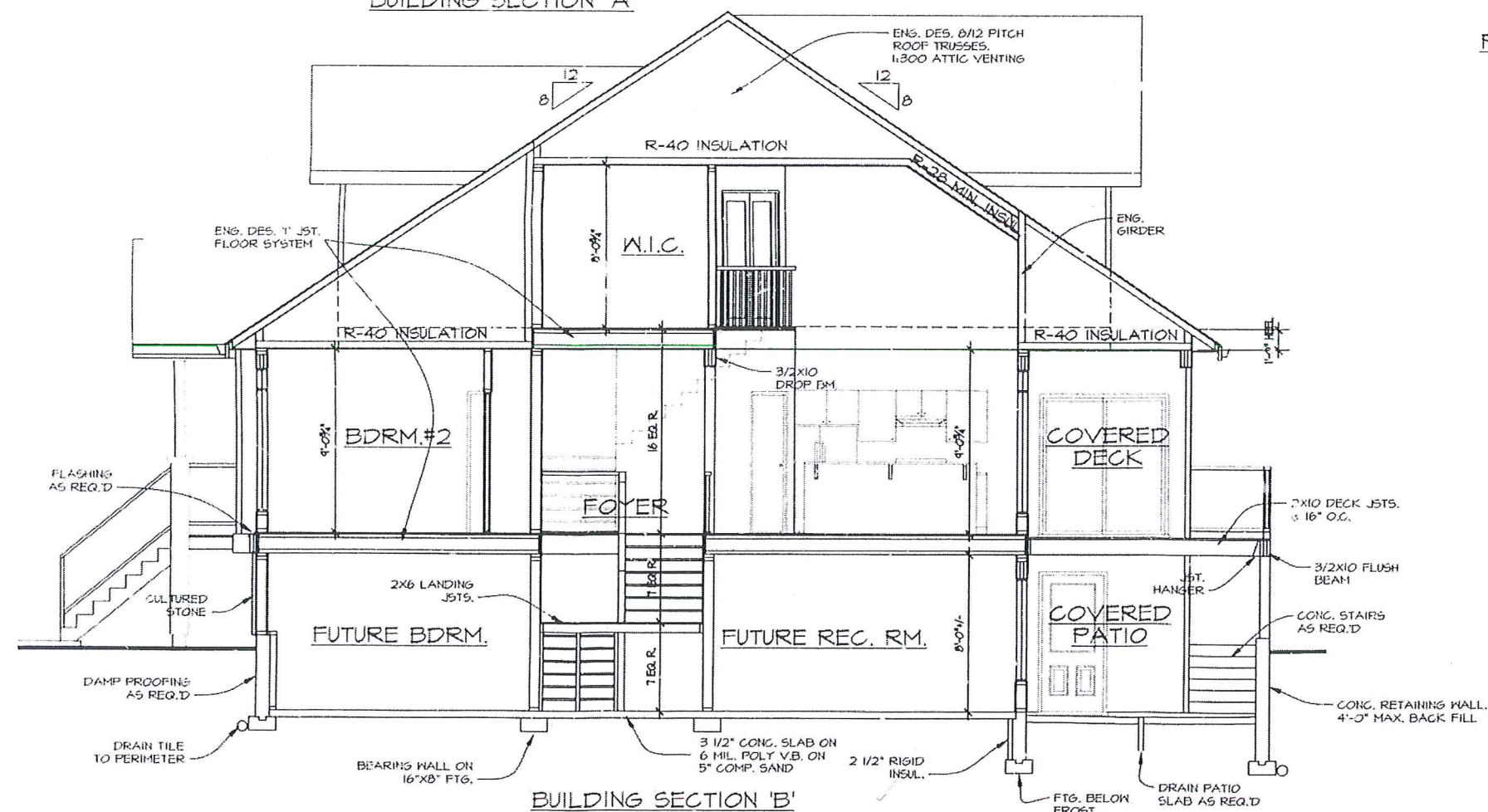
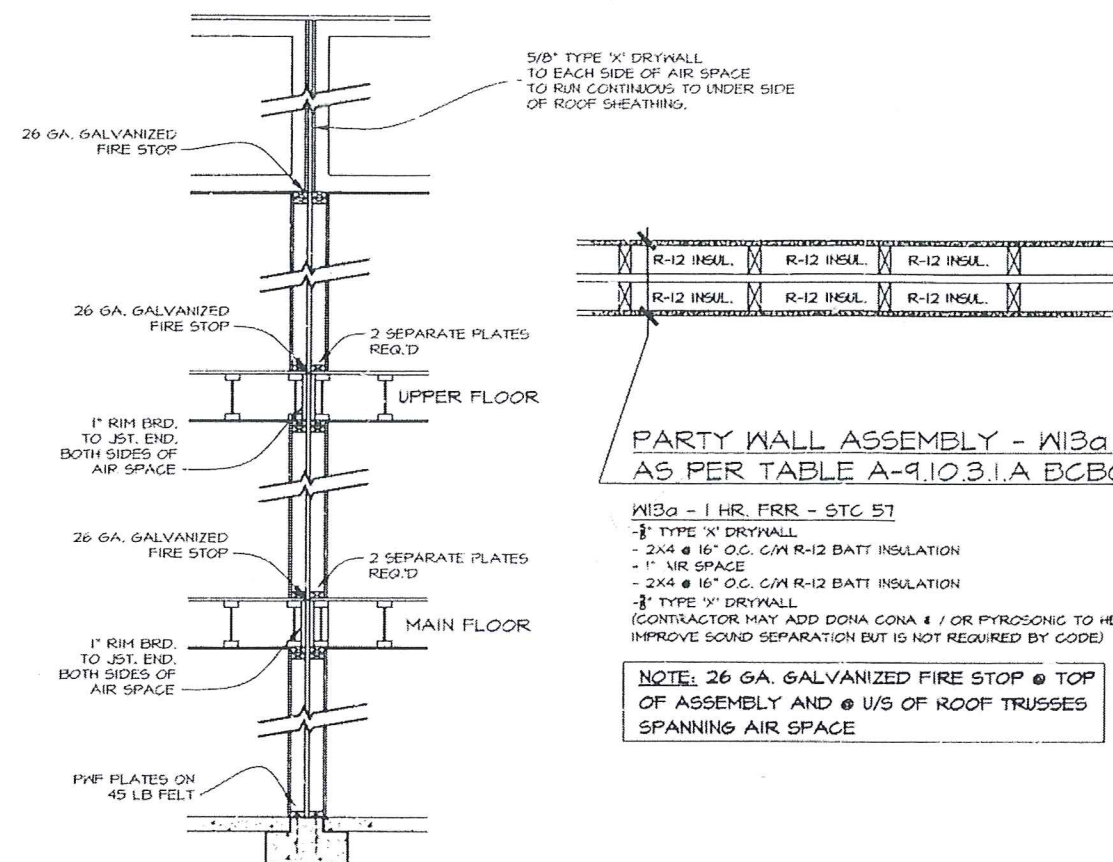
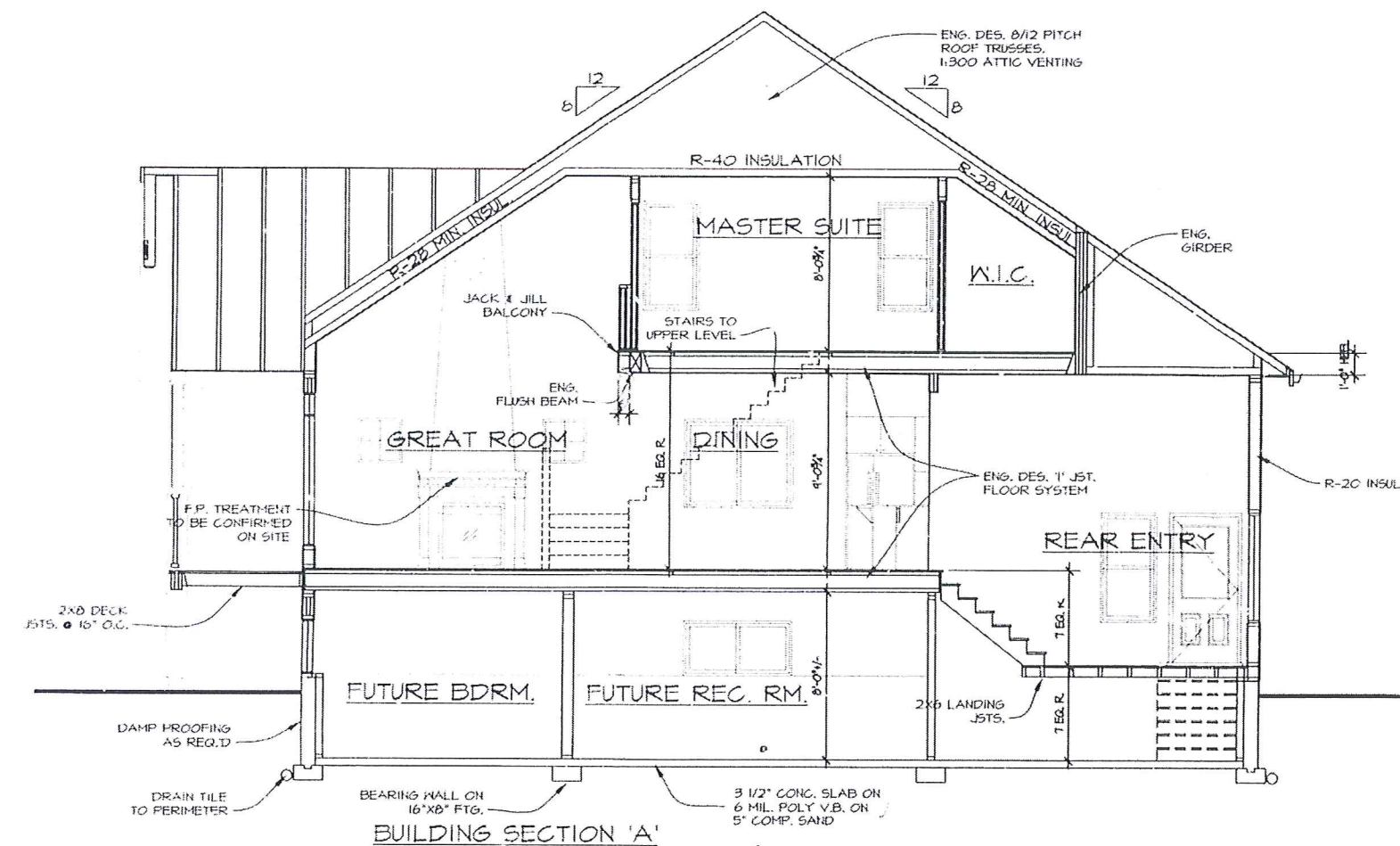


UNIT 'A'
UPPER FLOOR PLAN 532 SQ.FT.

UNIT 'B'
UPPER FLOOR PLAN 524 SQ.FT.



ROOF PLAN



ROOF CONSTRUCTION

- ASPHALT SHINGLES
- 30# ROOFING FELT
- 7/16" O.S.B. ROOFSHEATHING
- C/M 'H' CLIPS
- ENGINEER DESIGNED ROOF TRUSS SYSTEM
- R-40 INSULATION
- 6 MIL. POLY VAPOUR BARRIER
- 1/2" GYPSUM BOARD

EXTERIOR WALL CONSTRUCTION

- HORIZONTAL VINYL SIDING
- PERMAX PAPER
- 3/8" O.S.B. WALL SHEATHING
- 2X6 SPRUCE STUDS @ 24" O.C
- R-20 INSULATION
- 6 MIL. POLY VAPOUR BARRIER
- 1/2" GYPSUM BOARD

INTERIOR WALL CONSTRUCTION

- 1/2" GYPSUM BOARD TO BOTH SIDES OF 2X4 SPRUCE STUDS @ 16" O.C.

STAIR CONSTRUCTION

- EQUAL RISERS OF 5/8"
- PLYWOOD AS INDICATED
- 9 1/2" RUN
- 10 1/2" TREADS OF 1" O.S.B.
- 2X12 STRINGERS
- 2'-8" HANDRAIL HEIGHT

INTERIOR FLOOR CONSTRUCTION

- FINISHED FLOORING
- 1/4" UNDERLAY (STURDI-WOOD)
@ LINO AREAS
- 5/8" T.&G. SPRUCE PLYWOOD
SUB-FLOOR
- ENGINEERED DESIGNED FLOOR
SYSTEM
- 1/2" GYPSUM BOARD TO
FINISHED AREAS

UNIT 'A'

PORCH CONSTRUCTIC

- 5/4"x6" SUNPINE SPACED
DIMENSIONAL DECKING
- 2X8 SPRUCE DECK JOISTS
@ 16" O.C.

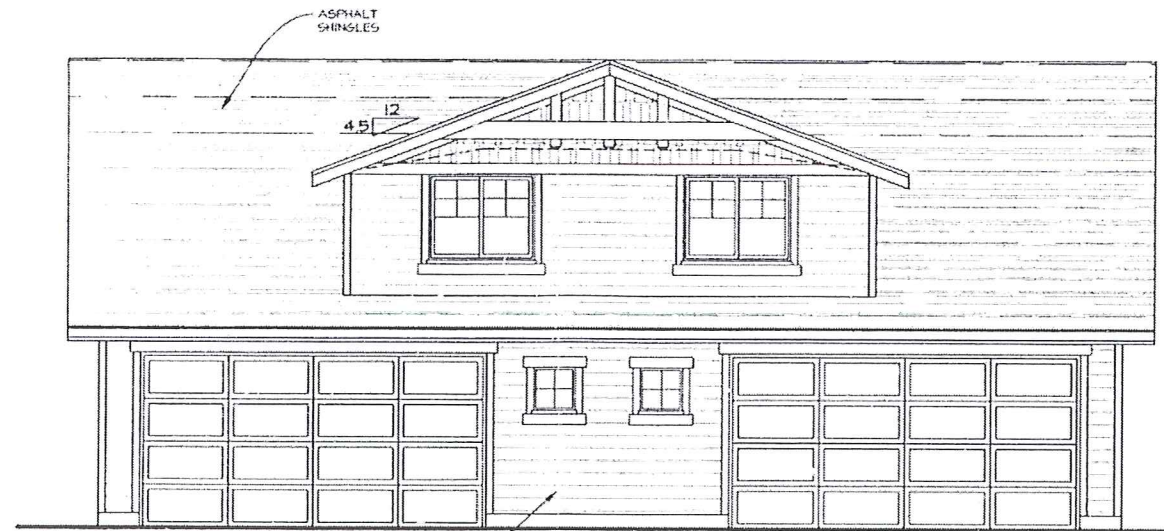
UNIT 'B'

DECK CONSTRUCTION

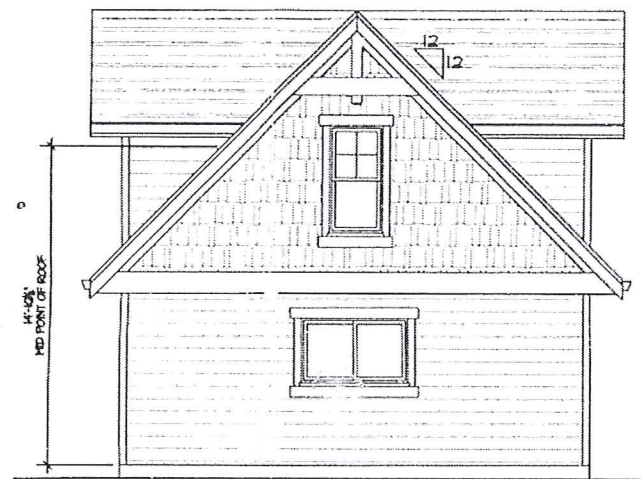
- WEATHER PROOF MEMBRANE
- 5/8" T.&G. SPRUCE PLYWOOD DECKING
- 2X10 SPRUCE DECK JOISTS @ 16" O.C.

BASEMENT SLAB

- 3 1/2" CONC. SLAB @ 20 MPa
- 6 MIL. POLY. VAPOUR BARRIER
- 5" COMPACTED GRANULAR FILL



FRONT ELEVATION

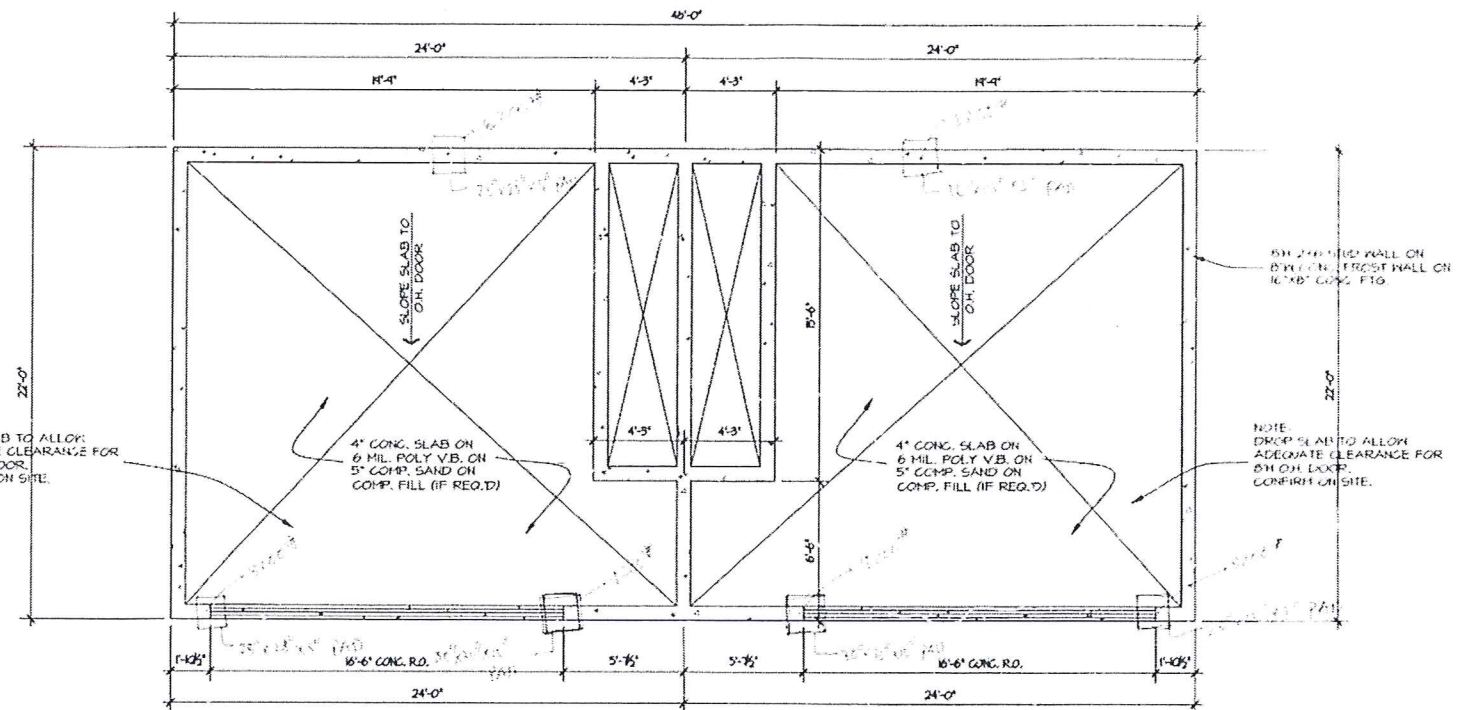


SIDE ELEVATION



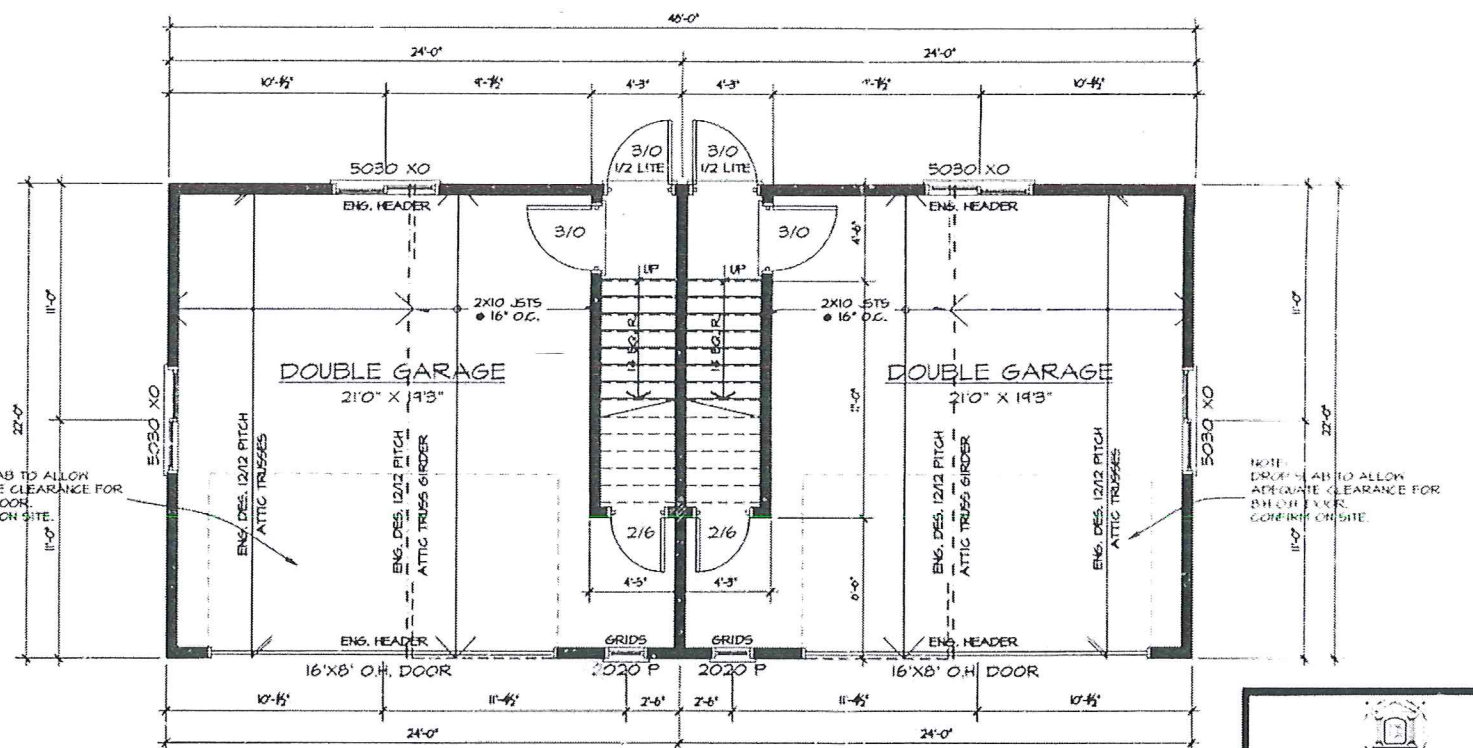
REAR ELEVATION

NOTE: DROP SLAB TO ALLOW ADEQUATE CLEARANCE FOR 6' H. O.H. DOOR. CONFIRM ON SITE.



FOUNDATION PLAN

NOTE: DROP SLAB TO ALLOW ADEQUATE CLEARANCE FOR 6' H. O.H. DOOR. CONFIRM ON SITE.



MAIN FLOOR PLAN

ERRORS AND OMISSIONS

- BAKTER DESIGN & SHANE BAKTER shall not be responsible for any variances from the structural drawings and specifications, or adjustments required resulting from conditions encountered at the job site, and is the sole responsibility of the owner or contractor.
- BAKTER DESIGN & SHANE BAKTER makes every effort to provide complete and accurate construction drawings. However, we assume no liability for any errors or omissions which may affect construction. It is the responsibility of all trades and sub-trades to check and verify all dimensions and details before commencing with their portion of the construction. Should any discrepancies be found on these plans please advise our office so we can make the necessary corrections.

BAXTER DESIGN
Custom Building Design
1790B K.L.O. Road
KELOWNA, B.C.
V1W 3P3
ph: (250) 862-9662
email: baxterdesign@show.ca

LOT A - ABERDEEN ST.
4 CAR GARAGE
KELOWNA, B.C.
DRAWING SCALE: 1/4" = 1'-0"
DATE: MAY 5 / 06
REV. DATE(S):
DRN. BY: S.H.B.



REPORT TO COUNCIL



Date: December 12, 2016

RIM No. 1250-04

To: City Manager

From: Community Planning Department (AC, EW)

Application: TA16-0005

Subject: Text Amendments - Carriage House Regulations & Secondary Suite Definition

1.0 Recommendation

THAT Council receives, for information, the report from Community Planning dated December 12, 2016, with regards to proposed text amendments that would restrict carriage houses and mobile homes on septic systems that are less than 1.0 hectare;

AND THAT Text Amendment No. TA16-0005 to amend City of Kelowna Zoning Bylaw No. 8000, as outlined in "Schedule A" attached to the Report from Community Planning dated December 12, 2016, be considered by Council;

AND FURTHER THAT the Text Amending Bylaw be forwarded to a Public Hearing for further consideration.

2.0 Purpose

To consider Text Amendments to Zoning Bylaw No. 8000 in order to restrict carriage houses on lots less than 1.0 hectare that rely on on-site sewage disposal and a housekeeping amendment to the definition of the term Secondary Suite.

3.0 Community Planning

Carriage House Amendment

In January 2014, the Okanagan Basin Water Board (OBWB) updated their Sewage Grants 1.0 Hectare Policy. This policy requires grant recipients (including Kelowna) to update their bylaws to exclude development of accessory dwellings (carriage houses) on lots less than 1.0 hectare that rely on on-site sewage disposal.

Since 2007, the OBWB has required sewage grant recipients to have bylaws prohibiting subdivision of lots smaller than 1.0 hectare. The 1.0 hectare (minimum subdivision) policy is in line with provincial government rules, and was established recognizing that much of the pollution entering lakes and streams comes from failing or under-size septic systems. Septic is the highest human-produced source of phosphorus in the watershed. The premise behind the 1.0 hectare rule is that the more dwelling units there are using septic systems in a given area, the greater the risk that

systems may malfunction and less opportunity to find sufficient, suitable, available land for replacement effluent dispersal fields - potentially leading to water pollution and health threats.

Secondary suites that are tied into the existing domestic septic system are accepted (although not recommended by OBWB) if the sewage disposal system has adequate capacity as per health regulations. Overall, carriage houses create similar risks for system failure and water quality impairment as small-lot subdivisions, without creating a separate lot. Therefore, Staff are recommending that the Zoning Bylaw be amended as per the OBWB's request to prevent carriage houses that are on lots smaller than 1.0 hectare and use on-site septic disposal systems.

Secondary Suite Amendment

Council has supported the text amendments to Zoning Bylaw 8000 (BL11263 - TA16-0004) in order to allow secondary suites within all single family dwellings¹. The text amendments associated with BL11263 remove the requirement for operators of a secondary suite to hold a valid business license. The text amendment currently being considered is meant to enable bylaw enforcement to charge operators who have built secondary suites without receiving an occupancy permit (i.e. illegally), as enforcement was previously tied to the absence of a valid business license. This change requires wording to be added to the definition of Secondary Suite (see Schedule A).

4.0 Current Development Policies

4.1 Kelowna Official Community Plan (OCP)

Goals for a Sustainable Future².

Contain Urban Growth. Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

Future Land Use Designation

Permanent Growth Boundary (PGB)³ Lands outside the permanent growth boundary will not be supported for urban uses. Non-ALR land outside the Permanent Growth Boundary will not be supported for any further parcelization.

Other Supporting Policies

Policy 5.3.2 Compact Urban Form.⁴ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centre's (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Policy 6.1.1 Protect and enhance Kelowna's biodiversity.⁵ Ensure the protection of biodiversity, the conservation of critical habitats and the sustainable use of biological resources through the incorporation of an integrated ecosystem management approach and the use of best available knowledge.

¹ BL11263 (TA16-0004) was given third reading at the Nov 15, 2016 Public Hearing meeting.

² Chapter 1 - Introduction

³ Chapter 4- Future Land Use

⁴ Chapter 5- Development Process; Objective 5.3 -Focus development to designated growth areas

⁵ Chapter 6 - Environment

5.0 Technical Comments

n/a

Report prepared by: Adam Cseke & Emily Williamson, Planners

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Schedule A - TA16-0005

Attachment A - Okanagan Basin Water Board Memorandum

SCHEDULE A - PROPOSED TEXT AMENDMENTS TO ZONING BYLAW 8000 - TA16-0005

Zoning Bylaw 8000				
No.	Section	Existing Text	Proposed Text	Rationale
1.	2 - Interpretation 2.3 General Definitions	SECONDARY SUITE means an additional dwelling unit located within a residential building that has a total floor space of no more than 90m ² in area, having a floor space less than 40% of the total habitable floor space of that building, and is subordinate to the principal dwelling unit and is a single real estate entity. This use does not include duplex housing, semi-detached housing, apartment housing, or boarding and lodging houses.	SECONDARY SUITE means an additional dwelling unit that has been issued an Occupancy Permit, located within a residential building that has a total floor space of no more than 90m ² in area, having a floor space less than 40% of the total habitable floor space of that building, and is subordinate to the principal dwelling unit and is a single real estate entity. This use does not include duplex housing, semi-detached housing, apartment housing, or boarding and lodging houses.	See Report
2.	9.5b - Carriage House Regulations	n/a	9.5b.16 Carriage houses are permitted only on lots with an installed connection to the community sanitary sewer system (in accordance with the requirements of the City of Kelowna's Subdivision, Development, & Servicing Bylaw) except carriage houses are permitted on lots that have an on-site sewage disposal system if the lot has a minimum area of 1.0 hectare.	See Report

Schedule A - Proposed Text Amendments to Zoning Bylaw 8000 - TA16-0005

SCHEDULE

A

This forms part of application

TA16-0005

Planner Initials

EW

City of Kelowna

COMMUNITY PLANNING

MEMORANDUM

To: Okanagan Local Government Administrators
From: Anna Warwick Sears, Executive Director
Date: January 20, 2014
Subject: Sewage Facilities Grant Program Policy on Small-lot Accessory Dwellings

Summary: The purpose of this memo is to update local governments on OBWB's sewage grants 1.0-hectare policy. This policy, which requires grant recipients to enact bylaws prohibiting the subdivision of small lots on septic, has now been expanded to include accessory dwellings (carriage houses) on lots smaller than 1.0-hectare. **The OBWB requests Okanagan local governments to update their bylaws to exclude development of accessory dwellings (carriage houses) on lots less than 1.0 hectare that rely on on-site sewage disposal. The OBWB further requests an update of zoning and/or subdivision and development servicing bylaws, requiring that secondary suites be tied to the sewage disposal system of the existing dwelling.**

This request only applies to the areas of your jurisdiction within the Okanagan Basin drainage area. Secondary suites that are tied into the existing domestic septic system are accepted (although not recommended) if the sewage disposal system has adequate capacity per health regulations.

Background: The OBWB's Sewage Facilities Assistance program provides funding for Okanagan communities to upgrade wastewater treatment plants and extend community sewer to areas on septic. The program was initiated in 1975.

Since 2007, the OBWB has required sewage grant recipients to have bylaws prohibiting subdivision of lots smaller than 1.0 hectare (see attached Terms of Reference). The 1.0 Hectare (minimum subdivision) Policy is in line with provincial government rules, and was established recognizing that much of the pollution entering lakes and streams comes from failing septic systems. Septic is the highest human-produced source of phosphorus in the watershed.

The premise behind the 1.0 hectare rule is that the more dwelling units there are using septic systems in a given area, the greater the chance that systems may malfunction and less opportunity to find sufficient, suitable, available land for replacement effluent dispersal fields – potentially leading to water pollution and health threats.



- The 1.0 Hectare Policy is based on a scientific assessment by the Ministry of Community, Sport and Cultural Development in the 1990s. Exceptions cannot be made for in-fill subdivision properties, because of the risk of cumulative impacts from many closely-spaced septic systems, and because for fairness reasons we must have a uniform policy throughout the Basin.
- There are many advances in on-site sewage treatment available. However, each of these solutions requires long-term maintenance or else there are continued risks of system failure. Following Provincial policy, the Water Board allows the 1.0 Hectare Policy to be waived only if a Liquid Waste Management Plan is prepared for the site, and if the system itself is adopted by the local government as permanent infrastructure.

In October, the OBWB received an inquiry whether development of secondary suites and detached accessory dwellings (carriage houses) on properties less than 1.0 hectare violates the 1.0 Hectare Policy within the OBWB sewage grant program. With respect to septic systems, adding a carriage house creates similar risks for system failure and water quality impairment as small-lot subdivision, without creating a separate title.

For this reason, the OBWB has now expanded the 1.0 Hectare Policy, and now requires all sewage grant recipients to have bylaws in place restricting carriage houses to properties greater than 1.0 hectare, or to properties with community sewer connections (see Terms of Reference section 3.6.1). Secondary suites that are tied into the existing domestic septic system are accepted (although not recommended) if the sewage disposal system has adequate capacity per health regulations.

Please do not hesitate to contact me with any questions, by email at: anna.warwick.sears@obwb.ca, or phone at: (250) 469-6251.

Sincerely,



Anna Warwick Sears
Executive Director

OKANAGAN BASIN WATER BOARD SEWAGE FACILITIES ASSISTANCE GRANTS

TERMS OF REFERENCE

UPDATED 2014

1.0 Preamble

The 1974 Okanagan Basin Study identified nutrient pollution as the major cause of algal blooms and deteriorating water quality in Okanagan and Skaha Lakes. The biggest source of pollution was municipal sewer outfalls.

As local governments consider the lakes a regional resource, they established the Sewage Facilities Assistance (SFA) grant program to subsidize construction of tertiary sewage treatment plants and collection systems in valley communities. The program was funded by a valley-wide tax, levied on all properties in the basin and administered by the Okanagan Basin Water Board (OBWB).

By upgrading sewage infrastructure, the amount of phosphorus entering the lakes from municipal effluent has decreased more than 90%.

A significant proportion of this program's funds have gone toward community sewer projects intended to decrease water pollution coming from developments with small lots, and failing or over-capacity septic systems. To avoid repeating these costly fixes in the future, the OBWB now requires applicants to have in place zoning policies or bylaws prohibiting new development of lots less than 1.0 hectare that are not serviced by community sewers. This requirement is intended to encourage responsible development.

2.0 Operating Principles

2.1 The grant program funds upgrades to treatment plants using old technology and extensions of sewer service to subdivisions, created prior to 1978 that are still on septic.

2.2 As per the OBWB Supplementary Letters Patents, the Water Board can levy up to 21¢ per \$1000 assessed value for SFA grants on all properties within the Okanagan drainage area.

2.3 The funding formula for grants is as follows:

2.3.1 For projects approved and receiving payments before April 1, 2011, the OBWB will pay 18% of the total eligible project costs, with the community first paying 2.5 mills of the converted assessment amount.

2.3.2 For projects approved before April 1, 2011, but not yet receiving payments, the OBWB will pay 18% of the total eligible project costs, with the community first paying 2.5 mills of the converted 1988 assessment amount, or 16% of the total eligible project costs, if 1988 assessment values are not available.

2.3.3 For projects approved after April 1, 2011, the OBWB will pay 16% of the total eligible project costs - on average, the same net amounts as historical grants.

3.0 Eligibility

3.1 Only communities employing tertiary treatment of sewage effluent are eligible for grants. (1977)

3.2 Areas outside the watershed, or that are not taxed for OBWB programs, are not eligible for grants.

3.3 In order to qualify for OBWB funding, projects must meet the minimum requirements for provincial funding, though they do not need to have received a funding award. (2007)

3.4 Projects which qualify for provincial government funding do not automatically qualify for OBWB funding. (2007)

3.5 Lots on septic at the time of the original grant program, 1977, will be eligible for funding when sanitary sewers are installed.

3.5.1 For projects in which sewer extensions will service both pre- and post-1977 development, only the proportion of the project servicing pre-1978 lots is eligible for funding.

3.6 The OBWB will only fund sewage infrastructure applications in communities that comply with its 1.0 Hectare Policy, where the community has zoning policies or bylaws prohibiting the creation of lots smaller than 1.0 hectare that are not serviced by community sewers. (2007)

3.6.1 Communities must also have policies and bylaws in place prohibiting the development of accessory dwellings (carriage houses) on properties less than 1.0 hectare that are not connected to community sewer (2013).

3.6.2 The 1.0 Hectare Policy is limited in geographic scope to the portions of the regional districts within the Okanagan watershed. Districts should be aware that subdivision of lots on septic smaller than 1.0 hectare outside the Okanagan watershed may jeopardize funding from provincial sources. (2007)

3.6.3 Each local government with subdivision approval authority is responsible for adopting the 1.0 Hectare Policy.

3.6.3.1 A Regional District's grant eligibility is not affected if a member municipality does not comply with the 1.0 Hectare Policy.

3.6.3.2 A Regional District's grant eligibility will be affected if one of its Electoral Areas (located in the Okanagan Basin) does not comply with the 1.0 Hectare Policy. (2007)

3.6.4 Home-site severance lots are exempted from the 1.0 Hectare Policy. (2004)

3.6.5 The 1.0 Hectare Policy may be waived through preparation of a Liquid Waste Management Plan (LWMP) that is approved by the province. Systems put in place under this waiver will be considered permanent infrastructure and will be ineligible for future SFA funds. The LWMP must be supported by appropriate bylaws (e.g., OCPs, zoning, subdivision standards). In addition, local government bylaws must be in place for the enforcement of operation and maintenance of these systems. All Type II and III package treatment systems serving multiple homes must be registered under the Municipal Sewage Regulations, which among other requirements specifies that developers must post a bond equivalent to the value of the wastewater treatment infrastructure.

4.0 Application Policies

There are three main steps to the SFA program: (1) an SFA Notification Form and Application for Provincial Review, (2) an SFA Application, and (3) an SFA Annual Reporting Form. All templates are provided by the OBWB on request.

4.1 Communities should submit an SFA Notification and (if applicable, see 4.4) an Application for Provincial Review to the OBWB indicating their intention to apply for a grant at the early stages of the planning process so that adequate funds can

be requisitioned. This notification should be provided to the OBWB at least one year in advance of a SFA Application.

4.2 Grants will not be paid retroactively. Grant payments to communities will commence in same year that debt payments commence. Applicants should submit an SFA Application to the OBWB at completion of project works.

4.3 Grants are awarded based on the information provided in the SFA Application. The OBWB reserves the right to review and revise grant awards if significant changes to the project occur after receiving approval for grant funding.

4.4 Communities that are not applying for Provincial funds must submit an Application for Provincial Review in order to ensure that projects meet best practice standards. Applicants will be required to submit additional documentation to meet this requirement.

4.5 Where communities are applying for provincial funding, the SFA Application must be received within one year after the confirmation of eligibility for provincial funding. (2001)

4.6 Applicants must provide a copy of the bylaw or policy that prohibits creation of lots smaller than 1.0 hectare that are not serviced by community sewers.

4.7 Applicants must disclose all sources of funding at the time of SFA Application.

4.7.1 Where receipt of an OBWB grant brings the total grant funding beyond 100% of the total project cost, the OBWB grant will be reduced to bring the total of all grant funding to equal 100% of the total project cost.

5.0 Financing and Payments

5.1 Annual assessments are made based on the projected draw on the fund for each fiscal year. It is not always necessary to levy the full 21¢ per \$1000 assessment (allowed by legislation).

5.2 If the amounts to be paid are greater than the funds available for distribution, payments will be reduced proportionately such that all recipients are reduced by the same percentage. An exception is made for communities which have not previously qualified for assistance from the Board. In this case, the reduction will not apply for the first three years and any shortfall will be born proportionately by the other qualifying communities.

5.3 Water Board grants are made on a debt repayment basis. Grants are tied to a Municipal Finance Authority (MFA) issue and repaid over a 20 or 25 year period.

5.3.1 OBWB payments are made twice annually, in August and December, after the requisitioned tax monies are received. Payments will be made on receipt of invoice from recipients, timed to match recipient payment commitments.

5.4 OBWB grant payment amounts are recalculated when MFA financing is changed, usually 10 years after the initial repayment. It is the responsibility of the applicant to re-calculate their payment schedules on their annual report and submit supporting documentation.

5.5 When an MFA debt is retired or forgiven, OBWB grant payments will cease.

5.6 Communities that do not incur debt are still eligible for OBWB funding, paid over 20 years on a similar schedule to MFA debt repayment.

5.6.1 Where debt is not incurred, and the project (or portions of the project) is self-financed, an imputed debt payment schedule will be calculated using MFA interest and sinking fund rates from the year the project was completed.

5.6.2 In the case of self-financing, imputed debt schedules will be recalculated 10 years after the first payment, to match the new MFA interest and sinking fund rates.

5.7 To receive payments, communities must submit their SFA Annual Report and provide current documentation on their debt repayments, or certify that no changes have occurred since the previous annual report.

REPORT TO COUNCIL



Date: 12/12/2016

RIM No. 1250-30

To: City Manager

From: Community Planning Department (AC)

Application: Z16-0074 & OCP16-0026 **Owner:** City of Kelowna

Address: 238 Queensway **Applicant:** Tourism Kelowna

Subject: Rezoning Application

Existing OCP Designation: Major Park / Open Space (PARK)

Proposed OCP Designation: Educational / Major Institutional (EDINST)

Existing Zone: P3 - Parks and Open Space

Proposed Zone: P1 - Major Institutional

1.0 Recommendation

THAT Rezoning Application No. Z16-0074 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification on Block F, District Lot 1527, ODYD, located at 238 Queensway, Kelowna, BC from P3 - Parks and Open Space to the P1 - Major Institutional, be considered by Council;

THAT OCP Amendment Application No. OCP16-0026 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification on Block F, District Lot 1527, ODYD, located at 238 Queensway, Kelowna, BC from the Major Park / Open Space (PARK) to the Educational / Major Institutional (EDINST), be considered by Council;

AND THAT the Zone & OCP Amending Bylaws be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the following:

1. To the outstanding conditions identified in Attachment "A" associated with the report from the Community Planning Department dated November 28th 2016;
2. To the release of the Provincial Flooding Covenant on title;
3. To the land lease agreement with Tourism Kelowna being executed by Council.

2.0 Purpose

To rezone the subject properties to the P1 - Major Institutional zone and to amend the Future Land Use designation identified in the OCP to Educational / Major Institutional (EDINST) for a Tourism Kelowna Visitor Information Centre.

3.0 Community Planning

3.1 Background

A high quality visitor information center is important to attracting and serving tourists and residents. The City of Kelowna and Tourism Kelowna have been working together for a number of years to identify a suitable location for a new tourism facility in the downtown.

A redevelopment opportunity at the Queensway Jetty was identified as a potential location for the Visitor Information Centre as part of the Kerry Park Concept Plan in 2014. The foot of Queensway has been historically a 'gateway' welcoming visitors to Kelowna with the Sternwheeler in the early 1900s to the Westbank Kelowna Ferry Landing prior to the WAC Bennet Bridge opening in 1958. Historically the space has been dynamic with the movement of goods, people and vehicles although over recent decades the land has been utilized as a surface parking lot.

The Queensway Jetty location offers a site that is in close proximity to key downtown attractions, hotels, and transportation options, benefits from a high volume of pedestrian traffic along the Waterfront Promenade, and showcases the downtown and spectacular view of the Lake.

Tourism Kelowna has a desire to adapt its current business model to accommodate large volumes of visitors and pedestrian walk-by traffic and to better showcase the downtown and the areas offerings. The proposed facility would act as a hub for the region providing quality information and a range of local tourist services.

3.2 Discussion

Staff support the change in zoning and OCP designation as it conforms to the OCP Objective 5.26 "Encourage uses and commercial ventures that promote local tourism" and Policy 5.26.3 "Waterfront commercial must facilitate and enhance public enjoyment of our access to the lakefront". Care has been taken to site the building outside the Sawmill Community Trust and to complement the City's overall rejuvenation efforts at Kerry Park and along the waterfront in which the vision is to create a series of high quality urban pedestrian spaces.

The project largely conforms to the Zoning Bylaw, however, staff are tracking one proposed variance to the front yard setback from 6.0m to 3.8m. In order to comply with the 15.0m riparian management setback on the lake side of the building, the building cannot simply shift, hence the request for the variance.

No parking is provided on-site. The applicant will be required to provide cash-in-lieu of parking totaling \$180,000. This is encouraged by Staff as this is a pedestrian centric location that is meant to be void of vehicular traffic. The pedestrian focus of the subject property is a major contributing factor in Staff support for utilizing this lot as a Visitor Information Centre.

As part of the lease agreement between the City of Kelowna and Tourism Kelowna, the City of Kelowna is proposed to be responsible for the water and sanitary service upgrades to the lot.

Tourism Kelowna will be responsible for the storm service upgrades, shallow utilities, and the Queensway Ave frontage improvements.

There are still form and character details that remain outstanding. For example:

- Depending on construction timeline for the Westcorp Hotel, there may need to be an interim parking and road solution in spite of the proposed round-a-bout at the end of Queensway Ave;
- The location of recycling and garbage is to be determined;
- The architectural details including the height, roofline, form, and massing of the proposed building will be further analyzed.

If Council supports the zoning and OCP designation changes, Staff will provide additional form and character details within the Development Permit and Development Variance Permit reports.

3.3 Public Notification

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant did notify all the neighbours within the required 50 metre radius. Further, the applicant held a public open house on Wednesday November 9th 2016. For details of that open house see the summary provided by the applicant attached to this report.

4.0 **Proposal**

4.1 Project Description

The proposal is to rezone the subject property from P3 - Parks and Open Space to P1 - Major Institutional and to amend the OCP from Major Park / Open Space (PARK) to Educational / Major Institutional (EDINST) in order to permit a Tourism Kelowna Visitor Information Centre. The property outside of the lease area will be redeveloped by the City as part of the Kerry Park Rejuvenation Plan.

The proposed Visitor Information Centre building will be 307 square metres in size (3309 square feet) on one level plus a mezzanine and will include public washrooms accessible to everyone during the facility's hours of operation. Tourism Kelowna's corporate offices will be located off-site elsewhere in the downtown.

4.2 Site Context

The subject property is located in the downtown urban centre along the waterfront. The site is currently being utilized as a municipal parking lot. Specifically, the adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 - Parks and Open Space W2 - Intensive Water Use	Kerry Park & Marina
East	C7LR Central Business Commercial (Liquor Primary / Retail Liquor Sales)	Parking Lot / WestCorp's future hotel site
South	P3 - Parks and Open Space	Kerry Park & Marina
West	W2 - Intensive Water Use	Marina

Subject Property Map: 238 Queensway



Zoning Analysis Table		
CRITERIA	P1 Zone	Proposed
Development Regulations		
Buildings		
Max FAR	2.0	0.22
Max Site Coverage	50%	18%
Max Height	22.0m / 6 storeys	7.3 m / 1 storey + mezzanine
Min Front Yard (east) Setback	6.0 m	3.8 m ❶
Min Side Yard (north) Setback	4.5 m	10.0 m
Min Side Yard (south) Setback	4.5	10.0 m
Rear Yard (west)	7.5	15.0m
Min Parking	2.5 stalls per 100m ² of GFA = 8 stalls	0 Stalls ❷
<u>Variances</u> ❶ Reduce setback in front yard from 6.0 m to 3.8 m <u>Notes</u> ❷ No variance required as applicant will pay cash-in-lieu of parking (\$22,500.00 per stall) totalling \$180,000.00		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Commercial Land Use Policies

Objective 5.26.¹ Encourage uses and commercial ventures that promote local tourism.

Policy 2.² **Visitor Accommodation.** Consider allowing visitor accommodation along the shore zone provided that such a use protects the riparian area, would be compatible with the neighbourhood and site context, and public enjoyment of the lakefront is enhanced as a result of the development.

Policy 3.³ **Waterfront Commercial.** Waterfront commercial and multiple unit housing must facilitate and enhance public enjoyment of or access to the lakefront.

Policy 1.⁴ **Economic Development.** Acknowledge that a vital Downtown is a strong marketing tool and can support economic development by attracting more residents, businesses and visitors from the local, regional, provincial, national and international markets. A high quality-public realm is a major contributor to a positive visitor experience. Therefore, investment in the public realm is not only an investment for local residents and businesses, but should also be seen as an investment in the tourism industry.

6.0 Technical Comments

6.1 Building & Permitting Department

- a) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- b) A Hoarding permit is required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP.
- c) 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):
 - o Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
 - o Handicap Accessibility to the main floor levels to be provided, ramps may be required. Location of H/C parking is required on the drawings.
 - o Spatial calculation required to property lines
 - o Glazing to meet minimum provincial standards as outline in the Building Code.

¹ City of Kelowna Official Community Plan, Objective 5.26 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.26.2 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Policy 5.26.2 (Development Process Chapter).

⁴ City of Kelowna 2012 Downtown Development Plan, Policy 1.

- Location of garbage and recycling area to be defined
- d) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. A minimum Geodetic Elevation of 343.66 meters is required for all habitable spaces including the parking garage(s). Minimum building elevations are required to be established prior to the release of the Development Permit.
- e) 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.
- f) Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s) / area(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located.
- g) An exit analysis is required as part of the code analysis at time of building permit application. The exit analysis is to address travel distances within the units and all corridors, number of required exits per area, door swing direction, handrails on each side of exit stairs, width of exits, spatial calculation for any windows in exit stairs, etc.
- h) Size and location of all signage to be clearly defined as part of the development permit. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
- i) Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this complex at time of permit application.

6.2 Development Engineering

- See attached Memo dated November 28th 2016

6.3 Fire Department

- No concerns with zoning.

7.0 Application Chronology

Date of Application Received: November 4th 2016
Date of Public consultation: November 9th 2016

Report Prepared by: Adam Cseke, Urban Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved by: Ryan Smith, Community Planning Manager

Attachments:

Development Engineering Comments dated November 18th 2016 (Attachment 'A')
Public Open House Summary (Attachment 'B')
Draft Development Permit
Tourism Kelowna preliminary drawings

DRAFT DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT



APPROVED ISSUANCE OF DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT

File Number Z16-0074
Issued To: City of Kelowna
Site Address: 238 Queensway
Legal Description: Block F, District Lot 1527, ODYD
Zoning Classification: P1 - Major Institutional
Development Permit Area: Comprehensive Development Permit Area

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.

The issuance of a Permit limits the Permit Holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

1. TERMS AND CONDITIONS

THAT Development Permit No. Z16-0074 & Development Variance Permit No. DVP16, located at 238 Queensway Kelowna, BC be approved subject to general conformance to the drawings (Schedule "A", "B", & "C") attached to this permit.

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

TBD

2. 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 Permit Holder and be paid to the Permit Holder if the security is returned. The condition of the posting of the security is that should the Permit Holder 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 Permit Holder, or should the Permit Holder carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Permit Holder. There is filed accordingly:

- a) Cash in the amount of \$ _____ tbd _____ OR
- b) A Certified Cheque in the amount of \$ _____ tbd _____ OR
- 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.

3. DEVELOPMENT

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 that shall form a part hereof.

If the Permit Holder does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

This Permit IS NOT a Building Permit.

The issuance of this Permit grants to the municipality a 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.

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

4. APPROVALS

Issued and approved by Council on the _____ day of _____, 2016.

Ryan Smith, Community Planning Department Manager
Community Planning & Real Estate

Date

**The PERMIT HOLDER is the CURRENT LAND OWNER.
Security shall be returned to the PERMIT HOLDER.**

CITY OF KELOWNA

MEMORANDUM

Date: November 28, 2016
File No.: Z16-0074

To: Community Planning (AC)

From: Development Engineering Manager(SM)

Subject: 238 Queensway Ave

P3 to P1

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

The Development Engineering Technologist for this project is Sergio Sartori

1. Domestic Water and Fire Protection

- (a) The existing lot is not serviced. 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. The estimated cost of this construction for bonding purposes is **\$9,000.00**

2. Sanitary Sewer

- (a) The existing lot is serviced with a 100mm diameter sanitary service that connects to a common connection at the seawall. The developer's consulting mechanical engineer will determine the requirements of this proposed development and confirm the existing service is suitable for the development. The existing service requires an inspection chamber (IC) complete with brooks box. The estimated cost of this construction for bonding purposes is **\$2,000.00**

3. Storm Drainage

- (a) The developer must engage a consulting civil engineer to provide a storm water management plan for these sites which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and provision of a storm drainage service and recommendations for onsite drainage containment and disposal systems.
- (b) The existing property is serviced with existing catch basin, catch basin lead and manhole. This may be modified to a service connection with the removal/relocation of the catch basin and manhole subject to Kerry Park design and the adjacent development requirements. The estimated cost of this construction for bonding purposes is **\$6,000.00**

4. Road Improvements

- (a) Queensway Ave fronting the subject property is currently urbanized and functions as a parking area. The adjacent development site is required to construct a Cul de sac with the closure of Mill Street. In the interim the parking area may require adjustments for traffic flow and pedestrian movement. The estimated cost of this construction for bonding purposes is **\$5,000.00**.

5. Road Dedication and Subdivision

- (a) Grant Statutory Rights of Way if required for utility services.
- (b) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

6. Electric Power and Telecommunication Services

- a) All proposed distribution and service connections are to be installed underground.
- b) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- c) Re-locate existing poles and utilities, where necessary.

7. Engineering

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.

8. Design and Construction

- (a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- (b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- (c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- (d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.

- (e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

9. Servicing Agreements for Works and Services

- (a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- (b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

10. Geotechnical Report

As a requirement of this application the owner must provide a geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics.
- (b) Site suitability for development, unstable soils, etc.
- (c) Drill and / or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.
- (e) Additional geotechnical survey may be necessary for building foundations, etc.

11. Bonding and Levy Summary

(a) Bonding

Water service upgrades	\$ 9,000.00
Sanitary sewer service upgrades	\$ 2,000.00
Storm Service Upgrades	\$ 6,000.00
Queensway Ave frontage improvements	\$ 5,000.00
Total Bonding	\$22,000.00

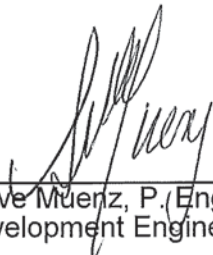
NOTE: The bonding amount shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual 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. Development Permit and Site Related Issues

Access and Manoeuvrability

- (i) Indicate on the site plan, the locations of loading bays as well as the garbage and recycle bins as required.



Steve Muenz, P. Eng.
Development Engineering Manager
SS



Proposed Visitor Centre

Public Information Session Survey

November 9, 2016

Prepared by:



Peak Communicators
403 -1155 Robson Street



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Executive Summary

Tourism Kelowna is a non-profit society with 320 tourism industry stakeholders. It represents the region's \$279 million tourism industry. Over the last several years, declining visitor numbers to the Harvey Avenue visitor centre have caused Tourism Kelowna to investigate alternatives. Annual visitor numbers to the current centre have declined from a peak of 55,000 just four years ago to approximately 20,000 today. The Queensway and Mill Street site has been identified as ideal to serve more visitors and capture the lost economic opportunity for the region that the declining visitor centre numbers represent. Tourism Kelowna hopes to serve 100,000 visitors at the proposed location.

On Wednesday November 9, 2016, Tourism Kelowna held a public information session on the site of the proposed visitor centre. The session was to be held from 10:00 to 18:00 hours but some early arrivals that were walking in the area were admitted before the official opening time at their request. They have been included in the totals. In all, 324 people attended the session and 159 of those people (49% of the total) completed surveys electronically or in paper form.

The survey included seven questions and space for comments. The results are below. All those who entered the public information session tent were asked before they left if they would participate in the survey. The reason for declining was not officially noted, but anecdotally ranged from not being a resident, to not having time, or not wanting to participate. Several were attending as couples and one person completed the survey for both. Both those in favour and those opposed declined to fill out the survey.

The results showed strong support for the visitor centre; 73% favoured the centre in this location, 17% were opposed and 10% were neutral. Every aspect of the proposal received more than 50% support.

Sample size and error rate

Based on 159 of 324 attendees filling out a survey the error rate is 5.6% with a 95% confidence rate. That is, the results represent the true feelings of all those who attended the public information session +/- 5.6%, 95 percent of the time. The 159 sample size taken over the population of Kelowna has an error rate of 7.8% with a 95% confidence rate.

Chris Olsen
Senior Consultant, Kelowna
Peak Communicators

Survey results and analysis

This section outlines the responses to each of the questions followed by analysis.

1. Are you a resident of the City of Kelowna?

Results based on 159 responses to this question



Analysis: Most of the participants were residents. The non-resident comments in the final section are reported separately. Based on our experience on site where some non-residents did not feel that they should participate in the survey, we feel this is an accurate representation of the overall make up of those attending. In later questions non-residents are included in the totals. But their weighting does not impact overall results in any significant way.

2. Do you believe tourism has a positive impact on Kelowna?

Results based on 159 responses to this question



Analysis: All of those who responded “Neutral” or “No” to this question were residents. The 11 non-residents all responded yes. However, this has little impact on the overall results. If non residents were removed the positive responses of residents would drop by 0.47%, an insignificant number. This question shows those attending believe that tourism has a positive impact on Kelowna.

3. Are you aware tourism generates 100 million dollars per year in total tax revenue for the City of Kelowna, provincial government and federal government?

Results based on 159 responses to this question



Analysis: This question shows a surprising lack of knowledge among residents about the positive impact tourism in Kelowna has on tax collection for all levels of government. It shows that residents are missing the connection between tourism (which they support in question 2) and benefits represented by taxes that pay for many of the services and programs they desire in the community. This is probably because no initiatives are earmarked as having been funded by this source of taxation. All the funds collected go into general revenue and are distributed through many initiatives.

4. Are you aware that the City is not being asked to contribute any funding to the construction of the Visitor Centre building?

Results based on 159 responses to this question



Analysis: Despite inclusion in media reports, news releases and fact sheets available on the Tourism Kelowna website, the “who is paying” question is not well understood. Misconceptions of the City of Kelowna’s role in the project are reflected in many letters to the editor published since the original announcement in March. These misconceptions persist to today. Judging by anecdotal comments at the public information session and reviewing previous public comments in media reports or letters to the editor and comments on news articles, many believe that the City of Kelowna is a major funder of this project either through the annual grant or providing a portion or all of the funding for construction.

5. Are you aware that the proposed Visitor Centre is 40% smaller than the plan announced in March and that the building is realigned to remove it entirely from the Simpson Covenant lands?

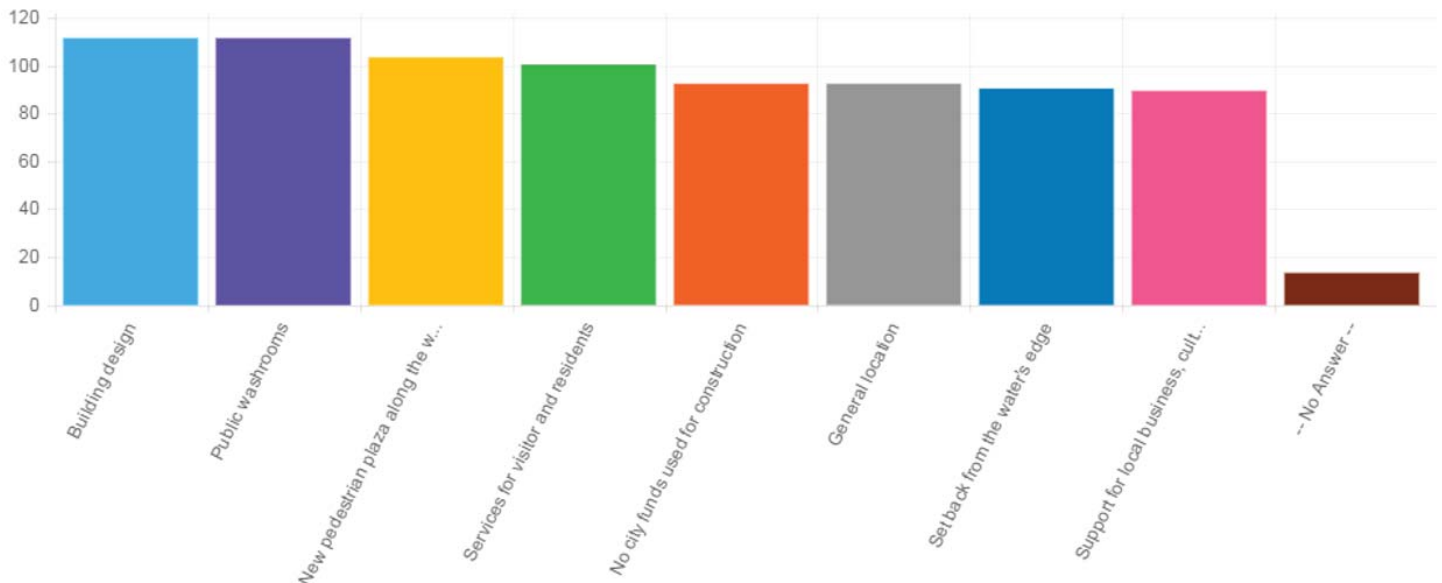
Results based on 159 responses to this question



Analysis: Awareness of the changes is high with over three-quarters of those who participated saying they know this. This shows that the public has been paying attention to those issues. While we didn't ask in the survey whether this had changed anyone's mind on the project, it is likely those changes allowed support to be as high as it is in this survey. Some comments in the survey support this conclusion.

6. What do you like about the plan that you saw today? Please check all that you agree with.

Results based on 159 responses to this question



Analysis: The "no answer" column is comprised of people who are against all aspects of the project and match those who answered no to the next question. Interestingly, all aspects of the building scored more than 80 positive responses (50% of the total) meaning that overall, those taking the survey approved of all aspects of the project from the design to the location. Public washrooms and building design had the highest level of support.

7. Do you support the plan to build a Visitor Centre at this location?

Results based on 159 responses to this question



Analysis: There is strong support for the project as 73 per cent are in favour, 17 percent opposed and 10 per cent are neutral. Interestingly, non-residents voted in the same percentages as residents

Comments

Survey participants were given the opportunity to comment on the project and 88 of them made additional comments. The comments have been sorted based on how they answered question 7 and we have separated out comments by non-residents. In all there were 56 comments made by those who answered yes to question 7, 21 from people who answered no, eight who answered neutral, and three from self-described non-residents, two in favour and one against. The comments offer suggestions for further improvements such as bike racks, artist demonstrations, and finding an alternate location for a deep-keel boat launch. Those opposed are against the location and size of the structure.

In favour (answered yes to question 7)

- Love the location! Be sure to include adequate garbage cans
- You convinced me regarding location
- Looks like a good plan. Great idea to host the open house at the actual location.
- Good luck ...
- Great design. A welcome addition to the downtown
- I still think that having local artisans have the opportunity to showcase their talents would be worthwhile. Not only having a gift shop but having a space for artists to do demos. So many talented artists in this city just waiting to show the world!
- Love it. Would love to see cultural animation of outside spaces too
- Where will visitors who are driving motor homes or hauling trailers go to get info?
- This will be such an asset to the city as well as our visitors. This is virtually a wasted portion of the waterfront now. (I have done my own little survey of watching people walk

through this portion of the park and not one even glanced toward the lake let alone walk down to the edge.) BUT they certainly will once this centre is available!

- The sooner the better
- Do It!
- Good concept
- Good project. Like walkway around the building
- Like it!
- Great idea...now if you could encourage the construction of condos that are large enough in square footage (at least 1200 sq feet) starting at the ground level all the way up to the top floor, you would get more off season traffic to our downtown area.
- Downsized compared to present facilities will reduce products and service available.
- Glad to see a much reduced footprint!
- Good plan
- No
- Glad it is a lower building.
- Great presentation,
- I would like bike path and walk-ways marked or separated from bird sanctuary to beyond City Park to streamline public walkers and cyclists all the way to the bridge.
- I like the color of the umbrellas
- Would like the facility to be smaller
- As a new resident of Kelowna I am looking forward to the many new culture activities offered here
- Good luck with the rezoning!
- Let's get active! Please make bike parking areas
- Good job. It may be helpful to have secure bike parking in the area
- Will be an asset for the City and the public
- The sooner the better!!!
- Please ensure that keelboat launch substitution takes place
- Great addition to downtown for visitors and businesses
- No
- Yes I am now more aware of what they have planned and I do think it's going to be great for Kelowna.
- Looking good, finally got right.
- Thank you for addressing community concerns. This new design reflects a desire to serve both tourists and residents needs.
- I believe that this is extremely important to our tourism
- The location makes perfect sense.
- Nice to see positive planning
- It's really a nice looking plan, great location
- Perfect location! Lovely design and excellent benefits to the city and our valued tourists
- I like the location and design
- I believe that this will have an extremely positive impact on the city as well as its residents
- Well done, you have done a great job displaying the proposed idea well done.
- Do it now!
- This appears to be exactly what visitors or new people moving here ... As I have just done ... could use and help them explore this wonderful area.
- This is an amazing new venue that will add so much to our city as well as assist visitors in ways to spend more while enjoying the beauty we have to offer here. Good luck.



- It's a great idea! Well done!
- Nice
- Impressive
- Love it
- Outdoor seating and coffee station, pets allowed outside
- Would love to see a coffee shop in the visitor centre area near the water's edge.
- Looks good
- This is an awesome project!

Opposed (answered no to question 7)

- No qualified (?) should be further from waterfront. Should be leasing space rather than building a new one
- Not wanted on waterfront
- Needs to be further from waterfront
- Wrong place, excessive cost, there are more effective use of costs, not on waterfront blocking views and vistas
- Wrong location
- I think the location is wrong, should be on Bernard Ave
- Great building. Bad location at the water's edge. Please move it out of the view.
- Why not use the Zamboni storage building in summer. Where are boat trailers and motor homes going to park? Being lake oriented maybe concentrate on better and more boat launches our present launches are a disgrace
- Ensure there is deepwater launch facility for keelboats!!!
- I would rather see something here for the residents. Like a Granville island style destination. The location near the bus loops is good for residents and a waste for tourists
- I think it is stupid to block the gorgeous view of Lake Okanagan and the waterfront with a building. A small kiosk is a much better idea. Also there will be no parking nearby for tourists. There will only be foot traffic. I thought the second storey was removed. A building twenty feet tall is the same height as a two storey building, even if there is not a second floor. I vote to put the tourist centre somewhere else, so everyone can still enjoy the view here. Landscaping should join Kerry Park to Stewart Park, not a building that no one wants.
- Why do you feel you need prominent locations? WE HAVE TRAVELED ALL OF THE AMERICAS. AND. MOST ARE LOCATED COMING INTO THE CITY.
- Move away from the waterfront
- People don,
- Should be a kiosk and not a building
- Bad location
- Written many letters against
- This lakeshore location is a tourism site and should not have a building promoting commercial tourism activities plunked right in the middle of our beautiful promenade. This is the wrong location for a tourist info centre in Kelowna. Because of the lack of parking it would only be accessed by pedestrians visiting the downtown lakefront. All that is needed is a staffed kiosk to answer tourist inquiries. Please keep our lakefront open for all our residents and tourists to enjoy. We have such limited lakeshore access left.
- The visitor centre should NOT be built so close to the public water. It could go in an existing building near the Sails instead



- There is no PARKING! If you travel to a city and need a tourist centre, you need parking.
- There is not enough parking downtown as it is

Neutral (answered neutral to question 7)

- Needs at least six of each men's and women's restrooms, sewer line needs repair before construction
- Should have used the Fintry Queen as information centre at the foot of Bernard or at this current location
- Need to ensure that we continue to have access to a deep water boat launch
- Please urge city to finally repair and maintain the Water Street boat launch facility after thirty years of neglect.
- Keep buildings well back and update Rose's boat launch for keelboats. Thanks
- Nope
- Awesome!
- Much better than you original concept - you have obviously listened to public opinion - good work.

Non-residents (two answered yes and one answered no to question 7)

- Wrong location, highway property preferred,
- Great plan - well presented
- As frequent visitors to Kelowna, we appreciate all the public sculpture and the beautiful waterfront development. This centre seems a needed addition.

Conclusion:

The overall results showed strong support for the visitor centre; 73% favoured the centre in this location, 17% were opposed and 10% were neutral. Every aspect of the proposal received more than 50% support. The results also show strong support for tourism in Kelowna. Understanding of the project is quite high with the exception of who will fund it.

3015 KENNEDY STREET
VANUCCIO, BC
V2A 1H5
TEL: 604.433.5143
EMAIL: jay@kelowna.ca

233 BARNARD AVENUE
WILLOWDALE, ONTARIO
M2H 3G2
TEL: 416.362.3262
EMAIL: kel@kelowna.ca



MEKLONHN ARCHITECTS INC.

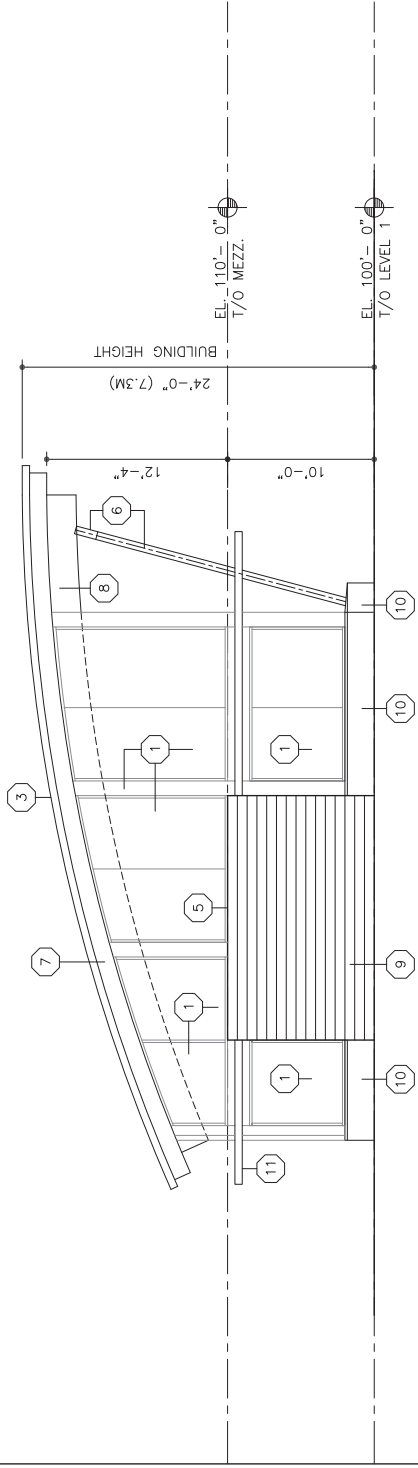


KELOWNA
Charming Every Day

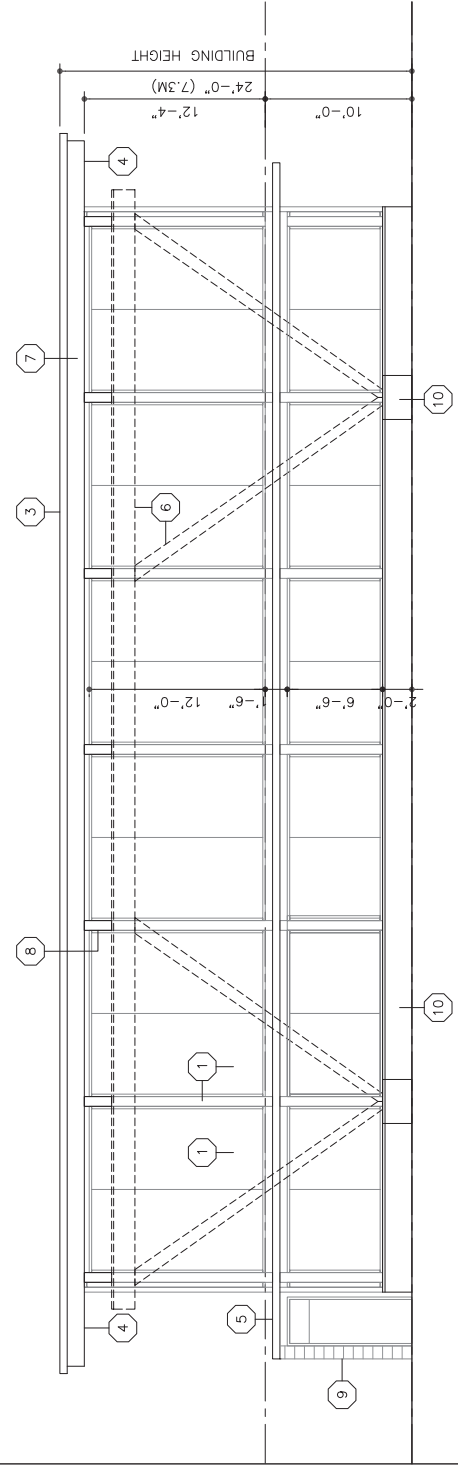
2016-11-04

DP

ELEVATION KEY NOTES LEGEND	
ALL COLOURS TO BE CHOSEN BY ARCHITECT FROM APPROVED PRODUCT MANUFACTURER'S STANDARD LINE OF COLOURS	
(PROVIDE SAMPLES OF ALL MATERIALS FOR COLOUR SELECTIONS/FINISHES)	
1	ALUM. CURTAIN WALL C/W CLEAR GLAZING
2	ALUM. / GLASS DOOR
3	PREFINISHED STANDING SEAM ROOFING
4	WOOD SOFFIT
5	PREFINISHED METAL FLASHING
6	PAINTED STEEL FRAMING
7	GLULAM FASCIA/TRIM
8	CURVED GLULAM BEAM
9	BOARD-FORMED CONCRETE
10	CONCRETE BASE
11	ALUM. FRAME CANOPY
12	PAINTED METAL DOOR



Bldg Elev 1



Bldg Elev 2

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TO: BSAO 12-04, DP 20160502008

Project Title
VISITOR CENTRE
TOURISM KELOWNA

233 QUEENSWAY AVE KELOWNA
Drawing Number

A4.01

bldg elev

1/4"=1'-0"

Date:	11/04/2016
Job No.:	11/04/2016
Scale:	AS SHOWN
Drawn:	JK
Checked:	

3015 AVONUE STREET
 SUITE 100
 VAN, BC V6S 3A3
 EMAIL: pape-mat@shaw.ca

233 BURNARD AVENUE
 VICTORIA
 BC V8N 2A2
 EMAIL: mat-fried@shaw.ca

m+m
 MEKLEJOHN ARCHITECTS INC.

KELOWNA
Change City, BC

2016-11-04

DP

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Project Title	TO: 2016-11-04	By: pape-mat
Project No.	DP 2016-00000000	
Project Name		
Project Address		
Project City		
Project State		
Project Country		

**VISITOR CENTRE
 TOURISM KELOWNA**

235 QUEENSWAY AVE KELOWNA
 Drawing Number

A4.02

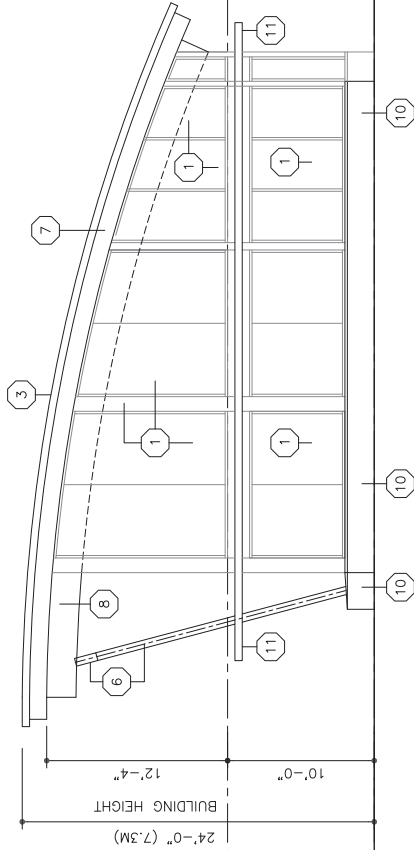
Drawings are not to be scaled.
 ALL DIMENSIONS SHALL BE VERIFIED IN THE

bldg elev

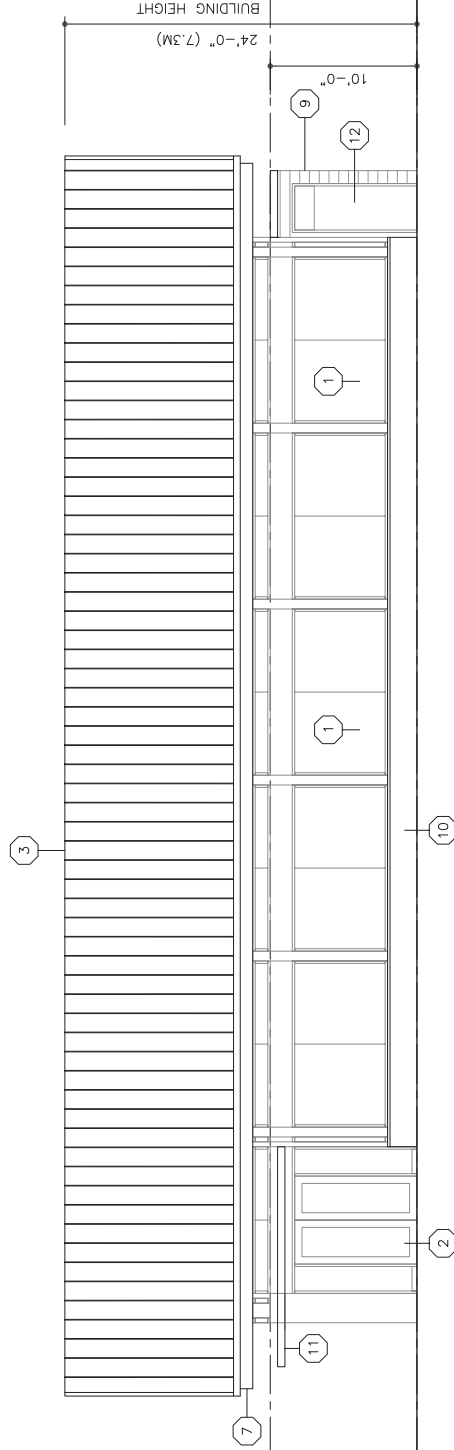
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Date:	2016-11-04
Job No.:	2016-00000000
Scale:	AS SHOWN
Drawn By:	PM
Checked:	

Bldg Elev 3



Bldg Elev 4



301 W. BOWEN STREET
 SUITE 100
 WILMINGTON, DE 19801
 TEL: 302.441.1111
 EMAIL: info@kelowna.ca

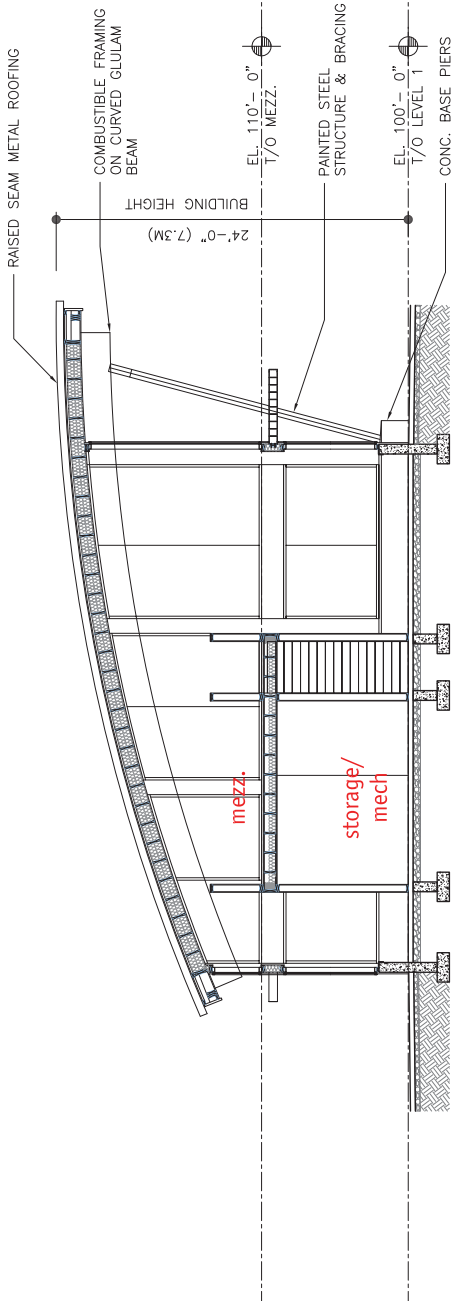
233 BROADWAY AVENUE
 SUITE 200
 WILMINGTON, DE 19801
 TEL: 302.441.1111
 EMAIL: info@kelowna.ca

m+m
 MEKLEJOHN ARCHITECTS INC.

KELOWNA
Champion Valley BC

2016-11-04

DP



Bldg Section

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TO:	KELOWNA, BC	PROJECT:
FROM:	DP 2016-11-04	

Project Title
**VISITOR CENTRE
 TOURISM KELOWNA**

233 QUEENSWAY AVE KELOWNA
 Drawing Number

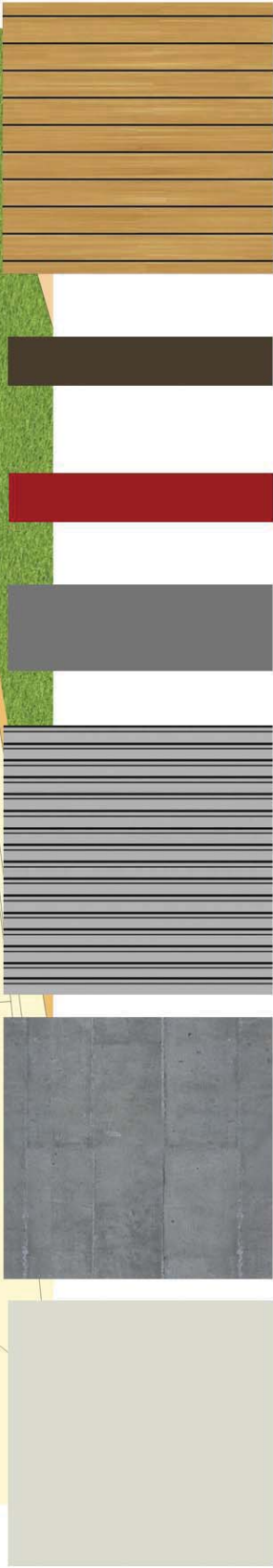
A5.01

Drawings are not to be scaled.
 ALL DIMENSIONS SHALL BE VERIFIED IN THE FIELD

Drawing Title
bldg section

1/4"=1'-0"

Date:	
Job No.:	1000-10-1000
Scale:	AS SHOWN
Drawn:	AK
Checked:	



2141-60 titanium

board-formed concrete

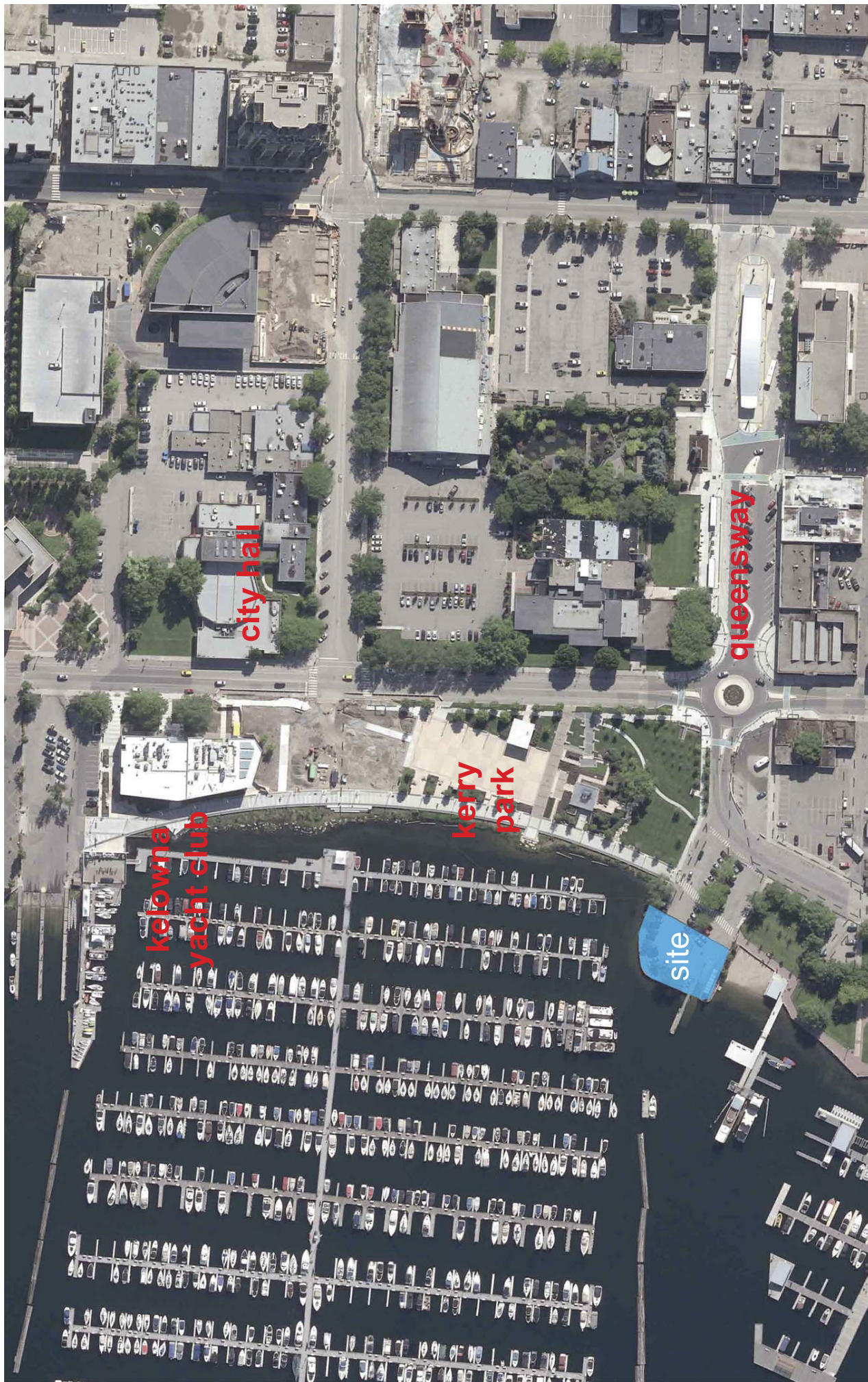
standing seam roof

grey canopy

red accent

glulam beam

stain wood soffit



1

nov 4, 2016

site context

Kelowna Visitor Centre

KELOWNA
Okanagan Valley, BC

m+m a









REPORT TO COUNCIL



Date: January 9, 2016

RIM No. 1250-30

To: City Manager

From: Community Planning Department (AC)

Application: Z16-0067

Owner: Burro Developments Ltd., Inc.
No. BC0971320

Address: 1330 St Paul St

Applicant: Hans P. Neumann Architect Inc.

Subject: Rezoning Application

Existing OCP Designation: MXR – Mixed Use (Residential/Commercial)

Existing Zone: I2 – General Industrial

Proposed Zone: C7 – Central Business Commercial

1.0 Recommendation

THAT Rezoning Application No. Z16-0067 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 16 District Lot 139 ODYD Plan 645, located at 1330 St Paul St, Kelowna, BC from the I2 – General Industrial Zone to the C7 – Central Business Commercial Zone, be considered by Council;

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration.

AND THAT final adoption of the Zone Amending Bylaw be subsequent to the following:

To the outstanding conditions identified in Attachment "A" associated with the report from the Community Planning Department dated January 9th 2016.

2.0 Purpose

To consider a rezoning application on the subject property from I2 – General Industrial Zone to the C7 – Central Business Commercial Zone.

3.0 Community Planning

Staff support the rezoning from the I2 zone to the C7 zone. The Official Community Plan (OCP) designates the property as MXR – Mixed Use (Residential/Commercial) and encourages the C7 zoning on most downtown lots including the subject property. Industrial uses within the downtown core have the potential for land use conflicts with existing uses and conflict with the vision of the Downtown Plan & OCP of an

urban high density residential / commercial mixed use City Centre. Further, the OCP strongly encourages office buildings greater than 929m² to locate within the City Centre. This project fits that criteria and is consistent with all the Official Community Plan land use guidelines.

If the rezoning is successful, Staff will review the form and character of the proposed building within a Development Permit report. Currently, Staff are tracking nine (9) variances associated with the current proposal. The variances are mostly related to setbacks and reducing parking stall sizes within the parkade. However, Staff are currently reviewing the C7 zone for potential changes. In the 'Draft C7 zone' the number of variances would be reduced to seven (7) variances. Regardless of the potential C7 zoning changes, the merit of the variances will be reviewed and analyzed within a Development Variance Permit report, if the rezoning is successful.

4.0 Proposal

4.1 Project Description

If the rezoning is successful, the applicant has proposed to build a mixed commercial use development with ground floor retail and upper floor offices. The current proposal is to have a six storey building that steps back from the property line and contains approximately 20,000 ft² of commercial space.

4.2 Site Context

The subject property is located at the east side of St Paul Street between Cawston Avenue & Doye Avenue. The site is also located between two mixed use projects; Ellis Courtyard located to the west and St Paul Place located to the east.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C7 – Central Business Commercial, I2 – General Industrial	MXR – Mixed Use (Residential / Commercial)
East	C7 – Central Business Commercial, P1 – Major Institutional	MXR – Mixed Use (Residential / Commercial) EDINST – Educational / Institutional
South	C7 – Central Business Commercial	MXR – Mixed Use (Residential / Commercial)
West	C7 – Central Business Commercial	MXR – Mixed Use (Residential / Commercial)

Subject Property Map: 1330 St Paul St**4.3 Zoning Analysis Table**

The zoning analysis table shows the requirements of the C7 zone compared to the proposal:

Zoning Analysis Table			
CRITERIA	ZONE REQUIREMENTS		PROPOSAL
	C7	Draft C7	
Existing Lot/Subdivision Regulations			
Max. Height	44.0m	76.5m (~26 stories)	6 storeys / 21 m
Development Regulations			
Max. Floor Area Ratio	9.0	9.0	2.36
Min. setback front	0.0m	0.0m	0.0m
Min. setback Side	0.0m	0.0m	0.0m
Min. Setback Rear	0.0m	0.0m	0.0m
Setback above 15 metres	(north) 4.0 m	n/a	0 m ①
	(east) 3.0 m	n/a	0.775m ②
	(south) 4.0 m	n/a	2.72m ③
	(west) 3.0 m	n/a	0 m ④

Setbacks above 12 metres	n/a	(north) 4.0 m	0 m ❶
	n/a	(east) 3.0 m	0.775m ❷
	n/a	(south) 4.0 m	2.72m ❸
	n/a	(west) 3.0 m	0 m ❹
Max. floor plate above 15.0 m	676 m ²	n/a	461 m ²
Max. floor plate	n/a	956 m ²	461 m ²
Max. angle of setback above 15.0m	80 degrees	n/a	80 degrees
Max. continuous horizontal dimension above 15.0m	26.0 m	n/a	44.65 m ❺
Max. diagonal dimension for a floor plate above 15.0m	39.0m	n/a	46.4 m ❻
Other Regulations (The Draft C7 zone would not affect this section)			
Min. Parking Stalls	25 stalls		13 stalls (12 cash-in-lieu stalls)
Min. Class I Bicycle Stalls	0.2 per 100m ² of GLA or 1 per 10 employees 4 stalls for GLA but 7 stalls (assume 1 employee per office / unit)		7 stalls
Min. Class II Bicycle Stalls	12 stalls (0.6 per 100m ² of GLA)		12
Two-drive aisle minimum	7.0m		6.0 m ❼
Min. Loading Spaces	1 stall		1 stall
Minimum Parking ratio	Full size: Min 50% Medium Size: Max 40% Compact Car: Max 10%		Full size: 60% Medium Size: 33.3% Compact Car: 6.6%
The minimum addition parking width for stalls that abuts an obstruction	0.2m when obstruction abuts one side (affects 6 stalls)		0.0 m ❽
	0.5m when obstruction abuts two side (affects 4 stalls)		0.0 m ❾
<u>Current C7 zone variances:</u> ❶ Indicates a requested variance to the minimum lane setback above 15m. ❷ & ❹ Indicates a requested variance to the minimum side setbacks above 15m. ❸ Indicates a requested variance to the minimum front setback above 15m. ❺ Indicates a requested variance to the maximum continuous horizontal dimension above 15m. ❻ Indicates a requested variance to the maximum diagonal dimension for a floor plate above 15m. ❼ Indicates a requested variance to the minimum drive aisle width. ❽ Indicates a requested variance to the minimum additional width for a parking stall when abutting an obstruction on one side. ❾ Indicates a requested variance to the minimum additional width for a parking stall when abutting an obstruction on two sides.			

Draft C7 zone variances:

①, ②, ③ & ④ Variances remain the same except the setbacks being measured of above 15m would be measured above 12m.

Indicates a requested variance to the minimum front setback above 15m.

⑤ & ⑥ Variance would no longer be necessary.

⑦ Indicates a requested variance to the minimum drive aisle width.

⑧ Indicates a requested variance to the minimum additional width for a parking stall when abutting an obstruction on one side.

⑨ Indicates a requested variance to the minimum additional width for a parking stall when abutting an obstruction on two sides.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Downtown Development.² Support rezoning to C7 use in the downtown Urban Centre area only where properties are surrounded on a minimum of 3 sides by existing C7 zoning. The intent of this policy is to support intensification within the existing core areas of Downtown.

Office Building Location.³ Encourage office buildings providing more than 929 m² of useable space to locate in the City Centre or the Town Centres. This policy does not include offices integral to business park / industrial uses and "corporate offices" allowable under relevant industrial zones.

Offices Near Transit.⁴ Direct new office development to areas served by public transit.

6.0 Technical Comments

6.1 Building & Permitting Department

No comment on rezoning.

6.2 Development Engineering Department

See attached memorandum dated November 7, 2016.

6.3 Fire Department

No comment on rezoning.

¹ City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.3.4 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Policy 5.25.2 (Development Process Chapter).

⁴ City of Kelowna Official Community Plan, Policy 5.27.2 (Development Process Chapter).

7.0 Application Chronology

Date of Application Received: October 5th 2016
Date Public Consultation Completed: January 3rd 2016

Report prepared by: Adam Cseke, Planner 2
Reviewed by: Terry Barton, Urban Planning Manager
Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Development Engineering Memo dated November 7th 2016
Initial Architectural Drawing Package

CITY OF KELOWNA

MEMORANDUM

ATTACHMENT

A

This forms part of application

Z16-0067

Planner
Initials

AC



Date: November 7, 2016
File No.: Z16-0067
To: Community Planning (AC)
From: Development Engineering Manager
Subject: 1330 St. Paul Street,

I2 to C7

The Development Engineering Department has the following comments and requirements associated with this rezoning 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

The subject property is currently serviced with a 19mm-diameter water service. 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. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the disconnection of existing services and the installation of a new service if necessary.

2. Sanitary Sewer

The subject property is currently serviced with 150mm-diameter sanitary service. The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal and disconnection of the existing services and the installation of one new larger service if necessary.

3. Storm Drainage

The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the Subdivision, Development and Servicing Bylaw No. 7900. 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 existing lot is serviced with a 150mm diameter storm service. Only one service will be permitted for this development. The applicant, at his cost, will arrange the installation of one overflow service if required.

4. Road Improvements

- (a) St Paul Street must be upgraded to an urban standard along the full frontage of

this proposed development, including curb and gutter, sidewalk removal and reconstruction of separate sidewalk, drainage system including catch basins, manholes and pavement removal and replacement, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.

- (b) Lane adjacent to this development site will require widening and reconstruction to a paved commercial standard.

5. **Road Dedication and Subdivision Requirements**

- (a) Dedicate 0.8m width along the full frontage of the lane to provide the required widening to provide an ultimate 7.6m wide commercial standard lane.
- (b) Grant statutory rights-of-way if required for utility services.

6. **Electric Power and Telecommunication Services**

- a) All proposed service connections are to be installed underground. 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.

8. **Design and Construction**

- (a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- (b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- (c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- (d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- (e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Development Engineering Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

9. **Servicing Agreements for Works and Services**

- (a) A Servicing Agreement is required for all offsite works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.

ATTACHMENT

This forms part of application

Z16-0067



City of
Kelowna
COMMUNITY PLANNING

Planner
Initials

AC

- (b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

10. Other Engineering Comments

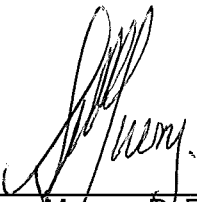
- (a) Provide all necessary Statutory Rights-of-Way for any utility corridors as required.
- (b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

11. Geotechnical Report

- a) Provide a comprehensive geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed development.**
- Overall site suitability for development.
 - Presence of ground water and/or springs.
 - Presence of fill areas.
 - Presence of swelling clays.
 - Presence of sulphates.
 - Potential site erosion.
 - Provide specific requirements for footings and foundation construction.
 - Provide specific construction design sections for roads and utilities over and above the City's current construction standards

12. Development Permit and Site Related Issues

- (a) Access and Manoeuvrability
- (i) Access to the site will be permitted from the lane only.
- (ii) The City of Kelowna wishes to reserve the right to restrict the lane access onto Doyle Ave to right in and right out only.

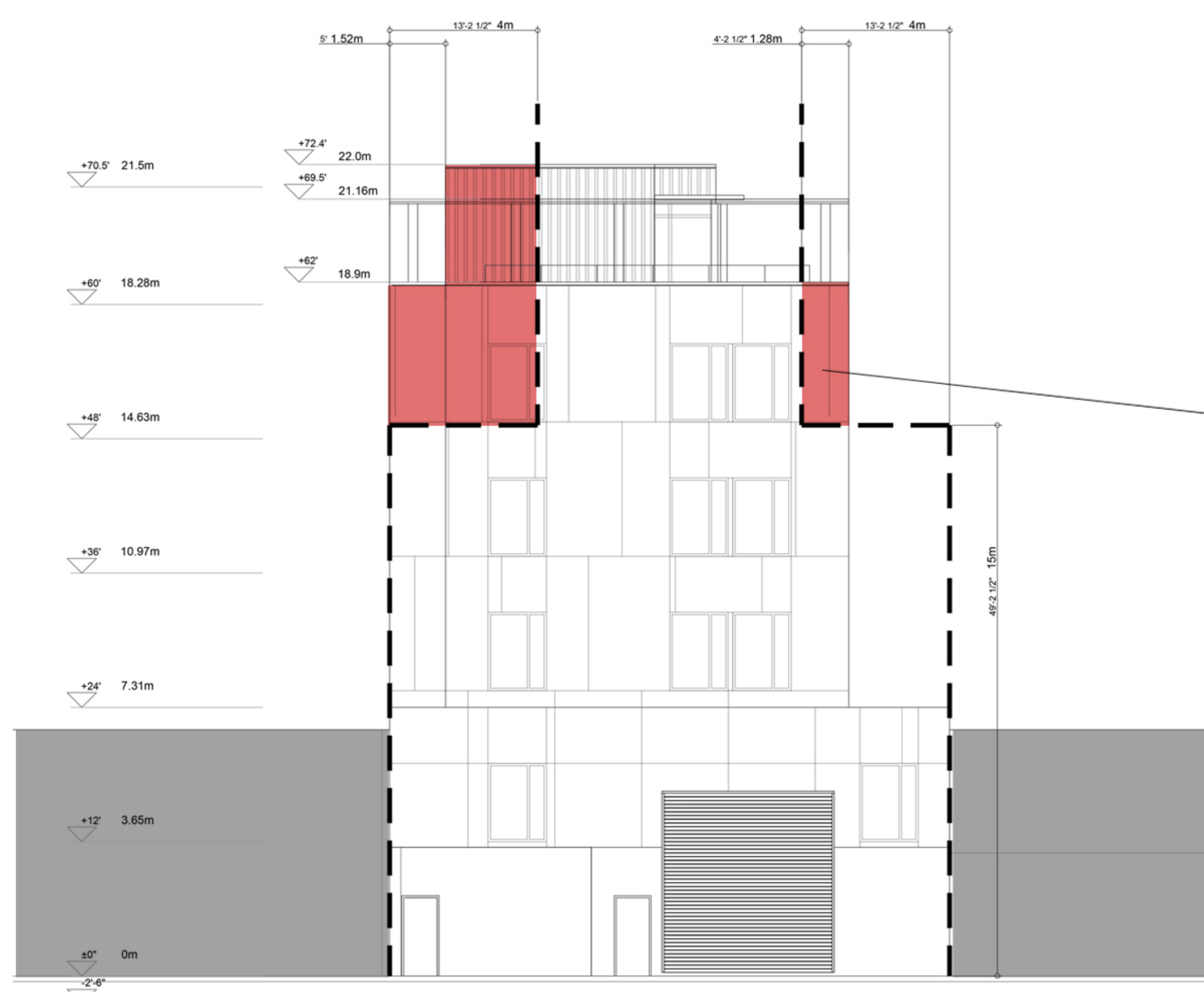

 Steve Muenz, P. Eng.
 Development Engineering Manager

SS

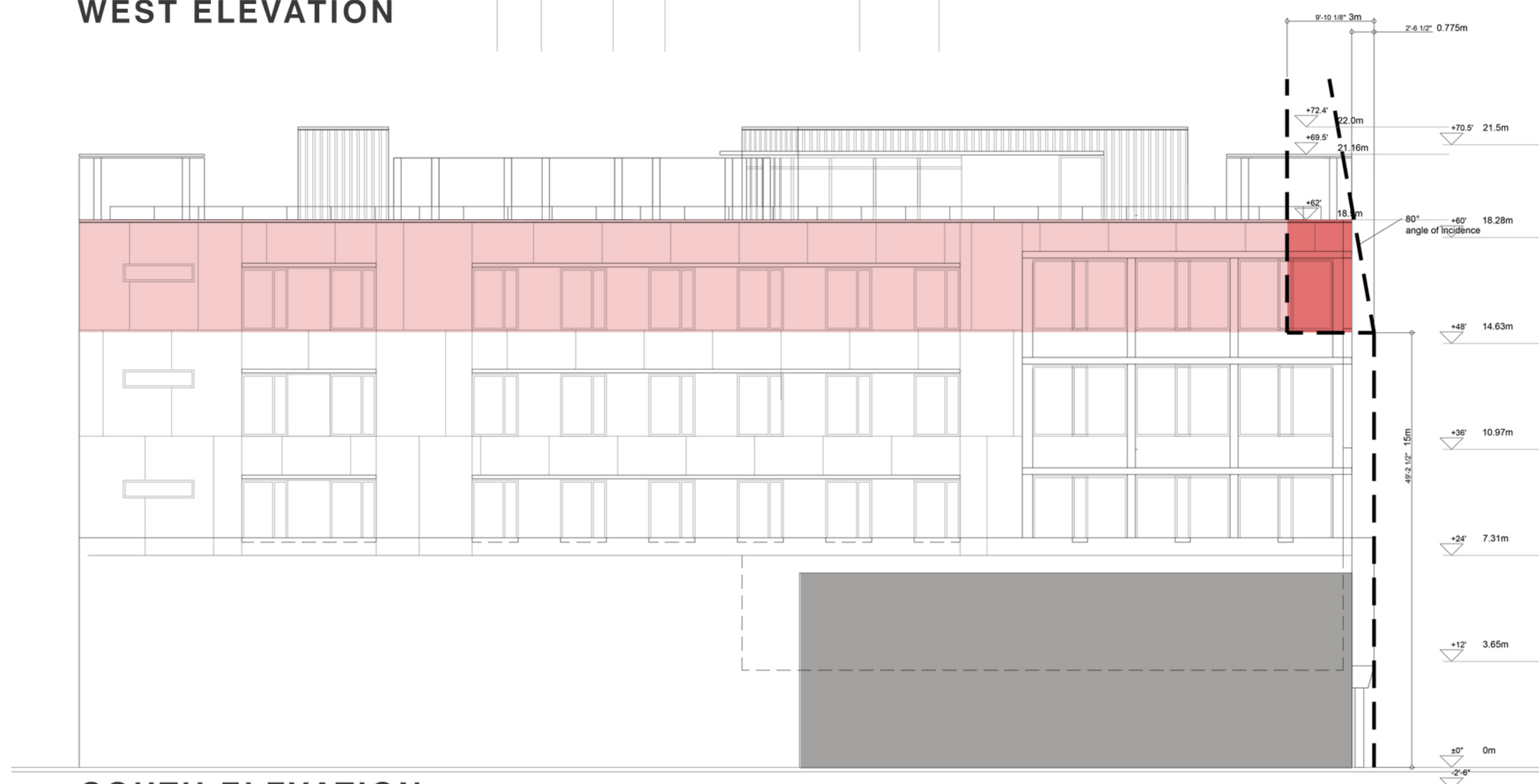
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This forms part of application		
# Z16-0067		
Planner Initials	AC	 City of Kelowna <small>COMMUNITY PLANNING</small>



NORTH ELEVATION



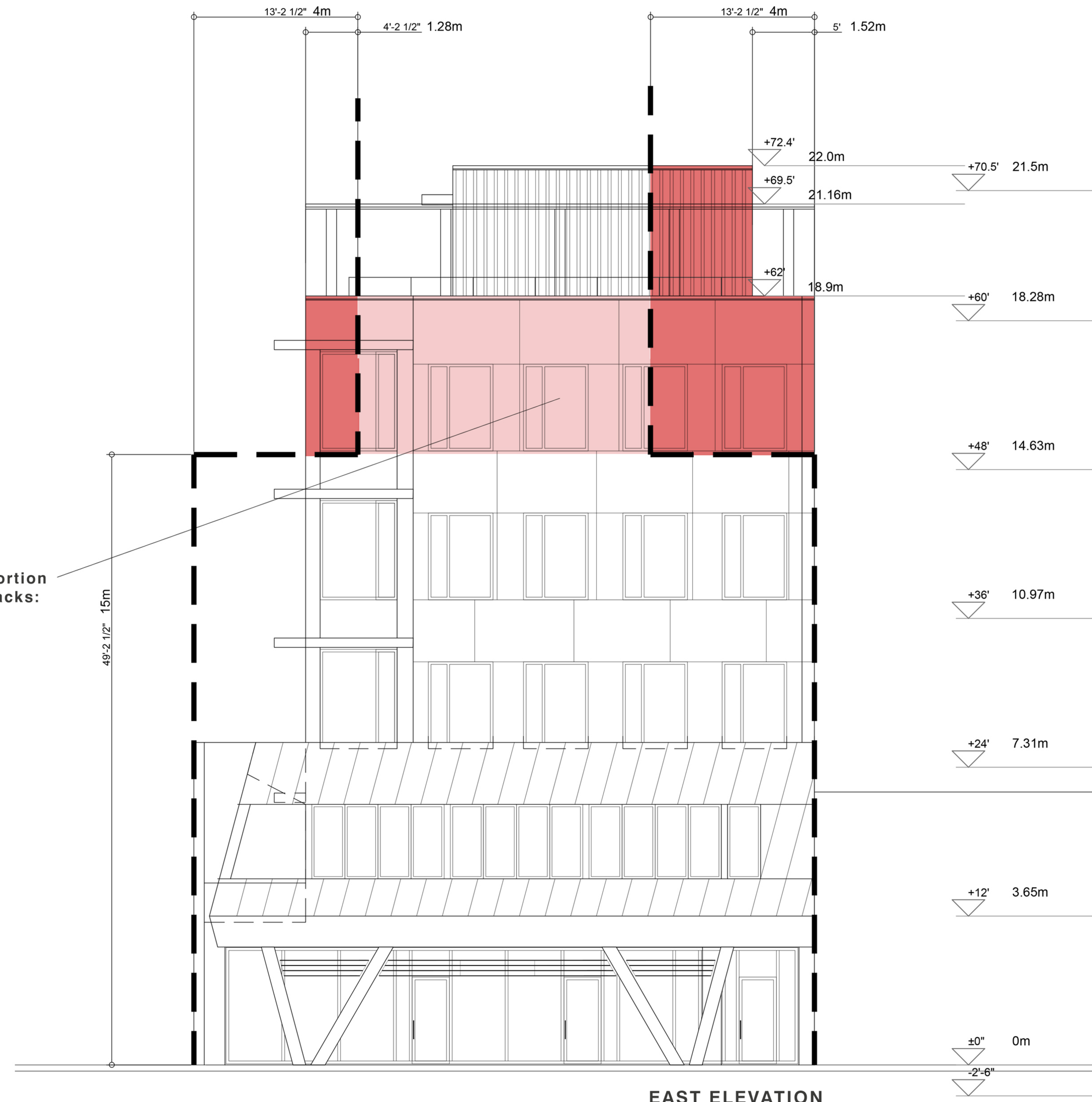
WEST ELEVATION



SOUTH ELEVATION

Toned areas indicate portion of building within setbacks: C7 - Diagram B

Dashed lines indicate required setbacks Section 14.7.5



EAST ELEVATION

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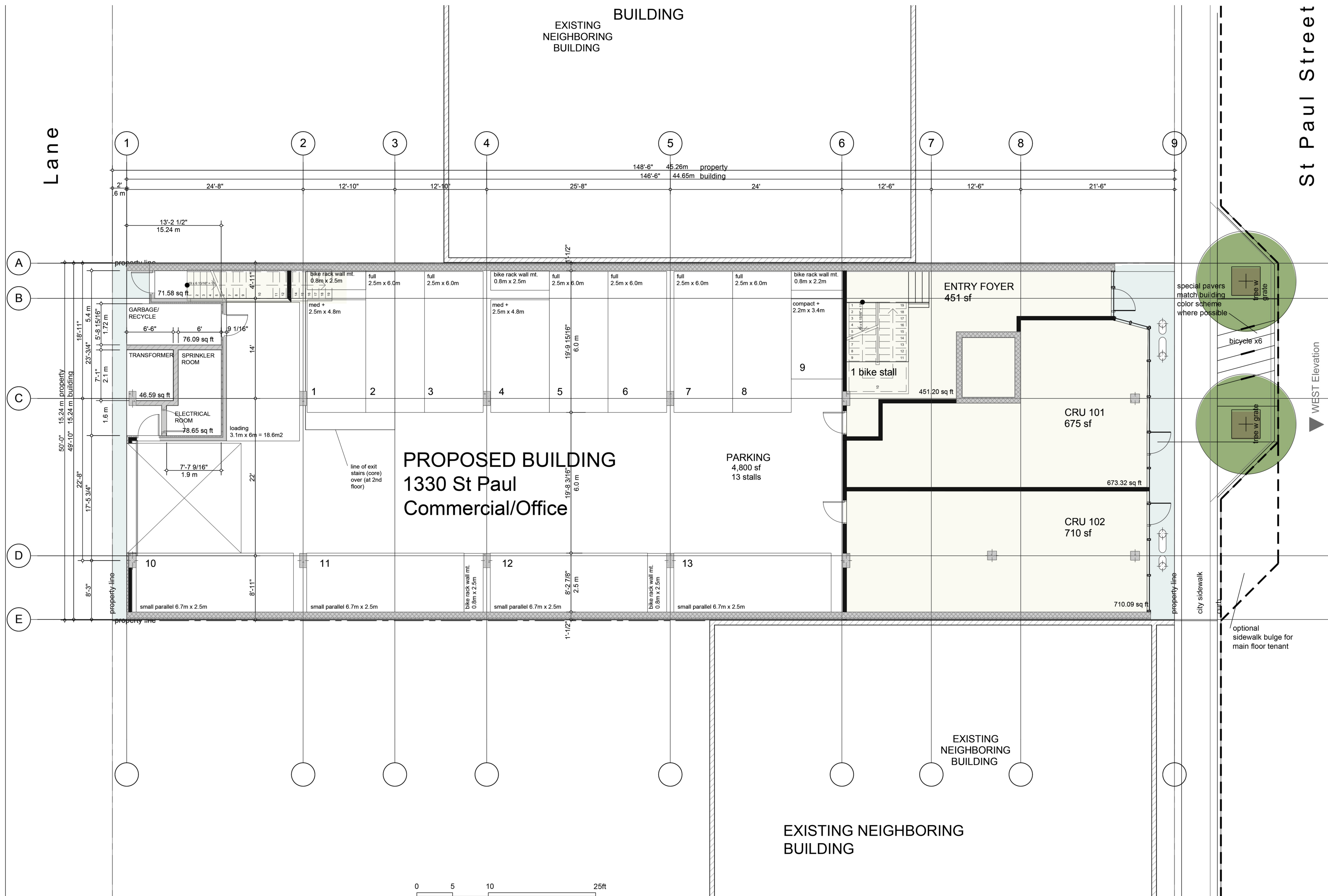
1330 St Paul Street Kelowna BC

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HANS P. NEUMANN ARCHITECT INC.

sheet 4

2016 10 03





SITE & MAIN FLOOR PLAN

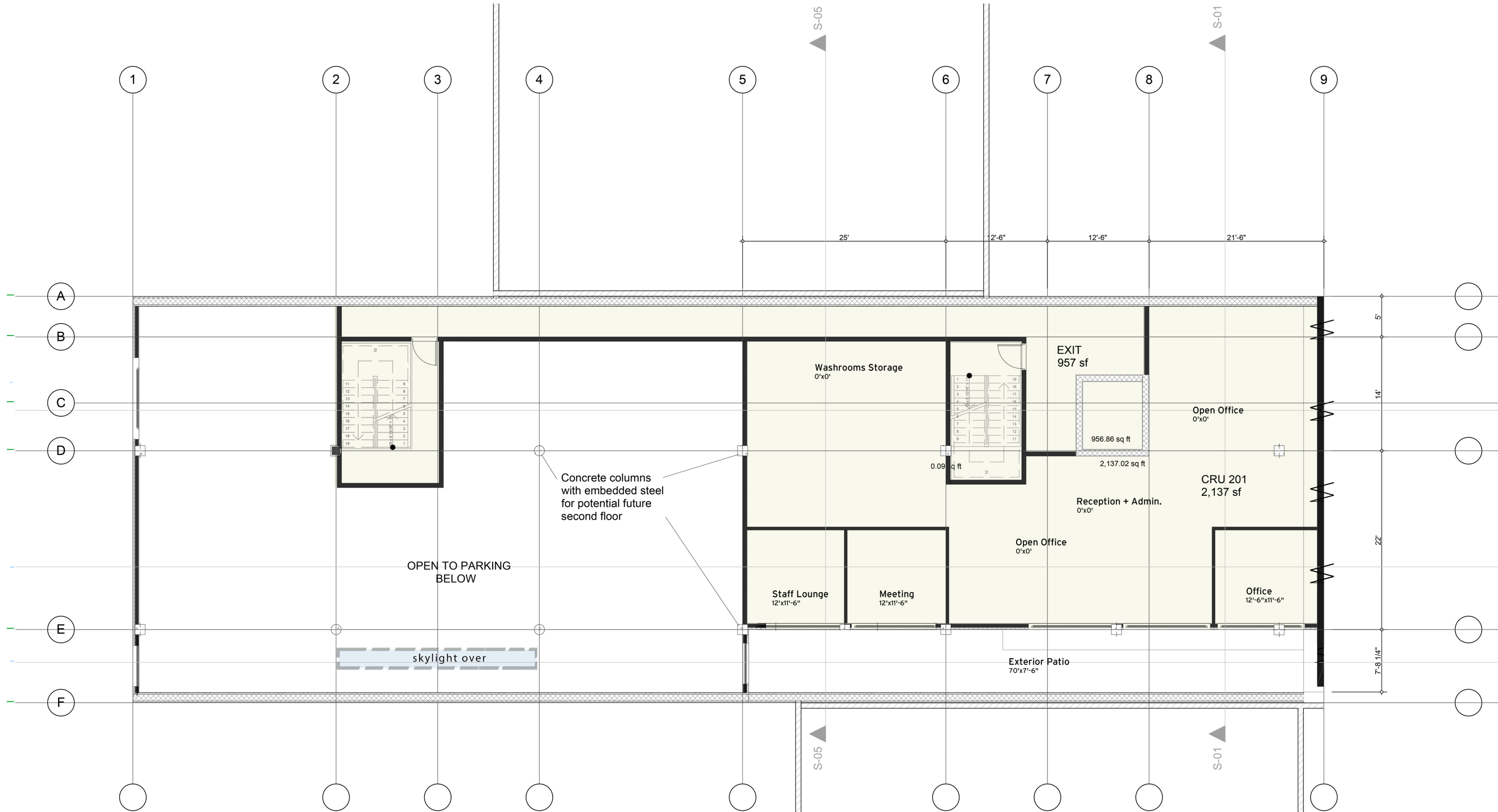
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2ND FLOOR PLAN

0 5 10 25ft

PROJECT 1330 St Paul - Mixed Use - Commercial/Office
1330 St Paul Street, Kelowna, B.C.

PRELIMINARY FOR REVIEW

DRAWING TITLE Second Floor Plan

DATE 2016 08 02

DRAWING NUMBER A 1.1

1/4"=1'-0" @ 36"X48"

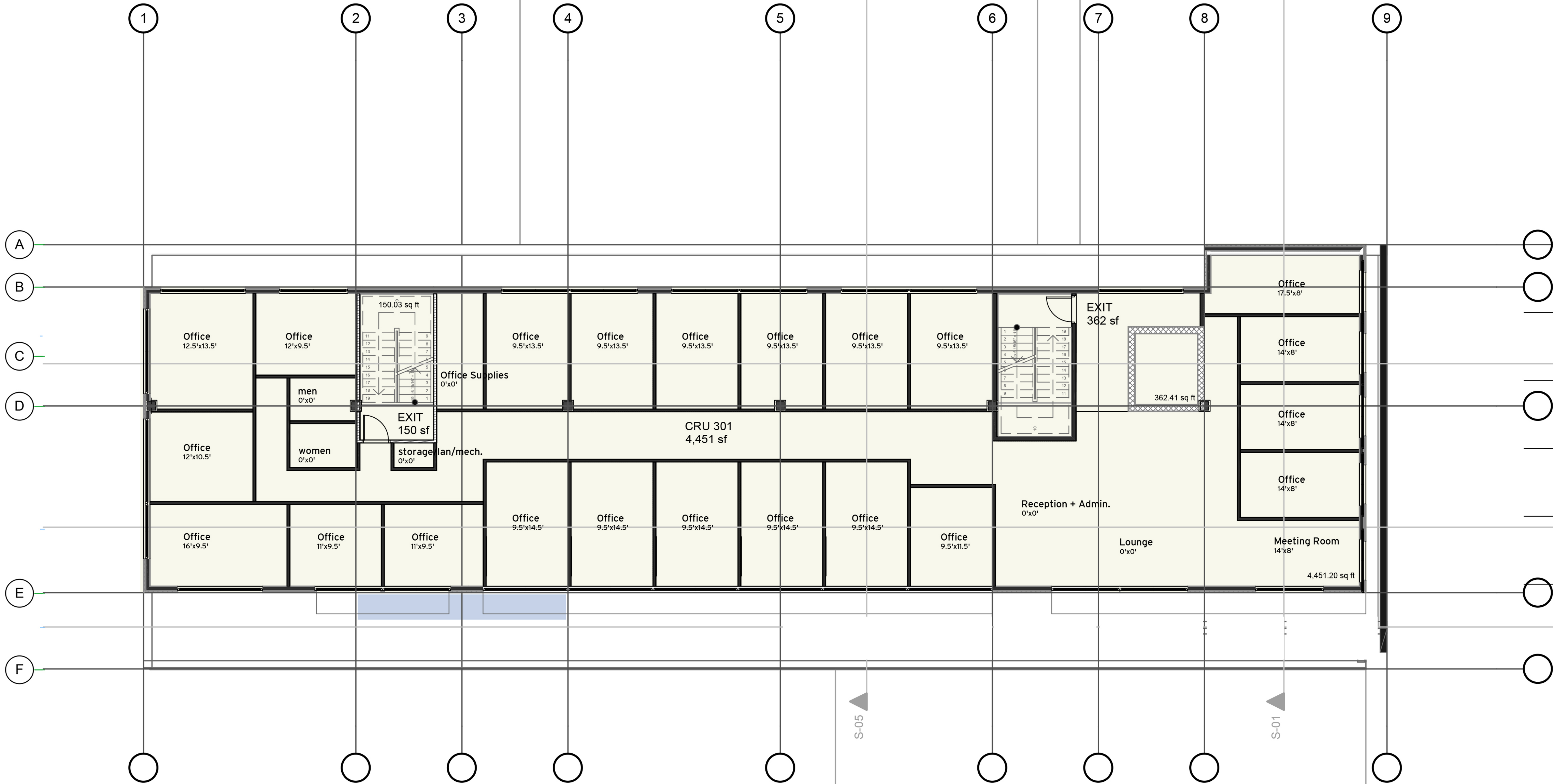
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2016 08 04



THIRD FLOOR PLAN (4TH + 5TH SIMILAR)

0 5 10 25ft		175ft	
PROJECT	1330 St Paul - Mixed Use - Commercial/Office 1330 St Paul Street, Kelowna, B.C.	DRAWING TITLE	Third Floor Plan (Fourth + Fifth Floor Similar)
1"=1'-0" @ 36"X48"		DATE	2016 07 11
		DRAWING NUMBER	A1.2

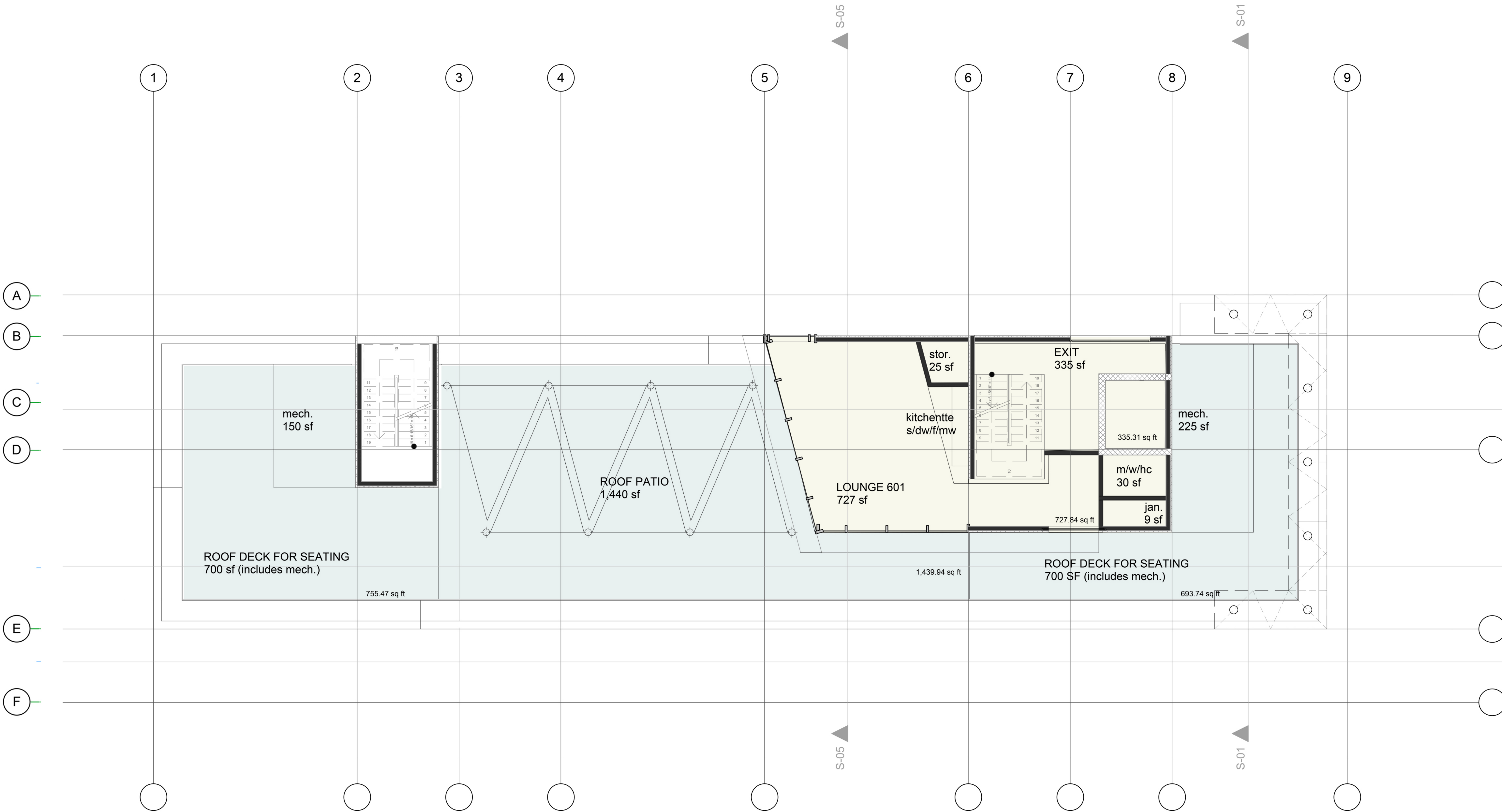
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2016 08 04



6th FLOOR PLAN



PROJECT 1330 St Paul - Mixed Use - Commercial/Office 1330 St Paul Street, Kelowna, B.C.		DRAWING TITLE Sixth Floor Plan		1/201
		DATE 2016 08 08	DRAWING NUMBER A1.3	

DESIGN

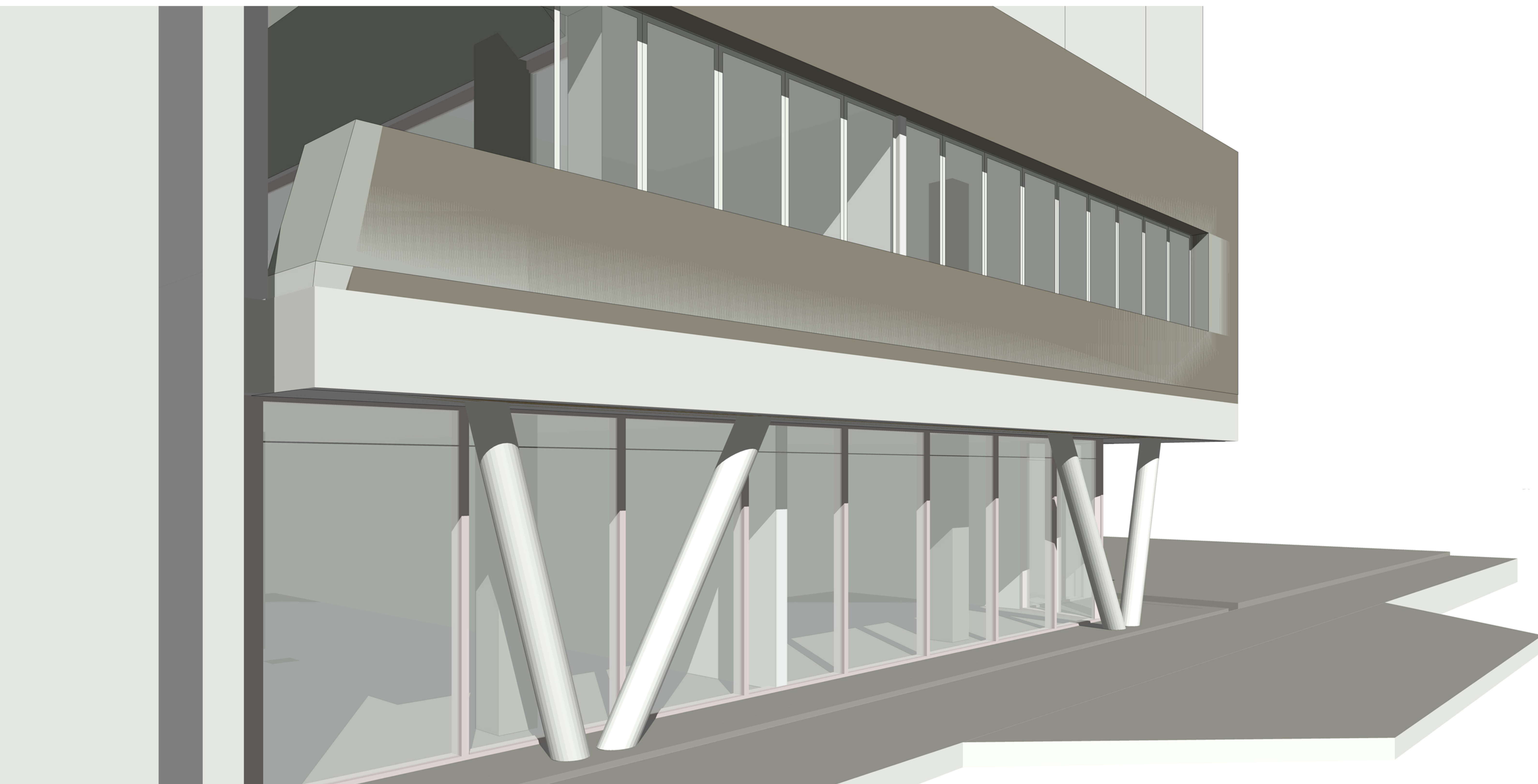
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sheet 2d

2016 08 08





Pedstrian Realm - Looking north on St Paul Street



Pedstrian Realm - Looking south on St Paul Street

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South Elevation

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West Elevation

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North Elevation

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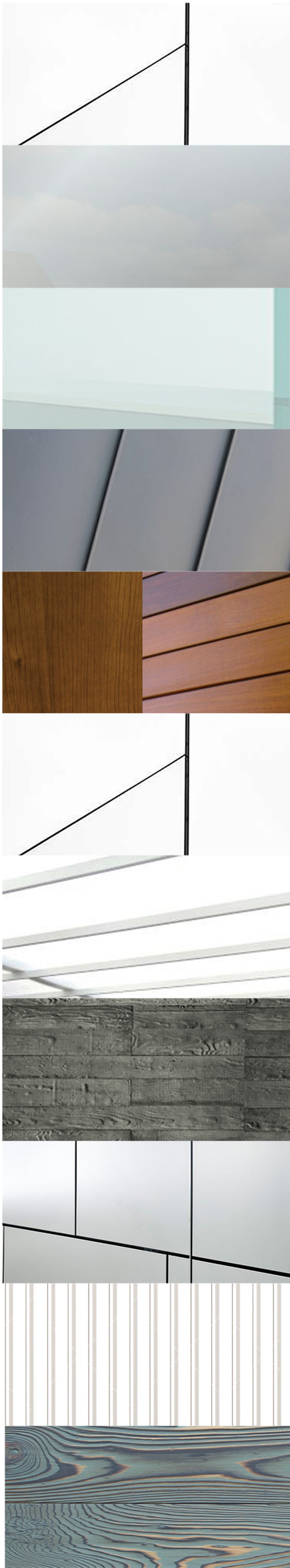
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Materials + Finishes

A	Composite Panel	Tomtar product flat panel - White-White
B	Windows, Canopies + Trim	Aluminum clear anodized finish
C	Glass	Clear w slight green tint
D	Metal Panel	Tomtar product - Charcoal
E	Metal Siding	Longboard product metal siding - Dark Cedar
F	Steel Posts	White Painted
G	Fabric Awning	White translucent fabric
H	Board Formed Concrete	Colored med-dark grey (match Tomtar charcoal)
I	Stainless Steel Features	Natural
J	Metal Cladding	White
K	Wood Siding	Charred natural oil finish

Design Rationale

1330 St Paul Street is a mixed use commercial development of ground floor retail and upper floor office.

At 20,000+ square feet and 6 storeys the building steps back from the property lines at the third floor to provide daylight/windows to the upper floors north and south.

A boldly arranged 2 storey plinth provides an exciting addition to the St Paul Street pedestrian realm. Darker tones of grey and colored concrete are contrast with white columns, aluminum & stainless steel trims and wood finishes. Floors above will appear lighter and finer employing flat and ridged white panels warmed up with wood color panels and detailing.

Carbonized or charred wood siding provide a dramatic finish.

Main Floor

Retail at street designed to accommodate 1-2 tenants with floor to ceiling storefront glazing. The client intends on developing a portion of the street ‘shoulder’ to provide sidewalk bike parking, boulevard trees, patterned pavers, and potential cafe seating. Signage with address will be a back-lit stainless steel band - refined and intentional. The parkade is fully enclosed.

Second Floor

Class A office.

Owner occupied office space of approx 2,000 sf overlooking the sidewalk with operable folding windows bringing in fresh air. A 70’ narrow exterior deck serves the staff and clientele as an outdoor ‘green’ space with seating. Most importantly is the daylight (and window views to the deck planting/greenery) for floor space midway into the building.

Third, Fourth and Fifth Floors

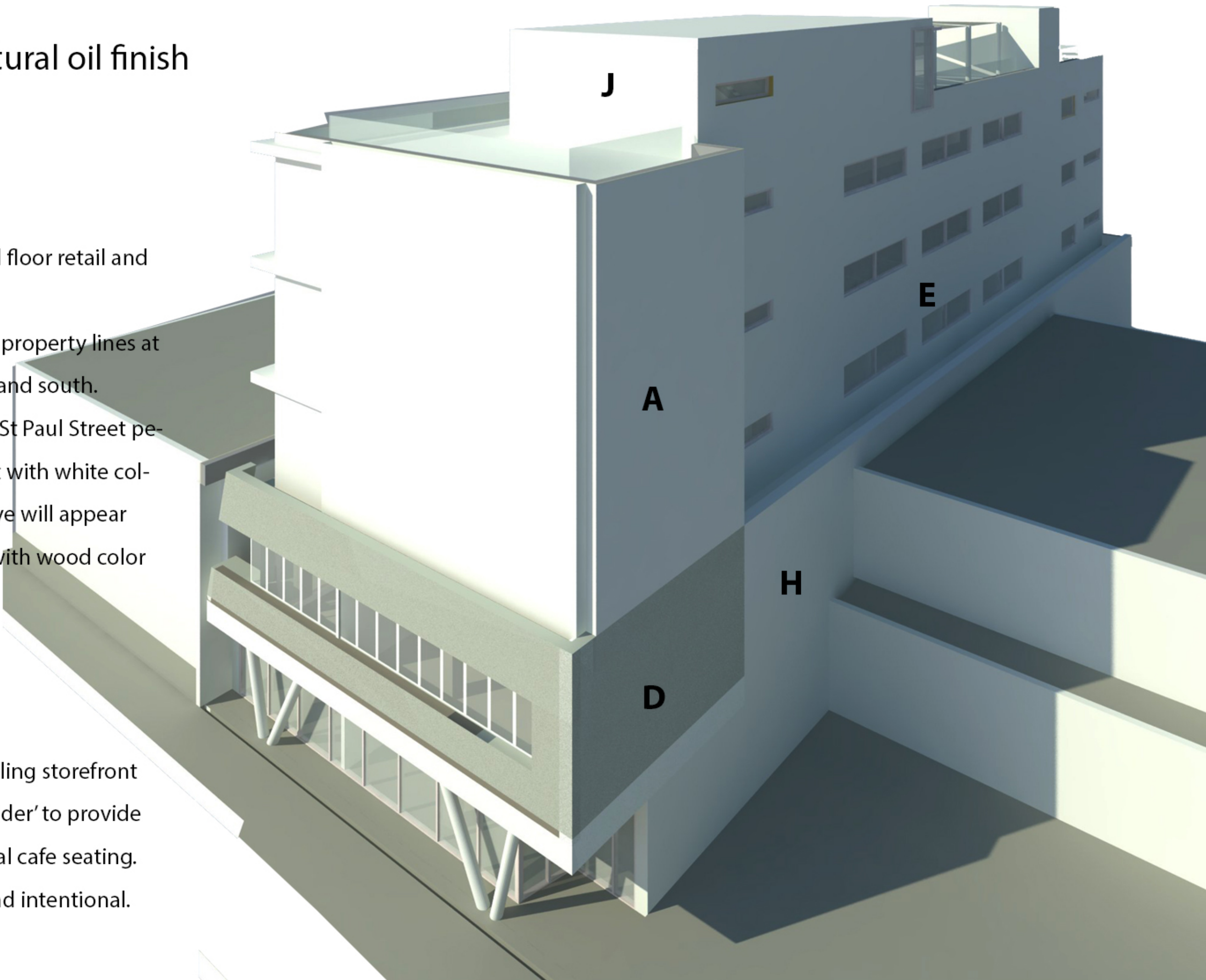
Class A office.

Currently the owner is in discussion with a ‘virtual office’ company to secure a long term lease for all three floors. Users will be made up of a variety of business’s sharing common aspects; reception at 2nd floor, meeting rooms, roof top space/deck, lunch-room, Wifi, workstations etc.

Penthouse

An 1,100sf. ft. amenity space for tenants and guests only will be the place to unwind, wrap business deals or hold networking events and is supported by generous outdoor space. White screen steel posts with fabric ‘sails’ cover the main patio. All available roof-top and patio is greened with trees and flowering landscaping in planters.

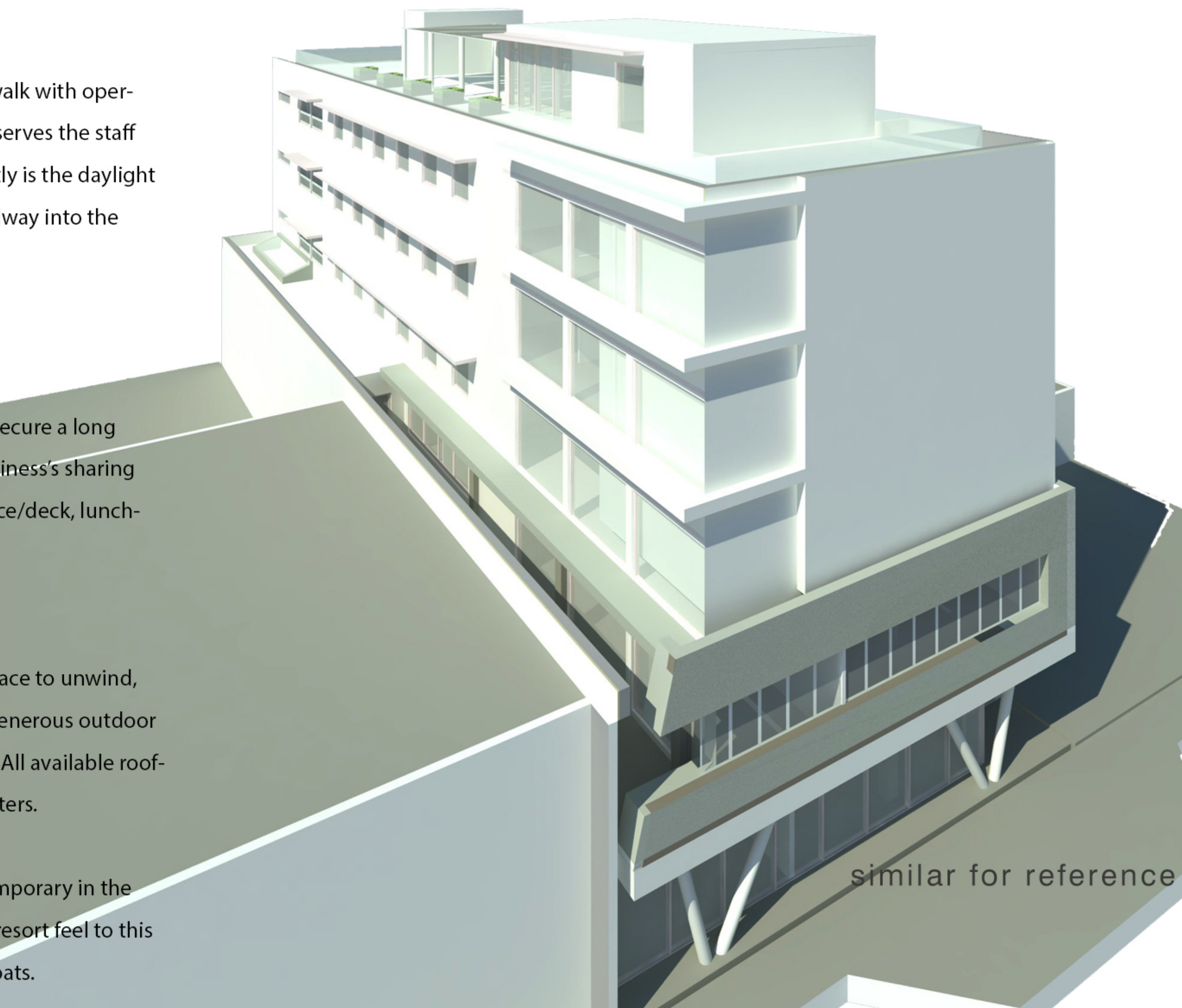
The predominant design theme is modern in its simplicity and contemporary in the detailing and expressive forms. White color panels bring a fresh even resort feel to this urban neighbourhood referencing the nearby beach, water and sailboats.



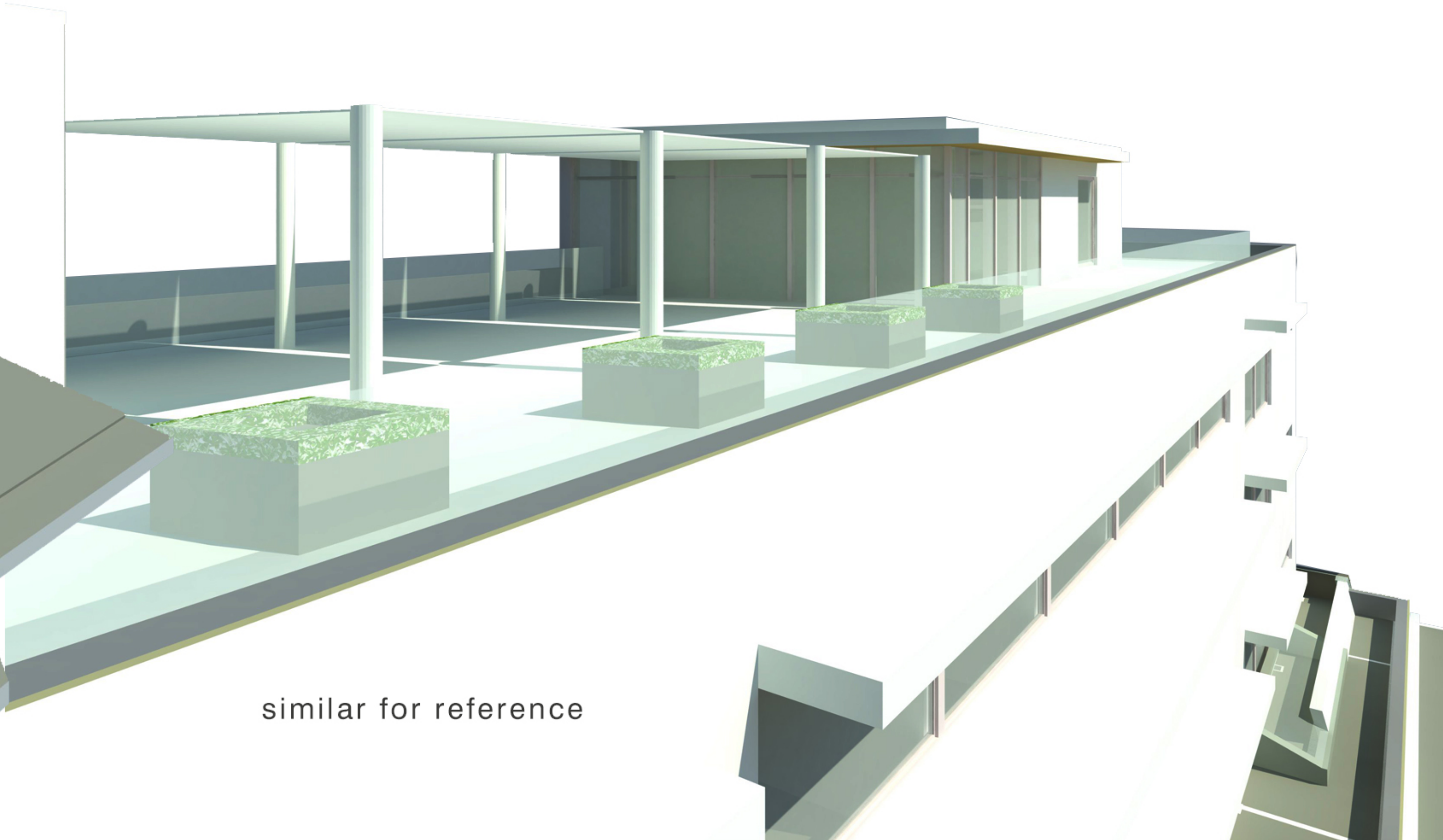
similar for reference



similar for reference



similar for reference



similar for reference



DESIGN

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sheet 6

2016 08 04



VIEW FROM ST PAUL

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sheet 1

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