

REPORT TO COUNCIL



Date: December 4th 2018

RIM No. 0940-00

To: City Manager

From: Community Planning Department (AK)

Application: DVP18-0147 **Owner:** DHL No.48 Holdings Ltd.,INC.NO.C1105825

Address: 1300 Water Street **Applicant:** Gateway Casinos & Entertainment Ltd.

Subject: Development Variance Permit

Existing OCP Designation: COMM - Commercial

Existing Zone: C8LR – Convention Hotel Commercial (Liquor Primary, Retail Liquor Primary)

1.0 Recommendation

THAT Council does not authorize the issuance of Development Variance Permit No. DVP18-0147 for Lot 1 District Lots 139, 4041 and 4082 Osoyoos Division Yale District Plan KAP73542, located at 1300 Water Street, Kelowna, BC;

AND THAT variances to the following sections of Sign Bylaw No. 11530 not be supported:

Section 10 - Major Commercial Zones; 10.1 Signs Requiring a Permit

To allow an Electronic Message Centre Sign in the C8 Zone;

Section 4.3.2 (e) Electronic Message Centre

To increase the maximum area of the sign from 2.0 sq m to 8.27 sq m.

2.0 Purpose

To consider a Development Variance Permit application to vary Sign Bylaw No. 11530 to allow an Electronic Message Centre Sign in the C8 Zone for a property located at 1300 Water Street, and increase the maximum allowable size of an Electronic Message Centre Sign from 2.0 sqm to 8.27sqm.

3.0 Community Planning

Staff are not supporting the Development Variance Permit application to allow an electronic message centre sign as the recently adopted sign bylaw intentionally prohibits this type of sign for commercial purposes. Public engagement undertaken as part of the new sign bylaw process found that the majority of participants agreed electronic message signs should only be permitted by cultural, recreational and

institutional organizations. While the site is located near the 'Cultural District', the sign would be primarily used to advertise commercial activity for the existing casino business at this location.

The proposed variance to increase the maximum size of the sign from 2.05sqm to 8.27sqm (89 sqft) would result in a relatively large sign compared to existing signs in the area and is 3-times (300%) larger the maximum size for any new sign permitted under the Sign Bylaw. For reference, the existing digital sign at the Kelowna Community Theater located one block away from the subject site at the corner of Water Street and Doyle Avenue is approximately 1.8 sqm (20 sqft).

A key objective of the Official Community Plan is to support the development of the Kelowna Cultural District as a centre for arts and entertainment and a catalyst for downtown revitalization. The proposed sign faces a parking lot, the lot on which the parking lot is located is currently zoned CD5 which allows for high density mixed use residential and commercial uses. The sign would potentially negatively impact the adjacent vacant lot when it becomes redeveloped.

The site is located within the Urban Design Development Permit Area. The Revitalization Guidelines of the Official Community Plan establish several guidelines for sign design in the area. The guidelines require that developments "minimize signage lighting (i.e., incorporate indirect front-lit signs wherever possible)". The overall permit objectives are to "convey a strong sense of authenticity through high quality urban design that is distinctive of Kelowna" and to "enhance the urban centre's main street character in a manner consistent with the area's character". It is the opinion of staff that the proposed signage alteration does not meet the objectives of the Official Community Plan.

4.0 Proposal

4.1 Background

The Sign Bylaw sets the rules and regulations for both public and private property within City limits. It governs where signs may be placed, the size, number, type and appearance of the signs permitted and prohibits certain types of signs.

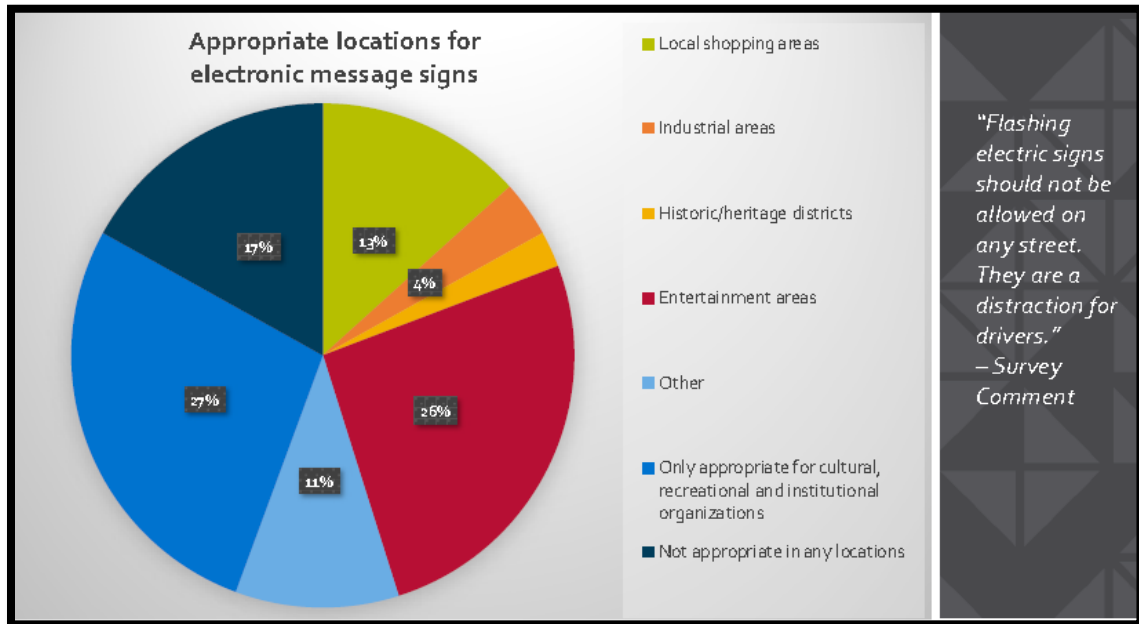
The applicants applied for a Development Permit on June 13th 2018 when the previous sign bylaw No 8235 was in effect which allowed for electronic changeable copy signs. On August 27th 2018 the new Sign Bylaw No. 11530 was adopted which prohibits electronic message board signs except for properties that are zoned for public or institutional uses, therefore a Development Variance Permit is required to authorize the placement of the sign.

The recent bylaw change was meant to improve the urban environment aesthetics, to update regulations for consistency, and to address changes in sign technology. As part of the new sign bylaw process input from residents regarding electronic signage was obtained. As part of the bylaw update process residents and businesses were invited to share their thoughts on signage in Kelowna from through an online survey, social media channels and the City's web platform. A Sign Bylaw Engagement Report was prepared as part of the bylaw update which notes:

- When asked about the proposed changes to allow electronic message signs only permitted by cultural recreational and institutional organizations the majority of respondents agreed with the proposed change, 36 per cent saying they strongly agree and 30 per cent saying they somewhat agree. Just over one quarter of respondents somewhat or strongly disagreed.

- Respondents were asked where electronic message signs would be appropriate in the City. Most respondents said they were only appropriate for cultural, recreational and institutional organizations or in entertainment areas, such as the Cultural District, Orchard Plaza and McCurdy Corner.
- Other considerations mentioned in the comments included moving to low-light mode earlier during the winter months, avoiding electronic billboards, and limiting the number of electronic signage in an area.

The new sign bylaw which resulted from the public engagement process only allows for electronic message board signs in public and institutional zones.



4.2 Project Description

The proposed sign is a video board approximately 7ft tall by 12 ½ feet wide that consists of LED lights. The applicant has provided a detailed letter outlining the proposed use of the sign which states the sign will be in operation during regular operating hours (12:00pm-2:00am Wednesday to Sunday) and that during non-operating hours the video board will display the 'Playtime Casinos' corporate logo. The applicants state the sign will not be used for third party advertising. The applicants have also stated that the sign can potentially be used for public safety messages such as 'AMBER Alerts', road closures, or public events.

The applicants have confirmed that the sign will not be used to display full motion video or otherwise give the appearance of animation of movement, and the transition between each digital copy shall not be displayed using any visible effects, including, but not limited to, action, motion, fading in and out, dissolving, blinking, intermittent, or flashing light or the illusion of such effects.

4.3 Site Context

The subject site is located in the Central City Sector adjacent to the 'cultural district'. The property is located near Okanagan Lake Waterfront Park and boardwalk. There is a vacant parcel across the street

from the subject site currently being used for surface parking, this lot is zoned CD5 which allows for high density mixed use residential and commercial uses with maximum height of 12 storeys.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 – Parks and Open Space	Waterfront Park
East	CD5 – Multi-Purpose Facility	Parking Lot and Multi-Purpose Arena (Prospera Place)
South	C8 – Convention Hotel	Delta Grand Hotel/Resort/Misc. Commercial
West	C8 – Convention Hotel	Delta Grand Hotel/Resort

Subject Property Map:



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 5.20 Achieve high quality urban design and appropriate land uses. Policy .3 Cultural District:

Support the development of the Kelowna Cultural District as outlined in the adopted cultural plans, as a centre for arts and entertainment and a catalyst for downtown revitalization.

Revitalization Development Permit Area Objectives

Use appropriate architectural features and detailing of buildings and landscapes to define area character;

Convey a strong sense of authenticity through high quality urban design that is distinctive of Kelowna;

Enhance the urban centre's main street character in a manner consistent with the area's character;

Provide for a scale and massing of buildings that promotes an enjoyable living, pedestrian, working, shopping and service experience;

Urban Design Development Permit Area Signage

Design signage that is high quality, imaginative, and innovative;

Design signage with consideration of the size of any individual sign as part of the overall scheme of building signage and the appearance of the building's façade. Scale and architectural expression should not be compromised by size and number of signs;

Box signs are strongly discouraged;

Incorporate concise messaging and simple graphics into signage. Corporate and store logos are appropriate only if they form part of an overall sign design, and are suitably scaled to the façade composition;

Light lettering on a dark background is preferred over dark lettering on a light background and consideration should be given to those with visual impairment;

Minimize signage lighting (i.e., incorporate indirect front-lit signs wherever possible);

Counter-balance illuminated signs with natural materials and appropriate framing.

5.2 Sign Bylaw 11530

Electronic Message Centre (EMC)' means a sign that uses computer generated messages involving letters, words, numbers, or graphics, using electronic screens, projection, television, computer video monitors, liquid crystal displays (LCD), light emitting diode (LED) displays, or any other similar electronic, computer generated or digital technology.

Regulations:

- (a) Copy shall remain in place for a minimum of 6.0 seconds before switching to the next copy.
- (b) The maximum transition time between each digital copy is 0.25 seconds.
- (c) Copy shall not be shown on the digital display using full motion video or otherwise give the appearance of animation of movement, and the transition between each digital copy shall not be displayed using any visible effects, including, but not limited to, action, motion, fading in and out, dissolving, blinking, intermittent, or flashing light or the illusion of such effects.
- (d) Copy shall not be shown in a manner that requires the copy to be viewed or read over series of sequential copy messages on a single digital display, or sequences on multiple digital displays.
- (e) The maximum area of Electronic Message Centre Signs is 2.0 m².
- (f) All Electronic Message Centres shall be equipped with an ambient light sensor.
- (g) The digital display shall not increase the light levels adjacent to the digital display by more than 3.0 LUX above the ambient light level. (h) While the sign is in operation, the light output for the digital display shall be set in accordance with the

following maximum luminance levels when measured from the sign face at its maximum brightness:

1. From sunrise to sunset, 7500 Nits in all zones;
2. From sunset to sunrise:
 - i. 500 Nits in industrial zones; and
 - ii. 300 Nits in commercial and public and institutional zones.

(h) If any component on the sign fails or malfunctions, the sign shall be programmed to automatically turn off.

6.0 Technical Comments

- Building & Permitting Department

No Comment.

- Development Engineering Department

Application does not compromise municipal infrastructure.

7.0 Application Chronology

Date of Application Received: June 13th 2018

Date Public Consultation Completed: August 30th 2018

8.0 Alternate Recommendation

Should council wish to allow the proposed Development Variance Application the following resolution would be appropriate:

THAT Council authorize the issuance of Development Variance Permit No. DVP18-0147 for Lot 1 District Lots 139, 4041 and 4082 Osoyoos Division Yale District Plan KAP73542, located at 1300 Water Street, Kelowna, BC;

AND THAT variances to the following sections of Sign Bylaw No. 11530 be supported:

Section 10 - Major Commercial Zones; 10.1 Signs Requiring a Permit

To allow an Electronic Message Centre Sign in the C8 Zone

Section 4.32 (e) Electronic Message Centre

To vary the maximum area of the sign from 2.0 sqm to 8.27 sqm

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Report prepared by:

Alex Kondor, Planning Specialist

Reviewed by:

Terry Barton, Urban Planning Manager

Approved for Inclusion:

Ryan Smith, Community Planning Department Manager

Attachments:

Schedule A – Sign Concept

Schedule B – Letter from Applicant