

# City of Kelowna

## Regular Council Meeting

### AGENDA



Monday, January 21, 2019  
1:30 pm  
Council Chamber  
City Hall, 1435 Water Street

#### Pages

#### 1. Call to Order

This meeting is open to the public and all representations to Council form part of the public record. A live audio and video feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

#### 2. Confirmation of Minutes

4 - 9

Regular PM Meeting - January 14, 2019

#### 3. Development Application Reports & Related Bylaws

##### 3.1 Barnaby Rd 751, Z18-0073 - Kristine Sales and Dustin Sales

10 - 12

To rezone the subject property from RR2 – Rural Residential 2 to RU6 – Two Dwelling Housing to facilitate a two lot subdivision.

##### 3.2 Barnaby Rd 751, BL11728 (Z18-0073) - Kristine Sales and Dustin Sales

13 - 13

To give Bylaw No. 11728 first reading in order to rezone the subject property from the RR2 – Rural Residential 2 zone to RU6 – Two Dwelling Housing zone.

##### 3.3 Cadder Ave 418-422, Z18-0083 - Geoffrey & Michelle Couper and Friedrich & Evelyn Wille

14 - 18

To rezone the subject property from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing to legalize an existing non-conforming duplex.

##### 3.4 Cadder Ave 418-422, BL11736 (Z18-0083) - Geoffrey & Michelle Couper and Friedrich & Evelyn Wille

19 - 19

To give Bylaw No. 11736 first reading in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone.

<b>3.5</b>	<b>Hein Rd 365-367, Z18-0066 - 1918951 Alberta Ltd</b>	<b>20 - 26</b>
	To rezone the subject property from RU6 – Two Dwelling Housing to RM5 – Medium Density Multiple Housing to facilitate the development of apartment housing.	
<b>3.6</b>	<b>Hein Rd 365-367, BL11737 (Z18-0066) - 1918951 Alberta Ltd</b>	<b>27 - 27</b>
	To give Bylaw No. 11737 first reading in order to rezone the subject property from the RU6 - Two Dwelling Housing zone to the RM5 - Medium Density Multiple Housing zone.	
<b>3.7</b>	<b>Kneller Rd 210, Z18-0099 - Gurdev and Kamalpreet Gill</b>	<b>28 - 34</b>
	To Rezone the subject property from RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone to facilitate the development of townhomes.	
<b>3.8</b>	<b>Kneller Rd 210, BL11738 (Z18-0099) - Gurdev and Kamalpreet Gill</b>	<b>35 - 35</b>
	To give Bylaw No. 11738 first reading in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone.	
<b>3.9</b>	<b>Creekside Rd 1200, Z18-0095 - o8o6568 BC Ltd</b>	<b>36 - 41</b>
	To consider a development application to rezone to the RU1c – Large Lot Housing with Carriage House to facilitate a proposed Carriage House on the subject property.	
<b>3.10</b>	<b>Creekside Rd 1200, BL11742 (Z18-0095) - o8o6568 BC Ltd</b>	<b>42 - 42</b>
	To give Bylaw No. 11742 first reading in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.	
<b>3.11</b>	<b>Shayler Rd (W of) PR18-0002 Kinnikinnik Developments Inc.docx</b>	<b>43 - 47</b>
	To consider an expansion of a marina for McKinley Beach Comprehensive Resort Development as it pertains to the W2 – Intensive Water Use zone and provide referral comments to the Province for their consideration.	
<b>3.12</b>	<b>Lakeshore Rd 4609 - BL11468 (OCP16-0023) - Lev8 Developments Ltd</b>	<b>48 - 48</b>
	<b>Requires a majority of all members of Council. (5)</b>	
	To adopt Bylaw No. 11468 in order to change the Future Land Use designations of portions of the subject properties as per Map A.	
<b>3.13</b>	<b>Lakeshore Rd 4609 - BL11469 (Z16-0068) - Lev8 Developments Ltd</b>	<b>49 - 49</b>
	To adopt Bylaw No. 11469 in order to rezone portions of the subject properties as per Map "B".	

**3.14 Lakeshore Rd 4609, DP16-0249 - Lev8 Developments Ltd** 50 - 78

To review the form and character Development Permit a townhouse development.

**3.15 McKenzie Rd, 1251, A18-0004** 79 - 87

To consider an application for subdivision of land within the Agricultural Land Reserve under Section 21(2) of the Agricultural Land Commission Act.

**3.16 Hilltop Cr, 1850, DP18-0249** 88 - 99

To consider the form and character of a proposed development for 30 semi-detached dwelling units.

#### **4. Non-Development Reports & Related Bylaws**

**4.1 Budget Amendment, ICBC Road Improvement Program** 100 - 102

To amend the 2018 Financial Plan to reflect ICBC's Road Safety Improvement Program contributions.

**4.2 Alta Vista Road Water Utility Project to be Cancelled and Budget Transferred** 103 - 105

To cancel the Alta Vista Road Water Utility project and transfer budget to the Vintage Terrace PRV Water Utility project to meet financial commitments for completed works.

**4.3 Draft response to provincial inquiry into transportation network services** 106 - 110

To receive Council approval of the proposed response to the request for feedback from the Select Standing Committee on Crown Corporations inquiry into transportation network services (ride hailing services) in BC.

#### **5. Mayor and Councillor Items**

#### **6. Termination**



## City of Kelowna

### Regular Council Meeting

### Minutes

Date: Monday, January 14, 2019  
 Location: Council Chamber  
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Ryan Donn, Gail Given, Charlie Hodge, Brad Sieben, Mohini Singh, Luke Stack and Loyal Wooldridge

Members Absent Councillor Maxine Dehart

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith\*; Suburban & Rural Planning Manager, Dean Strachan\*; Urban Planning Manager, Terry Barton\*; Community Planning Supervisor, Laura Bentley\*; Planner Specialist, Adam Cseke\*; Community Communications Manager, Kari O'Rourke\*; Community & Neighbourhood Services Manager, Mariko Siggers\*; Community Recreation Coordinator, Tom Clark\*; Divisional Director, Infrastructure, Alan Newcombe\*; Infrastructure Engineering Manager, Joel Shaw\*; Utility Planning Manager, Rod MacLean\*; Long Range Policy Planning Manager, James Moore\*; Planner Specialist, Ross Soward\*; Transit and Programs Manager, Jerry Dombowsky\*; Integrated Transportation Department Manager, Rafael Villarreal Pacheco\*; Legislative Coordinator (Confidential), Clint McKenzie

Guests Catherine Knaus\*, Director, Ipsos Public Affairs and Levi Megenbir, Senior Transit Planner, BC Transit

(\* Denotes partial attendance)

#### 1. Call to Order

Mayor Basran called the meeting to order at 1:37 p.m.

Mayor Basran advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio and video feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

#### 2. Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor Donn



R0017/19/01/14 THAT the Minutes of the Regular Meeting of January 7, 2019 be confirmed as circulated.

Carried

### 3. Development Application Reports & Related Bylaws

#### 3.1 Drummond Court & Barnaby Road - LUCT18-0002 Z18-0089

Staff displayed a PowerPoint presentation summarizing the application and confirmed the correct civic address for the 21<sup>st</sup> property listed in Schedule A of Bylaw No. 11718 and Schedule B of Bylaw No. 11719.

Moved By Councillor Sieben/Seconded By Councillor Singh

R0018/19/01/14 WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contract when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underling RR3 – Rural Residential 3 zone for the subject properties under the Land Use Contract LUC76-1041 outlined in 'Schedule A' does not meet the land use requirements under City of Kelowna Zoning Bylaw No. 8000;

THAT Application No. LUCT18-0002 to terminate LUC76-1041 from the properties identified in 'Schedule A' located on Drummond Court and Barnaby Road, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z18-0089 to amend the City of Kelowna Bylaw No. 8000 by changing the zoning classification for properties identified in 'Schedule B', located on Drummond Court and Barnaby Road Kelowna, BC from the RR3 – Rural Residential 3 zone to RU1 – Large Lot Housing zone be considered by Council;

AND THAT the Land Use Contract Termination Bylaw and Rezone Bylaw be forwarded to a Public Hearing for further consideration.

Carried

#### 3.2 Drummond Court & Barnaby Road, BL11718 (LUC18-002)

Moved By Councillor Sieben/Seconded By Councillor Donn

R0019/19/01/14 THAT Bylaw No. 11718 be read a first time.

Carried

#### 3.3 Drummond Court & Barnaby Road, BL11719 (Z18-0089)

Moved By Councillor Donn/Seconded By Councillor Sieben

R0020/19/01/14 THAT Bylaw No. 11719 be read a first time.

Carried

#### 3.4 Taylor Crescent 2414, Z18-0100 - Mark E. A. Danielson and Erin A. Cram

Staff displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Stack

**R0021/19/01/14** THAT Rezoning Application No. Z18-0100 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 16, District Lot 14, Osoyoos Division Yale District, Plan 7336, located at 2414 Taylor Crescent, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, be considered by Council;

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 requirements of the Development Engineering Department as outlined in Attachment "A", being completed to their satisfaction.

**Carried**

**3.5 Taylor Crescent 2414, BL11735 (Z18-0100) - Mark E. A. Danielson and Erin A. Cram**

Moved By Councillor Given/Seconded By Councillor Wooldridge

**R0022/19/01/14** THAT Bylaw No. 11735 be read a first time.

**Carried**

**3.6 Neid Rd 3330-3340 A18-0006 A18-0007 0927687 B.C. Ltd., Inc. No. BCo927687, Supplemental Report**

Staff displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

Moved by Councillor Stack/Seconded by Councillor Hodge

**R0023/19/01/14** THAT Council hear from the applicant.

**Carried**

Moved By Councillor Sieben/Seconded By Councillor Wooldridge

**R0024/19/01/14** THAT Agricultural Land Reserve Appeal No. A18-0006, as amended, for Lot B Section 16 Township 26 ODYD Plan 26053, located at 3330-3340 Neid Road, Kelowna for a Non-Farm Use in the Agricultural Land Reserve pursuant to Section 20(3) of the Agricultural Land Commission Act be supported by Council;

AND THAT Council directs Staff to forward the amended application A18-0006 to the Agricultural Land Commission for consideration;

AND THAT Agricultural Land Reserve Appeal No. A18-0007, as amended, for Lot B Section 16 Township 26 ODYD Plan 26053, located at 3330-3340 Neid Road, Kelowna for a Non-Farm Use in the Agricultural Land Reserve pursuant to Section 20(3) of the Agricultural Land Commission Act be supported by Council;

AND FURTHER THAT Council directs Staff to forward the amended application A18-0007 to the Agricultural Land Commission for consideration.

**Carried**

Opposed - Councillor Given

**3.7 Harvey Ave 1717 DP18-0096 RTC**

Staff displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Singh

**R0025/19/01/14** THAT Council authorizes the issuance of Development Permit No. DP18-0096 for Lot B, District Lot 129, Plan KAP68674, located at 1717 Harvey Avenue, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

AND THAT Council's consideration of the Development Permit be considered subsequent the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated August 27, 2018;

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

**Carried**

#### **4. Bylaws for Adoption (Development Related)**

##### **4.1 Lakeshore Rd 4329, Z17-0027 (BL11579) - William Bruce Povah**

Moved By Councillor Wooldridge/Seconded By Councillor Given

**R0026/19/01/14** THAT Bylaw No. 11579 be adopted.

**Carried**

#### **5. Non-Development Reports & Related Bylaws**

##### **5.1 2018 Citizen Survey Results**

Staff introduced the agenda item and the consultant and responded to questions from Council. Catherine Knaus, Director, Ipsos Public Affairs, displayed a PowerPoint presentation outlining the survey methodology summarizing the results of the 2018 Citizen survey and responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Given

**R0027/19/01/14** THAT Council receives, for information, the Report from the Community Communications Manager dated January 14, 2019 with respect to the results of the 2018 Citizen Survey.

**Carried**

##### **5.2 Community Child Care Planning & Needs Assessment Grant Application**

Staff displayed a PowerPoint presentation summarizing the grant application and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Sieben

**R0028/19/01/14** THAT Council receives, for information, the report from the Community & Neighbourhood Services Manager dated January 14, 2019 with respect to the Union of BC Municipalities grant for the Community Child Care Planning Program.



AND THAT Council directs staff to submit a grant application for a Community Child Care Planning & Needs Assessment as the primary applicant in a collaborative submission with the City of West Kelowna, District of Lake Country and District of Peachland for a grant funding request of \$100,000, which the City of Kelowna would be responsible to manage on behalf of the co-applicants.

Carried

### **5.3 Asset Management System Project – Grant Funding**

Staff displayed a PowerPoint presentation summarizing the grant application.

Moved By Councillor Hodge/Seconded By Councillor Given

**R0029/19/01/14** THAT Council receives for information the report from the Infrastructure Engineering Manager dated January 14, 2019 regarding the Asset Management System Project - Grant Funding;

AND THAT the 2018 Financial Plan be amended to reflect the \$675k grant funding received through the Gas Tax Strategic Priorities Fund to support of the Asset Management System Project;

AND FURTHER THAT Council endorse the expanded scope of the Asset Management Project as detailed in the report from the Infrastructure Engineering Manager dated January 14, 2019 regarding the Asset Management System Project - Grant Funding.

Carried

### **5.4 Major System Flood Risk Assessment Budget Transfer**

Staff identified the need for the grant application.

Moved By Councillor Given/Seconded by Councillor Donn

**R0030/19/01/14** THAT Council receives for information, the report from the Utility Planning Manager dated January 14, 2019, with respect to the Major System Flood Risk Assessment Budget;

AND THAT Council authorizes a 2018 Financial Plan budget amendment to re-allocate \$200,000 of funding from the Major System Flood Risk Assessment Project to a new Area Based Management Planning Project;

AND FURTHER THAT the 2018 Financial Plan be amended to include the award of the \$250,000 grant funding obtained through the National Disaster Mitigation Program to the Major System Flood Risk Assessment Project as outlined in this report from the Utility Planning Manager dated January 14, 2019, with respect to the Major System Flood Risk Assessment Budget.

Carried

### **5.5 Rental Housing Grant Recommendation for 2019**

Councillor Stack declared a perceived conflict of interest as his employer has requested and received such grants, and one of the grants is for a property opposite a site owned by his employer and left the meeting at 3:21 p.m.

Staff presented a PowerPoint presentation identifying the proposed 2019 grant recommendations and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Sieben

**R0031/19/01/14** THAT Council receives, for information, the report from the Planner Specialist, dated January 14, 2019 regarding a rental housing grant recommendation for 2019;

AND THAT Council approves the 2019 Rental Housing Grants as identified in the report from the Planner Specialist, dated January 14, 2019, in accordance with the Housing Opportunities Reserve Fund Bylaw No. 8593 and Council Policy No. 335.

**Carried**

Councillor Stack returned to the meeting at 3:50 p.m.

## **5.6 Transit Future Action Plan and September 2019 Service Expansion Priorities**

Staff introduced the agenda item and the consultant.

Consultant, Levi Megenbir, Senior Transit Planner with BC Transit, displayed a PowerPoint presentation summarizing the Future Transit Action Plan the future Transit Action Plan and responded to questions from Council.

Staff displayed a PowerPoint presentation identifying the proposed 2019 expansion priorities and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Given

**R0032/19/01/14** THAT Council, receives, for information, the Report from the Transit and Programs Manager dated January 14, 2019 with respect to the Transit Future Action Plan and September 2019 service expansion priorities;

AND THAT Council endorse the Transit Future Action Plan as attached to the report of the Transit and Programs Manager dated January 14, 2019;

AND FURTHER THAT Council direct staff to proceed with public engagement on the specific transit optimization priorities planned for September of 2019 as outlined in this report.

**Carried**

## **6. Mayor and Councillor Items**

Mayor Basran- Welcome back to Councillor Hodge.

Councillor Hodge - Thanked everyone for their support.

Councillor Singh – acknowledged the Kelowna International Children's Games youth team who competed in Israel and will be preparing to go to Kenya this summer.

## **7. Termination**

This meeting was declared terminated at 4:28 P.M.

\_\_\_\_\_  
Mayor Basran

/sf/cm

\_\_\_\_\_  
City Clerk

# REPORT TO COUNCIL



**Date:** January 21, 2019

**RIM No.** 0920-20

**To:** City Manager

**From:** Community Planning Department (TA)

**Application:** Z18-0073

**Owner:** Kristine Sales  
Dustin Sales

**Address:** 751 Barnaby Rd

**Applicant:** Urban Options Planning & Permits

**Subject:** Rezoning Application

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RR2 – Rural Residential 2

Proposed Zone: RU6 – Two Dwelling Housing

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## 1.0 Recommendation

THAT Rezoning Application No. Z18-0073 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B DL 357 SDYD Plan 24757 located at 751 Barnaby Rd, Kelowna, BC from the RR2 – Rural Residential 2 zone to the RU6 – Two Dwelling Housing zone, be considered by Council;

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

## 2.0 Purpose

To rezone the subject property from RR2 – Rural Residential 2 to RU6 – Two Dwelling Housing to facilitate a two lot subdivision.

## 3.0 Community Planning

Community Planning supports the proposed rezoning from RR2 – Rural Residential 2 to RU6 – Two Dwelling Housing to facilitate a two lot subdivision.

The Official Community Plan (OCP) Future Land Use is designated as S2RES – Single/Two Unit Residential, which supports this increase in density. The proposed rezoning meets the OCP Urban Policy of Compact Urban Form – increasing density on fully serviced lots. The subject property is large enough to accommodate two RU6 lots which would meet the minimum requirements for a Single Family Dwelling, a Single Family Dwelling with a Secondary Suite, or a Single Family Dwelling and Carriage House.



**Subject Property Map:**



#### **4.0 Technical Comments**

##### **4.1 Development Engineering Department**

All Development Engineering Requirements have been deferred to Subdivision Approval S18-0059.

#### **5.0 Application Chronology**

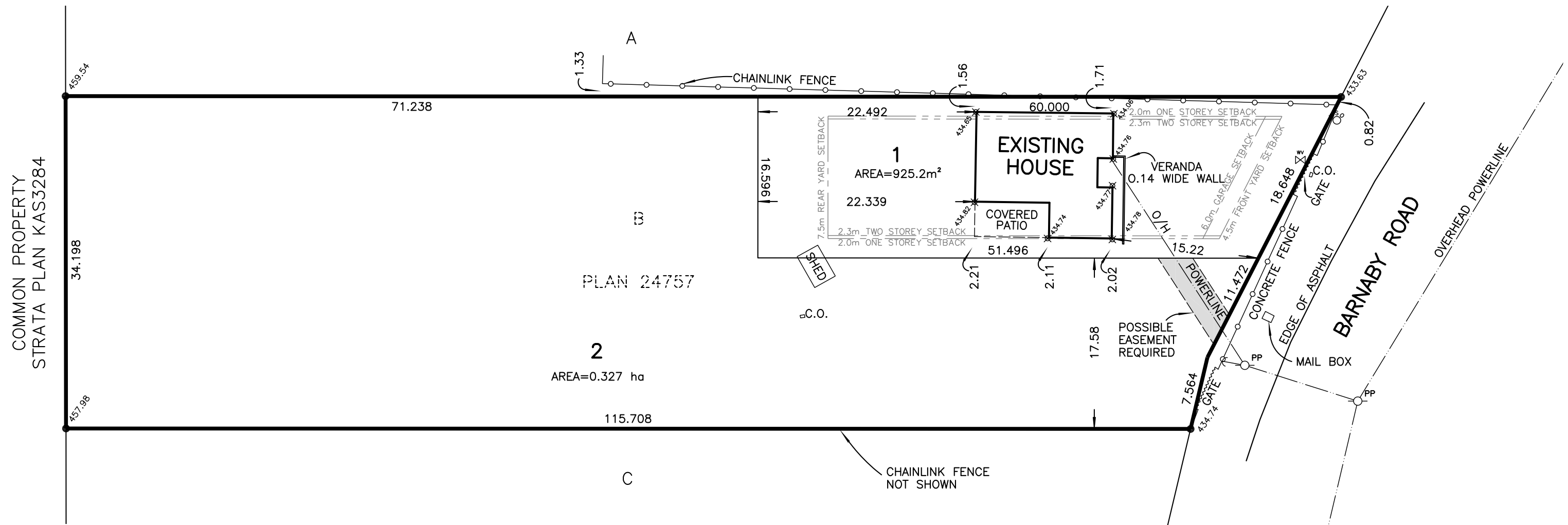
Date of Application Received: June 8, 2018  
Date Public Consultation Completed: August 1, 2018

**Report prepared by:** Trisa Atwood, Planner II  
**Reviewed by:** Terry Barton, Urban Planning Manager  
**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

**Attachments:**  
Proposed Subdivision Plan



LOT INFORMATION			
	CURRENT LOT B	PROPOSED LOT 1	PROPOSED LOT 2
ZONING	RR2	RU1c	RU1c
AREA	0.419 ha	925.2m <sup>2</sup>	0.263 ha
SITE COVERAGE	5%	21%	N/A



LEGAL DESCRIPTION: LOT B DISTRICT LOT 357  
SDYD PLAN 24757

DRAWING TYPE: RE-ZONING/PROPOSED SUBDIVISION PLAN  
CIVIC ADDRESS: 751 BARNABY ROAD, KELOWNA



B.C. LAND SURVEYORS  
CANADA LANDS SURVEYORS  
Subdivision Design  
Legal, Topographic & GPS Surveys  
404-1630 Pandosy St., Kelowna, B.C. V1Y 1P7  
Telephone (250)763-3115 Fax (250)763-0321

LEGEND

	SPOT HEIGHT		WATER VALVE
	IRON PIN FOUND		WATER SHUT OFF
	OVERHEAD POWERLINE		POWER POLE
	FENCELINE		ANCHOR
	BUILDING SETBACK		SANITARY SEWER CLEANOUT

REVISION NO.	DESCRIPTION	BY	DATE REVISED
1	PROPOSED PROPERTY LINE CHANGE	AI	JUNE 5, 2018
2	PROPOSED PROPERTY LINE CHANGE	AI	JUNE 6, 2018
—	—	—	—

JOB NO. 21528—SITE PLAN

DATE: MAY 16, 2018

SCALE: 1:400 METRES

CLIENT: DUSTIN & KRISTEN SALES

NOTES: NO HARD SURFACE DRIVEWAY OR PARKING  
AREAS EXIST.

FIELD BOOK: SEE FILE

FIELD CREW: RC DRAWN BY: AI

S:\SHARED (AUG 10, 2006)\JOB\_FILES\215XX\21528\  
21528—SITE PLAN.DWG



**CITY OF KELOWNA**  
**BYLAW NO. 11728**  
**Z18-0073 – 751 Barnaby Road**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B District Lot 357 SDYD Plan 24757 located on Barnaby Road, Kelowna, BC from the RR2 – Rural Residential 2 zone to the RU6 – Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

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

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Mayor

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City Clerk

# REPORT TO COUNCIL



**Date:** January 21, 2018

**RIM No.** 1250-30

**To:** City Manager

**From:** Community Planning Department (TA)

**Application:** Z18-0083

**Owner:**

Geoffrey Couper  
Michelle Couper  
Friedrich Wille  
Evelyn Wille

**Address:** 418-422 Cadder Ave

**Applicant:**

Geoffrey Couper

**Subject:** Rezoning Application

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU6 – Two Dwelling Housing

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## 1.0 Recommendation

THAT Rezoning Application No. Z18-0083 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 7 Block 8 DL 14 ODYD Plan 348 located at 418-422 Cadder Ave, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two 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 July 30, 2018;

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

## 2.0 Purpose

To rezone the subject property from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing to legalize an existing non-conforming duplex.

### 3.0 Community Planning

Community Planning supports the proposed rezoning from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing to legalize an existing non-conforming duplex. The Official Community Plan (OCP) Future Land Use is designated as S2RES – Single/Two Unit Residential, which supports this rezoning. Should Council support the rezoning, Staff will bring forward for consideration a Heritage Alteration Permit for an addition.

### 4.0 Proposal

#### 4.1 Background

The original home was constructed in 1921 as a single family dwelling. In 1946 there was a building permit issued for a duplex addition on the west side of the subject property. The duplex has remained since that time and is currently considered legal non-conforming.

#### 4.2 Project Description

The applicant has applied to rezone the subject property from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing to bring an existing legal non-conforming duplex into conformance with the zoning bylaw for the purposes of constructing an addition. The proposed addition will require a Council considered Heritage Alteration Permit for form and character with one variance.

#### Subject Property Map:



### 5.0 Technical Comments

#### 5.1 Development Engineering Department

Please see attached Schedule "A" dated July 30, 2018.

## 6.o Application Chronology

Date of Application Received: July 4, 2018  
Date Public Consultation Completed: August 2, 2018

### Heritage Advisory Committee

The above noted application was reviewed by the Heritage Advisory Committee at the meeting held on October 18, 2018 and the following recommendations were passed:

#### **Moved by Stoke Tonne/Seconded by Amanda Snyder**

THAT the Heritage Advisory Committee recommends that Council support Heritage Alteration Permit Application No. HAP18-0012 for the property located at 418-422 Cadder Avenue, Kelowna, BC in order to construct an addition on the subject property within the Abbott Street Heritage Conservation Area.

**Report prepared by:** Trisa Atwood, Planner II  
**Reviewed by:** Terry Barton, Urban Planning Manager  
**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

#### **Attachments:**

Schedule "A": Development Engineering Memorandum dated July 30, 2018

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## CITY OF KELOWNA

# MEMORANDUM

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**Date:** July 30, 2018  
**File No.:** Z18-0083  
**To:** Community Planning (TA)  
**From:** Development Engineering Manager(JK)  
**Subject:** 418-422 Cadder Ave RU1 to RU6

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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 Jason Angus.

**1. Domestic Water and Fire Protection**

- (a) This property is currently serviced by two 19mm Services. No further upgrades are needed at this time.

**2. Sanitary Sewer**

- (a) Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service. No further utility upgrades are needed

**3. Road Improvements**

- (a) Cadder Ave must be upgraded to a collector standard along the full frontage of this proposed development, including pavement removal and replacement, curb & gutter, boulevard landscaping, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. Road cross section to be used is a modified SS-R5
- (b) Long Street must be upgraded to a collector standard along the full frontage of this proposed development, including separated sidewalk, curb & gutter, pavement removal and replacement, drive way let down, boulevard landscaping, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. Road cross section to be used is a modified SS-R5

**4. Development Permit and Site Related Issues**

- (a) Direct the roof drains into on-site rock pits or splash pads.

**5. Electric Power and Telecommunication Services**

- (a) 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.



**6. 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.

**7. Other Engineering Comments**

- (a) 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.

**8. 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

  
 \_\_\_\_\_  
 James Kay, P. Eng.  
 Development Engineering Manager

JA

**CITY OF KELOWNA**  
**BYLAW NO. 11736**  
**Z18-0083 – 418-422 Cadder Avenue**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 7 Block 8 District Lot 14 ODYD Plan 348 located on Cadder Avenue, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

---

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council this

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Mayor

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City Clerk

# REPORT TO COUNCIL



**Date:** January 21, 2018

**RIM No.** 1250-30

**To:** City Manager

**From:** Community Planning Department (TA)

**Application:** Z18-0066      **Owner:** 1918951 Alberta Ltd Inc No 2019189519

**Address:** 365-367 Hein Rd      **Applicant:** New Town Services – Jesse Alexander

**Subject:** Rezoning Application

Existing OCP Designation: MRM – Multiple Unit Residential (Medium Density)

Existing Zone: RU6 – Two Dwelling Housing

Proposed Zone: RM5 – Medium Density Multiple Housing

---

## 1.0 Recommendation

THAT Rezoning Application No. Z18-0066 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Strata Lot 1 & 2 Section 27 TWP 26 ODYD Strata Plan KAS2718 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 Hein Rd, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple 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 June 28, 2018;

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

## 2.0 Purpose

To rezone the subject property from RU6 – Two Dwelling Housing to RM5 – Medium Density Multiple Housing to facilitate the development of apartment housing.



### 3.0 Community Planning

Community Planning supports the proposed rezoning from RU6 – Two Dwelling Housing to RM5 – Multiple Unit Residential (Medium Density) to facilitate the development of apartment housing. The RM5 zone is consistent with the Official Community Plan (OCP) Future Land Use of MRM – Multiple Unit Residential (Medium Density); and the building form is consistent with the RM5 zone. The proposed rezoning meets the OCP Urban Policy of Compact Urban Form – increasing density on fully serviced lots.

Should Council support the proposed rezoning, Staff will bring forward a Development Permit and Development Variance Permit for Council consideration.

### 4.0 Proposal

#### 4.1 Background

The subject property has a duplex on it that will be demolished as a function of this development. This is the first redevelopment application on Hein Rd.

#### 4.2 Project Description

The proposed development is a 4 ½ storey 24-unit apartment building with a combination of parkade and surface parking. Currently, Staff are tracking a variance to parking stall ratio and site coverage.

**Subject Property Map: 365-367 Hein Rd**



## **5.0 Technical Comments**

### **5.1 Development Engineering Department**

Please see attached Schedule "A" dated June 28, 2018.

## **6.0 Application Chronology**

Date of Application Received: May 22, 2018  
Date Public Consultation Completed: October 16, 2018

**Report prepared by:** Trisa Atwood, Planner II  
**Reviewed by:** Terry Barton, Urban Planning Manager  
**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

### **Attachments:**

Schedule "A": Development Engineering Memorandum dated June 28, 2018  
Site Plan

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## CITY OF KELOWNA

# MEMORANDUM

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**Date:** June 28, 2018  
**File No.:** Z18-0066  
**To:** Community Planning (TA)  
**From:** Development Engineering Manager (JK)  
**Subject:** 365 367 Hein Rd RU6 to RM5

---

The Development Engineering Department has the following comments and requirements and are subject to review and requirements from the Ministry of Transportation (MOTI). 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 Andy Marshall

**1. Domestic Water and Fire Protection**

The property is located within the Black Mountain Irrigation District (BMID) service area. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. The developer is responsible, if necessary, to arrange with BMID staff for any service improvements and, if necessary, the decommissioning of existing services. Only one water service permitted.

**2. Sanitary Sewer**

- (a) Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service. The applicant's consulting mechanical engineer will determine the requirements of the proposed development and establish the service needs. Only one service will be permitted for this development. If required, the applicant will arrange for the removal and disconnection of the existing service and the installation of one new larger service at the applicants cost. An inspection chamber and brooks box are required on the service.
- (b) 365 375 Hein Rd is within Sanitary Sewer Spec Area 22C. The developer will be required to cash commute, pay in full, the specified area charge outstanding for this property = \$1426.61.
- (c) The specified area charges for this development are calculated as:  $(24 \text{ units} \times 0.7 \text{ SFE (Single family equivalent)}) - 1 \text{ SFE (credit for original property)} \times \$1426.61 = \$22,540.44$

**3. Storm Drainage**

- a) The developer must engage a consulting civil engineer to provide a storm water management plan for this site 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 developer must engage a consulting civil engineer to provide a storm water design for Hein Rd for this development which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900.

**4. Road Improvements**

- (a) Hein Rd must be upgraded to an urban standard along the full frontage of this proposed development, including irrigated and landscape boulevard. For Reference use road cross section SS-R5

**5. Road Dedication and Subdivision Requirements**

- (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**

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. Design and Construction**

- (d) 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.
- (e) 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.
- (f) 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).
- (g) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- (h) 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.

**8. Other Engineering comments**

- (a) Underground parking entrance grade and radius to be confirmed.

**9. 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 pisometers 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.

**10. Servicing Agreement 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.

**11. Administration Charge**

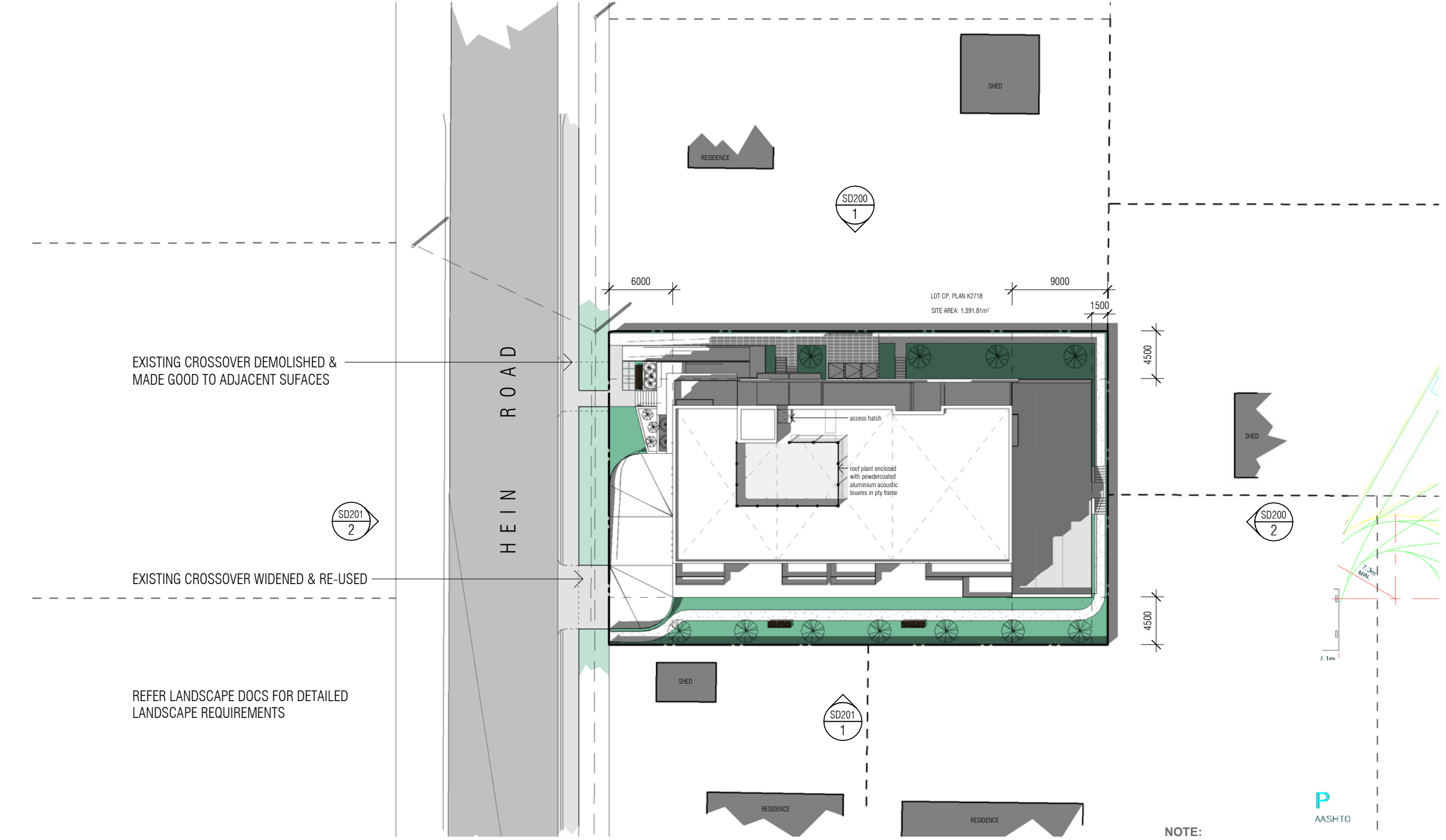
An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as (3.5% of Total Off-Site Construction Cost plus GST).

**12. Survey, Monument and Iron Pins**

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

  
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James Kay, P. Eng.  
Development Engineering Manager

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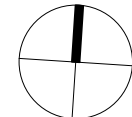


NOTE:

1. All figures have been based on preliminary information and are subject to verification
2. The material contained herein is indicative only and may be subject to approval by the responsible authorities(s), or other factors beyond the control of New Town; receiving parties should not use this material to form the basis of any financial feasibility, contractual negotiation or sale documents

1 SITE PLAN  
SCALE 1 : 400

**PRELIMINARY**



**CITY OF KELOWNA**  
**BYLAW NO. 11737**  
**Z18-0066 – 365-367 Hein Road**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Strata Lots 1 & 2 Section 27 TWP 26 ODYD Strata Plan KAS2718 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V located on Hein Road, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

\_\_\_\_\_  
(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council this

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

# REPORT TO COUNCIL



**Date:** January 21, 2019

**RIM No.** 1250-30

**To:** City Manager

**From:** Community Planning Department (LK)

**Application:** Z18-0099 **Owner:** Gurdev & Kamalpreet Gill

**Address:** 210 Kneller Road **Applicant:** New Town Services

**Subject:** Rezoning Application

Existing OCP Designation: MRL – Multiple Unit Residential (Low Density)

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RM3 – Low Density Multiple Housing

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## 1.0 Recommendation

THAT Rezoning Application No. Z18-0099 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B Section 27 Township 26 ODYD Plan 17467, located at 215 Kneller Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple 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 Attachment "A" attached to the Report from the Community Planning Department dated September 20, 2018;

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

## 2.0 Purpose

To Rezone the subject property from RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone to facilitate the development of townhomes.

## 3.0 Community Planning

Community Planning Staff supports the proposed 9-unit townhome development on the subject property. The application is consistent with the Official Community Plan (OCP) Future Land Use Designation of MRL



– Multiple Unit Residential (Low Density). It meets all the Zoning Bylaw Regulations for the RM3 – Low Density Multiple Housing Zone with no variances required.

The site is well suited for redevelopment and intensification. The parcel is located in the Rutland neighbourhood on Kneller Road, north of Hwy 33 W. The site has good access to services and amenities in the Rutland Town Centre and nearby Hollywood commercial area. The property currently has one single family dwelling which would be demolished to facilitate the proposed development. The neighbourhood has a diverse mix of dwelling types from single and two dwelling housing to the north and east of the site with a Future Land Use of Multiple Dwelling Housing (Low Density). The density modestly increases to the south and west of the project site with existing townhouse developments. To the southeast is the recently approved OHMAS 3-storey apartment building project.

#### 4.0 Proposal

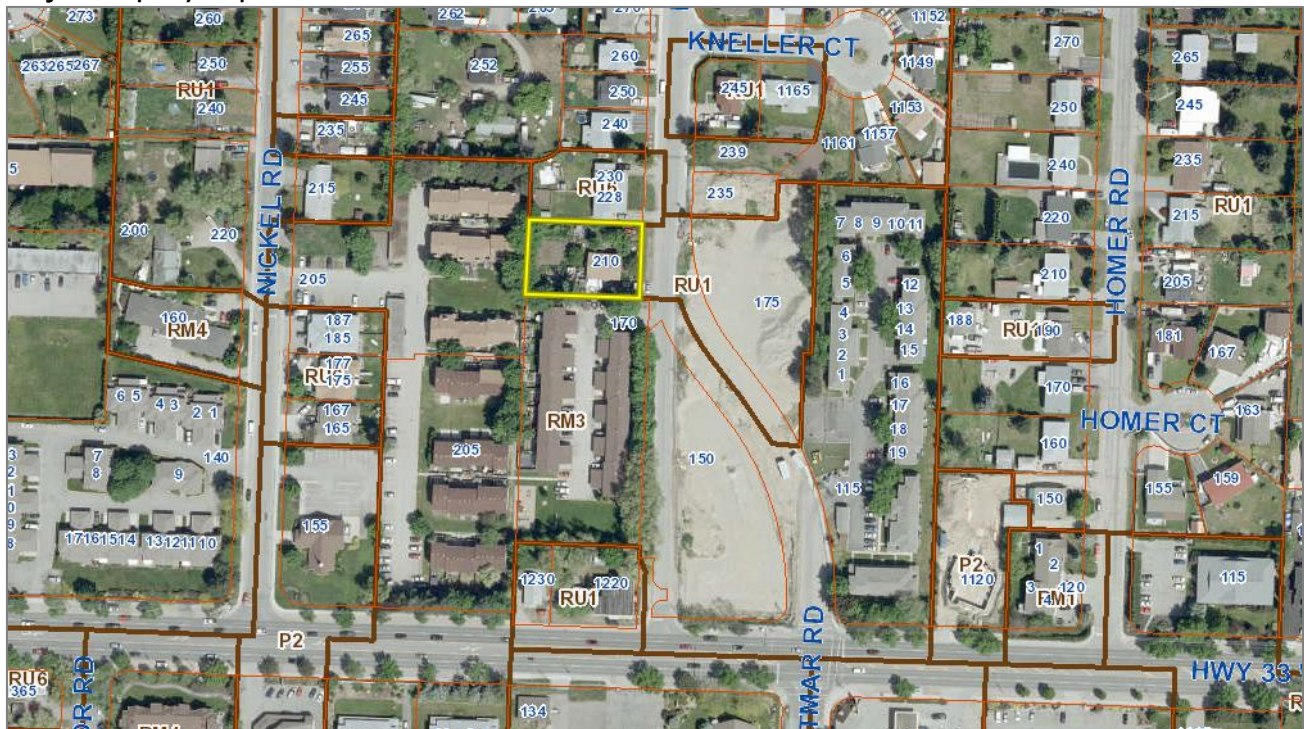
##### 4.1 Project Description

The proposed development consists of 9 three-storey townhouse units with attached double car garages accessed from a central driveway. The driveway utilizes permeable pavers to aid in reducing the amount of hard surfacing and increase the overall site drainage of the property. Two visitor parking spaces are provided on the site along with a garbage/recycling area which utilizes the Molok waste container system.

Two ground-oriented units are located along the Kneller Road frontage to provide a strong pedestrian interface with the street. Each unit has a private at-grade rear patio and green space along with a rooftop patio to enjoy the Okanagan climate. Each 2-bedroom unit is approximately

##### 4.2 Site Context

**Subject Property Map: 210 Kneller Road**



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Complete Communities.**<sup>1</sup> Support the development of complete communities with a minimum intensity of approximately 35-40 people and/or jobs per hectare to support basic transit service – a bus every 30 minutes. (approx. 114 people / hectare proposed).

**Compact Urban Form.**<sup>2</sup> 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.

**Healthy Communities.**<sup>3</sup> Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

## 6.0 Application Chronology

Date of Application Received: September 6, 2018

Date Public Consultation Completed: December 21, 2018

**Report prepared by:** Lydia Korolchuk, Planner

**Reviewed by:** Terry Barton, Urban Planning Manager

**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

#### Attachments:

Attachment A: Development Engineering Memorandum

Schedule A: Site Plan

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<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.2.4 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

<sup>3</sup> City of Kelowna Official Community Plan, Policy 5.22.7 (Development Process Chapter).

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## CITY OF KELOWNA

# MEMORANDUM

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**Date:** September 20, 2018  
**File No.:** Z18-0099  
**To:** Urban Planning Management (LK)  
**From:** Development Engineering Manager (JK)  
**Subject:** 210 Kneller Rd RU1 to RM3

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The Development Engineering Department has the following comments and requirements associated with this rezoning application to rezone the subject properties from RU1 – Large Lot Housing to RM3 – Low Density Multiple Housing. The road and utility upgrading requirements outlined in this report will be a requirement of this development and are subject to the review and requirements from the Ministry of Transportation (MOTI).

The Development Engineering Technologist for this project is Andy Marshall.

### **1. Domestic Water and Fire Protection**

- a) This development is within the service area of the Black Mountain Irrigation District (BMID). The developer is required to make satisfactory arrangements with the BMID for these items. All charges for service connection and upgrading costs, as well as any costs to decommission existing services are to be paid directly to BMID.
- b) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures.

### **2. Sanitary Sewer**

- a) 210 Kneller Rd. is currently serviced with 100mm sanitary services. An inspection chamber (IC) and brooks box are required. 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. Any service improvement and decommissioning works may be included in an offsite servicing design package submission including an estimate for bonding purposes.
- b) 210 Kneller Rd. is within Sanitary Sewer Specified Area # 1. There are no specified area charges for this development.

### **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. 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) This development application will be limited to one, maximum 6m wide, access to Kneller Rd..

**5. Road Dedication and Subdivision Requirements**

- a) Grant statutory rights-of-way if required for utility services.

**6. Electric Power and Telecommunication Services**

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.

**7. 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 (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.

**8. 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.

- 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.

**9. 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 Fortis, 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.

**10. 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

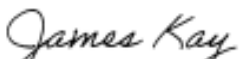
**11. Development Permit and Site Related Issues**

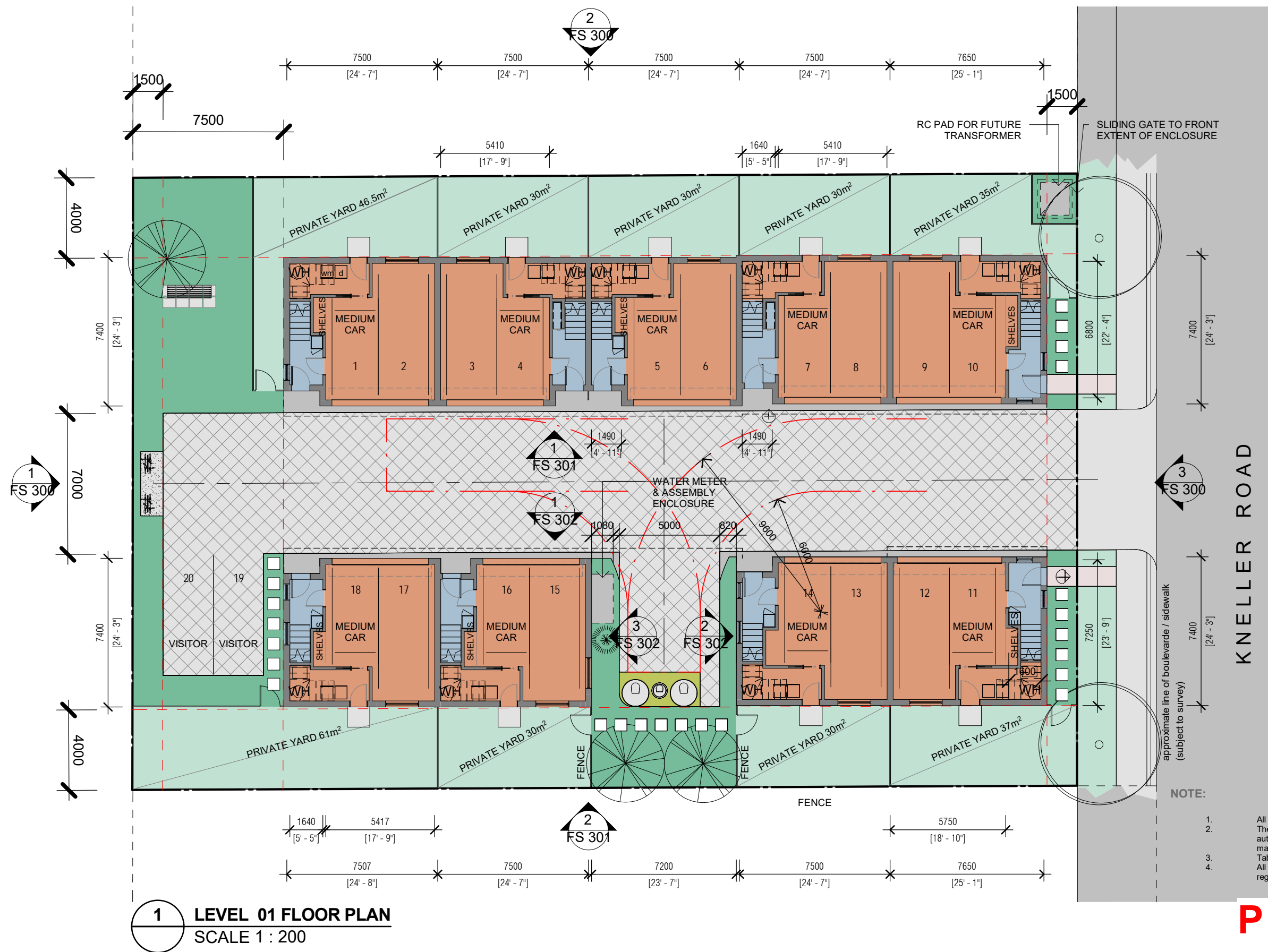
**Access and Manoeuvrability**

- (i) Ensure acceptable turning movements onsite for MSU design vehicle.
- (ii) Any bicycle racks included with this development shall be onsite.

**12. Charges and Fees**

- a) Development Cost Charges (DCC's) are payable.
- b) Fees per the "Development Application Fees Bylaw" include:
- i) Engineering and Inspection Fee: 3.5% of construction value (plus GST).

  
\_\_\_\_\_  
James Kay, P. Eng.  
Development Engineering Manager



Parking Schedule		
Mark	Comments	Type
1	MEDIUM	2300(w)x4800(d)
2	STANDARD	2500(w)x6000(d)
3	STANDARD	2500(w)x6000(d)
4	MEDIUM	2300(w)x4800(d)
5	MEDIUM	2300(w)x4800(d)
6	STANDARD	2500(w)x6000(d)
7	MEDIUM	2300(w)x4800(d)
8	STANDARD	2500(w)x6000(d)
9	STANDARD	2500(w)x6000(d)
10	MEDIUM	2300(w)x4800(d)
11	MEDIUM	2300(w)x4800(d)
12	STANDARD	2500(w)x6000(d)
13	STANDARD	2500(w)x6000(d)
14	MEDIUM	2300(w)x4800(d)
15	STANDARD	2500(w)x6000(d)
16	MEDIUM	2300(w)x4800(d)
17	STANDARD	2500(w)x6000(d)
18	MEDIUM	2300(w)x4800(d)
19	STANDARD	2500(w)x6000(d)
20	STANDARD	2500(w)x6000(d)

1. All figures have been based on preliminary information and are subject to verification
2. The material contained herein is indicative only and may be subject to approval by the responsible authorities(s), or other factors beyond the control of New Town; receiving parties should not use this material to form the basis of any financial feasibility, contractual negotiation or sale documents
3. Tabulated floor areas are calculated in accordance with BOMA standards for Net Sellable Area (NSA)
4. All title / cadastral information is taken from City of Kelowna open source data and is subject to survey by a registered Land Surveyor

# PRELIMINARY

**CITY OF KELOWNA**  
**BYLAW NO. 11738**  
**Z18-0099 – 210 Kneller Road**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, Section 27, Township 26, ODYD, Plan 17467 located on Kneller Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

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(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council this

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Mayor

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City Clerk



# REPORT TO COUNCIL



**Date:** January 14, 2019

**RIM No.** 0920-20

**To:** City Manager

**From:** Community Planning Department (LKC)

**Application:** Z18-0095

**Owner:** o8o6568 B.C. Ltd.

**Address:** 1200 Creekside Rd

**Applicant:** Urban Options Planning

**Subject:** Rezoning Application

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU1c – Large Lot Housing with Carriage House

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## 1.0 Recommendation

THAT Rezoning Application No. Z18-0120 to amend the City of Kelowna Zoning Bylaw No.8000 by changing the zoning classification of Lot 18, Section 22, Township 26, ODYD, Plan 20015, located at 1200 Creekside Rd, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large lot Housing with Carriage House zone be considered by Council;

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

## 2.0 Purpose

To consider a development application to rezone to the RU1c – Large Lot Housing with Carriage House to facilitate a proposed Carriage House on the subject property.

## 3.0 Community Planning

Staff are recommending support for the proposed rezoning of the subject property to RU1c – Large Lot Housing with Carriage House as it is consistent with the Official Community Plan (OCP) Future Land Use Designation and infill growth policies. The property is located within the Permanent Growth Boundary, is fully serviced, and is located near a park. The subject property has limited access to few transit routes and has a Walk Score of 12 indicating that almost all errands require a car.



#### 4.0 Proposal

##### 4.1 Background

The subject property currently has an existing one and a half story single family dwelling with a carport.

##### 4.2 Project Description

The proposed rezoning is necessary to permit the development of a Carriage House on the subject property. The proposed Carriage House may allow for an increase in density location on the lot.

##### 4.3 Site Context

The subject property is located in the Rutland neighbourhood. The subject property is surrounded by RU1 – Large Lot Housing, and RU6 – Two Dwelling Housing properties. There are properties in the neighbourhood that are zoned RU1c – Large Lot Housing with Carriage Home zone.

**Subject Property Map:**



#### 5.0 Current Development Policies

##### 5.1 Kelowna Official Community Plan (OCP)

**Compact Urban Form.**<sup>1</sup> 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.

##### **Carriage Houses & Accessory Apartments.**<sup>2</sup>

Support Carriage Houses and accessory apartments through appropriate zoning regulations.

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

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.22.12 (Development Process Chapter).

## **6.0 Technical Comments**

No comments relevant for rezoning.

## **7.0 Application Chronology**

Date of Application Received: August 24, 2018  
Date Public Consultation Completed: October 10, 2018

**Report prepared by:** Levan King Cranston, Planner 1

**Reviewed by:** Dean Strachan, Manager of Suburban and Rural Planning.  
Ryan Smith, Community Planning Department Manager

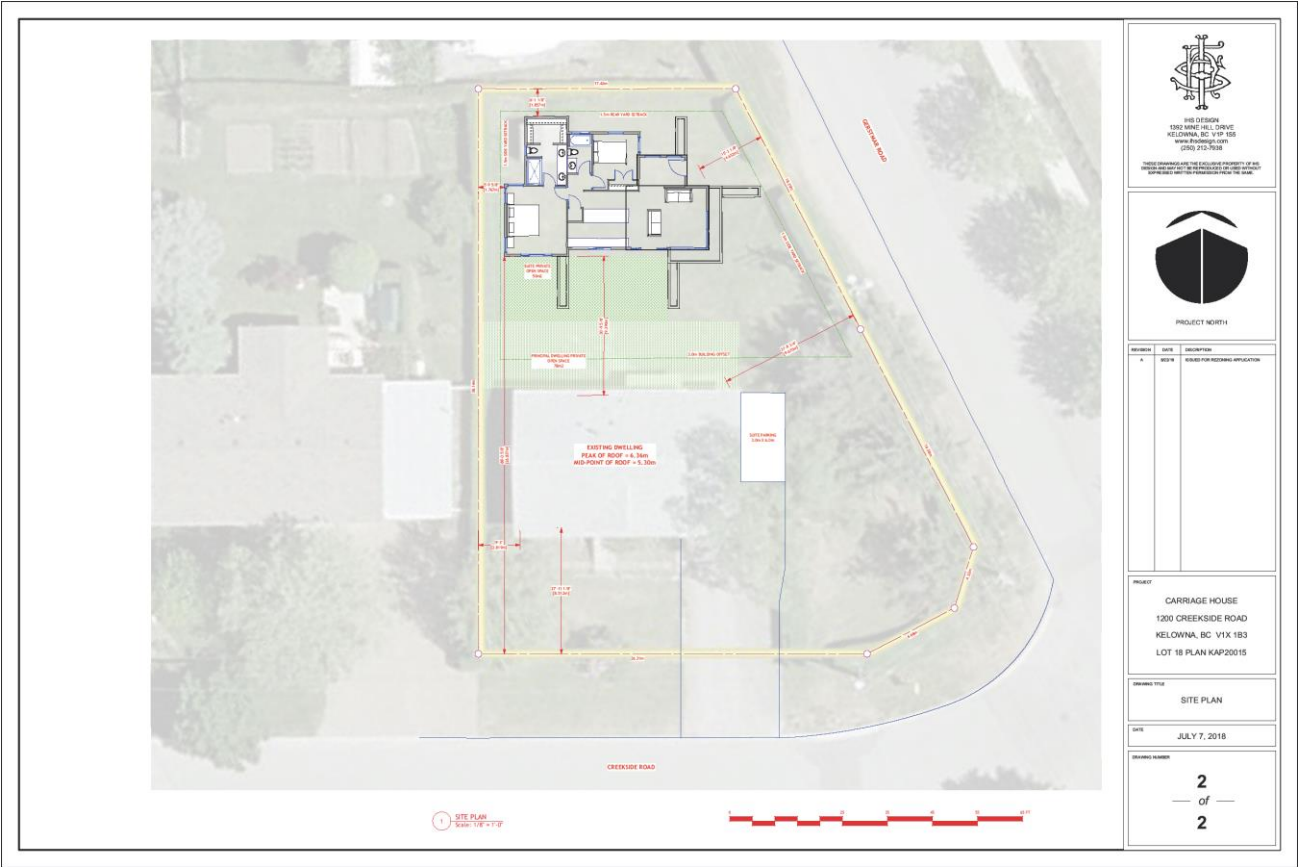
**Approved for Inclusion:**

### **Attachments:**

Attachment A: Site Plan  
Attachment B: Application Letter  
Attachment C: Development Engineering Memo

# SCHEDULE A – Site Plan

Subject: 1200 Creekside (Application Z18-0095)



# SCHEDULE B – Application Letter

**Subject:** 1200 Creekside (Application Z18-0095)



August 24, 2018

City of Kelowna  
Urban Planning Department  
1435 Water Street  
Kelowna, BC

**RE: Rezoning for a Carriage House at 1200 Creekside Road**

Dear Urban Planner:

We are planning to construct a carriage house at 1200 Creekside Road. The property is ideal for this type of infill development as it is located in an established residential neighbourhood, is ample in size, and is close to urban amenities. Careful consideration has been given to the location of the carriage house and its design.

A 1-storey carriage house is proposed for the north section of the lot, with pedestrian access off Gerstmar Road, as the carriage house will face this road. Parking for the carriage house will be located at the end of the existing carport of the principal dwelling, accessed from the existing driveway. The carriage house has been designed for livability featuring a modern design with big windows, deep cantilevered overhangs, and concrete water and planter features to define the space.

The 2-bedroom unit is being planned for the landowners who live in Kelowna part time. A family member lives in the principal dwelling. If the carriage house rezoning is successful upgrades to the existing dwelling are planned. The Zoning Analysis table is provided for reference.

This area has a good mix of single family and duplexes utilizing the RU1 and RU6 zones. Some of the homes in the immediate neighbourhood have secondary suites. The property has easy access to schools, parks, transit and other amenities. This proposal is anticipated to be good infill development that is easily integrated into the existing form of the neighbourhood, adding quality housing stock to the area.

Regards,

Birte Decloux on behalf of Dan and Wendy Hilbrecht

# SCHEDULE C – Development Engineering Memo



**Subject:** 1200 Creekside (Application Z18-0095)

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## CITY OF KELOWNA MEMORANDUM

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**Date:** Aug 28, 2018  
**File No.:** Z18-0095  
**To:** Suburban and Rural Planning (AK)  
**From:** Development Engineering Manager (JK)  
**Subject:** 1200 Creekside Rd.. RU1 to RU1c

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Development Engineering has the following comments and requirements associated with this application to rezone from RU1 to RU1c to facilitate the development of a carriage house. The servicing requirements outlined in this report will be a requirement of this development.

1. Domestic Water and Fire Protection

The property is located within the Rutland Water District (RWD) service area. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. The developer is responsible, if necessary, to arrange with RWD staff for any service improvements.

2. Sanitary Sewer

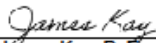
- a) Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service with an inspection chamber which is adequate for this application. A brooks box will be required to be placed on the inspection chamber.
- b) This property is located within Sewer Specified Area #23. The proposed carriage house triggers a spec area fee of 0.5 Single Family Equivalent (SFE). The total sewer Specified Area fee is  $0.5 \text{ SFE} \times \$5,093.72 = \$2,546.86$

3. Development Permit and Site Related Issues

- a) Direct the roof drains onto splash pads.

4. Electric Power and Telecommunication Services

It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.

  
James Kay, P. Eng.  
Development Engineering Manager

agm

**CITY OF KELOWNA**  
**BYLAW NO. 11742**  
**Z18-0095 – 1200 Creekside Road**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 18 Section 22 Township 26 ODYD Plan 20015 located on Creekside Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1C – Large Lot Housing with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

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

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Mayor

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City Clerk

# REPORT TO COUNCIL



**Date:** January 14, 2019

**RIM No.** 0705-41

**To:** City Manager

**From:** Community Planning Department (CD)

**Application:** PR18-0002

**Owner:** Kinnikinnik Developments Inc.

**Address:** (W of) Shayler Road

**Applicant:** Kinnikinnik Developments Inc.

**Subject:** Provincial Dock Referral

Existing OCP Designation: MXT – Mixed Use Tourism

Existing Zone: W2 – Intensive Water Use

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## 1.0 Recommendation

That Provincial Referral No. PR18-0002 for Lot 7, Plan EPP8753, Township 23, Section 28, 29, ODYD located at (W of) Shayler Road, Kelowna, BC for a marina expansion be supported by Council;

AND THAT Council directs staff to forward the subject application to the Province for consideration.

## 2.0 Purpose

To consider an expansion of a marina for McKinley Beach Comprehensive Resort Development as it pertains to the W2 – Intensive Water Use zone and provide referral comments to the Province for their consideration.

### Community Planning

Staff support the proposed marina expansion for the McKinley Beach Comprehensive Resort Development as it complies with the W2 - Intensive Water Use zone requirements. The purpose of the W2 zone is to provide a diverse and concentrated range of intensive water use activities consistent with the upland use, maintaining foreshore public access, and minimizing impacts on fish, wildlife and vegetation communities. Principle uses in the zone include marinas, boat launches and boat lifts, which are consistent with the subject application.

The applicant would like to increase the number of boat slips for the existing marina, which was built in 2015, from 110 to 180 slips. The purpose for the marina expansion is to compensate for the cancellation of a dry dock boat storage facility that was planned to be built upland of the marina. The dry dock boat storage facility proved unfeasible from an engineering and construction standpoint as a result of the steep topography.

An Environmental Assessment and review by Fisheries and Oceans Canada has confirmed that the proposed expansion will have negligible environmental impacts and Transport Canada has approved the application as



it would not interfere with navigation. All works are proposed in deep water, which avoids environmental impacts to the sensitive littoral zone of the lake.

Public access along the foreshore will not be impeded by the proposed expansion. Additionally, marina components will have a low profile, which will reduce visual impacts above the surface of Okanagan Lake.

The subject provincial application includes a proposed marina expansion that conforms to the City Bylaws and policies for docks/marinas. Staff do note that the proposed marina expansion would reduce the area along the lakeshore that has an un-obstructed view out into the lake. The land area below the lake high water mark is provincial crown land and is accessible to the public, for the length of the adjacent property there is also a statutory right of way above high water mark that allows for public access. The proposed marina expansion would be visible from these publicly accessible areas.

## **Proposal**

### **2.1 Background**

The applicant is proposing an expansion of the existing McKinley Beach Marina, which was originally built in 2015. The purpose for the marina expansion is to compensate for the cancellation of a dry dock boat storage facility that was planned to be built upland of the marina. The dry dock boat storage facility proved unfeasible from an engineering and construction standpoint as a result of the steep topography.

The marina serves the McKinley Beach Comprehensive Resort Development area and lies within the W2 – Intensive Water Use zone, which was approved by Council in January 2007. The marina developed to date includes 110 boat slips and 814.8 lineal meters of decking. The Province previously approved 125 moorage spaces; however, only 110 were built during initial marina construction in 2015. All proposed works are within the existing water lot lease area.

The Province has subsequently referred the marina application to the City of Kelowna for review to ensure compliance with the City's W2 – Intensive Water Use zone. Principle uses in the zone include marinas, boat launches and boat lifts, which are consistent with the subject application.

### **2.2 Project Description**

The existing marina has a single fixed access trestle gangway, which is elevated on piles and extends perpendicular to the shore from above the high water mark of Okanagan Lake for approximately 70 meters. The fixed trestle gangway provides access to a main access float, which is parallel to the shore and in depths of at least 6 meters of water. Four smaller access floats extend west from the main access float and provide access to the boat slips in deeper water. There are existing breakwaters on the southern, western and northern edges of the marina.

The proposed project will expand the existing marina to the north with an extension of the main access float and west breakwater, additional access floats and boat slips. After the proposed changes the marina would provide 180 boat slips from the existing 110 slips and increase the lineal deck area by 624 meters from 814.8 meters that currently exists for a total of 1439 lineal meters. All components of the proposed expansion will be in deep water and will have no additional impact to the littoral shelf of the lake.

All components of the proposed expansion would be assembled at a log yard on the west shore of Okanagan Lake and floated by barge across the lake to the marina. Installation of additional marina components, including piles to secure the floating access, would be completed from a floating barge in deep water. Additional anchor chains would be attached to the floating structures and anchors would be released from a crane working from the floating barge to sit on the sandy lake bottom in deep water off the littoral shelf.

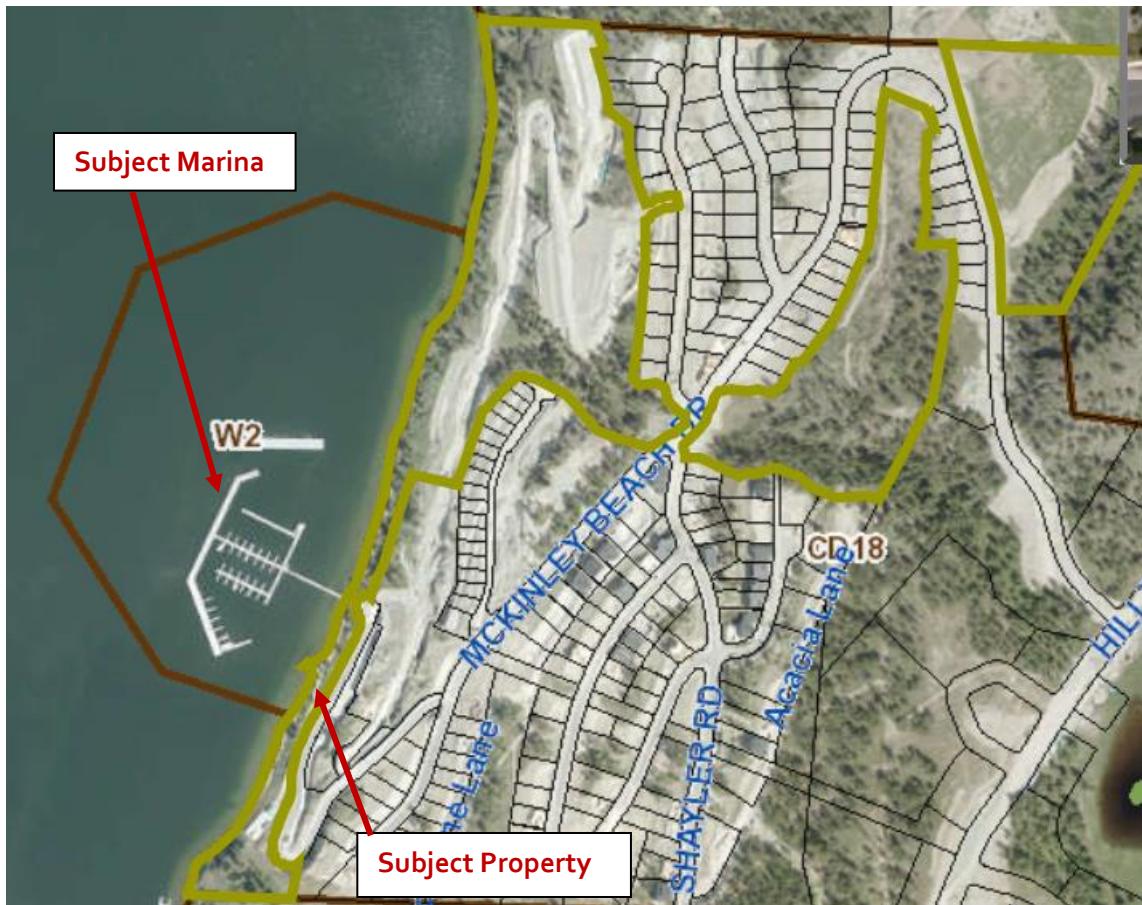
### 2.3 Site Context

The subject property is located within the McKinley City Sector, specifically the McKinley Beach Comprehensive Resort Development zone adjacent to Okanagan Lake. Public beach access and townhome development are located adjacent to the existing marina and single family residential properties overlook the marina from the hillside.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	CD18 – McKinley Beach Comprehensive Resort Development	- Public Access - Residential
East	CD18 – McKinley Beach Comprehensive Resort Development	- Public Access - Residential
West	W2 – Intensive Water Use Zone	- Intensive Water Use
South	CD18 – McKinley Beach Comprehensive Resort Development	- Public Access - Residential

**Subject Property Map:** (W of) Shayler Road



### 3.0 Technical Comments

Parks and Public Spaces

- No concerns

### 4.0 Application Chronology

Date of Application Received: November 5, 2018

**Report prepared by:**

Corey Davis, Environmental Coordinator

**Reviewed by:**

☐

Dean Strachan, Suburban and Rural Planning Manager

**Approved for Inclusion:**

☐

Ryan Smith, Community Planning Department Manager

**Attachments:**

Schedule A - Site Plan



# CITY OF KELOWNA

## BYLAW NO. 11468

### Official Community Plan Amendment No. OCP16-0023 4609 Lakeshore Road

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

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

1. THAT Map 4.1 – **GENERALIZED FUTURE LAND USE** of the "Kelowna 2030 – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of portions of Lot A, DL 167, ODYD, Plan KAP85172, except Plan EPP52184, "As per Map "A" attached to and forming part of this bylaw" located on 4609 Lakeshore Road, Kelowna, B.C., from the S2RES - Single / Two Unit Residential designation to the MRL – Multiple Unit Residential (Low Density) designation.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 28<sup>th</sup> day of August, 2017.

Considered at a Public Hearing on the 19<sup>th</sup> day of September, 2017.

Read a second and third time by the Municipal Council this 19<sup>th</sup> day of September, 2017.

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

**CITY OF KELOWNA**  
**BYLAW NO. 11469**  
**Z16-0068 – 4609 Lakeshore Road**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of portions of Lot A, DL 167, ODYD, Plan KAP85172, except Plan EPP52184, as per Map "B" attached to and forming part of this bylaw located on Lakeshore Road, Kelowna, B.C., from the RU<sub>1</sub> – Large Lot Housing zone to the RM<sub>2</sub> – Low Density Row Housing zone and P<sub>3</sub> – Parks & Open Space zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 28<sup>th</sup> day of August, 2017.

Considered at a Public Hearing on the 19<sup>th</sup> day of September, 2017.

Read a second and third time by the Municipal Council this 19<sup>th</sup> day of September, 2017.

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



# REPORT TO COUNCIL



**Date:** January 21, 2019

**RIM No.** 0940-00

**To:** City Manager

**From:** Community Planning Department (AC)

**Application:** DP16-0249      **Owner:** LEV8 DEVELOPMENTS LTD.,  
INC.NO. BC1144442

**Address:** 4609 Lakeshore Road      **Applicant:** Paul Schuster -  
Novation Design Studio

**Subject:** Development Permit Application

OCP Designation: MRL – Multiple Unit Residential (Low Density)

Zone: RM2 – Low Density Row Housing

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## 1.0 Recommendation

THAT final adoption of Official Community Plan Bylaw No. 11468 be considered by Council;

AND THAT final adoption of Rezoning Bylaw No. 11469 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP16-0249 for Lot 1, District Lot 167, ODYD, Plan EPP82334 located at 4609 Lakeshore Rd, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

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



## 2.0 Purpose

To review the form and character Development Permit a townhouse development.

## 3.0 Community Planning

Staff are recommending support for a Development Permit proposing a 12-unit townhouse project at 4609 Lakeshore Road. The applicant has now completed all the conditions of rezoning including the engineering service agreement, dedication of the southern creek area, and registration natural area covenant on the north-west corner of the subject property.

Staff worked with the applicant over many revisions to improve the form and character of the development. Key design considerations were: the streetscape including the proposed building's interface with the public sidewalk, the interface area with neighbouring properties and the interface to the natural / riparian areas. The current proposal has a majority of the urban design guidelines. The design guidelines are summarized in Table 1 below and are related to the buildings relationship to the street, the context of the building, the human scale, and the exterior elevations of the development.

## 4.0 Proposal

### 4.1 Project Description

The proposed application would facilitate the creation of low density row housing project. The proposed development includes 12 three-bedroom townhome units within 3 buildings. The property is accessed from McClure Road, and all parking is located within double garages with room for visitor parking in the driveways of the units. The buildings have been kept to a modest 2 storeys to be sensitive to the average heights within the Single Family Dwelling neighbourhood. The units along Lakeshore are ground-oriented to provide an interaction between the public and private realm at a pedestrian level. Ample outdoor space is provided in rooftop garden spaces, and high quality exterior finishes have been selected. The materials include smooth stucco finishes with black aluminium windows and aluminium cedar siding. There are no proposed variances.

## 5.0 Site Context

The subject property is located on the corner of McClure Road and Lakeshore Road, north of Bellevue Creek. There is modest neighbourhood commercial located nearby, with the majority of the neighbourhood is containing single family dwellings.

The location is serviced with transportation options including an active transportation corridor and a BC Transit Route. It is in close proximity to Lake Okanagan, local parks, and schools. It earns a WalkScore of 42 based on current amenities in the area. It is anticipated this walk score will increase as more density and commercial uses are developed in the area.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Family Dwelling
East	RU1 – Large Lot Housing	Single Family Dwelling
South	P2 – Educational & Minor Institutional	Religious Assembly
West	RU1 – Large Lot Housing	Single Family Dwelling

Subject Property Map: 4609 Lakeshore Road



Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM <sub>2</sub> ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Floor Area Ratio	.70	.39
Site Coverage (Buildings)	50%	28%
Site Coverage (Buildings, Driveways, & Parking)	55%	43%
Height	9.5 m / 2.5 storeys	7.0 m / 2 storeys
Front Yard	1.5 m	1.5 m
Side Yard (east)	4.0 m	4.1 m
Side Yard (west)	1.5 m	1.5 m
Rear Yard	7.5 m	15.0 m
Other Regulations		
Minimum Parking Requirements	24 spaces	30 spaces
Private Open Space	375 m <sup>2</sup>	1500 m <sup>2</sup>

## 6.0 Current Development Policies

### 6.1 Kelowna Official Community Plan (OCP)

#### DEVELOPMENT PERMIT GUIDELINES

Consideration has been given to the following guidelines as identified in Section 14.A. of the City of Kelowna Official Community Plan relating to Comprehensive Development Permit Areas:

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
<b>Authenticity and Regional Expression</b>			
Do landscaping and building form convey a character that is distinct to Kelowna and the Central Okanagan?	x		
Are materials in keeping with the character of the region?	x		
Are colours used common in the region's natural landscape?	x		
Does the design provide for a transition between the indoors and outdoors?	x		
<b>Context</b>			
Does the proposal maintain the established or envisioned architectural character of the neighbourhood?	x		
Does interim development consider neighbouring properties designated for more intensive development?	x		
Are façade treatments facing residential areas attractive and context sensitive?	x		
Are architectural elements aligned from one building to the next?	x		
For exterior changes, is the original character of the building respected and enhanced?			x
Is the design unique without visually dominating neighbouring buildings?	x		
For developments with multiple buildings, is there a sense of architectural unity and cohesiveness?	x		
<b>Relationship to the Street</b>			
Do buildings create the desired streetscape rhythm?	x		
Are parkade entrances located at grade?			x
For buildings with multiple street frontages, is equal emphasis given to each frontage?			x
<b>Massing and Height</b>			
Does the design mitigate the actual and perceived mass of buildings?	x		
Does the height consider shading and view impacts for neighbouring properties and transition to less intensive areas?			x

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
<b>Human Scale</b>			
Are architectural elements scaled for pedestrians?	X		
Are façades articulated with indentations and projections?	X		
Are top, middle and bottom building elements distinguished?	X		
Do proposed buildings have an identifiable base, middle and top?	X		
Are building facades designed with a balance of vertical and horizontal proportions?	x		
Are horizontal glazed areas divided into vertically proportioned windows separated by mullions or building structures?	X		
Does the design incorporate roof overhangs and the use of awnings, louvers, canopies and other window screening techniques?	X		
Is the visual impact of enclosed elevator shafts reduced through architectural treatments?			X
<b>Exterior Elevations and Materials</b>			
Are buildings finished with materials that are natural, local, durable and appropriate to the character of the development?	X		
Are entrances visually prominent, accessible and recognizable?	X		
Are higher quality materials continued around building corners or edges that are visible to the public?	X		
Are a variety of materials used to create contrast, enhance the pedestrian environment and reduce the apparent mass of a building?	X		
Are elements other than colour used as the dominant feature of a building?	X		
<b>Public and Private Open Space</b>			
Does public open space promote interaction and movement through the site?	X		
Are public and private open spaces oriented to take advantage of and protect from the elements?	X		
Is there an appropriate transition between public and private open spaces?	X		
Are amenities such as benches, garbage receptacles, bicycle stands and community notice boards included on site?	X		
<b>Site Access</b>			
Is the safe and convenient movement of pedestrians prioritized?	X		
Are alternative and active modes of transportation supported through the site design?	X		
Are identifiable and well-lit pathways provided to front entrances?	X		
Do paved surfaces provide visual interest?	X		

<b>COMPREHENSIVE DEVELOPMENT PERMIT AREA</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
Is parking located behind or inside buildings, or below grade?	X		
Are large expanses of parking separated by landscaping or buildings?		X	
Are vehicle and service accesses from lower order roads or lanes?			X
Do vehicle and service accesses have minimal impact on the streetscape and public views?	X		
Is visible and secure bicycle parking provided in new parking structures and parking lots?			X
<b>Environmental Design and Green Building</b>			
Does the proposal consider solar gain and exposure?			X
Are green walls or shade trees incorporated in the design?			X
Does the site layout minimize stormwater runoff?	x		
Are sustainable construction methods and materials used in the project?	unknown		
Are green building strategies incorporated into the design?		x	
<b>Decks, Balconies, Rooftops and Common Outdoor Amenity Space</b>			
Are decks, balconies or common outdoor amenity spaces provided?	X		
Does hard and soft landscaping enhance the usability of decks, balconies and outdoor amenity spaces?	X		
Are large flat expanses of roof enhanced with texture, colour or landscaping where they are visible from above or adjacent properties?			X
<b>Amenities, Ancillary Services and Utilities</b>			
Are loading, garage, storage, utility and other ancillary services located away from public view?		X	
Are vents, mechanical rooms / equipment and elevator penthouses integrated with the roof or screened with finishes compatible with the building's design?			X
<b>Crime prevention</b>			
Are CPTED practices as related to landscaping, siting, form and exterior design included in the design?			x
Are building materials vandalism resistant?	unknown		
<b>Universal Accessible Design</b>			
Is access for persons with disabilities integrated into the overall site plan and clearly visible from the principal entrance?	x		
Are the site layout, services and amenities easy to understand and navigate?	x		
<b>Signs</b>			
Do signs contribute to the overall quality and character of the development?			x

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Is signage design consistent with the appearance and scale of the building?			x
Are signs located and scaled to be easily read by pedestrians?			x
For culturally significant buildings, is the signage inspired by historical influences?			x
<b>Lighting</b>			
Does lighting enhance public safety?			x
Is "light trespass" onto adjacent residential areas minimized?			X
Does lighting consider the effect on the façade, neighbouring buildings and open spaces?			X
Is suitably scaled pedestrian lighting provided?			x
Does exterior street lighting follow the International Dark Sky Model to limit light pollution?			x

## 7.0 Application Chronology

Date of Application Received: Oct 7<sup>th</sup> 2016  
 Date Public Hearing: Sept 19<sup>th</sup> 2017  
 Date of Zoning Conditions Completed: Dec 10<sup>th</sup> 2018

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

### Attachments:

DP16-0249

# Draft Development Permit DP16-0249



This permit relates to land in the City of Kelowna municipally known as

Lot 1, District Lot 167, ODYD, Plan EPP82334 located at 4609 Lakeshore Rd, Kelowna, BC

The development has been approved subject to any attached terms and conditions, and to full compliance with the approved plans bearing the stamp of approval and the above described development permit number.

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.

Date of Decision: Jan 21<sup>st</sup> 2019

Decision By: CITY COUNCIL

Issued Date: \_\_\_\_\_

Development Permit Area: Comprehensive Development Permit Area

File Manager: TA & AC

**This permit will not be valid if development has not commenced within 2 years of the council approved Date of Decision.**

Existing Zone: RM2 – Low Density Row Housing  
(Low Density)

Future Land Use Designation: MRL – Multiple Unit Residential

## **This is NOT a Building Permit.**

In addition to your Development Permit, a Building Permit may be required prior to any work commencing. For further information, contact the City of Kelowna, Development Services Branch.

## **NOTICE**

This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Owner: LEV8 DEVELOPMENTS LTD., INC.NO. BC1144442

Address:

City:

Phone: n/a

\_\_\_\_\_  
Ryan Smith, Community Planning Department Manager  
Community Planning & Strategic Investments

\_\_\_\_\_  
Date

### **1. SCOPE OF APPROVAL**

This Development 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 Development 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 Development 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.

## 2. CONDITIONS OF APPROVAL

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
- c) Landscaping to be provided on the land be in accordance with Schedule "C"; and
- d) The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect.

This Development Permit is valid for two (2) years from the Council Date of Decision if applicable, or Community Planning Department Manager approval, with no opportunity to extend.

## 3. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer 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 enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property own of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

- a) A Certified Cheque in the amount of **\$125% of the landscape estimate** OR
- b) An Irrevocable Letter of Credit in the amount of **\$125% of the landscape estimate**

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.

## 4. Indemnification

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

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

All costs, expenses, claims that may be incurred by the Municipality where the construction, 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.

**The PERMIT HOLDER is the CURRENT LAND OWNER.  
Security shall ONLY be returned to the signatory of the  
Landscape Agreement or their designates.**

# SCHEDULE A & B

This forms part of application

# DP16-0249



City of  
**Kelowna**  
COMMUNITY PLANNING

## GENERAL NOTES:

### GENERAL

- ALL DIMENSIONS ARE MADE FROM EXTERIOR FACE OF WALL SHEATHING TO CENTER OF PARTY WALLS AND INTERIOR WALLS UNLESS NOTED OTHERWISE. ON PLANS, OUTSIDE EDGE OF EXTERIOR WALL SHEATHING TO BE FLUSH WITH FOUNDATION WALL BELOW. DO NOT SCALE DRAWINGS. THE GENERAL CONTRACTOR IS TO CHECK ALL DIMENSIONS AND CONFIRM ALL PROPERTY LINE BEARINGS AND DIMENSIONS WITH LEGAL SURVEY.
- IN THE CASE OF DISCREPANCY, THE DESIGNER IS TO BE NOTIFIED BEFORE WORK CAN COMMENCE. COMMENCEMENT OF CONSTRUCTION SHALL CONSTITUTE ACCEPTANCE OF CONDITIONS AS SATISFACTORY.
- REFER TO MECHANICAL DRAWINGS FOR FINAL PLUMBING AND HVAC LAYOUT AND SPECIFICATIONS.
- REFER TO ELECTRICAL DRAWINGS FOR FINAL LIGHT, OUTLETS AND ELECTRICAL PANEL LOCATIONS AND SPEC.
- REFER TO CIVIL DRAWINGS FOR OFFSITE CONSTRUCTION AND FINAL SITE DRAINAGE LAYOUT AND SPEC.
- REFER TO LANDSCAPE DRAWINGS FOR FINAL LANDSCAPE LAYOUT.
- REFER TO STRUCTURAL DRAWINGS FOR FINAL WALL/FLOOR/ROOF/COLUMN LAYOUT AND SPECIFICATIONS.

### ASSURANCE / COMPLIANCE REQUIREMENTS

- THE CURRENT B.C. C. 2012, ITS REQUIREMENTS AND ALL AGENDA, SHALL FORM AN INTEGRAL PART OF THESE DRAWINGS. ALL CONSTRUCTION MATERIALS AND PROCEDURES SHALL CONFORM TO THESE STANDARDS.
- ALL WORK TO CONFORM TO LOCAL BYLAWS AND DEVELOPMENT PERMIT REQUIREMENTS.
- ALL DRAWINGS ARE TO BE READ AS A COMPLETE SET IN CONJUNCTION WITH SPECIFICATIONS AND CIVIL, STRUCTURAL, MECHANICAL, ELECTRICAL, AND LANDSCAPE DRAWINGS AS APPLICABLE.
- ALL WORK WILL BE SUBJECT TO FIELD REVIEW BY THE ARCHITECT AND OR OTHER REGISTERED PROFESSIONAL AND BY THE CONSULTING ENGINEERS NAMED ON THESE DRAWINGS TO MEET THE MUNICIPAL LETTERS OF ASSURANCE / COMPLIANCE REQUIREMENTS.
- ALL WORK MUST MEET THE APPROVAL OF THE PROFESSIONAL CONSULTANTS.
- ALL WORK MUST MEET THE STANDARDS OF THE B.C. TRADE ASSOCIATIONS GOVERNING EACH TRADE INVOLVED IN THE PROJECT.
- STARTING WORK ON THIS PROJECT BY ANY SUB-CONTRACTOR MEANS THAT THE ABOVE REQUIREMENTS HAVE BEEN REVIEWED AND NO EXTRA CLAIM FOR COST WILL BE PUT FORWARD TO MEET THE PROFESSIONAL CONSULTANTS FIELD REVIEW REQUIREMENTS.
- THE SUB-CONTRACTORS ARE RESPONSIBLE FOR SITE SAFETY AND TO MEET ALL REQUIREMENTS OF THE WORKERS COMPENSATION BOARD.
- ALL SUB-CONTRACTORS WILL BE REQUIRED TO ACKNOWLEDGE COMPLIANCE WITH ABOVE CONDITIONS BY SIGNING A COPY OF THESE REQUIREMENTS WHICH MUCH ACCOMPANY THEIR QUOTATION.
- GENERAL CONTRACTOR IS TO KEEP RECORD AND PROVIDE ARCHITECT WITH COPIES OF MUNICIPAL INSPECTION SLIPS.
- THE CONTRACTOR / CLIENT IS TO INFORM THE ARCHITECT IN WRITING 24 HOURS PRIOR TO STARTING CONSTRUCTION OF THE PROJECT.
- THE SUB-CONTRACTOR IS TO CHECK ALL DIMENSIONS AFFECTING HIS TRADE AND IN THE CASE OF DISCREPANCY THE CONTRACTOR IS TO BE NOTIFIED BEFORE WORK CAN COMMENCE.
- THE CONTRACTOR IS TO NOTIFY THE ARCHITECT 24 HOURS PRIOR TO A REQUIRED INSPECTION.

## SYMBOL LEGEND:

Planner

Initials

AC

BUILDING SECTION  
SECTION NUMBER  
LOCATION OF SECTION DRAWING

WALL SECTION  
SECTION NUMBER  
LOCATION OF SECTION DRAWING

BIM DETAIL  
DETAIL NUMBER  
LOCATION OF DETAIL DRAWING

DETAIL NUMBER  
View Name  
SCALE: 1/8" = 1'-0"  
LOCATION OF DETAIL DRAWING  
LOCATION OF FIRST OCCURRENCE

Door Tags  
DOOR NUMBER - SEE DOOR SCHEDULE

Window Tags  
WINDOW TYPE - SEE WINDOW DETAILS

Assembly Tags  
ASSEMBLY TYPE - SEE CONSTRUCTION SCHEDULE

## CONTEXT SITE PLAN:



## CONSULTANTS:

**ARCHITECTURAL**  
NOVATION ARCHITECTURE  
302-2237 LECKIE ROAD  
KELOWNA, BC V1Y 6T1  
TEL: (250) 420-4144  
FAX: (250) 500-0000

**ENVIRONMENTAL**  
102-450 NEAVE CRESCENT  
KELOWNA, BC V1Y 2M2  
TEL: (250) 491-7337  
FAX: (250) 491-7772

**CIVIL ENGINEERING**  
APUL MARTIN  
564 LEON AVENUE  
KELOWNA, BC V1Y 6J3  
TEL: (250) 448-0157  
FAX: (779) 436-2312

**ELECTRICAL**  
PVE ENGINEERING  
318-402 WEST FENDER STREET  
VANCOUVER, BC V6B 1T6  
TEL: (604) 515-5700  
FAX: (604) 816-7052

**LANDSCAPE**  
OUTLAND DESIGN  
30-595 KLO ROAD  
KELOWNA, BC V1Y 7S2  
TEL: (250) 866-5070

**GEOTECHNICAL**  
CASCADE AQUATECH GEOTECHNICAL LM  
201-1885 SPALL ROAD  
KELOWNA, BC V1Y 4R2  
TEL: (250) 878-6446  
FAX: (250) 782-8073

**SURVEY**  
FERGUSON LAND SURVEYOR  
604-163 PARADISE STREET  
KELOWNA, BC V1Y 1P7  
TEL: (250) 763-3115  
FAX: (250) 783-5521

**STRUCTURAL**  
KD ENGINEERING  
1910 KENT ROAD  
KELOWNA, BC V1Y 7S6  
TEL: (250) 420-3440  
FAX: (250) 500-0000

## DRAWING INDEX:

ARCHITECTURAL DRAWING LIST		
NO.	NAME	
A0.00	PROJECT INFORMATION AND DRAWINGS INDEX	
A0.01	ASSEMBLY SCHEDULE	
A0.02	PSI CALCULATIONS	
A1.00	SITE PLAN	
A2.00	FOUNDATION PLAN	
A2.01	MAIN FLOOR PLAN	
A2.02	SECOND FLOOR PLAN	
A2.03	ROOF PATIO PLAN	
A2.04	ROOF DRAINAGE PLAN	
A3.00	EXTERIOR ELEVATIONS	
A3.01	EXTERIOR ELEVATIONS	
A4.00	BUILDING SECTIONS	
A5.00	BUILDING ENVELOPE DETAILS	
A6.00	DETAILS	
A6.01	DETAILS	
A6.02	DETAILS	
A6.03	RCABC TYPICAL ROOF EXTERIOR DETAILS	

## ILLUSTRATION:



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No.	Date	Description
2	2016/10/20	ISSUED FOR BP 2016/10/20



project title  
Creek Side Terrace Building #1  
525 McClure Rd.  
Kelowna, British Columbia

project no. 1604

drawing title  
PROJECT INFORMATION AND DRAWINGS INDEX

Designed	PS	Scale	1" = 1'-0"
Drawn	BW		
Checked	PS		

drawing no.  
**A0.00**  
sheet  
2016-10-20 4:21:10 PM



## SCHEDULE A & B

This forms part of application

# DP16-0249

Planner  
Initials

AC

City of  
**Kelowna**  
COMMUNITY PLANNING



  
**CREEK SIDE  
TERRACES**







SCHEDULE

A & B

This forms part of application


# DP16-0249

Planner  
Initials

AC

City of  
Kelowna

COMMUNITY PLANNING











***Smooth Stucco Finish***

***Smooth Stucco Finish***

***Black Aluminium Windows***

<b>SCHEDULE A &amp; B</b>	
	City of <b>Kelowna</b> <small>COMMUNITY PLANNING</small>
This forms part of application # DP-16-0249	
Planner Initials	AC

***Aluminium Cedar Siding Product***

***ACM Panel System***

***Flashing/Gutters***

***CREEK SIDE TERRACE***

***McClure Road, Kelowna BC***

# SCHEDULE A & B

This forms part of application

# DP16-0249

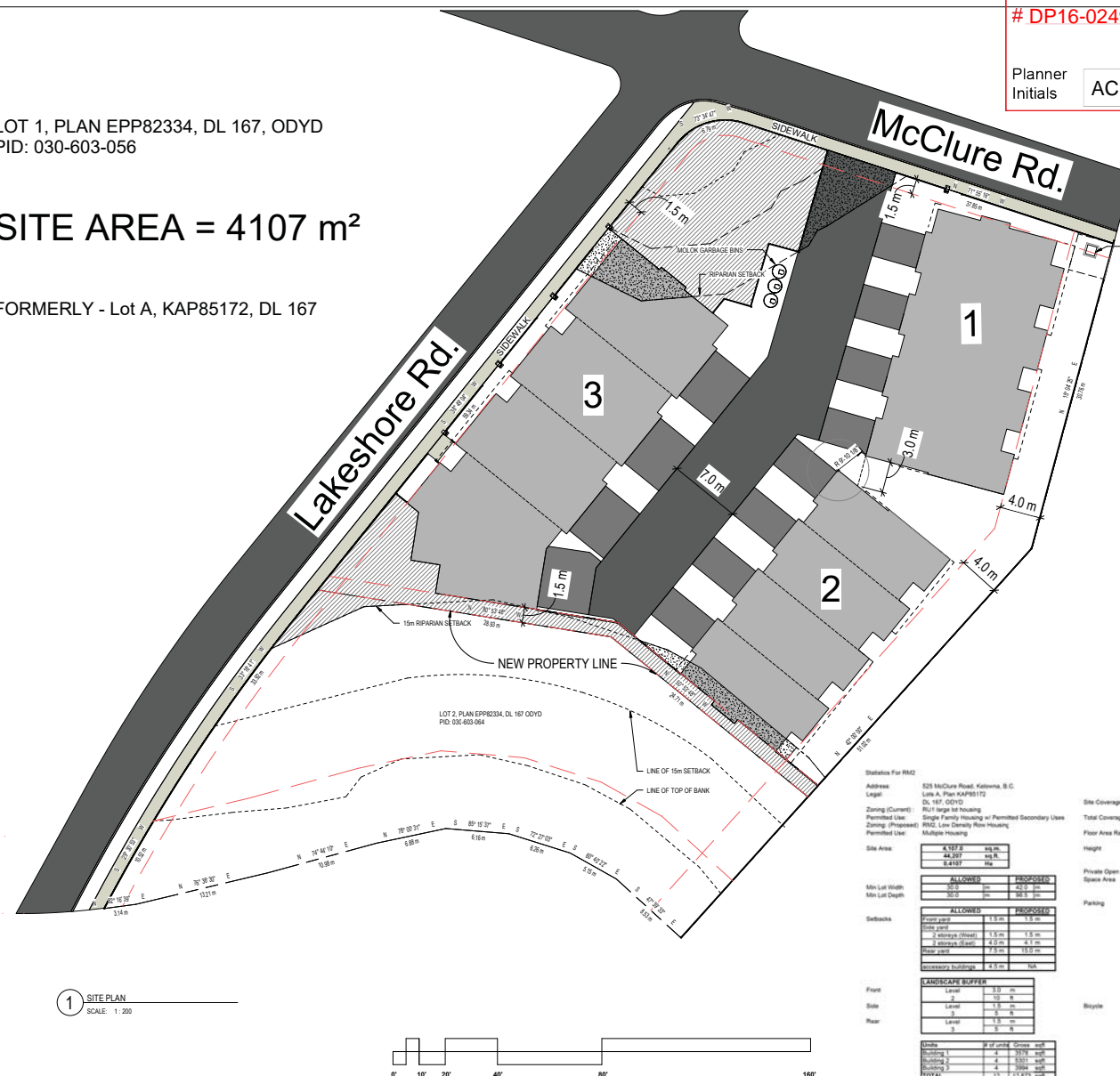
Planner  
Initials AC



LOT 1, PLAN EPP82334, DL 167, ODYD  
PID: 030-603-056

SITE AREA = 4107 m<sup>2</sup>

FORMERLY - Lot A, KAP85172, DL 167



1 SITE PLAN  
SCALE: 1:200

## Statistics For RM2

Address: 525 McClure Road, Kelowna, B.C.  
Legal: Lot A, Plan KAP85172  
DL 167, ODYD  
Zoning (Current): R1-1 Large lot housing  
Permitted Use: Single Family Housing or Permitted Secondary Uses  
Zoning (Proposed): RM2, Low Density Rural Housing  
Permitted Use: Multiple Housing

Site Area:  
4,107.6 sq.m.  
44,397 sq.ft.  
4,107.6 ha

Min Lot Width:  
30.0 m  
98.4 ft

Min Lot Depth:  
30.0 m  
98.4 ft

Setbacks:

Front: 1.5 m

Side: 1.5 m

Back: 1.5 m

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# SCHEDULE A & B

This forms part of application

# DP16-0249

Planner Initials AC



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No.	Date	Description	Revisions
1	20181220	ISSUED FOR DP	
2	20181220	ISSUED FOR BP	
3	20181220	ISSUED FOR PH/NO	



302 - 2237 LECKIE ROAD  
KELOWNA B.C. V1X 6Y5

project title  
Creek Side Terrace Building #1

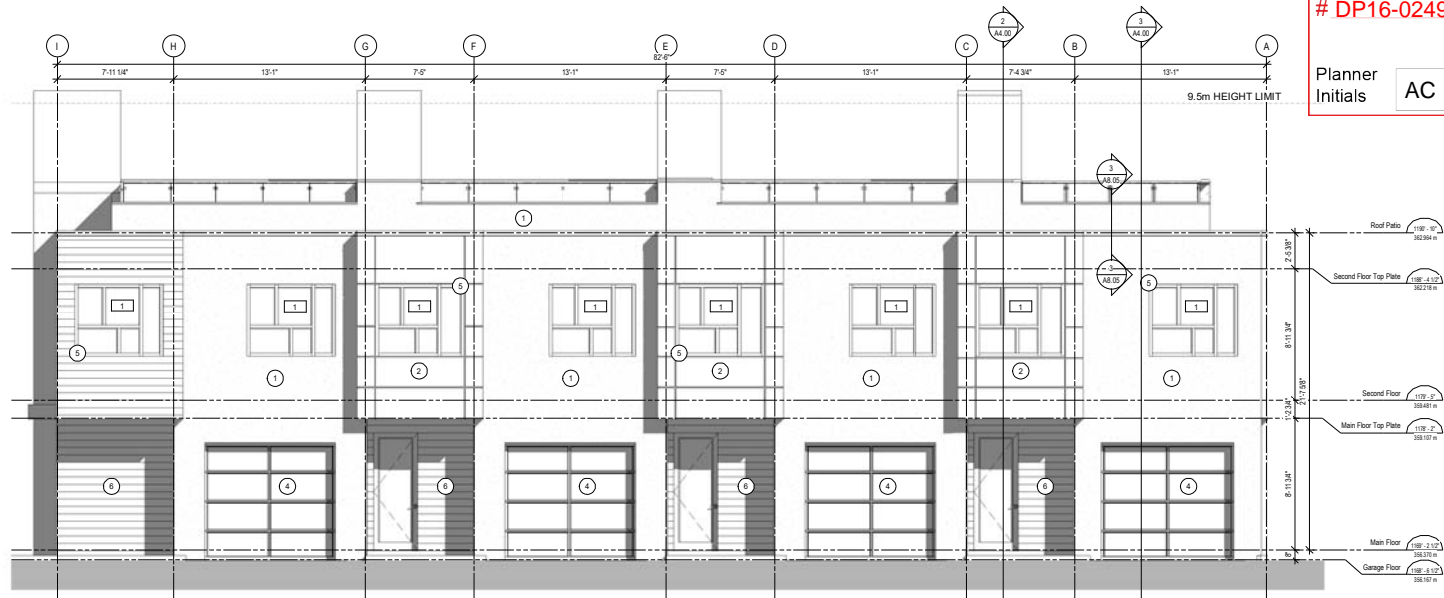
525 McClure Rd.  
Kelowna, British Columbia

project no. 1604

drawing title  
EXTERIOR ELEVATIONS

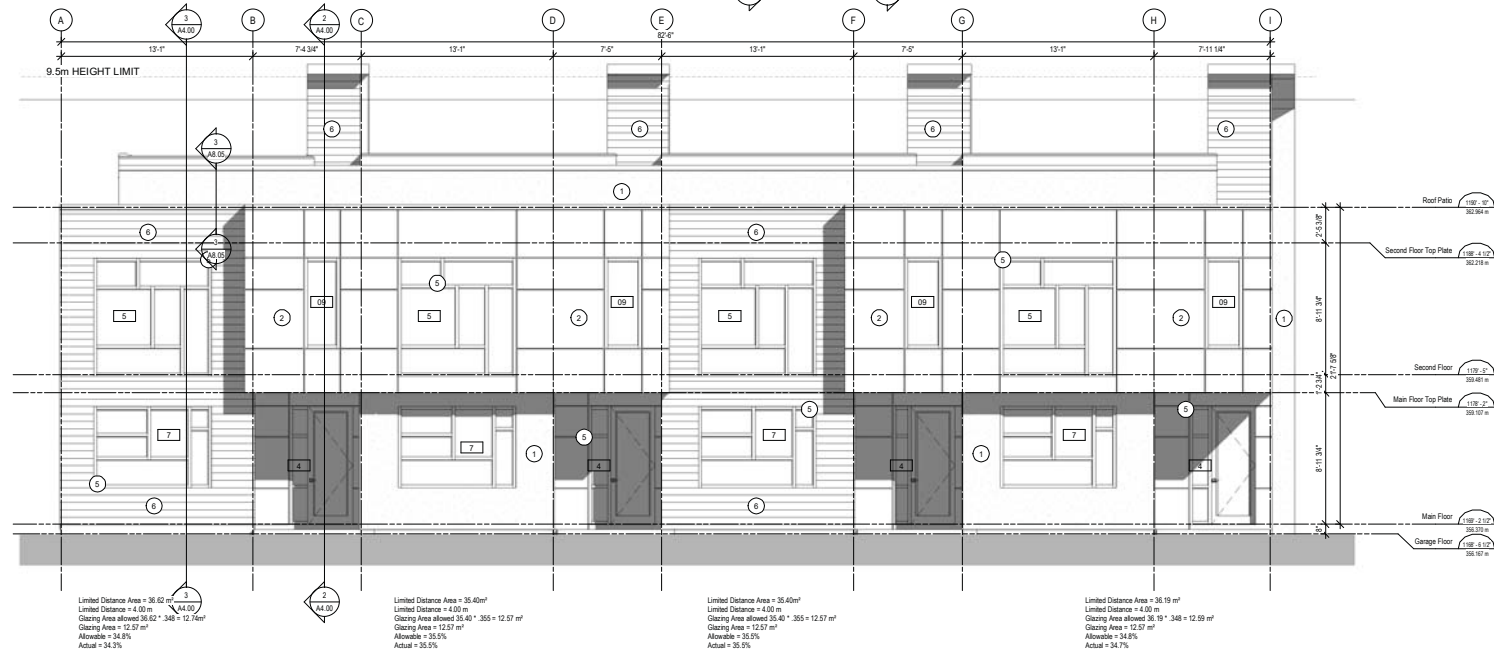
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drawn	BW		
checked	PS		
approved			

A3.00



2 BUILDING 1 WEST ELEVATION  
SCALE: 1/4" = 1'-0"

- 1. STUCCO
- 2. JACK PANEL
- 3. FROSTED GLASS
- 4. CLEAR GLASS
- 5. BLACK ALUMINUM WINDOW SYSTEM
- 6. CEDAR LOOK FINISHED SONG MATERIAL BY SAGPER



1 BUILDING 1 EAST ELEVATION  
SCALE: 1/4" = 1'-0"




# SCHEDULE

This forms part of application  
# DP16-0249

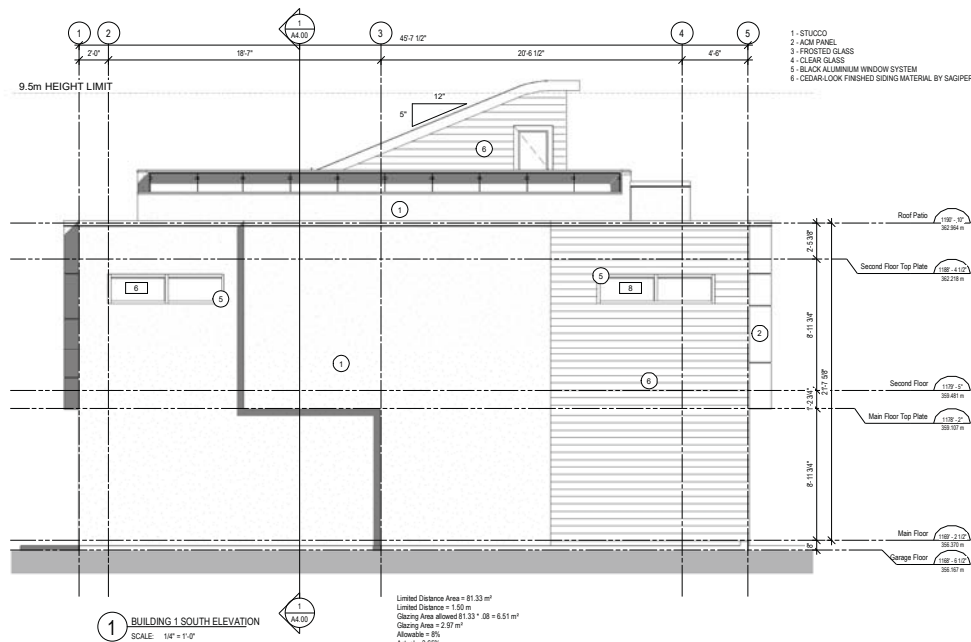
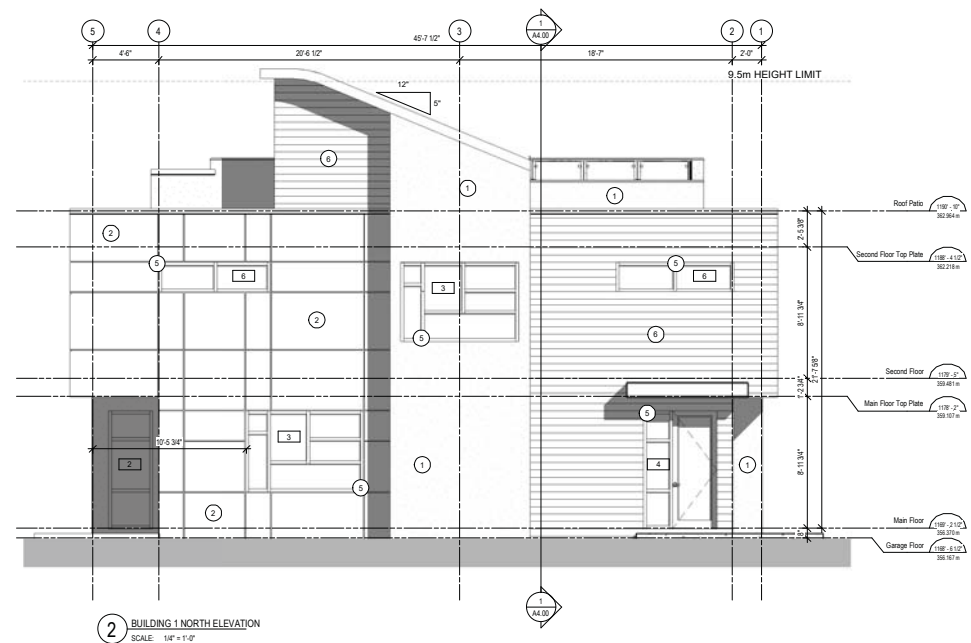
Planner  
Initials

## A & B



City of  
**Kelowna**  
COMMUNITY PLANNING

AC




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No.	Date	Description
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2	20181220	ISSUED FOR BP
3	20181220	ISSUED FOR PH/CD

Revisions

  
302 - 2237 LECHE ROAD  
KELOWNA B.C. V1Y 6Y5

project title:  
Creek Side Terrace Building #1

525 McClure Rd.  
Kelowna, British Columbia

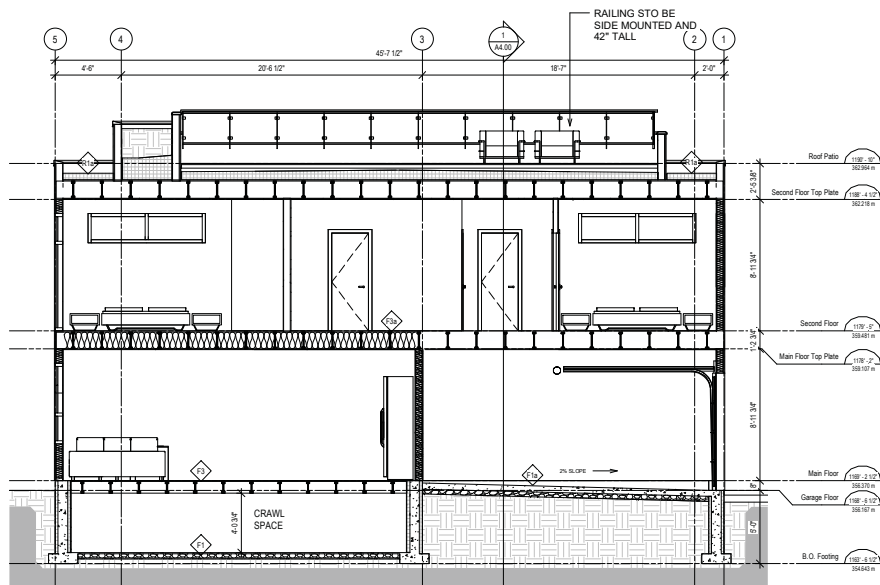
project no.: 1604

drawing title:  
EXTERIOR ELEVATIONS

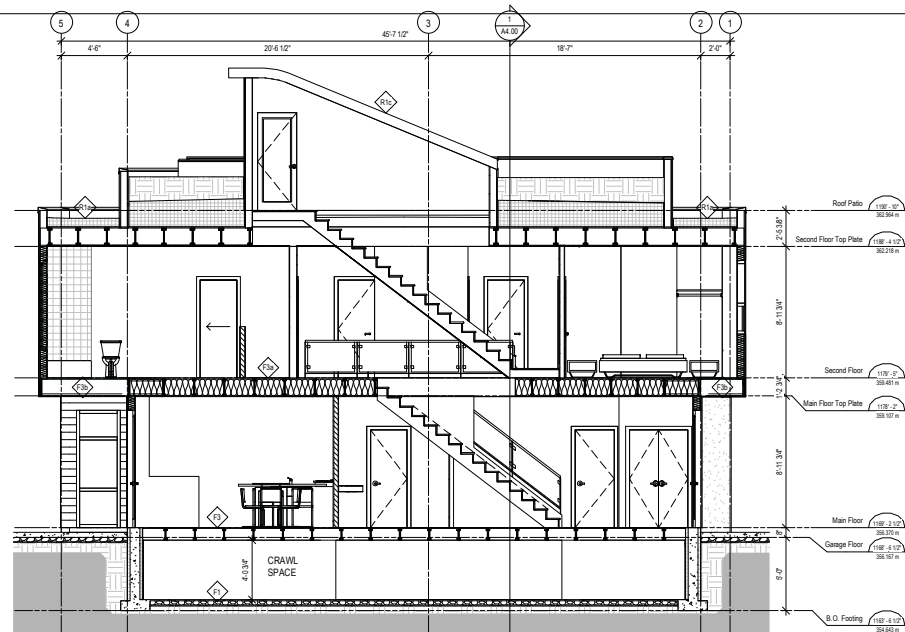
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Drawn	BW		
Checked	PS		

drawing no.: **A3.01**

sheet  
2018-12-20 4:16:27 PM



3 BUILDING SECTION  
SCALE: 1/8" = 1'-0"



2 BUILDING SECTION  
SCALE: 1/8" = 1'-0"



1 BUILDING SECTION  
SCALE: 1/8" = 1'-0"

## SCHEDULE A & B

This forms part of application  
# DP16-0249

Planner  
Initials AC



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**Creek Side Terraces**

No.	Date	Description
1	20181220	ISSUED FOR DP
2	20181220	ISSUED FOR BP
3	20181220	ISSUED FOR PH/NO

**NOVATION**  
302 - 2237 LECKIE ROAD  
KELOWNA B.C. V1X 6Y5

project title:  
Creek Side Terrace Building #1  
525 McClure Rd.  
Kelowna, British Columbia

project no.: 1604

drawing title:  
BUILDING SECTIONS

Designed	PS	Scale	1/4" = 1'-0"
Drawn	BW		
Checked	PS		

drawing no.:  
**A4.00**

sheet:  
2018-12-20 4:16:29 PM



# SCHEDULE A & B

This forms part of application

# DP16-0249

Planner  
Initials

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No.	Date	Description	Revisions
1	2018/02/01	ISSUED FOR DP	
2	2018/02/01	ISSUED FOR BP	
3	2018/02/01	ISSUED FOR PH/DC	



project title  
Creek Side Terraces Building #2

525 McClure Rd.  
Kelowna, British Columbia

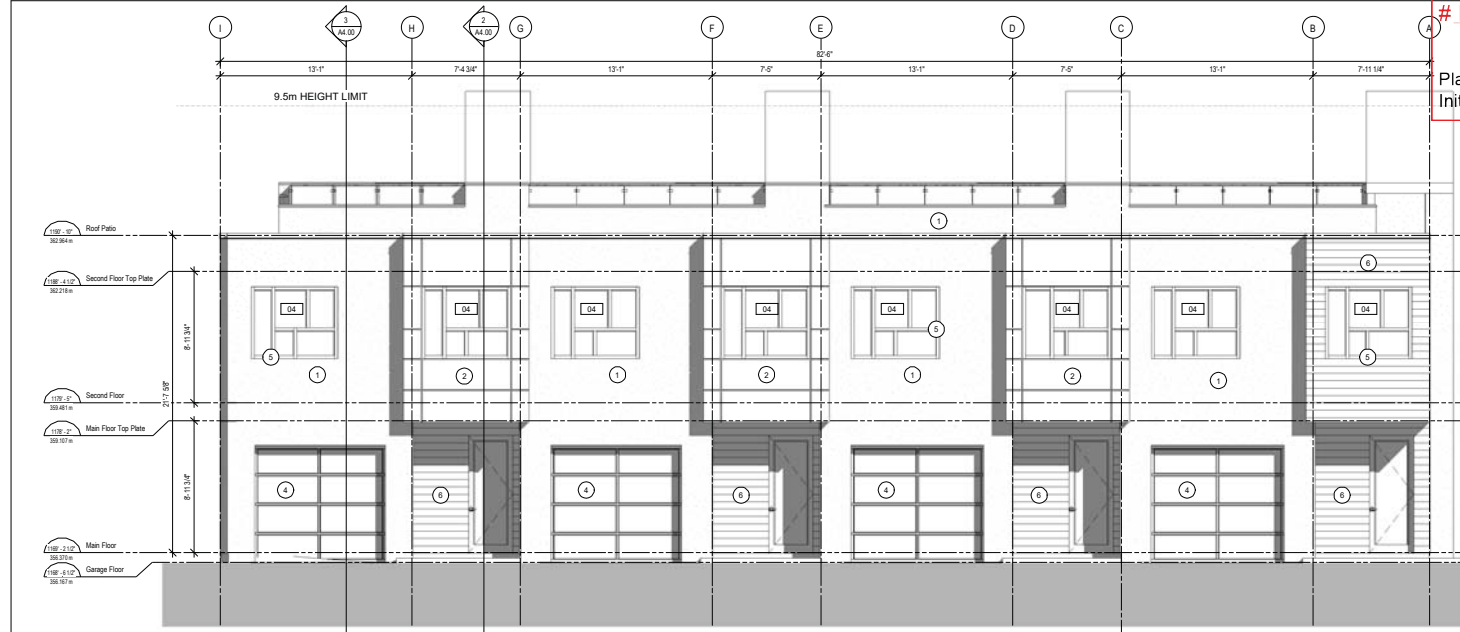
project no. 1604

drawing title  
EXTERIOR ELEVATIONS

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drawn	BW		
checked	PS		

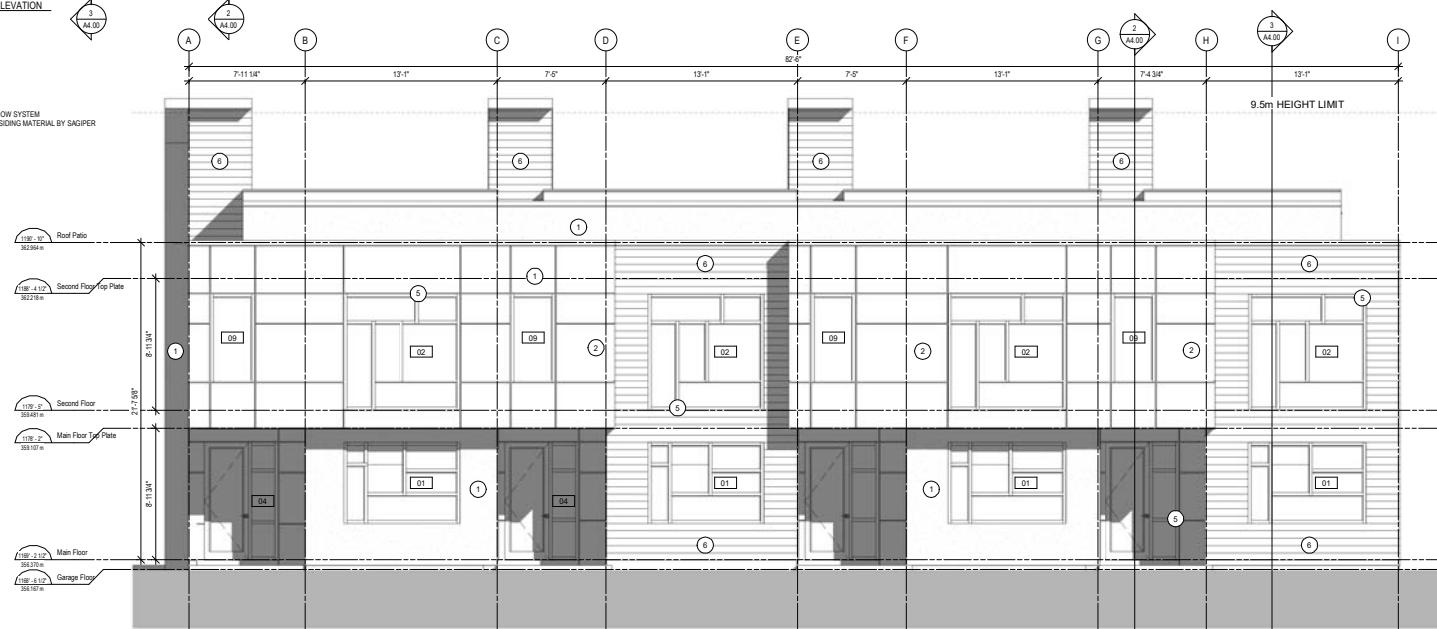
drawing no. A3.00

sheet 2018-02-20 14:07 PM



3 BUILDING 2 WEST ELEVATION  
SCALE: 1/4" = 1'-0"

- 1- STUCCO
- 2- ACM PANEL
- 3- FROSTED GLASS
- 4- CLEAR GLASS
- 5- BLACK ALUMINUM WINDOW SYSTEM
- 6- CEDARLOOK FINISHED SIDING MATERIAL BY SAGIPER



1 BUILDING 2 EAST ELEVATION  
SCALE: 1/4" = 1'-0"

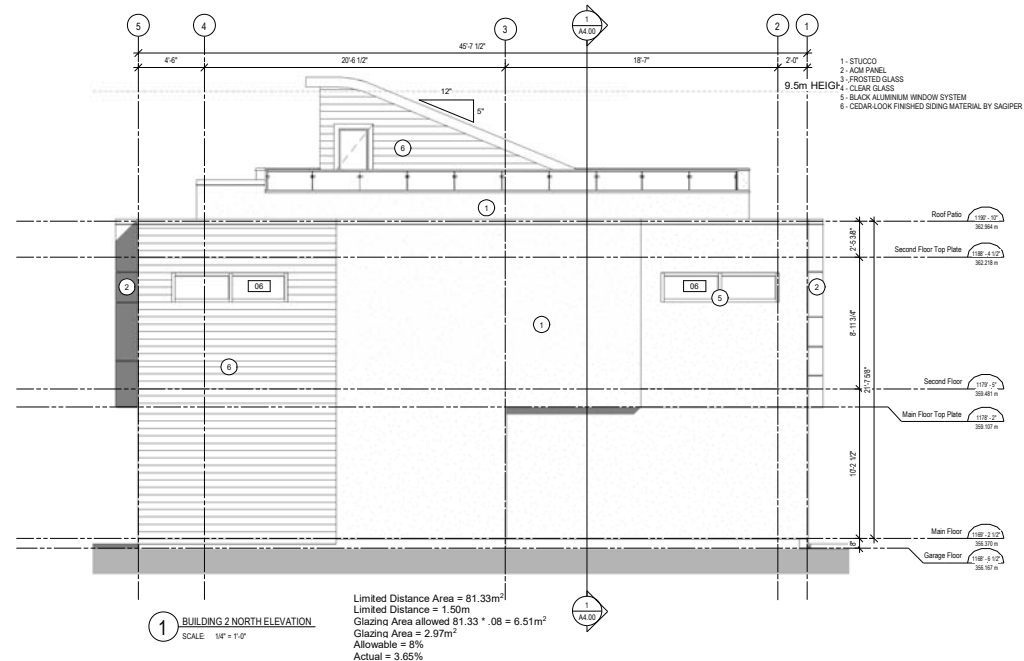
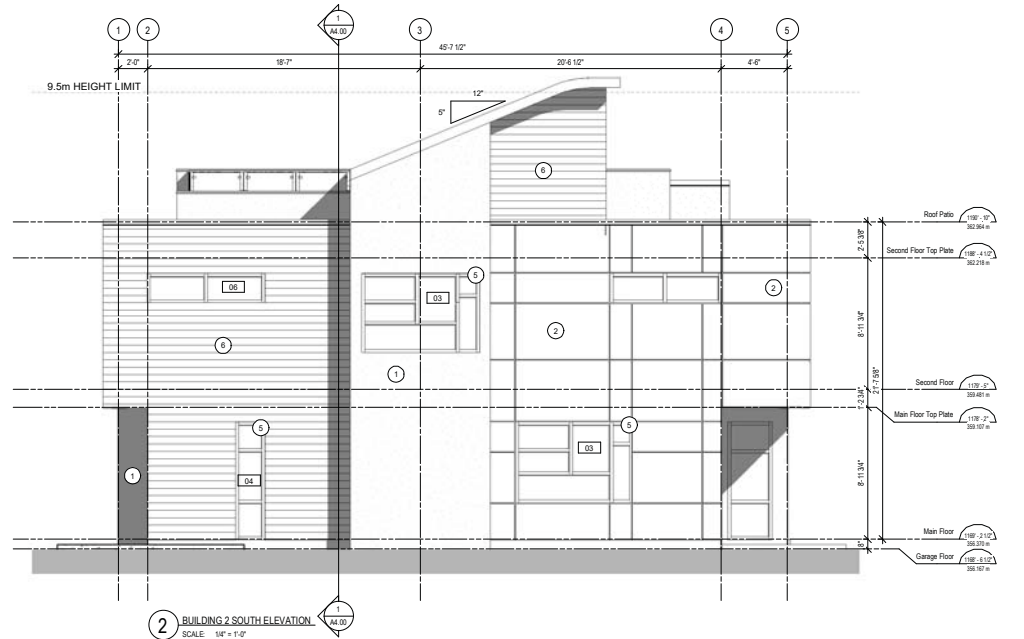
Limited Distance Area = 36.75 m<sup>2</sup>  
Limited Distance = 4.00 m  
Glazing Area allowed 36.15' x 348 = 12.58 m<sup>2</sup>  
Glazing Area = 12.57 m<sup>2</sup>  
Allowable = 34.8%  
Actual = 34.7%

Limited Distance Area = 36.02 m<sup>2</sup>  
Limited Distance = 4.00 m  
Glazing Area allowed 36.62' x 348 = 12.74 m<sup>2</sup>  
Glazing Area = 12.57 m<sup>2</sup>  
Allowable = 34.8%  
Actual = 34.7%

# SCHEDULE A & B

This forms part of application  
# DP16-0249

Planner  
Initials AC



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3. 2018/10/20 ISSUED FOR PH/DO

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302 - 2237 LICKIE ROAD  
KELOWNA B.C. V1Y 6Y5

project title:  
Creek Side Terraces Building #2

525 McClure Rd.  
Kelowna, British Columbia

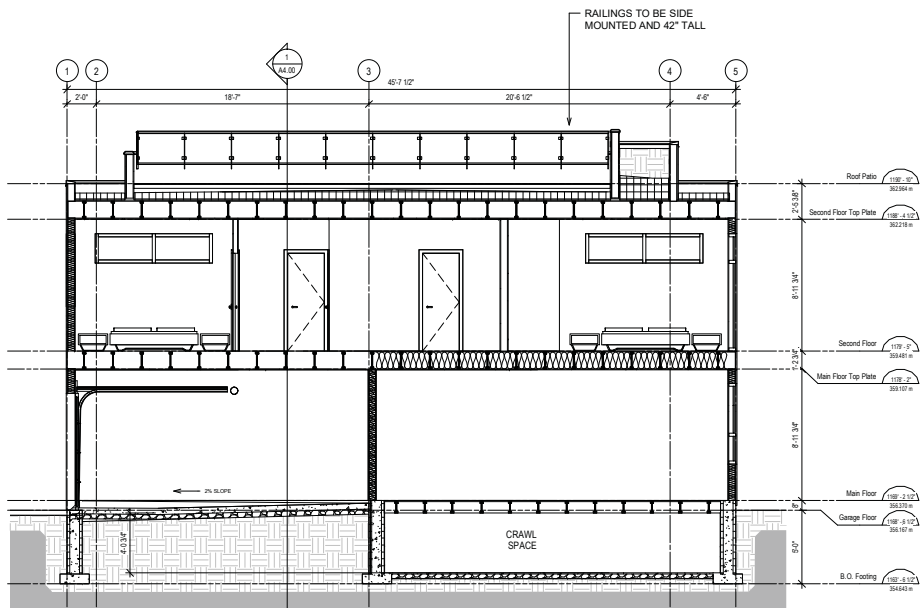
project no. 1604

drawing title  
EXTERIOR ELEVATIONS

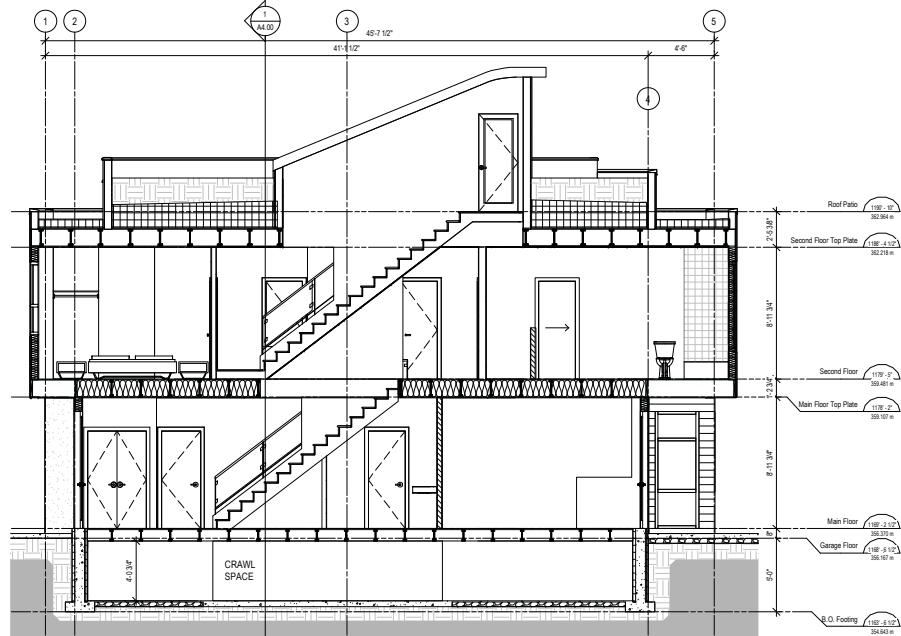
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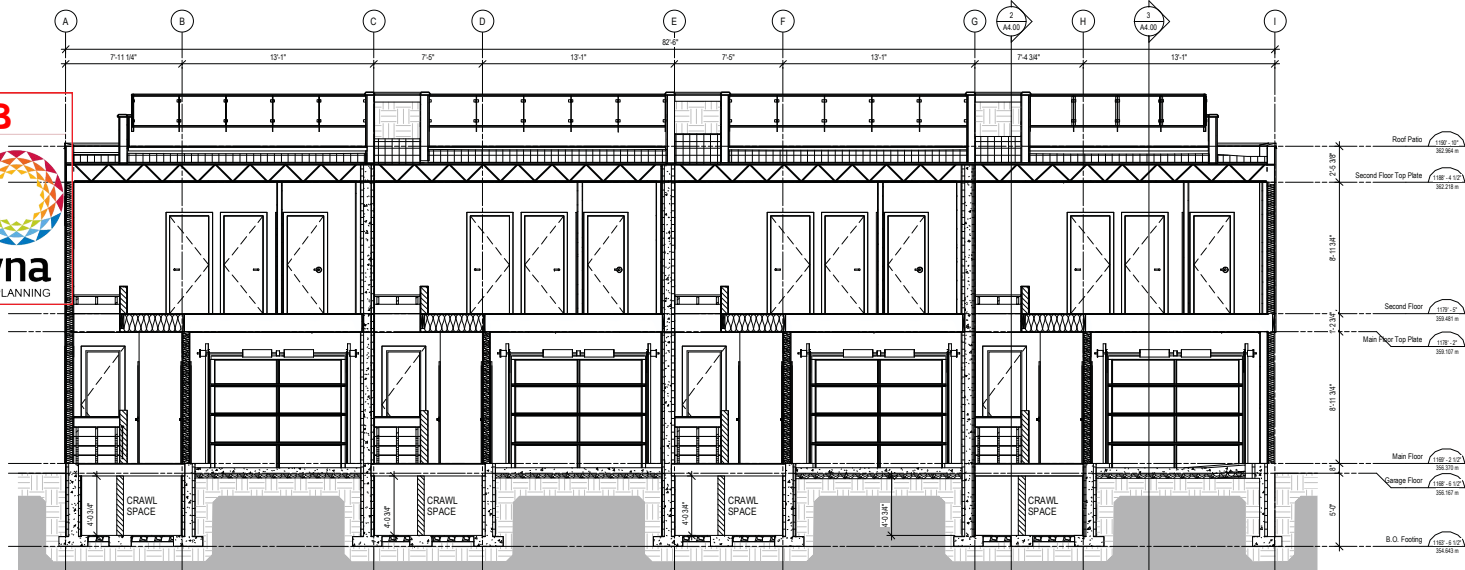
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3 BUILDING SECTION  
SCALE: 1/8" = 1'-0"



2 BUILDING SECTION  
SCALE: 1/8" = 1'-0"



1 BUILDING SECTION  
SCALE: 1/8" = 1'-0"

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3. 20181220 ISSUED FOR PROPOSAL

Revisions:  
1. 20181220 ISSUED FOR DP  
2. 20181220 ISSUED FOR BP  
3. 20181220 ISSUED FOR PROPOSAL

**SCHEDULE A & B**

This forms part of application  
# DP16-0249

Planner Initials **AC**

**City of Kelowna**  
COMMUNITY PLANNING

# SCHEDULE A & B

This forms part of application

# DP16-0249

Planner  
Initials

AC

City of  
**Kelowna**  
COMMUNITY PLANNING



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20181220	ISSUED FOR BP	
20181220	ISSUED FOR PHICING	



project title  
Creek Side Terraces Building #3  
525 McClure Rd.  
Kelowna, British Columbia

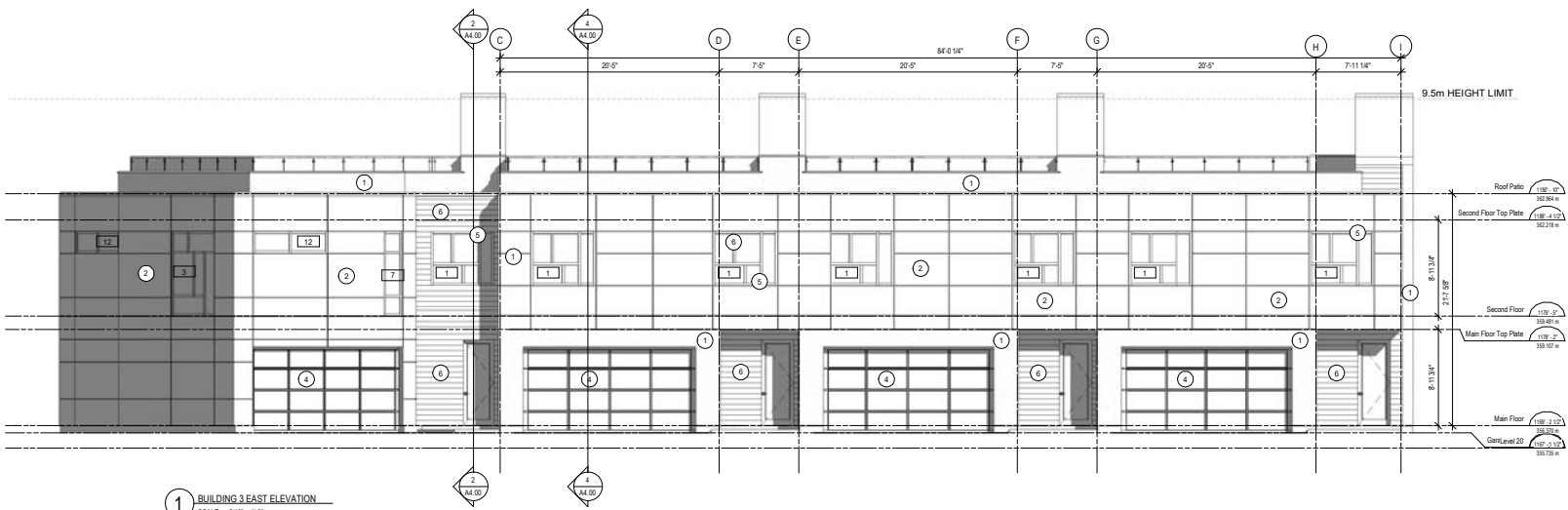
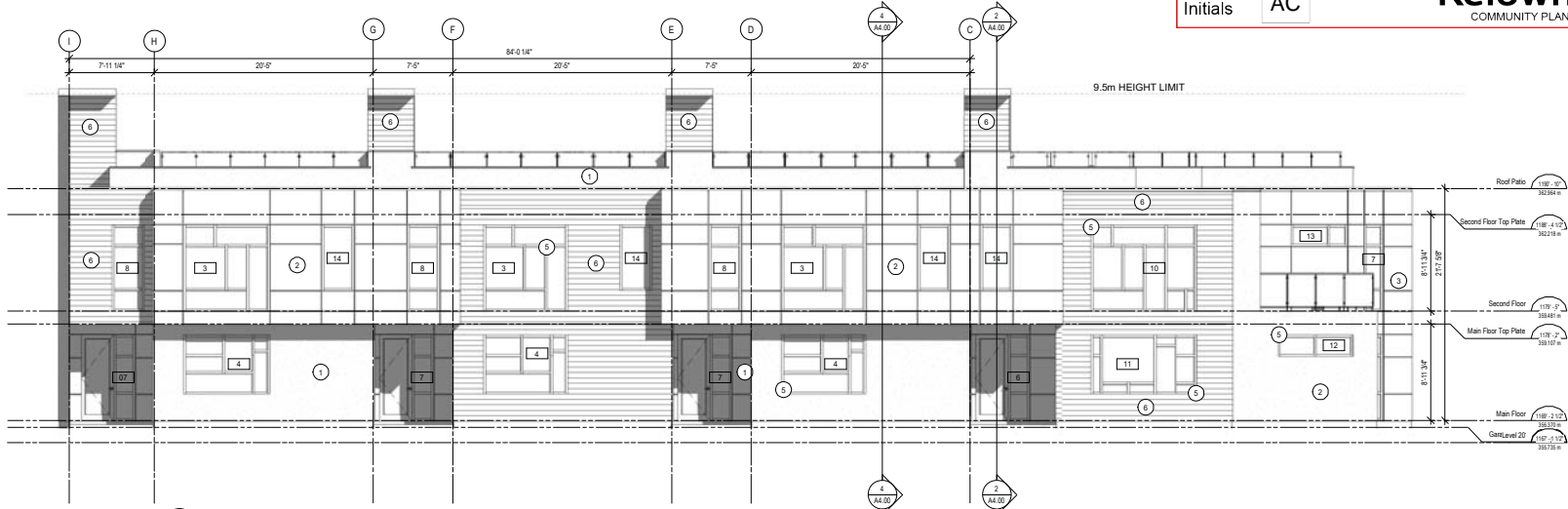
project no. 1604

drawing title  
EXTERIOR ELEVATIONS

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Drawn	BW		
Checked	PS		

drawing no.  
**A3.00**

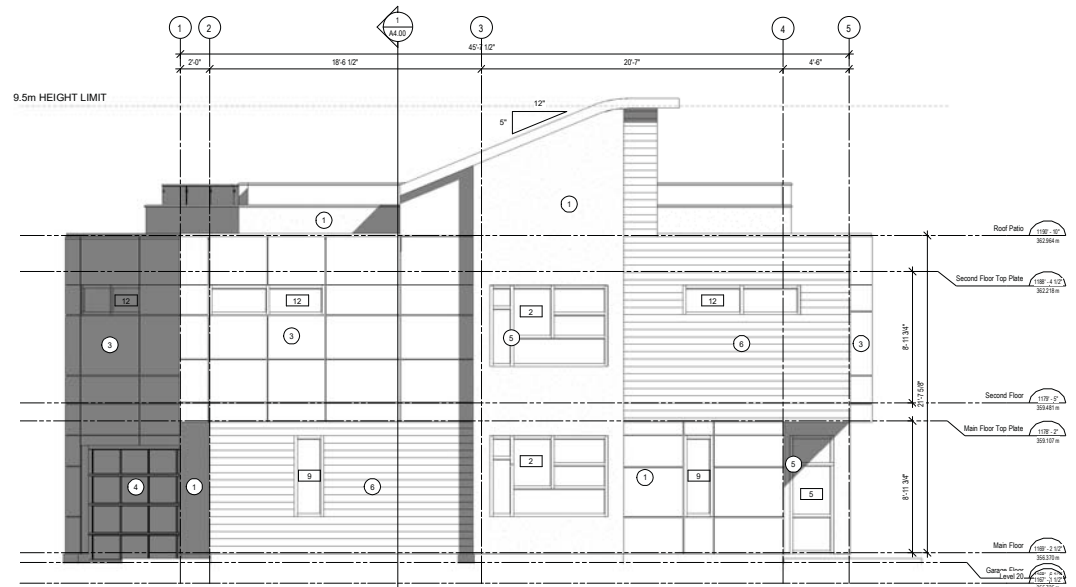
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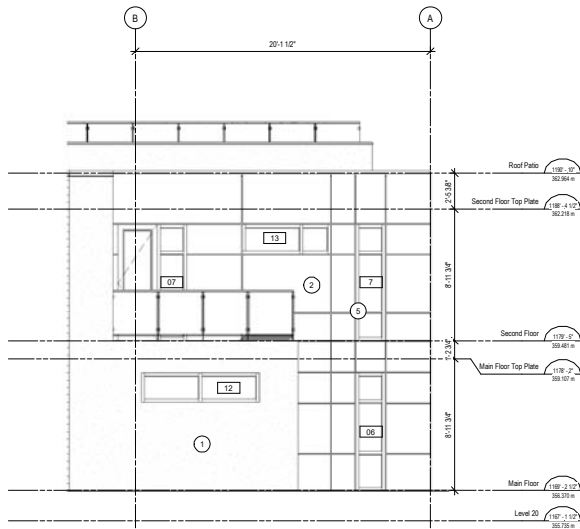
# SCHEDULE A & B

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# DP16-0249

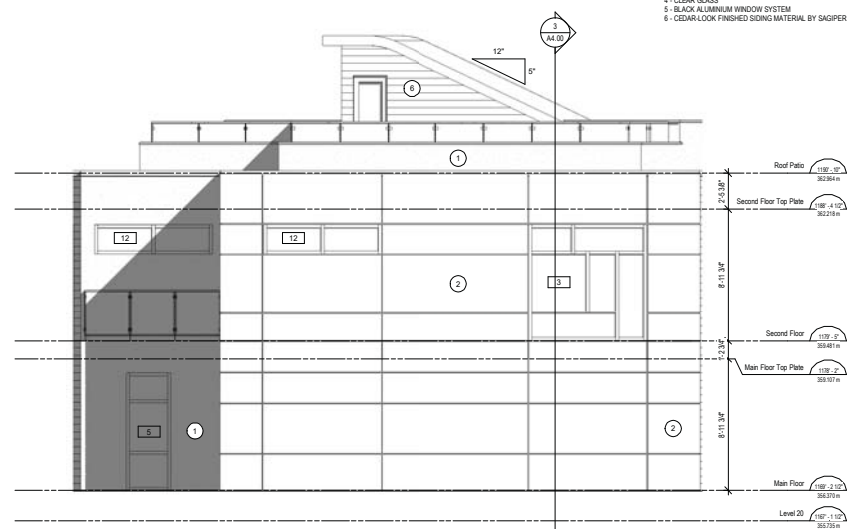
Planner  
Initials AC



2 BUILDING 3 NORTH ELEVATION  
SCALE: 1/4" = 1'-0"



3 BUILDING 3 WEST PARTIAL ELEVATION  
SCALE: 1/4" = 1'-0"



1 BUILDING 3 SOUTH PARTIAL ELEVATION  
SCALE: 1/4" = 1'-0"

- 1- STUCCO
- 2- ACM PANEL
- 3- PROTECTED GLASS
- 4- CLEAR GLASS
- 5- BLACK ALUMINUM WINDOW SYSTEM
- 6- CEDAR LOOK FINISHED SIDING MATERIAL BY SAGIPER

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302 - 2237 LECHE ROAD  
KELOWNA B.C. V1X 6Y5

Project title:  
Creek Side Terraces Building #3

525 McClure Rd.  
Kelowna, British Columbia

Project no. 1604

Drawing title  
EXTERIOR ELEVATIONS

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Drawn	BW		
Checked	PS		

Drawing no. A3.01

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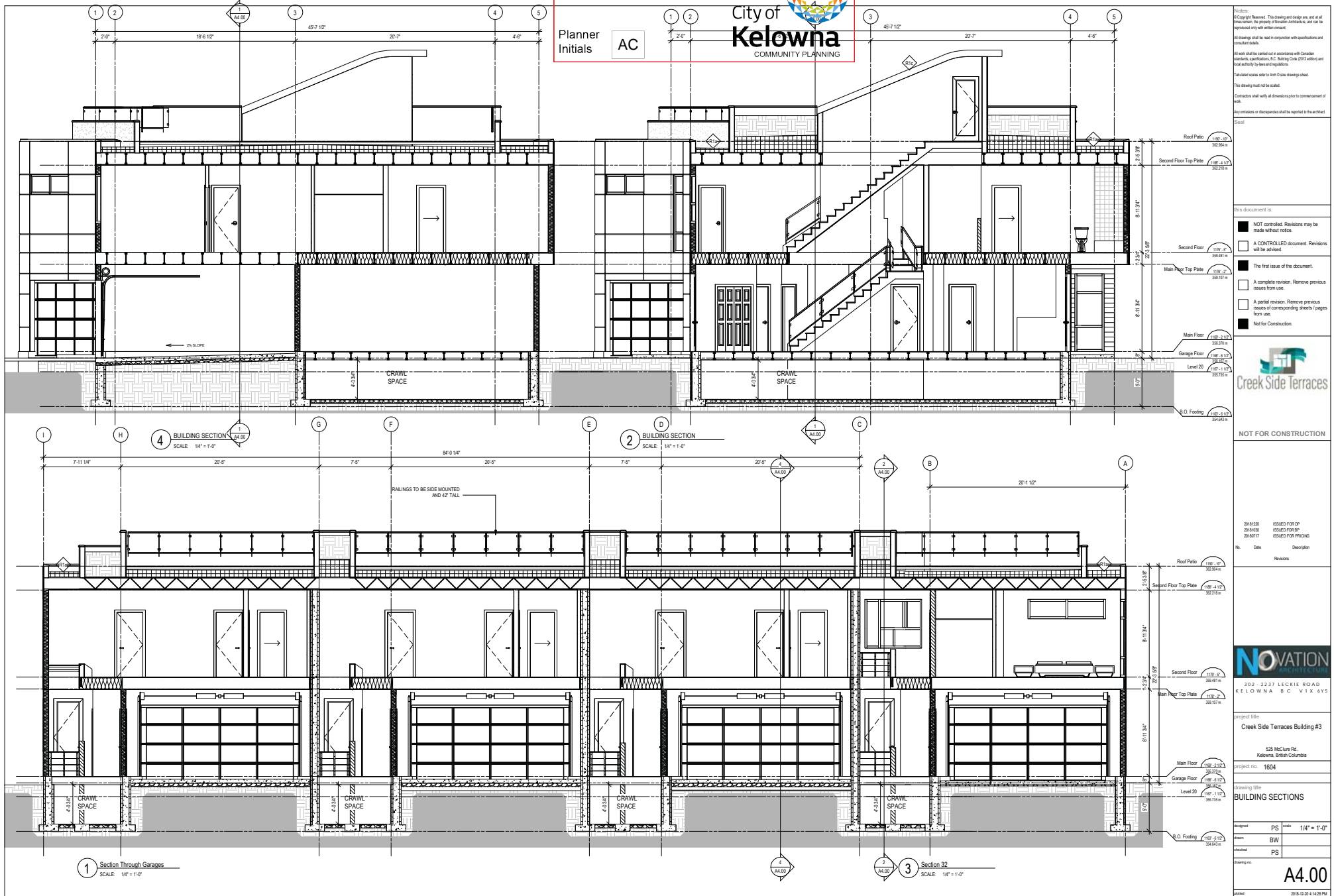
# SCHEDULE A & B

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# DP16-0249



City of  
**Kelowna**  
COMMUNITY PLANNING

Planner  
Initials AC



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**Creek Side Terraces**

302 - 2237 LECKIE ROAD  
KELOWNA B.C. V1X 6Y5

project title:  
Creek Side Terraces Building #3

525 McClure Rd.  
Kelowna, British Columbia

project no.: 1604

drawing title:  
BUILDING SECTIONS

designed: PS  
drawn: BW  
checked: PS

project no.:  
**A4.00**

project:  
2019-10-24 14:28 PM

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20181220	ISSUED FOR DP		
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# SCHEDULE

C

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LANDSCAPE ARCHITECTURE

208 - 1899 Spall Road  
Kelowna, BC V1Y 4P2  
T (250) 868-9270  
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## NOTES

1. PLANT MATERIAL AND CONSTRUCTION METHODS SHALL MEET OR EXCEED B.C. L.N.A. STANDARDS.
2. ALL SOFT LANDSCAPE AREAS SHALL BE WATERED BY A FULLY AUTOMATIC TIMED UNDERGROUND IRRIGATION SYSTEM.
3. TREE AND SHRUB BEDS TO BE DRESSED IN A MINIMUM 50mm WOOD MULCH. DO NOT PLACE WEED MAT UNDER-EARTH TREE AND SHRUB BEDS.
4. TREE AND SHRUB BEDS TO RECEIVE A MINIMUM 300mm DEPTH TOPSOIL PLACEMENT.
5. TURF AREAS FROM 500 SHALL BE NO. 1 GRADE GROWN FROM CERTIFIED SEED OF IMPROVED CULTIVARS REGISTERED FOR SALE IN B.C. AND SHALL BE TOLERANT OF DROUGHT CONDITIONS. A MINIMUM OF 100mm DEPTH OF GROWING MEDIUM IS REQUIRED BENEATH TURF AREAS. TURF AREAS SHALL MEET EXISTING GRADES AND HARD SURFACES PLUS.
6. HYDROSEEDING NATURALIZED PLANTING AREAS  

DRYLAND SEED MIXTURE BY WEIGHT	BY SPECIES
BLUE BUNCH WHEAT GRASS	47%
BOUGH FESCUE	23%
IDANO FESCUE	13%
PERENNIAL RYEGRASS	10%
SANDRIDGE BLUEGRASS	5%
JUNE GRASS	4%

WILDOFLOWER SEED MIXTURE	BY WEIGHT
SILKY LUPINE	30%
BALSAM ROOT	30%
BROWN EYED SUSAN	35%
COMMON YARROW	5%

HYDROSEEDING APPLICATION RATE (DRYLAND SEED AREA)	125KG/HECTARE
NATIVE SEED	DRYLAND SEED MIXTURE
FERTILIZER	WILDOFLOWER SEED MIXTURE
MULCH	18-18-18, 50% SULPHUR COATED UREA
TACKLER	CANFOR ECOFIBRE PLUS TAC
	GUAR
	2,800KG/HECTARE
	2% OF MIX

THE PRECEDING HYDROSEEDING MIXTURE IS TO BE APPLIED TO THE NATURALIZED PLANTING AREA AS SHOWN ON THE DRAWING. SEED MIX TO BE CERTIFIED #1 GRADE BY AGRICULTURE CANADA. REFER MANUFACTURER'S SPECIFICATIONS FOR PRODUCT DELIVERY, STORAGE & PROTECTION.

## PLANT LIST

BOTANICAL NAME	COMMON NAME	QTY	SIZE / SPACING & REMARKS
<b>TREES</b>			
STYRACIA BETICULATA	JAPANESE TREE LILAC	5	6cm CAL
ROBINIA PSEUDOACACIA 'PURPLE ROBE'	PURPLE ROBE LOCUST	13	6cm CAL
ACER RUBRUM 'ARMSTRONG'	ARMSTRONG MAPLE	4	6cm CAL
<b>NATIVE TREES</b>			
AMELANCHIER ALNIFOLIA	SASKATOON	20	#01 CONT.
PNLUS PONDROSA	PONDROSA PINE	3	#01 CONT.
POPULUS TRECHOCARPA	BLACK COTTONWOOD	12	#01 CONT.
POPULUS TREMBLOIDES	TREMBLING ASPEN	6	#01 CONT.
PSUDOTSUGA MENZIESII VAR. GLAUCA	INTERIOR DOUGLAS FIR	7	#01 CONT.
<b>SHRUBS, PERENNIALS &amp; GRASSES</b>			
GLORIMASTER ALLIUM BULB	GLORIMASTER ALLIUM BULB	62	#01 CONT. / 0.5M O.C. SPACING
ASTER X FRIKARTI 'MONOH'	ASTER X FRIKARTI 'MONOH'	28	#01 CONT. / 0.75M O.C. SPACING
ASTILBE ARENDSII 'DEUTSCHLAND'	EARLY WHITE ASTILBE	43	#01 CONT. / 0.6M O.C. SPACING
BUXUS 'GREEN GEM'	GREEN GEM BOXWOOD	72	#01 CONT. / 0.5M O.C. SPACING
DESCHAMPSIA CESPITOSA 'GOLDTAL'	GOLD DOW TUFTED HAIR GRASS	43	#01 CONT. / 0.75M O.C. SPACING
ECHINACIA BIG SKY 'SOLAR FLARE'	SOLAR FLARE CONEFLOWER	43	#01 CONT. / 0.6M O.C. SPACING
ECHINOPS X 'ARCTIC GLOW'	WHITE GLOBE THISTLE	28	#01 CONT. / 0.75M O.C. SPACING
HELIOTROPION SEMPERVIRENS	BLUE OAT GRASS	28	#01 CONT. / 0.5M O.C. SPACING
HOSTA 'PATRIOT'	PATRIOT HOSTA	72	#01 CONT. / 0.5M O.C. SPACING
IMPATIENS CYLINDRICA 'RED BARKY'	JAPANESE BLOOD GRASS	62	#01 CONT. / 0.5M O.C. SPACING
IRIS GERMANICA 'BEFORE THE STORM'	BEFORE THE STORM TALL BEARDED IRIS	43	#01 CONT. / 0.6M O.C. SPACING
MISCANTHUS SINENSIS 'HURON SUNRISE'	HURON SUNRISE MAIDEN GRASS	50	#01 CONT. / 1.2M O.C. SPACING
NEPETA X FASSINE 'WALKER'S LOW'	WALKER'S LOW CATMINT	43	#01 CONT. / 0.6M O.C. SPACING
PANICUM VEGATUM 'ROSTRAUBUSH'	RED SWITCH GRASS	72	#01 CONT. / 1.2M O.C. SPACING
PENNSTETUM ALPESTRICUS	FOUNTAIN GRASS	72	#01 CONT. / 1.2M O.C. SPACING
REYNOLDSIA ATRIPICIFOLIA	RUSSIAN SAGE	72	#01 CONT. / 1.2M O.C. SPACING
<b>NATIVE SHRUBS, PERENNIALS &amp; GRASSES</b>			
ACER GLABRUM	DOUGLAS MAPLE	25	#01 CONT.
CORNUS SERICEA	RED OSIER DOGWOOD	40	#01 CONT.
MAHONIA AQUIFOLIUM	TALL OREGON GRAPE	55	#01 CONT.
ROSA NATIVA	NATIVE ROSE	25	#01 CONT.
SYMPHORICARPOS ALBA	SNOWBERRY	45	#01 CONT.



PROJECT TITLE

**CREEKSIDE TERRACES**

KELOWNA BC

DRAWING TITLE

**CONCEPTUAL  
LANDSCAPE PLAN**

ISSUED FOR REVIEW

NO.	DATE	REVISION
1	08/10/21	Development Permit
2	11/02/21	Review
3		
4		
5		

PROJECTIVE	INCHES
GRAPH BY	FR
DRAWN BY	NO
CHECKED BY	FR
DATE	MAY 28, 2017
SCALE	1:200

SCALE



DRAWING NUMBER

**L1/2**

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# SCHEDULE

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# DP16-0249

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Kelowna, BC V1Y 4P2  
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## WATER CONSERVATION CALCULATIONS

LANDSCAPE MAXIMUM WATER BUDGET (WB) = 616 cu.m. / year  
ESTIMATED LANDSCAPE WATER USE (WU) = 409 cu.m. / year  
WATER BALANCE = 207 cu.m. / year  
\*REFER ATTACHED IRRIGATION APPLICATION FOR DETAILED CALCULATIONS

## IRRIGATION NOTES

1. IRRIGATION PRODUCTS AND INSTALLATION METHODS SHALL MEET OR EXCEED THE REQUIREMENTS OF THE WATER USE REGULATION BYLAW NO. 15488 AND THE SUPPLEMENTARY SPECIFICATIONS IN THE CITY OF KELOWNA BYLAW 7900 (PART 4, SCHEDULE 5).
2. THE IRRIGATION SYSTEM SHALL MEET THE REQUIREMENTS, REGULATIONS, AND BYLAWS OF THE WATER PURVEYOR.
3. THE IRRIGATION SYSTEM SHALL BE EQUIPPED WITH AN APPROVED BACKFLOW PREVENTION DEVICE, WATER METER, AND SHUT OFF VALVE LOCATED OUTSIDE THE BUILDING ACCESSIBLE TO THE CITY.
4. AN APPROVED SMART CONTROLLER SHALL BE INSTALLED. THE IRRIGATION SCHEDULING TIMES SHALL UTILIZE A MAXIMUM ET VALUE OF 7 / MONTH (KELOWNA JULY ET), TAKING INTO CONSIDERATION SOIL TYPE, SLOPE, AND MICROCLIMATE.
5. DRIP LINE AND EMITTERS SHALL INCORPORATE TECHNOLOGY TO LIMIT ROOT INTRUSION.
6. IRRIGATION SLEEVES SHALL BE INSTALLED TO ROUTE IRRIGATION LINES UNDER HARD SURFACES AND FEATURES.
7. IRRIGATION PIPE SHALL BE SIZED TO ALLOW FOR A MAXIMUM FLOW OF 1.5m / SEC.
8. A FLOW SENSOR AND MASTER VALVE SHALL BE CONNECTED TO THE CONTROLLER AND PROGRAMMED TO STOP FLOW TO THE SYSTEM IN CASE OF AN IRRIGATION WATER LEAK.

## IRRIGATION LEGEND

- ZONE #1: LOW VOLUME POP-UP SPRAYHEADS FOR TURF AREAS  
TOTAL AREA: 76 sq.m.  
MICROCLIMATE: SOUTH EXPOSURE, FULL SUN  
ESTIMATED ANNUAL WATER USE: 109 cu.m.
- ZONE #2: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS  
TOTAL AREA: 187 sq.m.  
MICROCLIMATE: EAST EXPOSURE  
ESTIMATED ANNUAL WATER USE: 104 cu.m.
- ZONE #3: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS  
TOTAL AREA: 73 sq.m.  
MICROCLIMATE: EAST EXPOSURE, PARTIALLY SHADED BY TREES  
ESTIMATED ANNUAL WATER USE: 41 cu.m.

- ZONE #4: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS  
TOTAL AREA: 91 sq.m.  
MICROCLIMATE: SOUTH EXPOSURE, PARTIALLY SHADED BY TREES  
ESTIMATED ANNUAL WATER USE: 51 cu.m.
- ZONE #5: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS  
TOTAL AREA: 33 sq.m.  
MICROCLIMATE: WEST EXPOSURE, PARTIALLY SHADED BY TREES  
ESTIMATED ANNUAL WATER USE: 18 cu.m.
- ZONE #6: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS  
TOTAL AREA: 136 sq.m.  
MICROCLIMATE: SOUTH EXPOSURE, FULL SUN  
ESTIMATED ANNUAL WATER USE: 87 cu.m.



PROJECT TITLE

**CREEKSIDE TERRACE**

City Name: BC

DRAWING TITLE

**WATER CONSERVATION  
/ IRRIGATION PLAN**

REVISED FOR REVIEW	DATE	DESCRIPTION
1	10/12/21	Development Form
2	17/12/21	Revised
3		
4		
5		

PROJECT NO.	16065
DESIGNED BY	PH
DRAWN BY	NDS
CHECKED BY	PH
DATE	MAY 28, 2017
SCALE	1:200

SEAL



DRAWING NUMBER

**L2/2**

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**CITY OF KELOWNA**

**MEMORANDUM**

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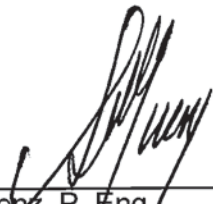
**Date:** November 21, 2016  
**File No.:** DP16-0249  
**To:** Community Planning (TB)  
**From:** Development Engineering Manager (SM)  
**Subject:** 4609 Lakeshore Road

---

The Development Engineering comments and requirements regarding this Development Permit application are as follows:

**1. General.**

- a) All the offsite infrastructure and services upgrades are addressed in the Development Engineering Report under file Z16-0068.

---

Steve Muenz, P. Eng.  
Development Engineering Manager

SS

# REPORT TO COUNCIL



**Date:** January 21<sup>st</sup> 2019

**RIM No.** 1210-21

**To:** City Manager

**From:** Community Planning Department (AK)

**Application:** A18-0004 **Owner:** Albert and Elinor Van Beest

**Address:** 1251 McKenzie Road **Applicant:** City of Kelowna

**Subject:** Application to the ALC to Subdivide Land within the Agricultural Land Reserve

Existing OCP Designation: Resource Protection Area (REP) and Single/Two Unit Residential (S2RES)

Existing Zone: A1 – Agriculture 1

---

## 1.0 Recommendation

THAT Agricultural Land Reserve Application No. A18-0004 for Lot B, Sections 24 and 25 Township 26, ODYD, Plan KAP74860 located at 1251 McKenzie Road, Kelowna, BC to subdivide land within the Agricultural Land Reserve, pursuant to Section 21(2) of the *Agricultural Land Commission Act*, be supported by Council, subject to the following:

- a) The entirety of the lot be included into the ALR in accordance with Section 17(3) of the *Agricultural Land Commission Act*; and
- b) An 8.3 ha environmentally sensitive portion of the subject parcel be transferred to the City of Kelowna as a condition of subdivision approval.

AND THAT Council directs staff to forward the subject application to the Agricultural Land Commission for consideration.

## 2.0 Purpose

To consider an application for subdivision of land within the Agricultural Land Reserve under Section 21(2) of the *Agricultural Land Commission Act*.

## 3.0 Community Planning

The City's Agriculture Plan and the Official Community Plan (OCP) recommend not supporting subdivision in the Agricultural Land Reserve (ALR) unless it provides a significant positive benefit to agriculture. The OCP promotes protection of environmentally sensitive areas. Community Planning staff support this proposal for a subdivision in the Agricultural Land Reserve (ALR) because of the potential to benefit

agriculture and protection of an environmentally sensitive area. Specifically, the potential benefits of this application are:

- A 2 ha (5 acre) portion of the property currently not located in the ALR is proposed to be included into the ALR.
- There is potential to put existing agricultural land that is not currently being farmed into production by creating a new 11.9 ha (29 acre) lot that could be sold to someone wishing to farm the land.
- There is an opportunity to protect an environmentally sensitive area and drainage course which would be transferred to the City for preservation and protection purposes.

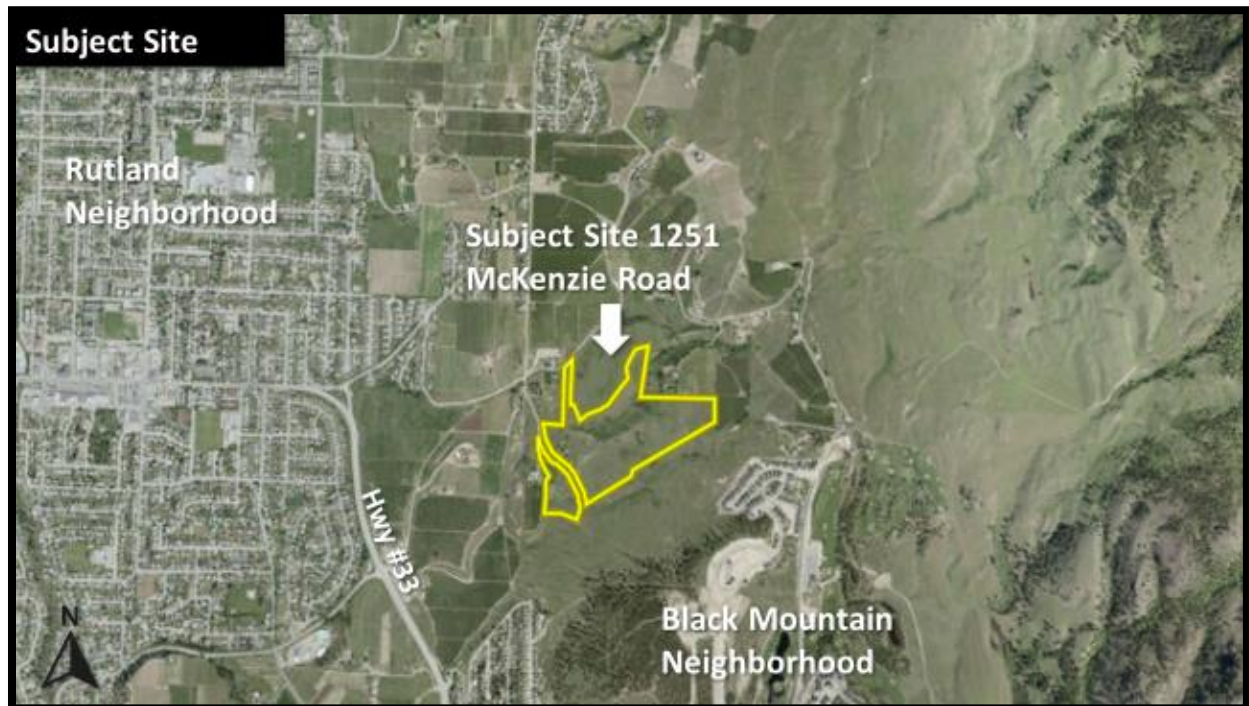
The ALR Regulation allows for biodiversity conservation, passive recreation, wildlife and scenery viewing as a permitted use in the ALR, and the use of a municipal park for the same purposes. Should the application be supported and approved by the Agricultural Land Commission (ALC), further municipal approvals would be required through Subdivision and Farm Protection Development Permit applications.

#### 4.0 Proposal

##### 4.1 Background

The subject property is zoned A1 – Agriculture 1. The property is approximately 23 ha (57 ac) in area and is mostly within the ALR. Approximately 2 ha (5 ac) of land in the southwest corner of the property is currently outside of the ALR and is designated for future single family residential development in the City's OCP. The property is a 'hooked lot' which is bisected by a road reserve that forms part of an adjacent property.

Approximately one quarter of the property contains significant ecological wetlands and a large gulley that has not historically been farmed. Current agriculture on the property includes about 70 cherry trees, eight apricot trees, and five walnut trees. Chickens, turkeys and horses are also raised on the property, and there are four small chicken coops, a horse shelter and corral, and several agricultural accessory structures.





#### 4.2 Proposed Subdivision

The application is to subdivide the property into three lots measuring 2.8 ha (6.9 ac), 8.3 ha (20.6 ac) and 11.9 ha (29.4 ac) as shown on the map below.

- Lot 1 (2.8 ha) shown in green is partially outside of the ALR and has a future land use designation of Single/Two Unit Residential (S2RES). The entirety of this lot is proposed to be included into the ALR. There is an existing single detached house on the property. This lot and the existing house on it would be retained by the current owners. There is also a second detached dwelling on this lot. To ensure ALC and Zoning Bylaw compliance of the proposed lot, a condition of subdivision approval would be that this dwelling be removed or decommissioned. At the subdivision stage a Development Variance Permit would be required as the proposed lot is 2.8 ha, which does not meet the minimum lot size of 4.0 ha required in the A1 zone.
- Lot 2 (8.3 ha) outlined in blue contains an environmentally sensitive gulley and wetland, it is proposed that this area be transferred to the City to be preserved as a natural area. There is an existing single detached house on the property. A life estate would be provided to the current occupants of the house with the existing house and associated structures on that lot to be removed once the owners pass away. No additional residential uses would be permitted on the lot.
- Lot 3 (11.9 ha) outlined in red contains the most arable land and is intended to be sold to a local farmer and envisioned to be put back into active agricultural production.



#### 5.0 Site Context

The majority of the subject property is designated Resource Protection Area (REP) in the OCP, meaning allowable uses are intended to be related to agriculture or open spaces on lands considered environmentally sensitive or hazardous. A 2 ha (5 acre) area near the southwest corner has a Future Land



Use designation of Single/Two Unit Residential (S2RES) and is located within the Permanent Growth Boundary. This area is proposed to be included into the ALR. If this area is included in the ALR the Future Land Use designation should be changed to REP as the OCP states land areas within this designation (whether they are within the Permanent Growth Boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations.

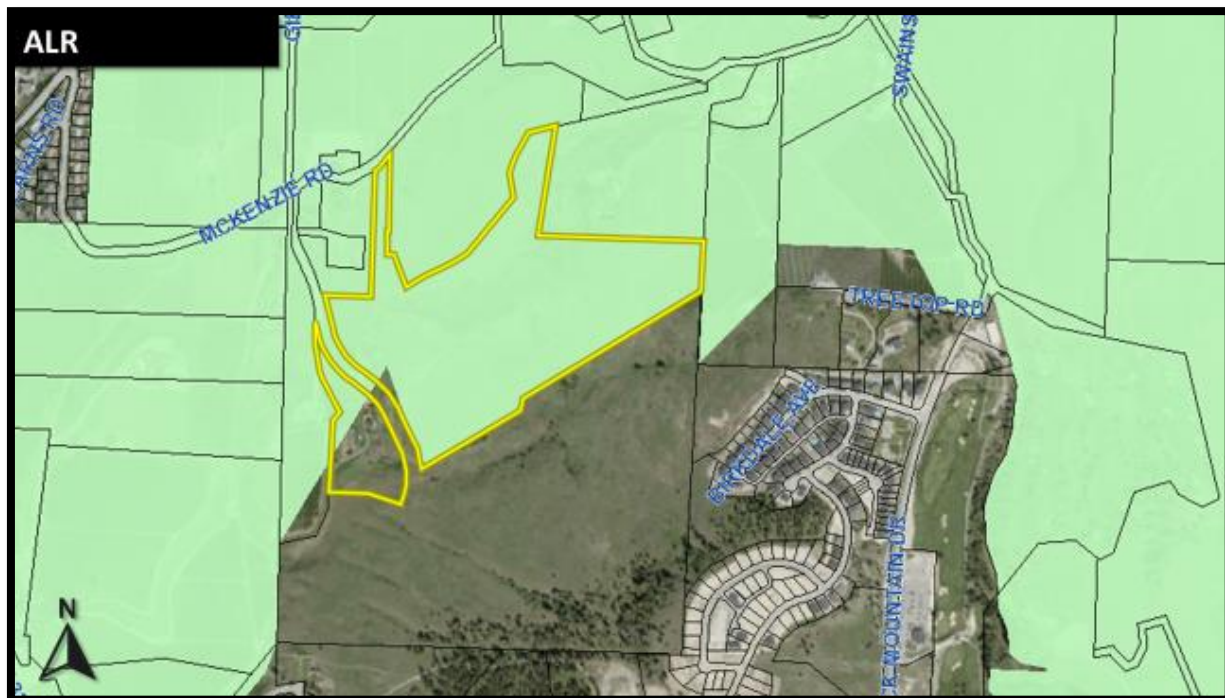
The subject property lies within the Belgo-Black Mountain City Sector and is mostly in the ALR. Land to the north, west, and east is located within the ALR and has a Future Land Use designation of REP. The land to the south of the subject site is outside of the ALR, is designated for future single family residential development, and is located within the permanent growth boundary.

Adjacent land uses are as follows:

Direction	Zoning	ALR	Land Use
North	A1 – Agriculture 1	Yes	Agriculture / Open Field
East	A1 – Agriculture 1	Yes	Agriculture / Natural Area / Residences
South	A1 – Agriculture 1	No	Agriculture / Open Field (designated S2RES)
West	A1 – Agriculture 1	Yes	Agriculture / Residence

#### 5.1 Agricultural Farming Availability

The majority of the property is located in the Agricultural Land Reserve. The Agricultural Land Use Inventory identifies the majority of the property as being available and having potential for farming, with the exception of the steep slopes and existing structures.



## 5.2 Agricultural Potential

The Land Capability Classification for Agriculture in BC Manual published by the Ministry of Agriculture identifies that approximately 67% of the subject property has a Class 4 or 5 agricultural land capability, most of which can be improved to Class 1 or 2 with irrigation. The bottom of the gulley and part of the southwest portion of the property have excess water deficiencies. With drainage improvements they could be Class 4 with excess water and fertility deficiencies.

The agricultural capability of the land to be included into the ALR is deemed Class 6, a portion of which could be improved to Class 4. Class 6 land can provide sustained natural grazing for livestock but generally isn't suitable for cultivation. Class 4 land is generally suitable for some crops provided special farm management practices related to tillage, planting and harvesting are followed. A portion of this land is currently being used for animal paddocks.

## 5.3 Environmental Values

The majority of the area to be transferred to the City for environmental protection is identified in the OCP as being located in the 'Natural Environment Development Permit Area'. This is because of its environmental significance as habitat for fish and wildlife and its vital function in natural water storage and flood protection.

## 6.0 Agricultural Advisory Committee July 12<sup>th</sup> 2018

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on July 12<sup>th</sup> 2018 and the following recommendations were passed:

*THAT the Agricultural Advisory Committee recommends that Council **Support** Agricultural Land Reserve Application No. A18-0004 for the property located at 1251 McKenzie Road to request permission from the Agricultural Land Commission for a "Subdivision of Agricultural Land Reserve" under Section 21 (2) of the Agricultural Land Commission Act.*

Anecdotal comments were that the Agricultural Advisory Committee commended the applicant for protecting the environmental qualities and seeking to enhance the agricultural value of the properties, including the inclusion of land into the ALR, making it more practical to acquire and use the farmable portion of the property.

**Report prepared by:** Alex Kondor, Planner Specialist

**Reviewed by:** Laura Bentley, Community Planning Supervisor

**Approved for Inclusion by:** Ryan Smith, Community Planning Department Manager

### Attachments:

Schedule A: Policies

Schedule B: Technical Comments

Schedule C: Proposed Subdivision Plan

# SCHEDULE A - Policies



**Subject:** 1251 McKenzie Road, A18-0004 – Application for Subdivision in the ALR

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## **1.1 City of Kelowna Agriculture Plan (2017)**

Action 1.3e - Update zoning bylaw subdivision regulations to increase the minimum lot size in the ALR from 2.0 ha to 4.0 ha in order to create a consistent minimum lot size of 4.0 ha for all of the A1 zone.

## **1.2 Kelowna Official Community Plan (OCP)**

### **Chapter 4: Future Land Use**

#### **Resource Protection Area**

Generally, land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of park/recreation uses.

#### **Permanent Growth Boundary**

Lands within the permanent growth boundary may be considered for urban uses within the 20 year planning horizon ending 2030. Lands outside the permanent growth boundary will not be supported for urban uses.

### **Chapter 5: Development Process**

#### **Objective 5.15 Ensure environmentally sustainable development.**

**Policy .7 Protection Measures.** Protect and preserve environmentally sensitive areas using one or more of the following measures, depending on which measures are appropriate to a given situation:

- Dedication as a City park or trail where the area complements the goals and objectives of sustainable development. ESAs acquired as parks or trails will be managed to protect their sensitive features in balance with public use;
- Return to Crown Land or covenant for conservation purposes with the City, the Province and/or a nongovernmental organization (e.g. Central Okanagan Land Trust) eligible to hold Conservation Covenants;
- Some form of development incentive (density transfer, cluster housing, etc.) that will facilitate the protection of all or significant portions of ESAs;
- Protection of ESAs or portions of ESAs as an amenity contribution when new development requires a change to zoning that in-crases density over present zoning;
- Ensure setbacks on adjacent developments are adequate to maintain the integrity of the ESA and to minimize hazards created at the interface between natural areas and development. For example, ensure housing is setback an adequate distance adjacent to an interface area with potential tree, rockfall, flooding or fire hazards;
- As a last option, dedication to a land trust or similar nongovernment organization for conservation purposes.

## **Agricultural Land Use Policies**

### **Objective 5.33 Protect and enhance local agriculture.**

**Policy .1 Protect Agricultural Land.** Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

**Policy .7 Subdivision.** Maximize potential for the use of farmland by not allowing the subdivision of agricultural land into smaller parcels (with the exception of Homesite Severances approved by the ALC) except where significant positive benefits to agriculture can be demonstrated.

### **1.3 Agricultural Land Commission Act (ALCA)**

Purposes of the commission – Section 6 of the ALCA

The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest;
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

### **1.4 Agricultural Land Reserve Use, Subdivision and Procedure Regulation (ALR Regulation)**

Permitted uses for land in an agricultural land reserve – Section 3 of the ALR Regulation

- (f) biodiversity conservation, passive recreation, heritage, wildlife and scenery viewing purposes, if
  - (i) the area occupied by any associated buildings and structures does not exceed 100 m<sup>2</sup> for each parcel, and
  - (ii) the purpose does not include the creation of a wetland intended to manage urban runoff or waste;
- (g) use of an open land park established by a local government or treaty first nation government for any of the purposes specified in paragraph (f);

# SCHEDULE B – Technical Comments



**Subject:** 1251 McKenzie Road, A18-0004– Application for Subdivision in the ALR

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## **1.1 Interior Health**

This is a letter of comment re: City of Kelowna's consideration of application for subdivision in the ALR.

Interior Health has an interest in the preservation of farmland to support local agricultural capacity now and in the future. Agricultural capacity is a key aspect of local healthy food systems, contributing to our community's food security. Food systems determine how we choose food and what food we have access to. The food we eat is critical to our health. Land use decisions can influence use of agricultural land which can thereby impact the accessibility, quality and variety of food available to us. Having access to healthy and safe food helps to protect the population from chronic disease and infectious illnesses. In the interest of food security, we suggest the consideration of the following:

City of Kelowna policy states:

- Subdivision: Maximize potential for the use of farmland by not allowing the subdivision of agricultural land into smaller parcels except where significant positive benefits to agriculture can be demonstrated.

From a food security perspective, we cannot assess whether this subdivision proposal will offer a significant benefit to agriculture and potential benefits to the food system, community food security and health. But evidence shows that farmland preservation helps to maintain a level of food production that contributes to food self-sufficiency, and food self-sufficiency increases food security and supports healthy eating. Food self-sufficiency in BC is increasingly important, as extreme weather will affect food production in California and elsewhere. Currently, California supplies 40%-50% of BC's imported fruits and vegetables.

## **1.2 Black Mountain Irrigation District**

No comments provided at time of writing.

## **1.3 Ministry of Agriculture**

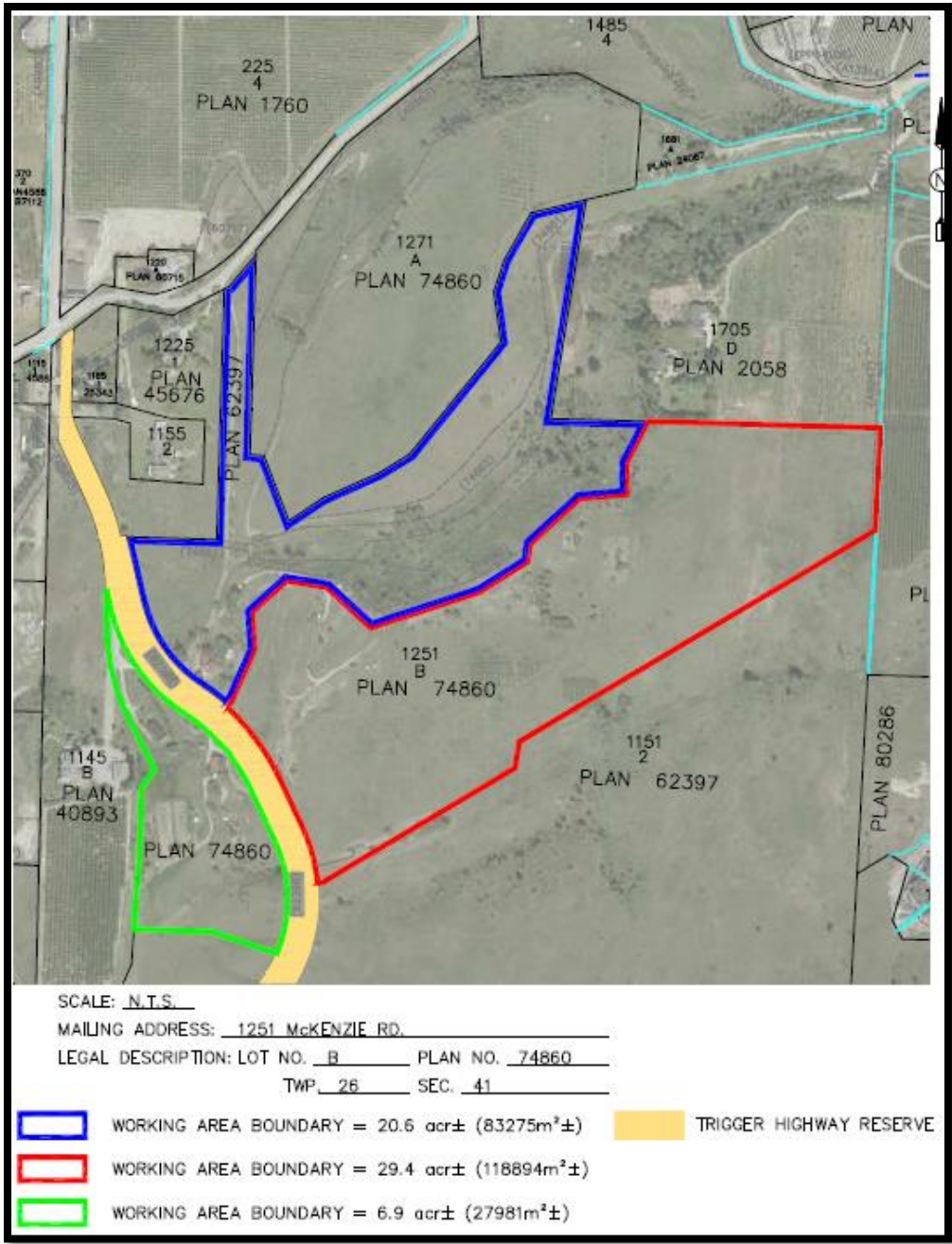
No comments provided at time of writing.



# SCHEDULE C – Proposed Subdivision Plan



Subject: 1251 McKenzie Road, A18-0004 Application for Subdivision in the ALR



# REPORT TO COUNCIL



**Date:** January 28, 2019

**RIM No.** 0940-00

**To:** City Manager

**From:** Community Planning Department (AK)

**Application:** DP18-0249

**Owner:** Kinnikinnik Development Inc.

**Address:** 1850 Hilltop Cr

**Applicant:** North American Property Group

**Subject:** Development Permit

Existing OCP Designation: MXT – Mixed Use Tourism

Existing Zone: CD18 – McKinley Beach Comprehensive Resort Development

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP18-0249 for Lot 6, Section 28 and 29, Township 23, ODYD, Plan EPP76020 located at 1850 Hilltop Crescent, Kelowna, BC subject to the following:

1. The dimensions and siting of the buildings to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the buildings to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

AND THAT Council's consideration of this Development Permit 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 January 28, 2019;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

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

## **2.0 Purpose**

To consider the form and character of a proposed development for 30 semi-detached dwelling units.

## **3.0 Community Planning**

Community Planning is recommending support for the proposed 30 unit semi-detached multiple housing project on the subject site. The application meets the Official Community Plan (OCP) Comprehensive Development Permit Area design guidelines and the proposal is compliant with the regulations of the CD18- McKinley Beach Comprehensive Resort Development zone.

The property is a vacant lot located in the McKinley Beach neighborhood. 30 dwelling units are proposed to be built in 15 duplex style buildings. The proposed development provides for a high urban design with wall projections, indentations and varied siding treatments to create visual interest and to articulate the building facades.

## **4.0 Proposal**

### **4.1 Background**

The subject property is a vacant lot recently created by subdivision as part of the 'Hilltown' phase of the McKinley Beach development. The property owners are now applying to develop 30 units of semi-detached housing on the vacant lot. The property is located within the Comprehensive Development Permit Area which means development on the site is subject to the urban design development permit guidelines found in Chapter 14 of the Official Community Plan.

### **4.2 Project Description**

The proposed development consists of 15 duplex style buildings. The duplex building format is meant to minimize the massing of the overall design and respect the topography of the site. The buildings are stepped into the slope. The required parking spaces are contained completely within the buildings inside attached garages. Visitor parking spaces are provided on the surface of the lot in several locations. The proposed building design is defined as the western contemporary style that already exists throughout the McKinley beach neighborhood. The building design incorporates a combination of flat and low sloping roofs with cantilevered, projecting forms and large private outdoor areas. Proposed material are 'Hardie' siding, stucco, metal and exposed wood. Glass railings and steel garage doors with translucent panels are meant to complement and complete the design aesthetic.

### **4.3 Site Context**

The subject property is located on Hilltop Crescent in the McKinley Beach neighborhood. The subject site and surrounding area are designated Mixed Use Tourism (MXT) in the OCP. The subject property and surrounding area are zoned CD18 the purpose of this zone is to provide for the development of a comprehensively planned multifaceted destination community having a variety of commercial and accommodation uses organized around a central lifestyle village. The subject site is located in the proposed village centre area of the developing neighborhood. The site is accessed from Hilltop Crescent in two locations meant to minimize cut and filling of the land. The proposed upper strata road is intended to connect to Lot 10 to the south in the future to allow for efficient traffic circulation and hillside road

construction. A pedestrian connection to the McKinley trail system is provided for from the lower strata road.

**Subject Property Map:**



**Current Development Policies**

**4.4 Kelowna Official Community Plan (OCP)**

**Comprehensive Development Permit Area Guidelines**

The proposed development is compatible with the objectives of the comprehensive development permit area found in Section 14.1 of the OCP. Specifically, the development provides for a high urban design standard with pedestrian linkages and the layout respects the sloping topography the site. The development incorporates many of the design guidelines found in Section 14.3 of the OCP including incorporating materials that relate to the character and context of the surrounding neighborhood; provides generous outdoor spaces through the use of large balconies to allow residents to benefit from the favorable Okanagan weather; is sensitive to and compatible with the massing of the future streetscape; includes wall projections and indentations, windows and siding treatments as well as varied material textures to create visual interest and to articulate building facades; and uses exterior building materials selected for their functional and aesthetic quality.



Conceptual Building Elevation:



## 5.0 Technical Comments

### 5.1 Building & Permitting Department

- Any retaining walls or slope stability to platform the building sites are required to be designed by a geotechnical engineer. Locations of rock pits to clearly determined on site grading plans and comment for design should be provided in the geotechnical report. Roof water disposal to be determined by geotechnical engineer. Any sloped areas above the building platform should have a drainage swale system before the property line to deal with potential overland water flows issues.

### 5.2 Development Engineering Department

- All the offsite infrastructure and services upgrades are addressed in the Subdivision Engineering Report under file S17-0014

### 5.3 Fire Department

- Approved Construction fire safety plan required prior to construction and updated as required. Fire Department access is to be met as per BCBC 3.2.5. and 5.6.1.4 BCFC. Ensure the hammerhead is appropriate for FD access. Addressing with lane access becomes difficult for emergency services. Perhaps one main address with unit numbers. Provide protection from adjacent building that would be exposed to fire originating from building under construction. BCFC 5.6.1.2. Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met. Hydrants to be operational prior to construction start



## **6.o Application Chronology**

Date of Application Received: October 10<sup>th</sup> 2018

Date Public Consultation Completed: N/A

**Prepared by:** Alex Kondor, Planning Specialist

**Reviewed by:** Dean Strachan, Suburban and Rural Planning Manager

**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

### **Attachments:**

Attachment 1 – Draft Development Permit DP18-0249

Schedule A – Site Plan

Schedule B – Elevations

Schedule C – Landscape Plan

# Attachment 1: Hilltop Cr, 1850, DP18-0249

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## Development Permit DP18-0249



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This permit relates to land in the City of Kelowna municipally known as:

1850 Hilltop Crescent

and legally known as:

for Lot 6, Section 28 and 29, Township 23, ODYD, Plan EPP76020

and permits the land to be used for the following development:

Semi-detached Housing

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.

Date of Council Decision                      January 28<sup>th</sup> 2019

Decision By:                                      COUNCIL

Development Permit Area:                  Comprehensive Development Permit Area

**This permit will not be valid if development has not commenced by January 28th, 2021.**

Existing Zone:    CD18                              Future Land Use Designation:              MXT – Mixed use Tourism

### **This is NOT a Building Permit.**

In addition to your Development Permit, a Building Permit may be required prior to any work commencing. For further information, contact the City of Kelowna, Development Services Branch.

### **NOTICE**

This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Owner:                      Kinnikinnik Developments Inc.

Applicant:                  North American Property Group

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Ryan Smith  
Community Planning Department Manager  
Community Planning & Strategic Investments

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Date

## 1. SCOPE OF APPROVAL

This Development 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 Development 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 Development 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.

## 2. CONDITIONS OF APPROVAL

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
- c) Landscaping to be provided on the land be in accordance with Schedule "C"; and
- d) The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect.

This Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

## 3. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer 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 enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property own of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

- a) An Irrevocable Letter of Credit in the amount of **\$112,202.50**

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

## 5. INDEMNIFICATION

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

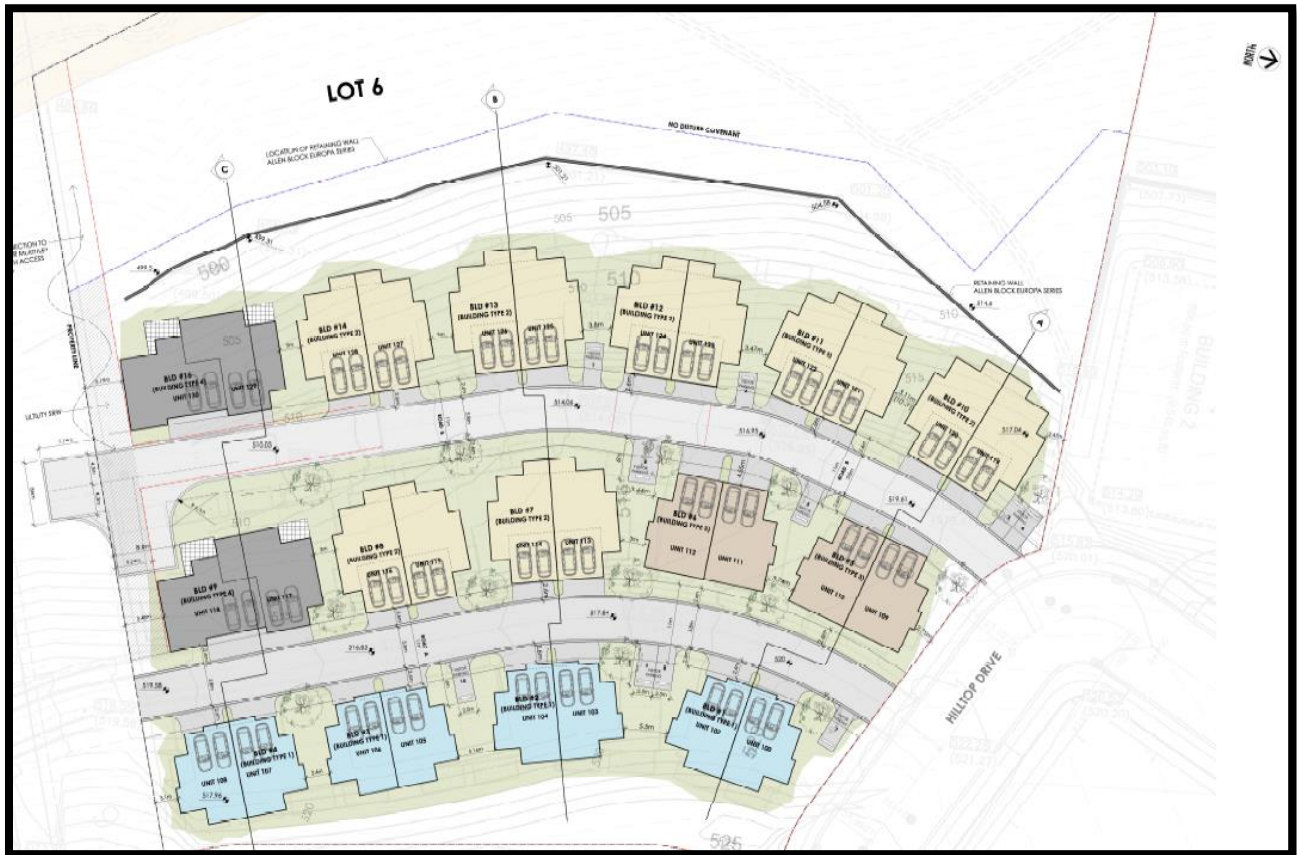
- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.

All costs, expenses, claims that may be incurred by the Municipality where the construction, 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.

**The PERMIT HOLDER is the CURRENT LAND OWNER.  
Security shall ONLY be returned to the signatory of the  
Landscape Agreement or their designates.**

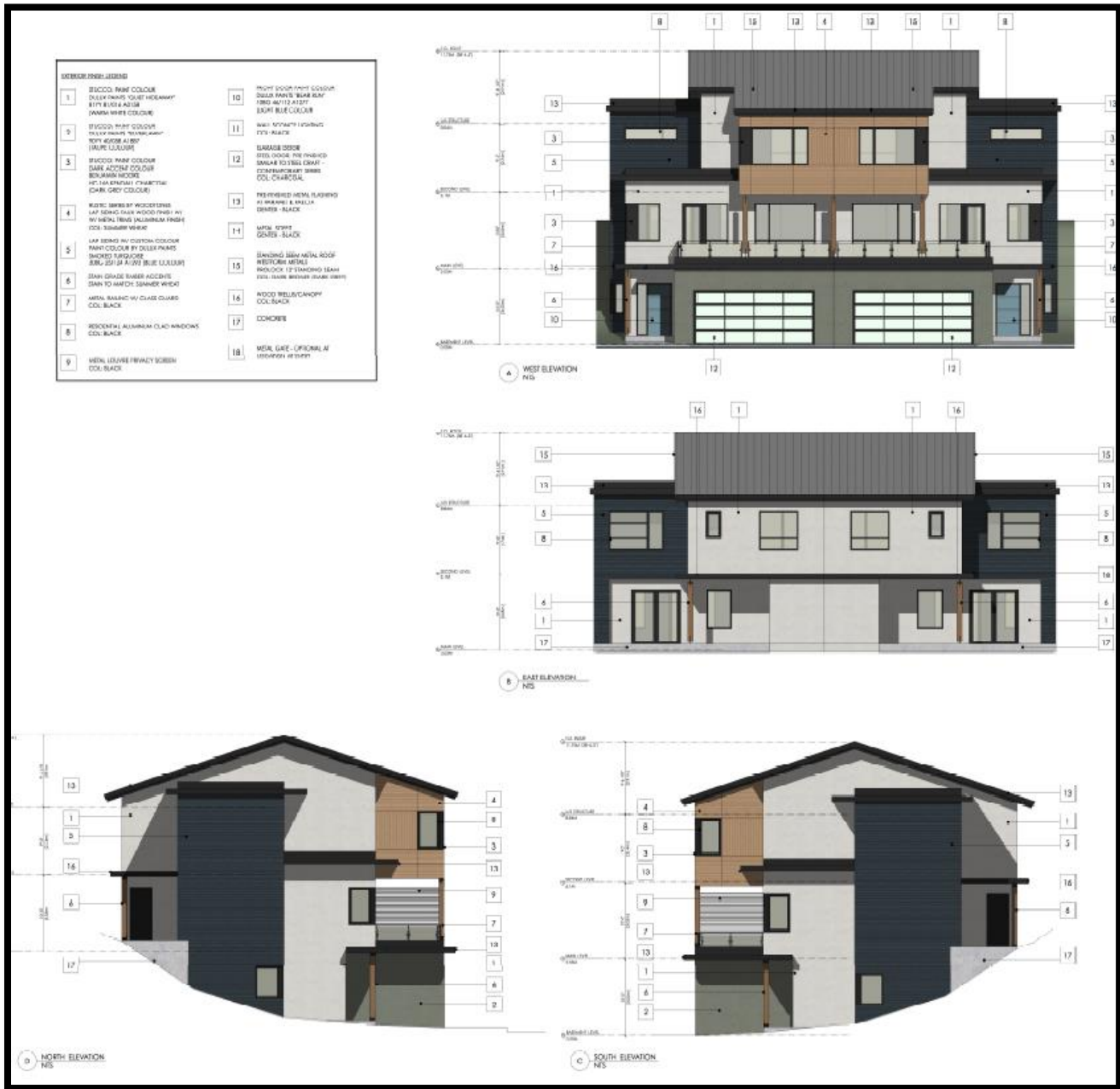
# SCHEDULE A – Site Plan

Subject: DP18-0249



## SCHEDULE B – Elevations

**Subject:** DP18-0249

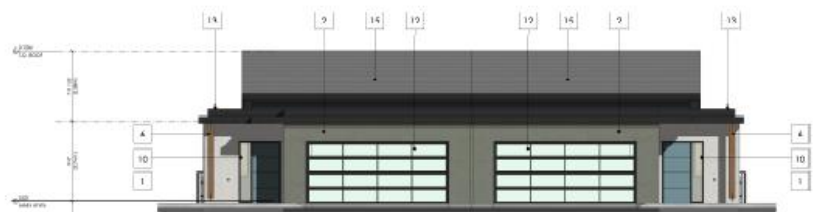




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DESIGNER'S SPECIFICATIONS	
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# SCHEDULE C – Landscape Plan

Subject: DP18-0249



# Report to Council



**Date:** January 21, 2019  
**File:** 1850-70  
**To:** City Manager  
**From:** Transportation Engineering Manager  
Prepared by: Fred Wollin, Transportation Engineering Specialist  
**Subject:** Budget Amendment, ICBC Road Improvement Program

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## **Recommendation:**

THAT Council receives, for information, the report from the Transportation Engineering Specialist dated January 21, 2019 with respect to the ICBC Road Improvement Program;

AND THAT the 2018 Financial Plan be amended to include \$162,300 ICBC Road Improvement Program Contributions related to the receipt of grant funding from the ICBC Road Safety Improvement Program as outlined in the report from the Transportation Engineering Specialist dated January 21, 2019.

## **Purpose:**

To amend the 2018 Financial Plan to reflect ICBC's Road Safety Improvement Program contributions.

## **Background:**

Each year the City invests in capital projects to maintain and improve the City's road network. Projects that have the potential to improve road safety or reduce collisions are identified by staff and submitted to ICBC for consideration under ICBC's Road Safety Improvement Program. The ICBC Road Improvement Program contributes funds to road projects, completed by municipalities, that are projected by ICBC to result in reduced future collisions. The City has been a partner in the ICBC Road Improvement Program for over 20 years.

For projects completed in 2018, the City has received \$162,300 in ICBC funding. As this amount exceeds the Budget Amendment threshold of \$50,000, it requires Council's approval to receive and transfer the funds to the projects as listed below.

### Project Transfer List

Project Name	Project Code	ICBC Contribution Budget Amendment
Gordon Dr Bellevue Creek Cyclist Signs	208546	\$6,000
Roundabout Planning Study	8069	\$10,000
Bernard Ave Bike Lanes (Ethel to Lakeview)	208555	\$16,100
Rails With Trails Pathway – Various Street Crossing Improvements	208542	\$44,100
Pandosy St Sidewalk (Birch to McKay)	336301	\$7,400
Lakeshore Buffered Bike Lanes	313817	\$500
Hollywood Buffered Bike Lanes	313817	\$1,100
Doyle & Richter Half Signal and Bike Lane Improvement	3145	\$19,600
Rutland Transit Exchange (Shephard Road connection and traffic signal at Rutland Rd)	219806	\$11,100
Burtch & Lawrence Pedestrian Crosswalk Activated Flashers	3358	\$2,500
Richter N. of Lanfranco Pedestrian Crosswalk Activated Flashers	3358	\$16,400
Rutland & Benchview Pedestrian Crosswalk Activated Flashers	3362	\$2,500
UBCO / Academy Way Pedestrian Bridge over John Hindle	3368	\$25,000
<b>Total ICBC Road Improvement Program Funding Contributions – 2018</b>		<b>\$162,300</b>

#### Internal Circulation:

Divisional Director, Infrastructure  
Financial Planning Manager  
Infrastructure Administration Manager  
Integrated Transportation Manager  
Budget Supervisor

#### Considerations not applicable to this report:

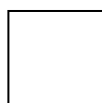
Alternate Recommendation:  
Communications Comments:  
Existing Policy:  
External Agency/Public Comments:  
Financial/Budgetary Considerations:  
Legal/Statutory Authority:  
Legal/Statutory Procedural Requirements:  
Personnel Implications:

Submitted by:

Gordon Foy, Transportation Engineering Manager

Reviewed & approved by: R. Villarreal, Department Manager, Integrated Transportation

Approved for inclusion:



Alan Newcombe, Divisional Director, Infrastructure



cc: Divisional Director, Infrastructure  
Divisional Director, Financial Services  
Financial Planning Manager

# Report to Council



**Date:** January 21, 2019  
**File:** 1890-10  
**To:** City Manager  
**From:** Divisional Director, Infrastructure  
**Subject:** Alta Vista Road Water Utility Project to be Cancelled and Budget Transferred  
Report Prepared by: Brian Beach, Infrastructure Delivery Department Manager

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## **Recommendation:**

THAT Council receives for information, the report from the Infrastructure Division Director dated January 21, 2019 regarding the cancellation of the Alta Vista Road Water Main project and the transfer of the remaining budget to the Vintage Terrace PRV Water project;

AND THAT the 2018 Financial Plan be amended to include the project cancellation and transfer of budget as outlined in the Alta Vista Road Water Main project report from the Infrastructure Division Director, dated January 21, 2019.

## **Purpose:**

To cancel the Alta Vista Road Water Utility project and transfer budget to the Vintage Terrace PRV Water Utility project to meet financial commitments for completed works.

## **Background:**

The Vintage Terrace Pressure Reducing Valve (PRV) project is the first stand-alone above ground PRV installation for the Kelowna Water Utility. It has been determined that all future PRV installations (where possible) will be constructed above ground in a metal kiosk or building rather than in an underground vault. This will avoid confined space safety issues as mandated by WorkSafeBC and will make operational tasks more efficient and cost effective.

Being the first such installation, additional investment was made to create and optimize the standard design and construction specifications, which will apply to all future installations. Also, there were changes made to locate the kiosk away from residential frontage and complete missing sections of watermain and sidewalk, as part of the work. The budget shortfall is estimated at \$108,900.

For the Alta Vista Road Water Main upgrading project, this was a lower priority carryover project from 2017. Due to cost escalations in the industry, it is expected that the current budget will not be sufficient to complete the work. Therefore, it is requested that budget be transferred and the project cancelled. The project will be brought back after a budget review in a future budget year.

**Financial/Budgetary Considerations:**

It is requested that the 2018 Financial Plan be amended to include the cancellation of the Alta Vista Water Main Replacement project and the transfer of remaining budget to the Vintage Terrace PRV project. The remaining budget shortfall of approximately \$3,000 will be transferred from the Lawrence Avenue Water Main Replacement (project 3398) which was completed under budget.

*Summary of Estimated Budget Transfer Requirements*

	<u>Budget Shortfall</u>
Vintage Terrace PRV (#3305)	\$ 108,900

*Funding Sources:*

	<u>Available Budget</u>
Alta Vista Water Main Replacement (#3256) - Cancelled	\$ 106,000
Lawrence Avenue Water Main Replacement (#3398) – Transfer	\$3,000

**Internal Circulation:**

Divisional Director, Infrastructure  
Financial Planning Manager  
Department Manager, Utilities Planning  
Department Manager, Infrastructure Administration  
Budget Supervisor

**Considerations not applicable to this report:**

Personnel Implications:  
Legal/Statutory Authority:  
Legal/Statutory Procedural Requirements:  
Existing Policy:  
External Agency/Public Comments:  
Communications Comments:  
Alternate Recommendation:

Submitted by:

Brian Beach, Department Manager, Infrastructure Delivery

**Approved for inclusion:**



A. Newcombe, Divisional Director, Infrastructure

cc: Divisional Director, Infrastructure  
Divisional Director, Financial Services



# Report to Council



**Date:** January 21, 2019  
**File:** 1850-30  
**To:** City Manager  
**From:** Transit and Programs Manager  
**Subject:** Draft response to provincial inquiry into transportation network services  
Prepared by: Matt Worona, Active Transportation Coordinator

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## **Recommendation:**

THAT Council receive, for information, the report from the Transit and Programs Manager, dated January 21, 2019 regarding response to the call for written submissions from the Select Standing Committee on Crown Corporations inquiry into transportation network services (ride hailing services) in BC;

AND THAT Council authorize the proposed response to the Select Standing Committee on Crown Corporations inquiry.

## **Purpose:**

To receive Council approval of the proposed response to the request for feedback from the Select Standing Committee on Crown Corporations inquiry into transportation network services (ride hailing services) in BC.

## **Background:**

On November 27, 2018, the Legislative Assembly of British Columbia authorized the all-party Select Standing Committee on Crown Corporations to conduct an inquiry into transportation network services (ride hailing services).

Correspondence received December 18, 2018 invited Kelowna Mayor and Council to provide a written submission focused on any or all of the following four questions:

- What criteria should be considered when establishing boundaries?
- How should regulations balance the supply of service with consumer demand, including the application of the Passenger Transportation Board's current public convenience and necessity regime as it pertains to transportation network services?



- What criteria should be considered when establishing price and fare regimes that balance affordability with reasonable business rates of return for service providers?
- What class of drivers' license should be required for ride-hailing drivers to ensure a robust safety regime without creating an undue barrier for drivers?

City Council sent a letter to the Committee on January 15, 2018 on its initial inquiry into transportation network services (ride hailing services), outlining Council's formal position. The current proposed response (attached), as prepared by staff, essentially restates Councils' position, providing more detailed opinion on boundaries, class of license, and pricing as requested.

A copy of the previous letter can be viewed at:

<https://www.leg.bc.ca/content/CommitteeDocuments/41st-parliament/2nd-session/CrownCorporations/submissions/CityofKelowna.pdf>

The submission must be received by the Standing Committee no later than February 1, 2019.

**Internal Circulation:**

Divisional Director, Infrastructure  
Commutations consultant  
Corporate communications manager

**Considerations not applicable to this report:**

Financial/Budgetary Considerations:  
Legal/Statutory Authority:  
Legal/Statutory Procedural Requirements:  
Existing Policy:  
Personnel Implications:  
External Agency/Public Comments:  
Communications Comments:  
Alternate Recommendation:

Submitted by:



Jerry Dombowsky, Transit and Programs Manager

Approved by, Rafael Villarreal, Manager, Integrated Transportation Department

**Approved for inclusion:**



A. Newcombe, Divisional Director, Infrastructure

Attachments: City of Kelowna ride-hailing response.pdf  
cc: Divisional Director, Infrastructure



Via email: [CrownCorporationsCommittee@leg.bc.ca](mailto:CrownCorporationsCommittee@leg.bc.ca)

Select Standing Committee on Crown Corporations  
c/o Parliamentary Committees Office  
Room 224, Parliament Buildings  
Victoria, BC V8V 1X4

**Draft**

Dear Sir or Madam,

On behalf of Kelowna City Council, I am pleased to provide input for the Select Standing Committee on Crown Corporations latest inquiry into ride-hailing services. Council sent a letter to the Committee on Jan. 15, 2018, in its initial investigation into ride-hailing.

The Committee's current Terms of Reference for this inquiry specifies that they may only consider input on four areas of passenger directed vehicle regulation. As such, we have prepared our response to each of the questions for your review below.

We are interested in ride-hailing regulation flexible enough to meet variable demand in the passenger transportation market while delivering a safe transportation option to our residents and visitors. The City of Kelowna supports the introduction of Transportation Network Companies (TNC) that facilitate ride-hailing, as it aligns with the City's goals to reduce car dependency, increase mobility options, reduce the need for parking, lower impaired driving rates, and prepare the City for new mobility and technology change in transportation.

**What criteria should be considered when establishing boundaries?**

Taxis in Kelowna have boundaries that reach as far as 90 kilometres from Kelowna's downtown. These boundaries are so broad that they are irrelevant for regular taxi operation within Kelowna or any neighbouring municipality. This flexibility to serve the entire region unrestrained by boundaries should extend to ride-hailing service providers. Drivers should be free to cross municipal boundaries to pick up and drop off passengers.

**How should regulations balance the supply of service with consumer demand, including the application of the Passenger Transportation Board's current public convenience and necessity regime as it pertains to transportation network services?**

In the past, jurisdictions chose to limit taxi licenses to ensure every taxi owner was able to make a living with the fares available to them. Unfortunately, taxi demand is not static throughout the day. Demand spikes at specific times. As a result, regulations should be flexible to ensure supply can be increased and lowered to meet variable demand for the service. No jurisdiction in Canada, whether at the provincial or municipal level, controls the number of drivers on a TNC network. Capping the number of drivers runs counter to serving to the demand of the market. Locally, there is tremendous variability in need for transportation services across the day, between weekday and weekend, and seasonally.

The impact of a cap on the number of drivers, as is proposed in the updated Passenger Transportation Act, would result in an undersupply of service at peak times. Limiting the number of vehicles available ensures the taxi system is unable to meet the demand when residents need them the most. The reliability of service is especially critical concerning late evening service and providing options to curb impaired driving<sup>i</sup>.

There has been no change proposed to the method by which the Passenger Transportation Board issues new passenger directed vehicle licenses. At present, applicants need to prove the need for the service and while “promot[ing] sound economic conditions in the passenger transportation business.” Current license holders can challenge applications for any new license on that basis. If the benchmark for becoming a new competitor in the passenger transportation business is that the additional services don't harm other operators, then it is unlikely TNCs will be granted licenses under this framework.

**What criteria should be considered when establishing price and fare regimes that balance affordability with reasonable business rates of return for service providers?**

Controls on pricing should be as flexible as possible for ride-hailing services. To compete fairly, taxis should be able to respond with similar price adjustments for rides hailed through a mobile application. In preliminary work to understand the impact of TNCs such as Uber and Lyft, the City examined the ways other municipalities are permitting this new service for their citizens. Some are experimenting by using TNC service as a supplement or replacement to transit in areas where the built environment doesn't support efficient transit service<sup>ii</sup>. These experiments have little bearing on larger cities, but mid-size and smaller communities have the potential to deliver more transportation service for a similar or lower cost than the traditional fixed-route/fixed-schedule transit models. These opportunities could enable the City to address future transportation challenges. There is a future opportunity to complement or deliver public transportation services in some areas more responsively and efficiently through the unique application of TNC services. Pricing policy must not limit TNC's ability to enter the traditional transit field.

**What class of drivers' license should be required for ride-hailing drivers to ensure a robust safety regime without creating an undue barrier for drivers?**

In 2017, both the Province and the BC Legislature took steps to consult with key stakeholders and set the direction for ride-hailing legislation. These separate government processes, one conducted by Hara Associates<sup>iii</sup> and one by the Select Standing Committee on Crown Corporations<sup>iv</sup>, both had wide-reaching consultation and delivered the same recommendation with regards to licensing for TNC drivers. They both chose to require Class 5 licenses with options to layer additional non-license requirements for drivers if deemed necessary.

We agree that the appropriate license is Class 5. Selecting this license class will ensure drivers are available on an as-needed basis. This benefit is especially salient when considering the few differences that separate Class 4 and Class 5 license holders. Other than some additional training and medical screening, the most significant barrier to holding this license is the requirement of having to have been a driver in BC for two years as well as the increased time and cost associated with carrying the license. Requiring a Class 4 (commercial) license will negatively impact the availability of service at peak times.

As discussed within the Hara Report<sup>iii</sup>, key recommendations of which the Ministry of Transportation and Infrastructure adopted<sup>v</sup>, installing a Class 4 commercial license as the minimum will have the

secondary effect of unfairly impacting young people and new immigrants from countries that don't qualify for reciprocal license exchange. They would need to wait two years before driving a taxi or providing ride-hailing service even if similar training could be completed outside of the licensing regime considerably quicker.

Thank you for accepting our feedback, and we look forward to future correspondence.

Sincerely on behalf of City Council,

Colin Basran  
MAYOR

Previous Letter: <https://www.leg.bc.ca/content/CommitteeDocuments/41st-parliament/2nd-session/CrownCorporations/submissions/CityofKelowna.pdf>

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<sup>i</sup> Peck, Jessica Lynn. "New York City Drunk Driving After Uber" *CUNY Academic Works*, CUNY Graduate Center, Jan. 2017, [academicworks.cuny.edu/cgi/viewcontent.cgi?article=1012&context=gc\\_econ\\_wp](http://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1012&context=gc_econ_wp).

<sup>ii</sup> Livingston, Mallory, et al. "Partners in Transit: A Review of Partnerships between Transportation Network Companies and Public Agencies." Depaul University, DePaul's College of Liberal Arts and Social Sciences (LAS), 1 Aug. 2018, [las.depaul.edu/centers-and-institutes/chaddick-institute-for-metropolitan-development/research-and-publications/Documents/Partners in Transit\\_Live1.pdf](http://las.depaul.edu/centers-and-institutes/chaddick-institute-for-metropolitan-development/research-and-publications/Documents/Partners%20in%20Transit_Live1.pdf).

<sup>iii</sup> "Modernizing Taxi Regulation." Edited by Hara Associates Inc., Government of British Columbia Registrar, Passenger Transportation Branch, Government of British Columbia, 19 July 2018, [www.th.gov.bc.ca/rpt/Documents/20180718\\_Modernizing Taxi Regulation.pdf](http://www.th.gov.bc.ca/rpt/Documents/20180718_Modernizing%20Taxi%20Regulation.pdf).

<sup>iv</sup> Ma, Bowinn. "Transportation Network Companies in British Columbia." Legislative Assembly of British Columbia, Legislative Assembly of British Columbia, 15 Feb. 2018, [www.leg.bc.ca/content/CommitteeDocuments/41st-parliament/2ndsession/CrownCorporations/Report/SSC-CC\\_41-2\\_Report-2018-02-15\\_Web.pdf](http://www.leg.bc.ca/content/CommitteeDocuments/41st-parliament/2ndsession/CrownCorporations/Report/SSC-CC_41-2_Report-2018-02-15_Web.pdf).

<sup>v</sup> "Government Adopts Key Recommendations on Modernizing Taxi ..." *BC Gov News*, Ministry of Transportation and Infrastructure, 19 July 2018, 11:35 am, [news.gov.bc.ca/releases/2018TRAN0120-001430](http://news.gov.bc.ca/releases/2018TRAN0120-001430).