

# 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

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## 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 28<sup>th</sup> 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 9<sup>th</sup> 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.

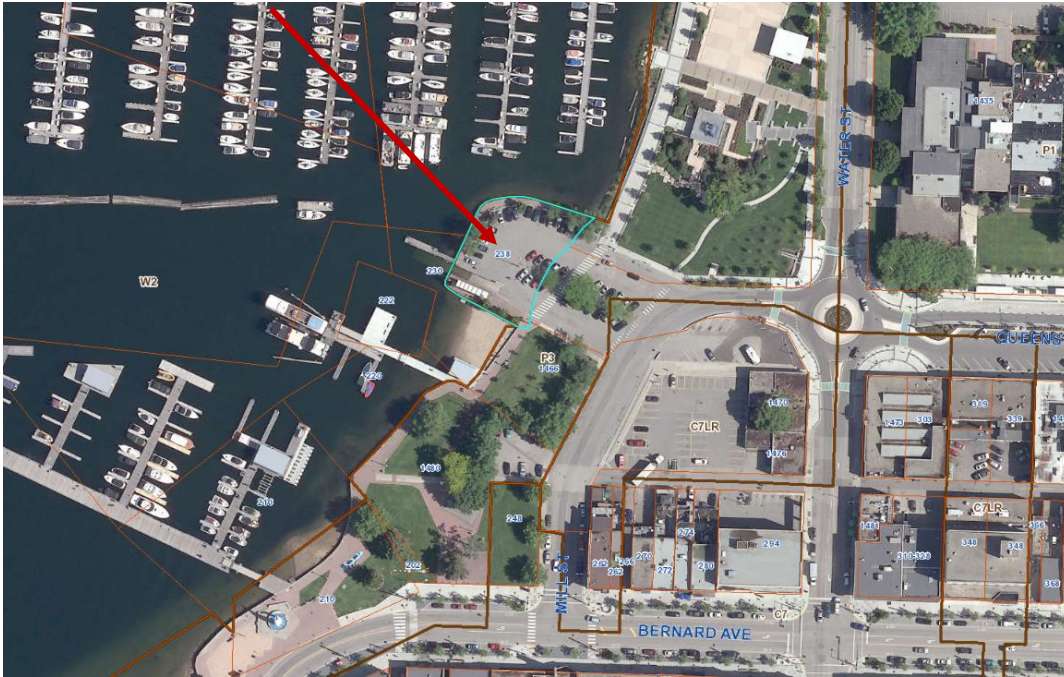
The proposed Visitor Information Centre building will be 307 square metres in size (3309 square feet) on one level plus a mezzanine and will include public washrooms accessible to everyone during the facility's hours of operation. Tourism Kelowna's corporate offices will be located off-site elsewhere 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 <sup>2</sup> 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.**<sup>1</sup> Encourage uses and commercial ventures that promote local tourism.

**Policy 2.**<sup>2</sup> **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.**<sup>3</sup> **Waterfront Commercial.** Waterfront commercial and multiple unit housing must facilitate and enhance public enjoyment of or access to the lakefront.

**Policy 1.**<sup>4</sup> **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):
  - Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
  - Handicap Accessibility to the main floor levels to be provided, ramps may be required. Location of H/C parking is required on the drawings.
  - Spatial calculation required to property lines
  - Glazing to meet minimum provincial standards as outline in the Building Code.

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

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

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

<sup>4</sup> 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 28<sup>th</sup> 2016

6.3 Fire Department

- No concerns with zoning.

## **7.0 Application Chronology**

Date of Application Received: November 4<sup>th</sup> 2016  
Date of Public consultation: November 9<sup>th</sup> 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 18<sup>th</sup> 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.

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

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Date

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