

City of Kelowna

Public Hearing

AGENDA



Tuesday, March 17, 2020
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

I would like to acknowledge that we are gathered today on the traditional, ancestral, unceded territory of the syilx/Okanagan people.

This evening, Council will hold both a Public Hearing and a Regular Meeting.

The purpose of the Hearing is to hear from the public on matters contained in the various bylaws which, if adopted, will amend *Kelowna 2030* - Official Community Plan Bylaw No. 10500 and Zoning Bylaw No. 8000.

After the close of the Public Hearing, Council will then debate and vote on the proposed bylaws at the Regular Meeting that follows.

Council has been provided with the information, correspondence, petitions or reports that have been received concerning the subject bylaws. This information is available to the public on the table in the foyer of Council Chamber. Reports are also available to the public online under *Council* at Kelowna.ca.

For those in attendance this evening, or who have already submitted letters to Council, a reminder that this Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may also be broadcast and recorded by Castanet.

Following the close of the Public Hearing, no further information from the applicant or members of the public will be accepted by Council.

2. Individual Bylaw Submissions

2.1 Yates Rd 538, Z19-0140 (BL11991) - Carolco Developments Ltd., Inc. No. BCo291464

4 - 13

To rezone the subject property from C2 - Neighbourhood Commercial to C2rcs - Neighbourhood Commercial (Retail Cannabis Sales) to allow for a Retail Cannabis Sales Establishment.

2.2 Fenwick Rd 2840, Z19-0061 (BL11992) - Odermatt Otto, Odermatt Paul

14 - 21

	To rezone the subject property from the A1 – Agriculture 1 zone to the I2 – General Industrial zone to facilitate the use of the property for an industrial development and to the P3 – Parks and Open Space zone for the linear park.	
2.3	Clement Ave 816, TA19-0022 (BL11993) - PC Urban Clement Holdings LTD., Inc. No. BC1100007	22 - 31
	To amend the Zoning Bylaw to allow select commercial uses in the I4 – Central Industrial zone at 816 Clement Avenue.	
2.4	McCurdy Rd 925-929, LUC20-0001 (BL11994) and Z19-0132 (BL11995) - NT Properties Ltd.	32 - 40
	To terminate the Land Use Contract (LUC77-1045) on the subject property and to rezone the property from A1 – Agriculture 1 to I2 – General Industrial.	
2.5	Alsgard St, McCurdy Rd, Leathead Rd - LUCT20-0001 (BL11996), Z20-0004 (BL11997) - City of Kelowna	41 - 47
	To consider the early termination of Land Use Contract LUC77-1045 and rezone the parcels to I2 – General Industrial as identified in 'Schedule A' and 'Schedule B'.	
2.6	Primrose Rd 435, Z19-0142 (BL11998) - Shaida Langley	48 - 55
	To rezone the subject property from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing to facilitate an additional single-family dwelling.	
2.7	Francis Ave 460, Z19-0138 (BL11999) - John Hodges	56 - 63
	To rezone the subject property from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing to facilitate two new detached dwellings.	
2.8	Rental Sub-Zones Text Amendment No. TA20-0007 (BL11988)	64 - 67
	To consider a Text Amendment application to create rental sub-zones within Zoning Bylaw No. 8000.	
2.9	Harvey Ave 969, OCP19-0009 (BL11989) and Z19-0119 (BL11990) - The Evangel Family Rental Housing Society	68 - 82
	To consider an OCP Amendment application to change the future land use from MRM designation to MRH designation. To consider a Rezoning application to rezone the subject property from RM5 zone to RM6r (rental only) zone to facilitate a proposed six and a half storey multi-family building.	
2.10	Uplands Dr 368, Z19-0141 (BL12002) - Nicole Gosselin	83 - 90
	To rezone the subject property from RR2 – Rural Residential 2 to RR2C – Rural Residential 2 with Carriage House.	

2.11 Spiers Rd, 3652 HD20-0001 (BL12003) - Request for Heritage Designation - Sue Haley

To designate the subject property as a Municipal Heritage building.

3. Termination

4. Procedure on each Bylaw Submission

- (a) Brief description of the application by City Staff (Community Planning);
- (b) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.
- (c) The Chair will call for representation from the public in attendance as follows:
 - (i) The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.
 - (ii) The Chair will recognize ONLY speakers at the podium.
 - (iii) Speakers are encouraged to limit their remarks to 5 minutes, however, if they have additional information they may address Council again after all other members of the public have been heard a first time.
- (d) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total of 10 minutes maximum.
- (e) Questions by staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.
- (f) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

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

REPORT TO COUNCIL



Date: February 24, 2020

To: Council

From: City Manager

Department: Development Planning – Urban (HR)

Application: Z19-0140

Owner: Carolco Developments Ltd.,
Inc. No. BC0291464

Address: 532-538 Yates Rd

Applicant: Mojo Cannabis

Subject: Rezoning Application

Existing Zone: C2 - Neighbourhood Commercial

Proposed Zone: C2rcs - Neighbourhood Commercial (Retail Cannabis Sales)

1.0 Recommendation

THAT Rezoning Application No. Z19-0140 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 Section 32 Township 26 ODYD Plan KAP77456, located at 532-538 Yates Rd, Kelowna, BC from the C2 - Neighbourhood Commercial zone to the C2rcs - Neighbourhood Commercial (Retail Cannabis Sales) zone be considered by Council;

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

AND FURTHER THAT if the Rezoning Bylaw is adopted, Council direct Staff to send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch that they support issuance of a non-medical cannabis retail store license for this legal lot with the following comments:

- The proposed location meets local government bylaw requirements and as such, no negative impact is anticipated;
- The views of the residents were captured during a public hearing process for the rezoning of the property and Council meeting minutes summarizing those views are attached; and
- Local government recommends that the application be approved because of compliance with local regulations and policies.

2.0 Purpose

To rezone the subject property from C2 - Neighbourhood Commercial to C2rcs - Neighbourhood Commercial (Retail Cannabis Sales) to allow for a Retail Cannabis Sales Establishment.

3.0 Development Planning

Development Planning Staff recommend support for the rezoning application to allow for a Retail Cannabis Sales Establishment on the subject property. Should Council adopt the proposed Rezoning Bylaw, the property would be rezoned to a Retail Cannabis Sales subzone. Staff would send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch indicating support for issuance of a non-medical cannabis retail store license for this property.

The proposed rezoning meets the regulations for Retail Cannabis Sales Establishments in Zoning Bylaw No. 8000 and there are no variances being requested.

4.0 Proposal

4.1 Project Description

A Retail Cannabis Sales Establishment is proposed in an existing ground-floor commercial retail unit on the subject property.

Subject Property Map:



4.2 Site Context

The subject property is located at the corner of Glenmore Rd and Yates Rd. There are two existing commercial buildings with multiple commercial units and associated parking and landscaping on the subject property. The property is located in the Glenmore – Clifton – Dilworth City Sector and has a Future Land Use Designation of COMM – Commercial. The surrounding area is predominantly comprised of residential uses along the Glenmore Rd corridor.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU5 - Bareland Strata Housing	Single Dwelling Housing
East	RU5 - Bareland Strata Housing	Single Dwelling Housing
	RM5 - Medium Density Multiple Housing	Multiple Dwelling Housing
South	RM5 - Medium Density Multiple Housing	Apartment Housing
West	RM2 - Low Density Row Housing	Apartment Housing

5.0 Application Chronology

Date of Application Received: December 6, 2019

Date Public Consultation Completed: January 28, 2020

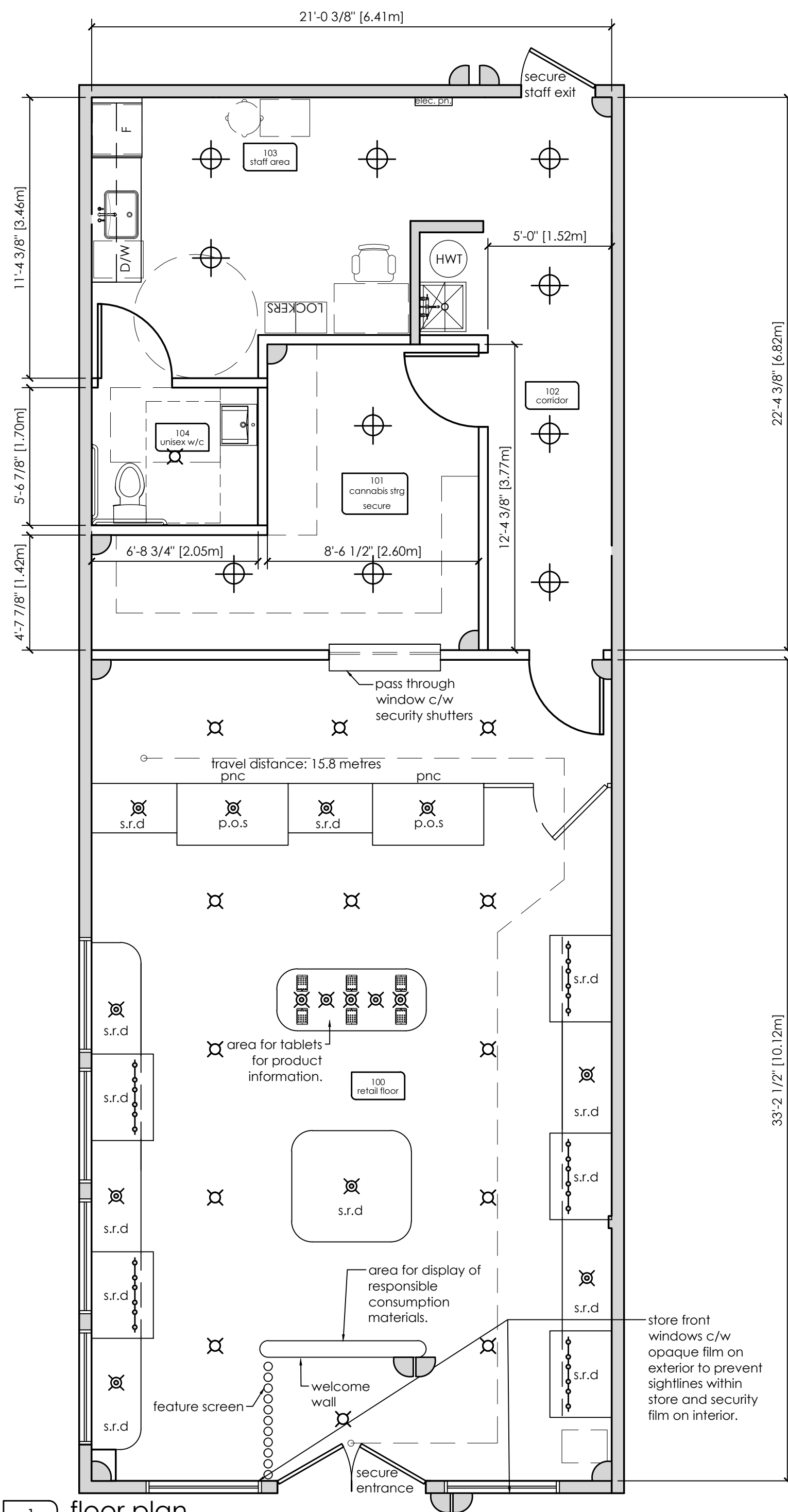
Report prepared by: Hailey Rilkoff, Planner I

Reviewed by: James Moore, Urban Planning & Development Policy Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Floor and Site Plans



1 floor plan
id 1.1 scale: 1/4" = 1'-0"

general notes

- total area of the space is 1177 sq.ft.
- maximum allowed travel distance is 30m; 15.8 m maximum travel achieved.

legend

	new door
	existing base building wall to remain
	existing base building door to remain
	downlight
	feature pendant light fixture
	general LED suspended light fixture
	security camera - system professionally designed and installed
	LED strip lighting
s.r.d	secure retail display
p.o.s	point of sales
pnc	24 hour panic button

ATTACHMENT A

This forms part of application

Z19-0140

Planner
Initials

HR

City of
Kelowna
DEVELOPMENT PLANNING



p: 778.484.4466
w: hatchdesign.ca
e: info@hatchdesign.ca

hatch
INTERIOR DESIGN

because good design
is good business

mojo

#101 583 yates rd
kelowna, bc

provincial application
floor plan

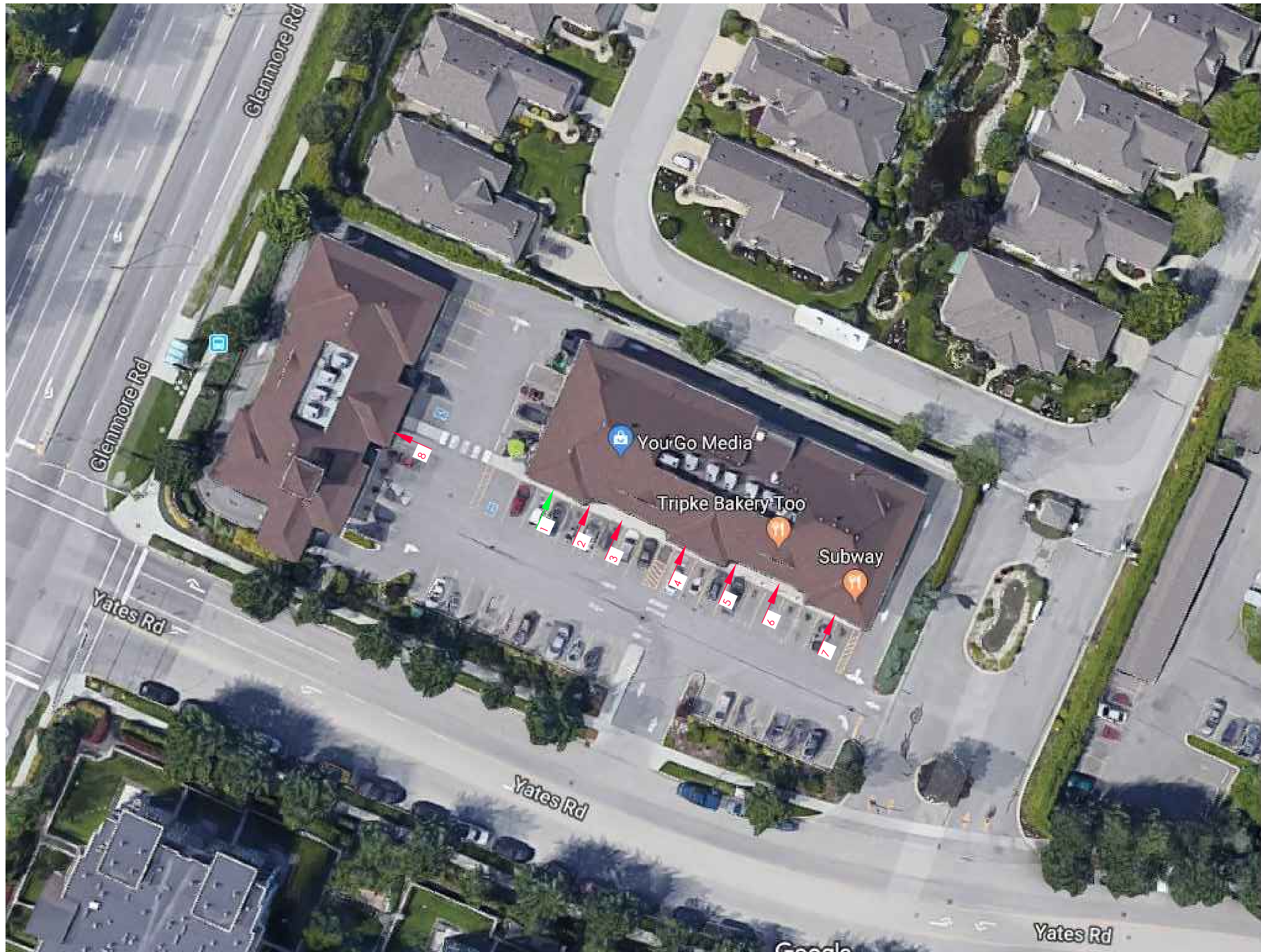
date nov. 25, 2019
scale 1/4" = 1'-0"
drawn by aj

2. issued for provincial application nov. 26, 2019
1. issued for client review nov. 05, 2019

- do not scale from drawings
- site verify all dimensions and information
- report any errors or discrepancies
- all work to conform to applicable codes & regulations
- drawings are published by hatch interior design - all rights reserved including rights of reproduction

id 1.1

sheet no. 7



legend

	proposed entrance to 'Flora Recreational Cannabis'
	entrances to surrounding businesses
#	reference to neighbouring business' name

neighbouring business names:

1. Mojo
2. The Parlour Beauty + Shave
3. Highlands Dentistry
4. Pakwaan Restaurant
5. Glenmore Optometry
6. Tripke Bakery Too
7. Subway
8. Vacant

1 site plan
id 2.1 scale: nts



mojo
#101 583 yates rd
kelowna, bc

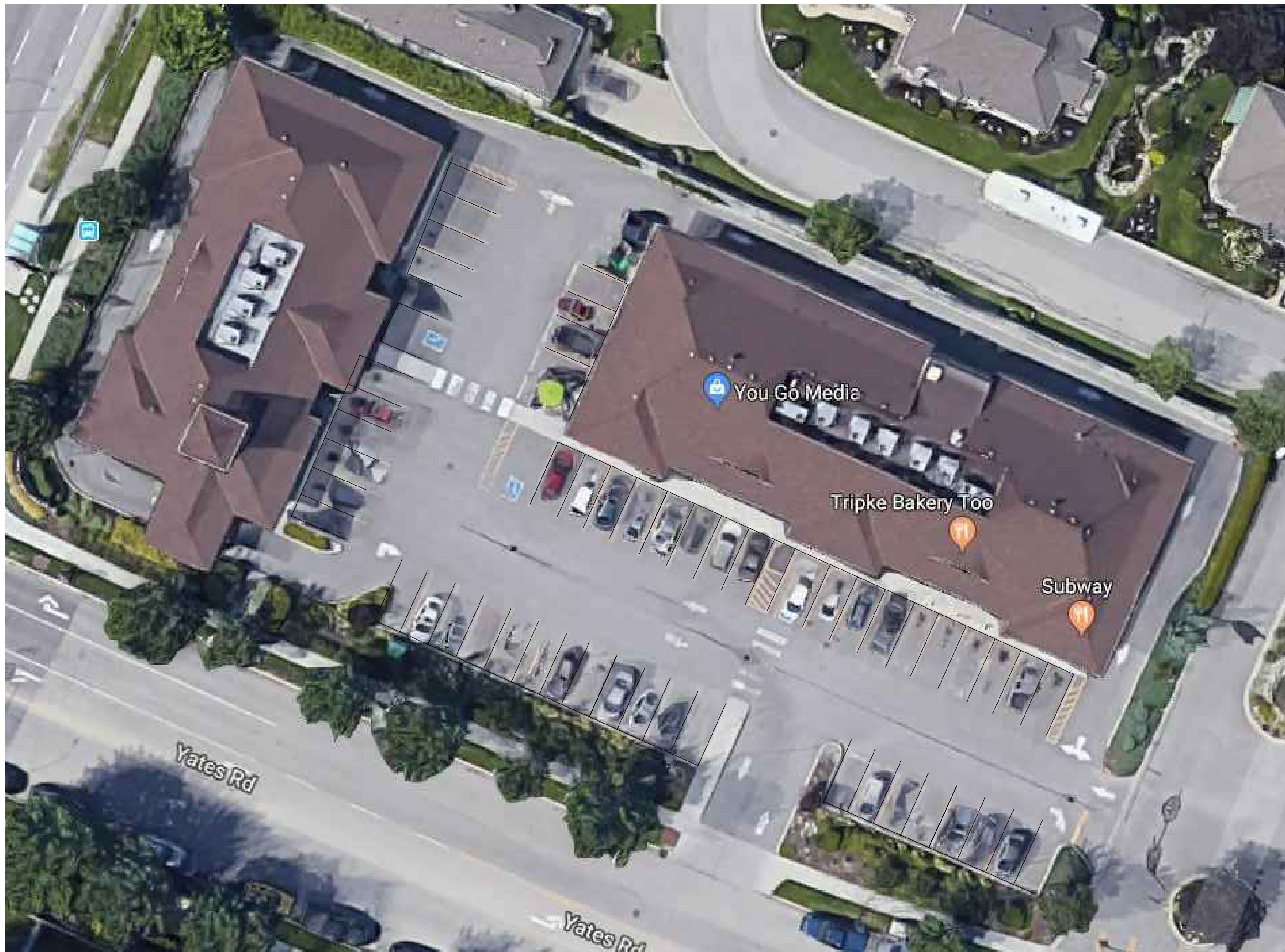
provincial application
site plan

date nov. 25, 2019
scale nts
drawn by aj

2. issued for provincial application nov. 26, 2019
1. issued for client review nov. 05, 2019

• do not scale from drawings
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• report any errors or discrepancies
• all work to conform to applicable codes & regulations
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id 2.1
sheet no. 8



building area = 109.35 sq.m.
 parking = 2.2 spaces / 100 sq.m = 109.35 / 100 * 2.2 = 3 spaces
 53 parking spaces provided, shared among surrounding businesses.

1 parking plan
 id 3.1 scale: nts



can sign with black background.

MOJO name and address printed in contrasting colour on front for public view.

opaque white window vinyl

MOJO logo and age restriction.

no smoking sign

visible hours of operation

1 signage view
id 4.1 scale: nts



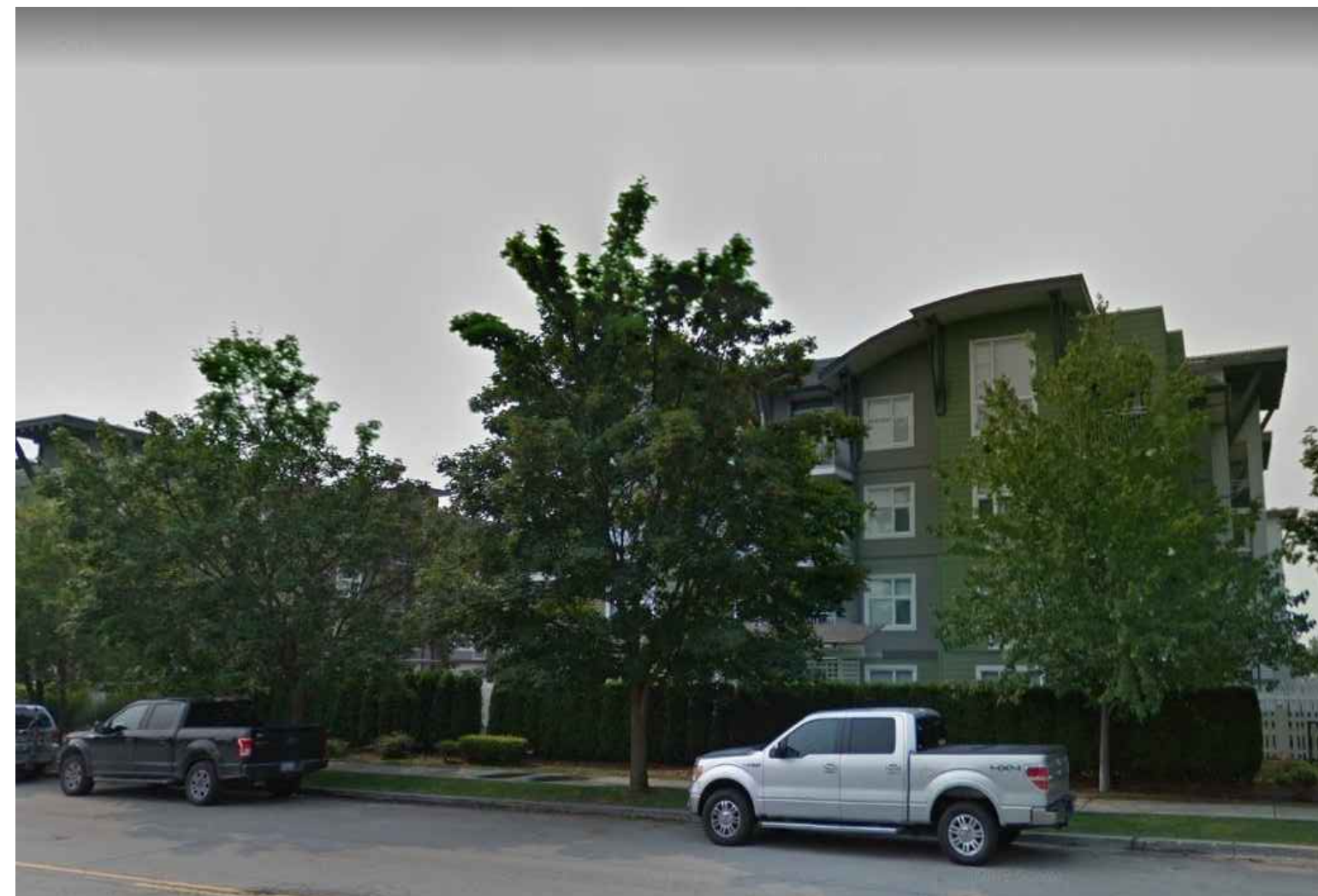
1 front facade
id 5.1 scale: nts



2 view to north west
id 5.1 scale: nts



3 back facade
id 5.1 scale: nts



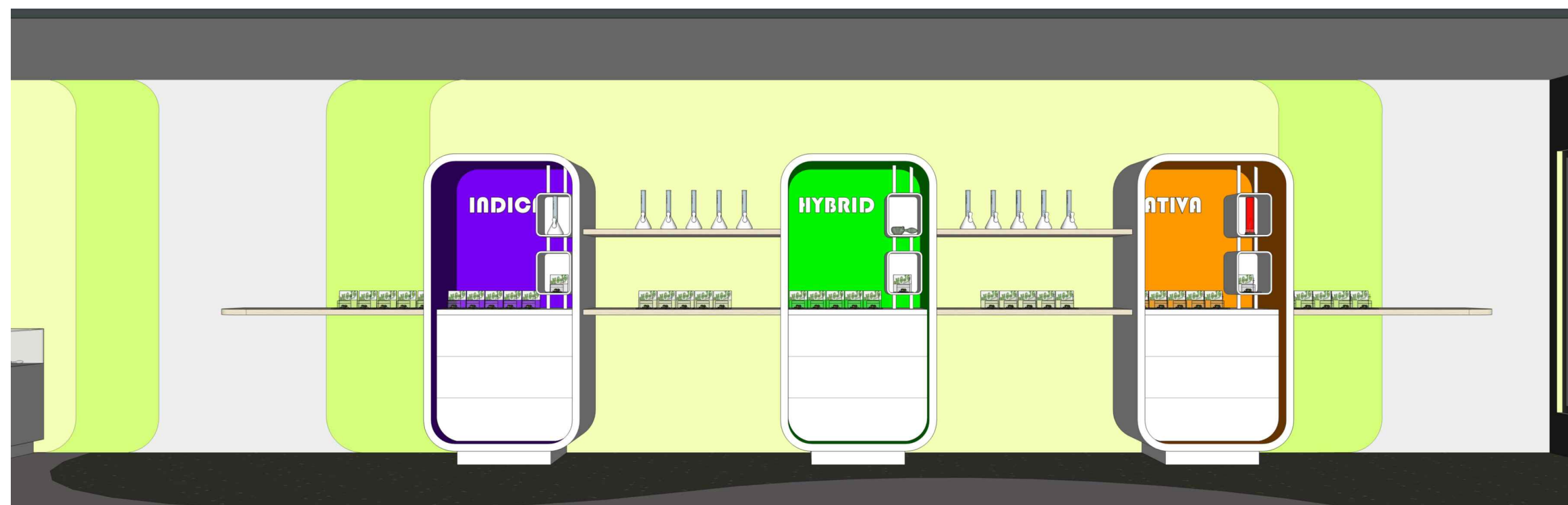
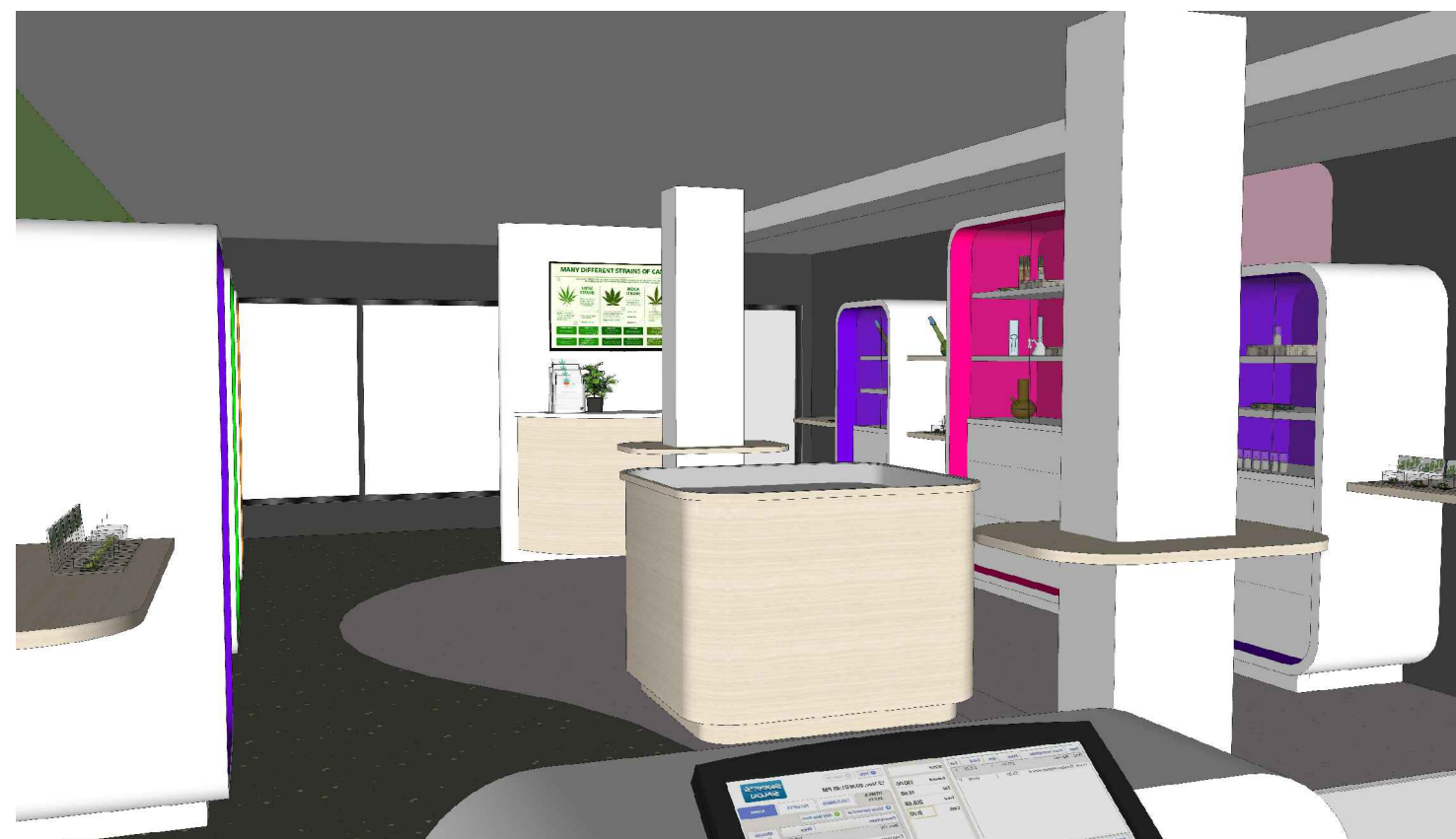
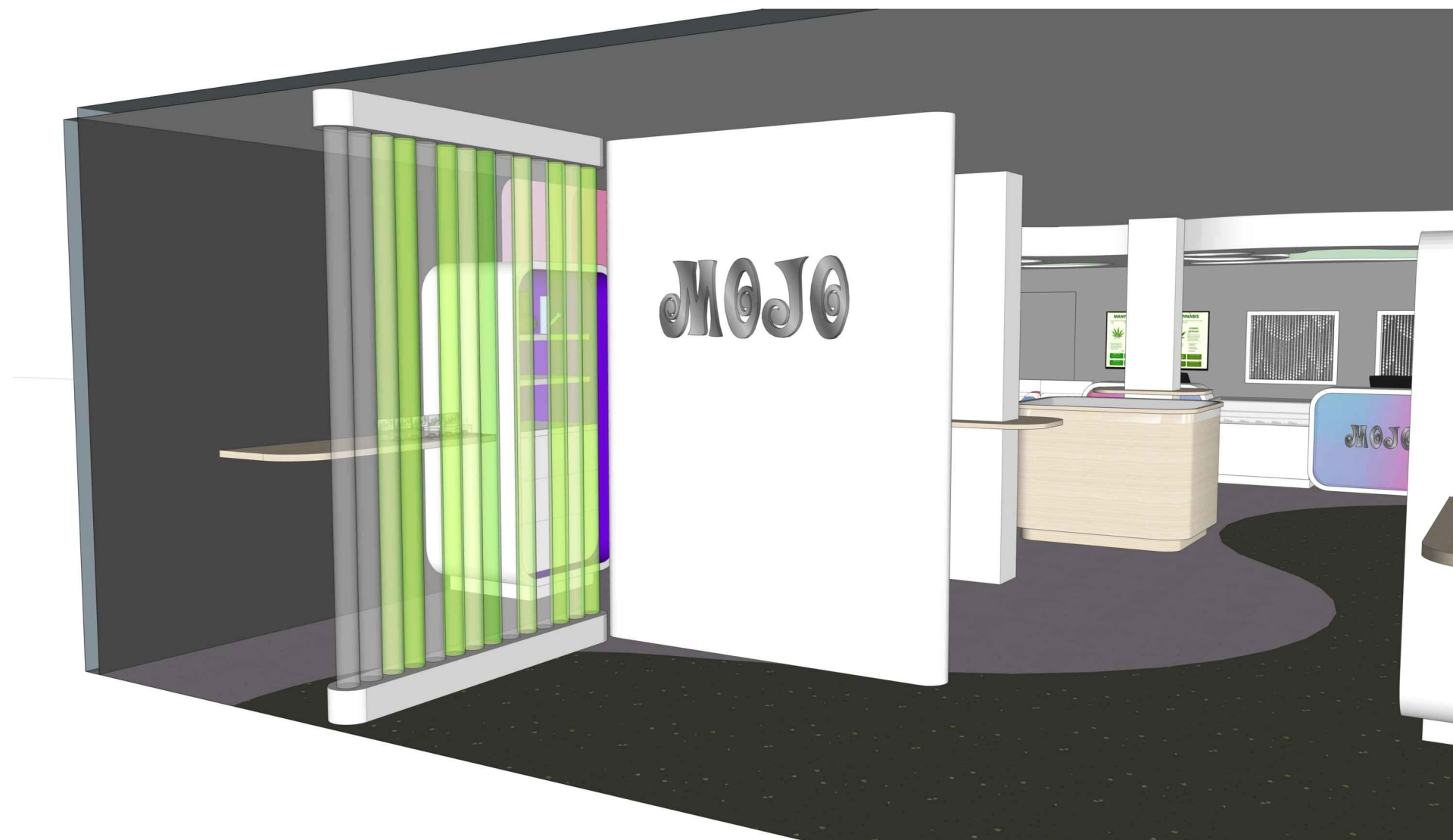
4 view to south
id 5.1 scale: nts



1 view to the west
id 6.1 scale: nts



2 view to east
id 6.1 scale: nts



NOTE:

renderings depict design concept,
however may not reflect exact location.



mojo
#101 583 yates rd
kelowna, bc

provincial application
3D renderings

date nov. 25, 2019
scale nts
drawn by aj

2. issued for provincial application nov. 26, 2019
1. issued for client review nov. 05, 2019

- do not scale from drawings
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id 7.1
sheet no. 43

REPORT TO COUNCIL



Date: February 24, 2020

To: Council

From: City Manager

Department: Development Planning Department

Application: Z19-0061

Owner: Otto Odermatt and Paul Odermatt

Address: 2840 Fenwick Rd

Applicant: MJI Contracting Inc.

Subject: Rezoning Application

Existing OCP Designation: IND – Industrial/ PARK - Park

Existing Zone: A1 – Agriculture 1

Proposed Zone: I2 – General Industrial and P3 – Parks and Open Space

1.0 Recommendation

THAT Rezoning Application No. Z19-0061 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Section 34, Township 26, ODYD Plan 22142 located at 2840 Fenwick Rd, Kelowna, BC from the A1 – Agriculture 1 zone to the I2 – General Industrial zone and to P3 – Parks and Open Space as shown on Map "A" attached to the Report from the Planning & Development Services Department dated February 24th, 2020 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 approval of the Ministry of Transportation and Infrastructure;

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 Development Planning Department dated February 24th, 2020;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to a technical subdivision for the registration of a right of way for the linear park and riparian management area along Mill Creek.

2.0 Purpose

To consider an application to rezone the subject property from the A1 – Agriculture 1 zone to the I2 – General Industrial zone to facilitate the use of the property for an industrial development and to the P3 – Parks and Open Space zone for the linear park.

3.0 Development Planning

Staff are supportive of the proposed rezoning of the subject property to I2 – General Industrial zone as it is consistent with the Official Community Plan (OCP) Future Land Use Designation and policies. The property is located within the Permanent Growth Boundary and is located adjacent to and near other industrially zoned properties. The I2 – General Industrial zone allows general industrial uses on the property similar to other properties in the immediate area.

Mill Creek meanders through the south side of the property. Per OCP Policy 5.14.2, a 10-meter-wide linear park must be allocated in addition to the riparian management area requirements. This is a requirement of the rezoning and will require an Environmental Development Permit to establish the area. In addition, the area will be rezoned to P3 – Parks and Open Space.

4.0 Proposal

4.1 Project Description

The subject property currently has a residential dwelling on the north east corner and Mill Creek flowing through the south end of the property and borders the Agricultural Land Reserve (ALR) along the north property line. The applicant would like to use the property for industrial purposes. Staff are not tracking any variances associated with the proposal. While it is not part of this application, there are future plans to construct up to five industrial buildings on the site. This application does trigger two Development Permits (DP); a Farm Protection DP and a Natural Environmental DP. Should Council support the Rezoning bylaw, Staff will process the Natural Environmental DP and Farm Protection DP prior to development of the property.

4.2 Site Context

The subject property is in the Highway 97 Sector of the city. Adjacent land uses are as follows:

Orientation	Zoning	Land Use	Size	FLU	Access
North	A1 - Agriculture	Vacant	28.1 acres	Park/REP	via 2810
East	C9 – Tourist Commercial	Amusement Park/ Miniature Golf Course	3.89 acres	Comm/Park	Fenwick Rd
South	A1 – Agriculture (LUC77-1004)	Warehousing/Manufacture	3.18 acres	Ind/Park	Fenwick Rd
West	A1 - Agriculture	Residential	2.4 acres	Ind/Park	Fenwick Rd

Subject Property Map: 2840 Fenwick Rd



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5 Development Process

Objective 5.14.2 Provide parks for diversity of people and a variety of uses.

Industrial Land Use Policies

Objective 5.28. Focus industrial development to areas suitable for industrial use.

6.0 Technical Comments

6.1 Development Engineering Department

- See Schedule A.

6.2 Application Chronology

Date of Application Received: May 7, 2019
Date Public Consultation Completed: September 12, 2019

Report prepared by: Sergio Sartori, Development Technician
Reviewed by: Wesley Miles, Acting Community Planning & Development Manager
Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: Development Engineering Memorandum
Attachment A: Map A – Proposed Zoning Amendment Plan

CITY OF KELOWNA

MEMORANDUM

SCHEDULE	A
This forms part of application # Z19-0061	
Planner Initials	SS
 City of Kelowna DEVELOPMENT PLANNING	

Date: May 23, 2019
File No.: Z19-0061
To: Planning & Development Services Department (SS)
From: Development Engineer Manager (JK)
Subject: 2840 Fenwick Rd., Lots B, Plan 22142 A1 – I2

Development Engineering has the following comments and requirements associated with this application rezone the subject property from A1 to I2 are as follows:

1. General

- a. Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement buildings may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- b. Provide easements as may be required.
- c. The Fire Department and Environment Division requirements and comments are addressed separately.
- d. These Development Engineering comments and requirements are subject to review and or revision for approval by the Ministry of Transportation (MOTI) Infrastructure.

2. Geotechnical Study

- a. Provide a geotechnical report prepared by a Professional Engineer competent in the field of 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 subdivision.
- b. The Geotechnical report must be submitted prior to submission of Engineering drawings or application for subdivision approval.
- c. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- d. Site suitability for development.

- e. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
 - f. Any special requirements for construction of roads, utilities and building structures.
 - g. Recommendations for items that should be included in a Restrictive Covenant.
 - h. Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
 - i. Any items required in other sections of this document.
- viii. Additional geotechnical survey may be necessary for building foundations, etc.

3. Sanitary Sewer System

- a) This property is currently not serviced. 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 each lot. 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) A flow analysis check is required by the developer's civil engineering consultant to determine if there are any downstream impacts to the sewer system, from this development to the sewage waste water treatment plant, triggered by this development.
- c) Developers Civil engineer will have to design Sanitary service crossing Mill Creek.

4. 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.

5. Storm Drainage

- a) 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.

b) Provide the following drawings:

- i. A detailed Storm water Management Plan for this development; and,
- ii. An Erosion and Sediment Control Plan.

6. Road Improvements

- a.) Fenwick Rd frontage will be required completing Cul-de-sac up to rail trail corridor with Curb, Gutter and asphalt with let-downs.
- b.) Fenwick driveway is to be constructed to commercial Lane standard with SS-R2 standard detail.
 - i) Proposed new Bridge must be design and constructed to latest Engineering best practices and Section 11 Permits must be approved with MOE.
 - ii) A new bridge or multiplate culvert at the creek crossing.
 - iii) Minimum 3.5m driving lanes with 1 no-post barriers and 0.6m shoulders.
 - iv) If the development remains as strata the internal road system and design standards is subject to the approval of the Approving Officer. All maintenance of roads and utilities becomes the responsibility of the strata including Bridge structure.

7. 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.

8. Power and Telecommunication Services

The services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works.

9. Design and Construction

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

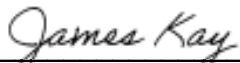
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the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

10. 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.

11. Charges and Fees

- a) Development Cost Charges (DCC's) are payable
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
 - ii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - iii) Engineering and Inspection Fee: 3.5% of construction value (plus GST).



James Kay, P. Eng.
Development Engineering Manager
RO



2920

3010

2840

2898

2810

(W OF)

2821

FENWICK RD

HWY 97 N

ATTACHMENT

A

This forms part of application

Z19-0061

Planner
Initials

SS

City of
Kelowna
DEVELOPMENT PLANNING



MAP "A" PROPOSED ZONING File Z19-0061



Subject Property



A1 - Agriculture to I2 - General Industrial



A1 - Agriculture to P3 - Parks and Open Space

2850

This map is for general information only.
The City of Kelowna does not guarantee its
accuracy. All information should be verified.

0 15 30 Metres

City of
Kelowna
21



Rev. Monday, January 27, 2020

REPORT TO COUNCIL



Date: February 24, 2020

To: Council

From: City Manager

Department: Development Planning

Application:	TA19-0022	Owner:	PC Urban 816 Clement Holdings Ltd., Inc. No. BC1100007
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Address:	816 Clement Ave	Applicant:	PC Urban – Shawn Oh
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Subject: Text Amendment

Existing OCP Designation: IND – Industrial

Existing Zone: I₄ – Central Industrial

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA19-0022 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" attached to the report from the Development Planning Department dated February 24, 2020 for Lot B Section 30 Township 26 Osoyoos Division Yale District Plan EPP83554 located at 816 Clement Avenue, Kelowna, BC be considered by Council;

AND FURTHER that the Zoning Bylaw Text Amendment Bylaw be forwarded to a Public Hearing for further consideration.

2.0 Purpose

To amend the Zoning Bylaw to allow select commercial uses in the I₄ – Central Industrial zone at 816 Clement Avenue.

3.0 Development Planning

Development Planning Staff are recommending support for the proposed Text Amendment to allow the requested uses in the I₄ – Central Industrial zone for the property located at 816 Clement Avenue. The subject property is located in the industrial district north of downtown Kelowna and is one block east of the Downtown Urban Centre. Staff recognize that this area of the City is experiencing change and that it is necessary to protect the core of the north end industrial area while allowing for compatible uses that provide an effective transition to the Downtown Urban Centre.

The I₄ zone comprises a majority of the north end industrial area and currently permits breweries and distilleries, food primary establishments, industrial high technology research and product design, minor liquor primary establishments, and indoor participant recreation services, among other uses. Several of the proposed uses are similar to service commercial and light industrial uses.

Additionally, the applicant is proposing limited retail uses, and the retail uses proposed complement the mix of industrial uses surrounding the subject property. Staff are recommending that office and retail uses be permitted as secondary uses to help ensure that most of the site is used for more industrial uses. Residential uses are not being proposed as part of this application and would not be supported on the subject property.

4.0 Proposal

4.1 Background

In 2018, 740 Clement Avenue, the property west of 816 Clement Avenue, underwent an OCP amendment and rezoning to allow for residential and commercial uses (OCP17-0021 / Z17-0093). A Development Permit has been approved for 740 Clement Ave that includes approximately 150 residential units and 9,400 sqft of ground floor commercial space.

Additionally, a site-specific text amendment was approved for the subject property in 2018 (TA18-0006) to allow additional commercial uses to Building 1 only which will be located at the south property line fronting Clement Avenue, once it is constructed. The proposed site-specific text amendment being considered are for Building 2, in order to provide commercial land use consistency across the site.

4.2 Project Description

The subject property is currently sitting vacant in preparation for future construction works that are expected to commence soon. A building permit application has been received for both light industrial buildings (Buildings 1 and 2) proposed for the site.

The applicant is requesting the following uses to allow for more tenant flexibility than is permitted under the I₄ zone, specifically for Building 2 only fronting Vaughan Avenue and located at the north boundary of the site.

The applicant is requesting the following land uses in the I₄ zone in addition to the uses already permitted for Building 2 only:

- Business Support Services
- High Technology Research and Product Design
- Liquor Primary Establishment, Major
- Offices
- Offices, Construction and Development Industry
- Retail Stores, Convenience
- Retail Stores, Service Commercial
- Personal Service Establishments
- Commercial Schools

4.3 Site Context

The subject property is located midblock on the south side of Vaughan Avenue between Richter Street to the west and Ethel Street to the east. The site is surrounded by other I₄ zoned industrial properties to the north and east, mixed use commercial / residential to the west and residential to the south on the south side of

Clement Avenue. The surrounding Future Land Use designations include industrial to the north and east, mixed use to the west and multiple unit residential (medium density) to the south. The subject property is just east of the Downtown Urban Centre, which ends at Richter Street, and the rail trail is in close proximity. Land uses of the properties adjacent to the subject property are listed below:

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I ₄ – Central Industrial	Warehouse Storage and Sales
East	I ₄ – Central Industrial	General Industrial Uses
South	RU6 – Two Dwelling Housing	Residential
West	C ₄ – Urban Centre Commercial	Apartment Housing, Retail Stores, General General Industrial Uses

Subject Property Map: 816 Clement Avenue



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 1: Introduction

Goals for a Sustainable Future:

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

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

Policy .1 Permanent Growth Boundary. Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. The City of Kelowna will support development of properties outside the PGB

for more intensive use only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except for Agri-Business designated sites or as per Council's specific amendment of this policy. The PGB may be reviewed as part of the next major OCP update.

Policy .2 Compact Urban Form. 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 per ha 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.

Objective 5.19 Ensure development is compatible with surrounding land uses

Policy .6 North End Industrial (High Tech and Incubator). Encourage the redevelopment of industrially designated lands north of the Downtown Urban centre for high-tech projects and buildings, including the potential for "incubator space" for smaller businesses.

Objective 5.29 Ensure efficient use of industrial land supply.

Policy .1 Industrial Land Use Intensification. Encourage more intensive industrial uses of currently under-utilized industrial sites during site redevelopment or by permitting lot subdivision where new lots can meet the minimum lot size requirements of the Zoning Bylaw.

6.o Application Chronology

Date of Application Received: December 2, 2019

Date Public Consultation Completed: December 9, 2019

Report prepared by: Andrew Ferguson, Planner II

Reviewed by: Adam Cseke, Urban Planning Specialist

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule "A": Summary Table of Proposed Text Amendments to Zoning Bylaw No. 8000.

Attachment A: Applicants Rationale Letter


Schedule A – Zoning Bylaw No. 8000 Text Amendment

SCHEDULE
A

This forms part of application
TA19-0022

Planner
Initials

AF


City of
Kelowna
DEVELOPMENT PLANNING

No.	Section	Existing Text	Proposed Text	Explanation of Change
2.	15.4 I4 – Central Industrial 15.4.2 Principal Uses	Yes	<p>15.4.2 Principal Uses</p> <p>Remove subsection (kk) under 15.4.2 – Principal Uses</p> <p>(kk) The following land uses are permitted only within buildings fronting onto Clement Ave and on Lot B Section 30 Township 26 ODYD Plan EPP83554 located on Clement Ave</p> <ul style="list-style-type: none"> - offices - business support services - financial services - government services - health services - retail liquor sales establishment - retail stores, service commercial - retail stores, general - commercial schools 	<p><i>Subsection (kk) is being removed as the previously approved Text Amendment application (TA18-0006) and the uses approved through the application will continue to be permitted and will be captured in the Zoning Bylaw in Section 15.4.7 – Site Specific Uses and Regulations.</i></p>

2.	15.4 I4 – Central Industrial	N/A	<p>15.4.7 Site Specific Uses and Regulations</p> <p>Uses and regulations apply to the I4 – Central Industrial zone on a site-specific basis as follows:</p> <table><tr><th></th><th>Legal Description</th><th>Civic Address</th><th>Regulation</th></tr><tr><td>1.</td><td>Lot B Section 30 Township 26 ODYD Plan EPP83554 (Area A)</td><td>816 Clement Ave, Kelowna, BC</td><td><p>To allow:</p><ul style="list-style-type: none">• offices;• business support services;• financial services;• government services;• health services;• retail liquor sales establishment;• retail stores, service commercial;• retail stores, general;• liquor primary establishment, major;• personal service establishment• commercial schools<p>as Principal Uses in addition to those permitted in section 15.4.2 as per Area A.</p></td></tr><tr><td>2.</td><td>Lot B Section 30 Township 26 ODYD Plan EPP83554 (Area B)</td><td>816 Clement Ave, Kelowna, BC</td><td><p>To allow:</p><ul style="list-style-type: none">• business support services;• high technology research and product design and;• liquor primary establishment, major<p>as permitted Principal Uses in addition to those permitted in section 15.4.2 as per Area B.</p></td></tr></table>		Legal Description	Civic Address	Regulation	1.	Lot B Section 30 Township 26 ODYD Plan EPP83554 (Area A)	816 Clement Ave, Kelowna, BC	<p>To allow:</p> <ul style="list-style-type: none">• offices;• business support services;• financial services;• government services;• health services;• retail liquor sales establishment;• retail stores, service commercial;• retail stores, general;• liquor primary establishment, major;• personal service establishment• commercial schools <p>as Principal Uses in addition to those permitted in section 15.4.2 as per Area A.</p>	2.	Lot B Section 30 Township 26 ODYD Plan EPP83554 (Area B)	816 Clement Ave, Kelowna, BC	<p>To allow:</p> <ul style="list-style-type: none">• business support services;• high technology research and product design and;• liquor primary establishment, major <p>as permitted Principal Uses in addition to those permitted in section 15.4.2 as per Area B.</p>	<p><i>The new section will facilitate the addition of a site-specific text amendment for 816 Clement Avenue. This application (TA19-0022) would allow for various commercial land uses in addition to the uses already permitted under the I4 zone and clarify the existing land uses on the subject site. The site-specific text amendment will allow various Principal and Secondary Uses on the subject property.</i></p>
	Legal Description	Civic Address	Regulation													
1.	Lot B Section 30 Township 26 ODYD Plan EPP83554 (Area A)	816 Clement Ave, Kelowna, BC	<p>To allow:</p> <ul style="list-style-type: none">• offices;• business support services;• financial services;• government services;• health services;• retail liquor sales establishment;• retail stores, service commercial;• retail stores, general;• liquor primary establishment, major;• personal service establishment• commercial schools <p>as Principal Uses in addition to those permitted in section 15.4.2 as per Area A.</p>													
2.	Lot B Section 30 Township 26 ODYD Plan EPP83554 (Area B)	816 Clement Ave, Kelowna, BC	<p>To allow:</p> <ul style="list-style-type: none">• business support services;• high technology research and product design and;• liquor primary establishment, major <p>as permitted Principal Uses in addition to those permitted in section 15.4.2 as per Area B.</p>													


					<div> <div>To allow:</div> <ul style="list-style-type: none"> • offices; • offices, construction and development industry; • retail stores, convenience; • retail stores, service commercial; • personal service establishments and; • commercial schools <div>as permitted Secondary Uses in addition to those permitted in section 15.4.3 as per Area B.</div> </div>	

760

SCHEDULE A

This forms part of application
TA19-0022

Planner Initials **AF**

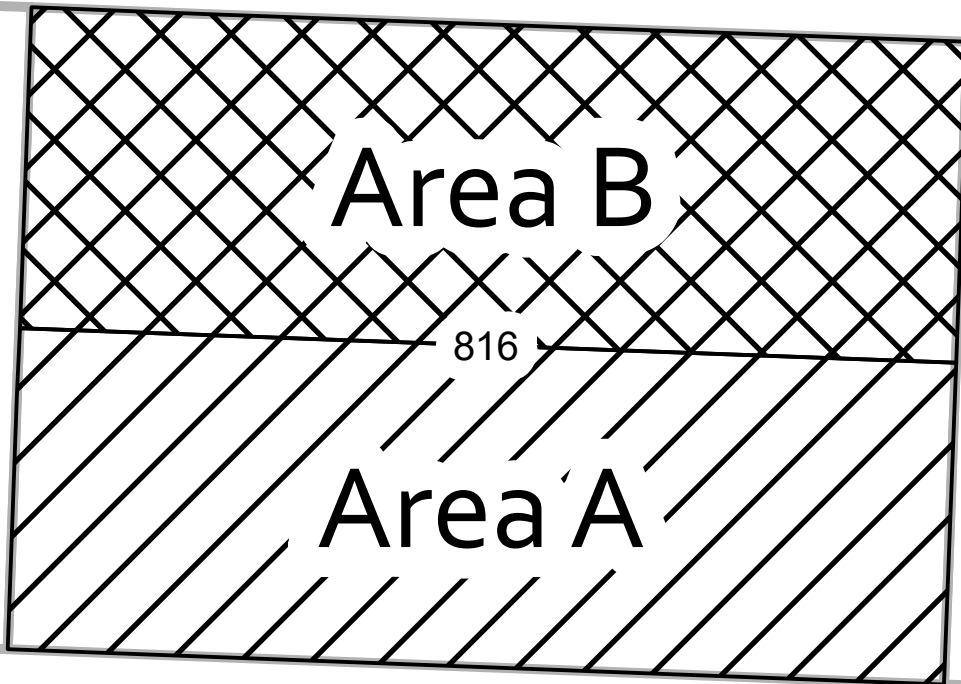

City of
Kelowna
DEVELOPMENT PLANNING

826-880



VAUGHAN AVE 1969

740



889

CLEMENT AVE

779 785 793 803 809 815 819 825 831 837 841 847

780 786 794 800 806 818

File TA19-0022



Area A



Area B

This map is for general information only.
The City of Kelowna does not guarantee its
accuracy. All information should be verified.

0 10 20 Metres



Rev. Tuesday, January 28, 2020

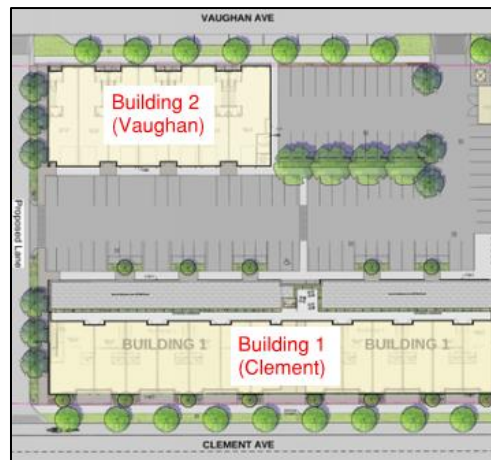
December 16, 2019

Mr. Andrew Ferguson, Planner II
City of Kelowna Planning Department
1435 Water Street
Kelowna, BC V1Y 1J4

RE: Text Amendment for 816 Clement Ave, Kelowna, BC – Development Rationale

Dear Andrew:

This application is submitted to formally request text amendments for Building 2 facing Vaughan Avenue. Since public hearing took place for development permit application in June 2019, our project marketing efforts have made it clear that many purchasers desire units with more diversified allowed uses which are also differentiated from Clement building. Purchasers for the Vaughan building are imagining businesses such as tailors, bakeries, pharmacies, or salon/spas that require a quieter yet accessible environment particularly by taking advantage of street parking on Vaughan Avenue that will not exist on Clement Avenue.



Currently the surrounding area is host to a long list of industrial businesses that have been and will continue to operate as they have done so historically, and this is a significant factor attracting light industrial tenants to our project. Our buildings are designed to a standard that is industrial focused with high-strength concrete floors, high clearance ceiling height, and drive-in loading bays that industrial users will take advantage of. We are confident that industrial users will operate successfully from both Clement and Vaughan buildings as it is evident from the strong demand we are seeing at our other industrial project on 1655 Dilworth Drive.

However the purchasers, whom often rely on long-term outlook before risking significant start-up costs, are repeatedly seeking ways to secure success of their business for the future. They see the activity

occurring on Clement Corridor and understand that future environment will significantly change once City's vision in 2030 Official Community Plan is fully realized. They see that the new demographic will have an appetite for demands that currently do not exist and want to guarantee their space can adapt to those changes in the future.

Hence following is the text amendment that we seek to apply on Vaughan building:

- Business support services
- High Technology Research and Product Design
- Liquor primary establishment, major
- Offices
- Offices, Construction and Development Industry
- Retail stores, convenience
- Retail stores, service commercial
- Personal service establishments
- Commercial schools

We believe these text amendments will not only ensure the success of the project on short term basis but also long after our interests have been transferred to the new business owners by making sure we do our utmost to create an environment where they can thrive for many operational years. As the designation "Revitalization Area" implies in OCP, we strive for the development to be a key element in facilitating continued positive change in Clement Corridor and to see it functioning well within the dynamic context City envisions for the new neighbourhood.

Based on success of our previous urban Industrial projects, we are confident that the form of development is balanced and compliments the existing adjacent industrial and residential neighborhood, provides employment generating opportunities for small and medium sized businesses within the City, and establishes a strong platform for the future. We look forward to advancing this application through the approval process and invite you to please contact us should you require any additional information.

Thank you for your consideration.

Best regards,



Shawn Oh
 Development Manager
 PC Urban Clement Holdings Ltd.

REPORT TO COUNCIL



Date: February 24th, 2020

To: Council

From: City Manager

Department: Development Planning (TC)

Application: LUC20-0001 & Z19-0132

Owner: N&T Properties Ltd., No.
BCog63818

Address: 925-929 McCurdy Road

Applicant: Grant Maddock – Protech
Consulting 2012

Subject: Land Use Contract Discharge (LUC77-1045) and Rezoning Application

Existing OCP Designation: IND – Industrial

Existing Zone: A1 – Agriculture 1

Proposed Zone: I2 – General Industrial

1.0 Recommendation

THAT Application No. LUC20-0001 to discharge LUC77-1045 from Lot A, District Lot 143, ODYD, Plan KAP66598 located at 925-929 McCurdy Road, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z19-0132 to amend City of Kelowna Zoning Bylaw No. 8000 by changing classification of Lot A, District Lot 143, ODYD, Plan KAP66598 located at 925-929 McCurdy Road, Kelowna, BC from A1 – Agriculture 1 to I2 – General Industrial be considered by Council;

AND THAT the Land Use Contract Discharge and Zoning Amending Bylaws be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent the outstanding conditions of approval as set out in Schedule A to the Report from the Development Planning Department dated February 24th, 2020;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.

2.0 Purpose

To terminate the Land Use Contract (LUC77-1045) on the subject property and to rezone the property from A1 – Agriculture 1 to I2 – General Industrial.

3.0 Development Planning

Development Planning Staff support the Land Use Contract (LUC) discharge and proposed Rezoning to allow for a Big Box Storage Depot. The proposed land use is compatible with surrounding land uses and meets the intent of the Official Community Plan. The Rezoning and LUC Discharge would also remove a Heavy Industrial use that is currently in close proximity to a residential neighbourhood.

In conformance with Council Policy No. 282, Staff will bring a bylaw terminating the Land Use contract on the remaining adjacent parcels. This is a separate process from the discharge of a LUC, as the termination eliminates the LUC one year after Council adoption (whereas a discharge is immediate).

4.0 Proposal

Project Description

The current LUC affects thirteen parcels in the McCurdy Road and Leathead Road area and has varying restrictions based on the specific property. The LUC allows the subject property to operate under the previous Zoning Bylaw No. 4500's I3 – Heavy Industrial zone. Since the LUC was first signed, a concrete plant has been operating on the subject property. The applicant has applied to rezone the property from A1 – Agriculture 1 to I2 – General Industrial to accommodate a new site for Big Steel Box storage. The underlying A1 -Agriculture zone is not appropriate for the current or proposed land use.



Site Context

The subject property is located at 925-929 McCurdy Road, is in the Rutland OCP Sector and has a Future Land Use designation of IND - Industrial. The property is east of Hwy 97 N and McCurdy Road intersection.

Most of the surrounding area is under the same Land-Use Contract, operating industrial uses, but zoned A1 – Agriculture 1, while the rest of the surrounding area is C3 – Community Commercial, C10 – Service Commercial, RU1 – Large Lot Housing and RU6 – Two Dwelling Housing.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C3lp – Commercial (Liquor Primary) & C10 – Service Commercial	Commercial
East	A1 – Agriculture 1	Industrial Material Suppliers
South	A1 – Agriculture 1	Auto Repair & Industrial Manufacturing
West	A1 – Agriculture 1	Auto Repair, Sheet Metal Contractor & Lumber Yard

Subject Property Map: 925-929 McCurdy Rd



Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	I ₂ ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	4000m ²	15,904m ²
Min. Lot Width	40m	53.3m
Min. Lot Depth	35m	297.5m
Development Regulations		
Max. Floor Area Ratio	1.5	0.11
Max. Site Coverage (buildings)	60%	10%
Min. Front Yard	7.5m	9.5m
Min. Side Yard (West)	0.0m	0.0m
Min. Side Yard (East)	4.5m	34.8m
Min. Rear Yard	6.0m	169m

Other Regulations		
Min. Parking Requirements	23	30

5.0 Current Development Policies

Council Policy No. 282 – Strategy for Elimination of Remaining Land Use Contracts

That the City of Kelowna initiate proceedings to discharge the contracts to consultation with affected owners of the land and subject approval by Council regarding affected contracts.

Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.28- Policy .2: *Location of Heavy Industry*: Direct heavy industries to areas that would not negatively affect existing neighbourhoods or businesses and that natural environment.

Objective 5.31- Policy .2: *Impact of Neighbourhood / Roads*: Discourage aggregate extraction that creates undue impact to neighbourhood residential uses or excessive truck traffic, safety and road conditions.

6.0 Technical Comments

Development Engineering Department

See Schedule A: Development Engineering Memo dated December 17th, 2019.

Ministry of Transportation and Infrastructure

Preliminary approval granted.

7.0 Application Chronology

Date of Application Received: November 26th, 2019

Date Public Consultation Completed: January 12th, 2020

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Wesley Miles, Acting Community Planning and Development Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: Development Engineering Memo

Attachment A: Site Plan

CITY OF KELOWNA

MEMORANDUM

Date: December 17, 2019
File No.: Z19-0132
To: Suburban and Rural Planning (TC)
From: Development Engineer Manager (JK)
Subject: 925-929 McCurdy Rd

SCHEDULE	A
This forms part of application # LUC20-0001/Z19-0132	
Planner Initials	<div>TC</div>
 City of Kelowna DEVELOPMENT PLANNING	

A1 – I2

Development Engineering has the following comments and requirements associated with this application rezone the subject property from A1 to I2 are as follows:

1. General

These Development Engineering comments/requirements are subject to the review and requirements from the Ministry of Transportation & Infrastructure (MOTI)

2. Geotechnical Study

- a) Provide a comprehensive geotechnical report, prepared by a Professional Engineer competent in the field of 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 subdivision.**

The Geotechnical report must be submitted prior to submission of Engineering drawings or application for subdivision approval.

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.

- (vi) Any items required in other sections of this document.
- (vii) Recommendations for erosion and sedimentation controls for water and wind.
- (viii) Recommendations for roof drains and perimeter drains.
- (ix) Recommendations for construction of detention or infiltration ponds if applicable.

3. **Sanitary Sewer System**

This property is currently serviced with a 100mm sanitary services off of McCurdy Rd. Only one service will be permitted for this development. The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. The applicant, at their cost, will arrange for the removal and disconnection of the existing services at the main 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.

4. **Domestic Water and Fire Protection**

This development is within the service area of the Black Mountain Irrigation District (BMID). The developer is required to make satisfactory arrangements with 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.

5. **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.

6. **Road Improvements**

- a) Whereas the City of Kelowna typically identifies and requires frontage improvements in conjunction with a rezoning or development application, the City of Kelowna will defer frontage improvements on all properties in a Land Use Contract area that are being rezoned consistent with the current use of that property, and what was originally intended by the LUC. Frontage improvements will apply at the next application stage, Building or Development Permit. If a property within a LUC area is being rezoning to a use either not current, or not intended by the LUC, full frontage improvements and fees will be applied at rezoning.
- b) McCurdy Rd. fronting this development must be upgraded to a 4 Lane Arterial urban standard including barrier curb and gutter, drainage system including catch basins and manholes, irrigated landscaped boulevard, and pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. This construction/cash-in-lieu payment will be deferred till the next permit application (development, building, subdivision, etc..).
- c) Existing two driveway letdowns on McCurdy Rd must be removed at the next permit application and must comply with bylaw 7900.

- d) Dolton Rd fronting this development must be upgraded to a Major Collector standard including irrigated landscaped boulevard. Existing driveways along Dalton Rd must follow bylaw 7900. Any unused driveway letdowns must be removed.
- e) South road upgrades fronting this development has been addressed in servicing agreement and LOC paid in the amount of **\$119,764.50**.

7. **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.

8. **Power and Telecommunication Services**

The services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works.

9. **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.

10. **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.

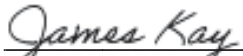
11. **Other Engineering Comments**

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.

- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as FortisGas, 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.

12. **Charges and Fees**

- a) Development Cost Charges (DCC's) are payable
- b) Fees per the "Development Application Fees Bylaw" include:
- i) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - ii) Engineering and Inspection Fee: 3.5% of construction value (plus GST).


James Kay, P. Eng.
Development Engineering Manager
AS

SCHEDULE		A
This forms part of application		
# LUC20-0001/Z19-0132		
Planner Initials	TC	 City of Kelowna <small>DEVELOPMENT PLANNING</small>

REPORT TO COUNCIL



Date: February 24th, 2020

To: Council

From: City Manager

Department: Development Planning (TC)

Application: LUCT20-0001/Z20-0004 **Owner:** Multiple Owners

Address: Multiple Properties **Applicant:** City of Kelowna

Affected Street: McCurdy Road, Alsgard Street and
Leathead Road

Subject: Land Use Contract Termination & Rezoning Application

Existing OCP Designation: IND – Industrial

Existing Zone: A1 – Agriculture 1

Proposed Zone: I2 – General Industrial

1.0 Recommendation

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 contracts when the local government has adopted a zoning bylaw that will apply to the land at the time of the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying A1 – Agriculture 1 zone for the subject properties under Land Use Contract 77-1045 outlined in 'Schedule A' does not meet the land use requirements under City of Kelowna Zoning Bylaw No. 8000;

THAT Application No. LUCT20-0001 to terminate LUC77-1045 from properties identified in 'Schedule A', located on McCurdy Road, Alsgard Street and Leathead Road, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application Z20-0004 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for properties identified in 'Schedule B' located on McCurdy Road, Alsgard Street and Leathead Road, Kelowna, BC from A1 – Agriculture 1 zone to I2 – General Industrial be considered by Council;

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

AND THAT Council, in accordance with the *Local Government Act* s.464(2), waive the Public Hearing for Rezoning Application Z20-0004 for Rezoning Bylaw no. 11997;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.

2.0 Purpose

To consider an application for the early termination of Land Use Contract LUC77-1045 and rezone the parcels to I2 – General Industrial as identified in 'Schedule A' and 'Schedule B'.

3.0 Development Planning

Development Planning Staff are bringing forth and recommending this Land Use Contract (LUC 77-1045) be terminated and for the subject properties to be rezoned. The underlying zoning (A1 – Agriculture 1) does not fit within the industrial neighbourhood and is not appropriate to support the existing land use. Staff are proposing to adopt the I2 – General Industrial to the subject properties identified in 'Schedule A' shown below:



The existing Land Use Contract (LUC) affects 13 parcels on McCurdy Road. 925-929 McCurdy has applied for a Rezoning application and a LUC discharge, leaving 12 parcels affected by this LUC Termination. The Land Use Contract uses, and regulations fit within the I2 – General Industrial and I3 – Heavy Industrial. However, with the Land Use Contract discharge occurring at 925-929 McCurdy Road, Development Planning Staff believe that I3 isn't appropriate, due to the close proximity to residential neighbourhoods.

4.0 Proposal

4.1 Background

Land Use Contracts were a tool regularly used in the 1970's before it was eliminated on November 15th, 1978. The purpose of the tool was to allow local governments to arrive at agreements with specific developers to grant development rights over and above what was allowed under current zoning. This was typically done in exchange for commitments by developers to help finance the infrastructure costs of development. Issues have arisen, specifically with the continued application of land use contracts as they supersede any subsequent bylaw dealing with land use and development including: Zoning Bylaws, Development Cost Charge Bylaws, and Development Permits. The Local Government Act was amended in 2014 stating all land use contracts in the province will be terminated as of June 30th, 2024. Land use contracts will remain in force until that date unless terminated early by the municipality. By June 20th, 2022, local governments must have appropriate zoning regulations in place to replace land use contracts upon their termination. However, LUC terminations (unlike LUC discharges) do not apply when Council adopts the bylaw. Terminations require a one-year grace period as outlined by the Local Government Act.

4.2 Notification

Local governments must provide notice to each owner that the termination of land use contract is occurring and must provide notice of what the new zoning regulations apply to the land. The municipality must send additional letters after the one-year grace period is complete informing the property owners of which land use regulations apply to their properties. This required notice was mailed to all property owners on January 22nd, 2020, with a two-week period for comments, concerns and an opportunity to apply for a Land Use Discharge and a Rezoning application, to avoid the one-year grace period.

Staff are recommending Council Notification Policy #367 including early notification and development signage be waived for all Land Use Contract terminations. Public consultation in this case is not recommended as the notification policy is a City initiative. Staff are suggesting the standard development notification, as outlined above, be sent to properties affected by the LUC under consideration for termination.

4.3 Site Context

The subject properties are located on McCurdy Road, Alsgard Street and Leathead Road. The properties are designated IND – Industrial in the Official Community Plan and the surrounding area is a mix of commercial, industrial and residential.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C3 – Community Commercial, C10 – Service Commercial & I2 – General Industrial	McCurdy Corner Shopping Centre and General Industrial
East	C10 – Service Commercial, P4 – Utilities, I2 – General Industrial, RM2 – Low Density Row Housing	School District no. 23, Service Commercial and General Industrial Warehouse/Office
South	RU1 – Large Lot Housing & P3 – Parks and Open Space	Single Dwelling Housing & Ben Lee Park
West	RU1 – Large Lot Housing & RU6 – Two Dwelling Housing	Single & Two Dwelling Housing

Subject Property Map: McCurdy Road, Alsgard Street & Leathead Road



5.0 Current Development Policies

5.1 Council Policy No. 282 – Strategy for Elimination of Remaining Land Use Contracts

Council Policy No. 282. Includes the following statement:

That the City of Kelowna initiate proceedings to discharge the contracts subject to consultation with affected owners of the land and subject to prior approval by Council with regards to affected contracts.

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Wesley Miles, Acting Community Planning and Development Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Schedule A: Properties affected by LUC77-1045 termination

Schedule B: Proposed zone for subject properties

Schedule A: LUC77-1045						
No.	Legal Description	Address	Parcel Identifier Number	Land Use Contract	Underlying Zone	Charge Number
1	Lot 2 District Lot 143 ODYD Plan KAP45330	960 Alsgard Street	017-397-511	LUC77-1045	A1 – Agriculture 1	P1218/R54107
2	Lot 3 District Lot 143 ODYD Plan KAP45330	950 Alsgard Street	017-397-529	LUC77-1045	A1 – Agriculture 1	P1218/R54107
3	Lot 4 District Lot 143 ODYD Plan KAP45330	940 Alsgard Street	017-397-537	LUC77-1045	A1 – Agriculture 1	P1218/R54107
4	Lot 5 District Lot 143 ODYD Plan KAP45330	904 Alsgard Street	017-397-545	LUC77-1045	A1 – Agriculture 1	P1218/R54107
5	Lot 1 District Lot 143 ODYD Plan KAP45330	1049 McCurdy Road	017-397-502	LUC77-1045	A1 – Agriculture 1	P1218/R54107
6	Lot A District Lot 143 ODYD Plan 40065	1015 McCurdy Road	011-820-951	LUC77-1045	A1 – Agriculture 1	P1218/R54107
7	Lot B District Lot 14 ODYD Plan 40065	965-975 McCurdy Road	011-820-969	LUC77-1045	A1 – Agriculture 1	P1218/R54107
8	Lot A District Lot 143 ODYD Plan KAP67912	865 McCurdy Road	024-904-392	LUC77-1045	A1 – Agriculture 1	P1218/R54107/ KL84710
9	Lot A District Lot 143 and of Section 27 Township 26 ODYD Plan KAP50295	856-880 Leathead Road	018-353-720	LUC77-1045	A1 – Agriculture 1	P1218/R54107/ KL84711
10	Lot E District Lot 143 and of Section 27 Township 26 ODYD District Plan 40065	920 Leathead Road	011-820-993	LUC77-1045	A1 – Agriculture 1	P1218/R54107/ KL84709
11	Lot 1 District Lot 143 ODYD Plan 43896	990 Leathead Road	016-554-582	LUC77-1045	A1 – Agriculture 1	P1218/R54107/ KD80046
12	Lot D District Lot 143 and of Section 27 Township 26 ODYD Plan 40065	990 Leathead Road	011-820-977	LUC77-1045	A1 – Agriculture 1	P1218/R54107

Schedule B: Proposed I2 Zone						
No.	Legal Description	Address	Parcel Identifier Number	Land Use Contract	Underlying Zone	Proposed Zone
1	Lot 2 District Lot 143 ODYD Plan KAP45330	960 Alsgard Street	017-397-511	LUC77-1045	A1 – Agriculture 1	I2 – General Industrial
2	Lot 3 District Lot 143 ODYD Plan KAP45330	950 Alsgard Street	017-397-529	LUC77-1045	A1 – Agriculture 1	I2 – General Industrial
3	Lot 4 District Lot 143 ODYD Plan KAP45330	940 Alsgard Street	017-397-537	LUC77-1045	A1 – Agriculture 1	I2 – General Industrial
4	Lot 5 District Lot 143 ODYD Plan KAP45330	904 Alsgard Street	017-397-545	LUC77-1045	A1 – Agriculture 1	I2 – General Industrial
5	Lot 1 District Lot 143 ODYD Plan KAP45330	1049 McCurdy Road	017-397-502	LUC77-1045	A1 – Agriculture 1	I2 – General Industrial
6	Lot A District Lot 143 ODYD Plan 40065	1015 McCurdy Road	011-820-951	LUC77-1045	A1 – Agriculture 1	I2 – General Industrial
7	Lot B District Lot 14 ODYD Plan 40065	965-975 McCurdy Road	011-820-969	LUC77-1045	A1 – Agriculture 1	I2 – General Industrial
8	Lot A District Lot 143 ODYD Plan KAP67912	865 McCurdy Road	024-904-392	LUC77-1045	A1 – Agriculture 1	I2 – General Industrial
9	Lot A District Lot 143 and of Section 27 Township 26 ODYD Plan KAP50295	856-880 Leathead Road	018-353-720	LUC77-1045	A1 – Agriculture 1	I2 – General Industrial
10	Lot E District Lot 143 and of Section 27 Township 26 ODYD District Plan 40065	920 Leathead Road	011-820-993	LUC77-1045	A1 – Agriculture 1	I2 – General Industrial
11	Lot 1 District Lot 143 ODYD Plan 43896	990 Leathead Road	016-554-582	LUC77-1045	A1 – Agriculture 1	I2 – General Industrial
12	Lot D District Lot 143 and of Section 27 Township 26 ODYD Plan 40065	990 Leathead Road	011-820-977	LUC77-1045	A1 – Agriculture 1	I2 – General Industrial



REPORT TO COUNCIL



Date: February 24th, 2020

To: Council

From: City Manager

Department: Development Planning

Application: Z19-0142

Owner: Shaida Langley

Address: 435 Primrose Road

Applicant: Shaida Langley & Gary Lupul

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single/Two Units Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Rezoning Application No. Z19-0142 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8 Section 26 Township 26 ODYD Plan 17525, located at 435 Primrose Road, 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 Development Planning Department dated February 24, 2020;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.

2.0 Purpose

To rezone the subject property from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing to facilitate an additional single-family dwelling.

3.0 Development Planning

Development Planning staff support the proposed rezoning from RU1 – Large Lot Housing zone to RU6 – Two Dwelling Housing zone as the subject property is within the Permanent Growth Boundary and the plans

align with the Official Community Plan (OCP) Future Land Designation of S2RES – Single/Two Unit Residential.

The proposal is consistent with the OCP policy related to Compact Urban Form as the proposal would result in a modest increase in density and allow for infill development in an existing neighbourhood close to many amenities. The property is near several schools including Rutland Senior Secondary, Rutland Middle School and Rutland Elementary School. It is also close to parks and activity centres such as Mugford Park, Rutland Activity Centre, Rutland Twin Arena, The YMCA, and Rutland Sports Fields. Finally, the property is also within a short walking distance to several transit stops and bus routes.

The proposed second single-family dwelling on the property represents a modest increase in density and the proposal should sensitively integrate with the neighbouring properties.

4.0 Proposal

4.1 Project Description

The proposed rezoning from RU1 to RU6 will facilitate the development of a second single-family dwelling on the subject property. The proposed new dwelling has been designed in a similar late 1960s bungalow style to match the existing house and surrounding neighbourhood.

The primary dwelling will have the existing attached garage and patio along the East side removed to facilitate a new drive aisle. This drive aisle will be created to fulfill the required 4 parking stalls. This drive aisle is beside an existing pedestrian walkway. A new fence will be created along the property to improve the public realm for pedestrians.

4.2 Site Context

The subject property is in the Rutland OCP Sector along Primrose Road near the intersection of Laurel Road and Mugford Road. It is near transit routes on Hardie Road and Merrifield Road. The surrounding area is largely comprised of RU1 – Large Lot Housing, RU6 – Two Dwelling Housing and RM3 – Low Density Multiple Housing. The surrounding Future Land Use Designations include S2RES – Single/Two Unit Residential and MRL – Multiple Unit Residential (Low Density).

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing & RU1 – Large Lot Housing	Semi-Detached Dwelling & Single Unit Dwelling
East	RU1 – Large Lot Housing	Single Unit Dwelling
South	RU1 – Large Lot Housing	Single Unit Dwelling
West	RU1 – Large Lot Housing	Single Unit Dwelling

Subject Property Map: 435 Primrose Road**4.3 Zoning Analysis Table**

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	700m ²	835m ²
Min. Lot Width	18m	18.94m
Min. Lot Depth	30m	44m
Development Regulations		
Max. Site Coverage (buildings)	40%	23%
Max. Site Coverage (buildings, parking, driveways)	50%	48%
Max. Height	9.5m	4.172m
Min. Front Yard	4.5m	8.8m
Min. Side Yard (West)	2.0m	2.1m
Min. Side Yard (East)	2.0m	3.0m
Min. Rear Yard	7.5m	7.5m
Other Regulations		
Min. Parking Requirements	4	4
Min. Private Open Space	30m ²	39.1m ² / 40.2m ²
Drive Aisle Width	3.0m	3.0m

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

Policy .2 *Compact Urban Form*. 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

Objective 5.22 Ensure context sensitive housing development

Policy .6 *Sensitive Infill*. Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

6.0 Technical Comments

6.1 Development Engineering Department

6.1.1 See attached memorandum dated January 10th, 2020

7.0 Application Chronology

Date of Application Received: December 9th, 2019

Date Public Consultation Completed: January 14th, 2020

Report prepared by: Tyler Caswell, Planner I

Reviewed by: James Moore, Urban Planning & Development Policy Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:


Schedule A: Development Engineering Memo

Attachment A: Conceptual Site Plan

CITY OF KELOWNA

MEMORANDUM

Date: January 10, 2020
File No.: Z19-0142
To: Suburban and Rural Planning (TC)
From: Development Engineering Manager (JK)
Subject: 435 Primrose Ave

SCHEDULE		A
<small>This forms part of application</small>		
# Z19-0142		
<small>Planner Initials</small>	<div style="border: 1px solid black; padding: 2px 10px; display: inline-block;">TC</div>	<div style="text-align: right;"> City of Kelowna <small>DEVELOPMENT PLANNING</small></div>

RU1 to RU6

The Development Engineering Branch has the following comments and requirements associated with this application to rezone the subject property from RU1 to RU6. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technician for this project is Jim Hager.

1. General

- a) The provided drawings (A1 by Willow CADD Services) show a 5.5-m distance between the existing building and the eastern property line. This distance is to be confirmed, as the City's records indicate that the building is much closer the property line. The existing pedestrian walkway on the east side of the property is within the City's right of way. The pedestrian walkway cannot be relied upon for vehicular egress and ingress.
- b) These Development Engineering comments/requirements are subject to the review and requirements from the Ministry of Transportation (MOT) Infrastructure Branch.

2. Domestic Water and Fire Protection

- a) The subject lot is within the Rutland Waterworks District (RWD) water service area. The developer is required to make satisfactory arrangements with RWD for all water and fire protection-related issues. All charges for service connection and upgrading costs, as well as any costs to decommission existing services, shall be the responsibility of the developer.
- b) The developer's consulting mechanical engineer will determine the domestic, fire protection requirements of this proposed development and establish hydrant requirements and service needs.
- c) The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw No. 7900.

3. Sanitary Sewer

- a) This property is currently serviced with a 100-mm sanitary service. The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service (c/w with inspection chamber) will be permitted for this

development. The applicant, at their cost, will arrange for the removal and disconnection of the existing services and the installation of one new larger service, if necessary. The applicant will be required to sign a Third-Party Work Order for the cost of the sanitary service upgrades. For estimate inquiry's please contact Jim Hager, by email at jhager@kelowna.ca.

4. **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.

5. **Road Improvements**

- a) Primrose Rd is to be upgraded to a local standard along the full frontage of this proposed development. A one-time cash payment in lieu of construction must be collected from the applicant for future construction by the City. The cash-in-lieu amount is determined to be **\$25,527.00** (not including utility service costs).

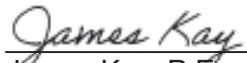
6. **Geotechnical Report**

Provide a 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 subdivision. The Geotechnical reports must be submitted to the Development Services Department (Subdivision Approving officer) for distribution to the Development Engineering Branch and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Recommendations for items that should be included in a Restrictive Covenant.
- (vi) Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
- (vii) Any items required in other sections of this document.

7. **Charges and Fees**

- a) Development Cost Charges (DCC's) are payable.
- b) Cash-in-lieu payment for frontage upgrades: **\$25,527.00**
- c) Service upgrades: **To be determined**

A handwritten signature in cursive script that reads "James Kay".

James Kay, P.Eng.

Development Engineering Manager

JKH



No.	REVISIONS	DATE

JOB TITLE
 REZONING
 PROPOSAL FOR
 435 PRIMROSE
 ROAD

DRAWING TITLE
 SITE PLAN AND
 SITE COVERAGE

DATE
 NOV. 14, 2019
 DRAW BY
 D.P.

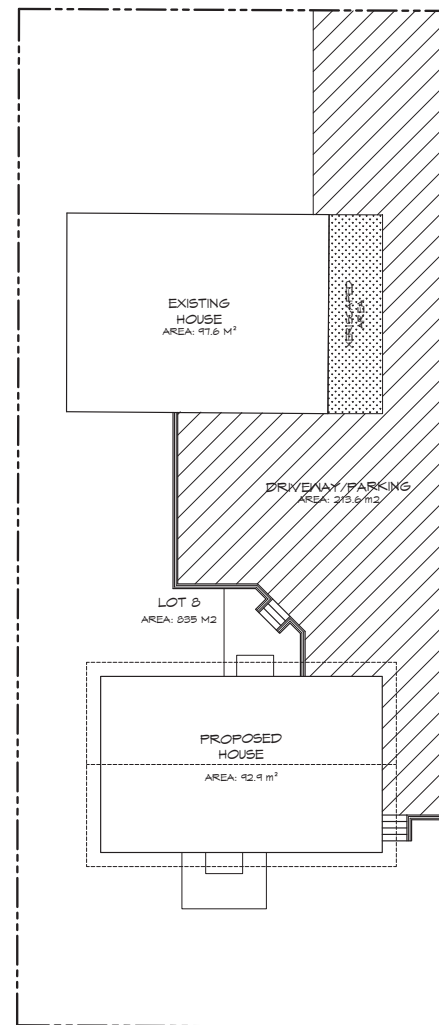
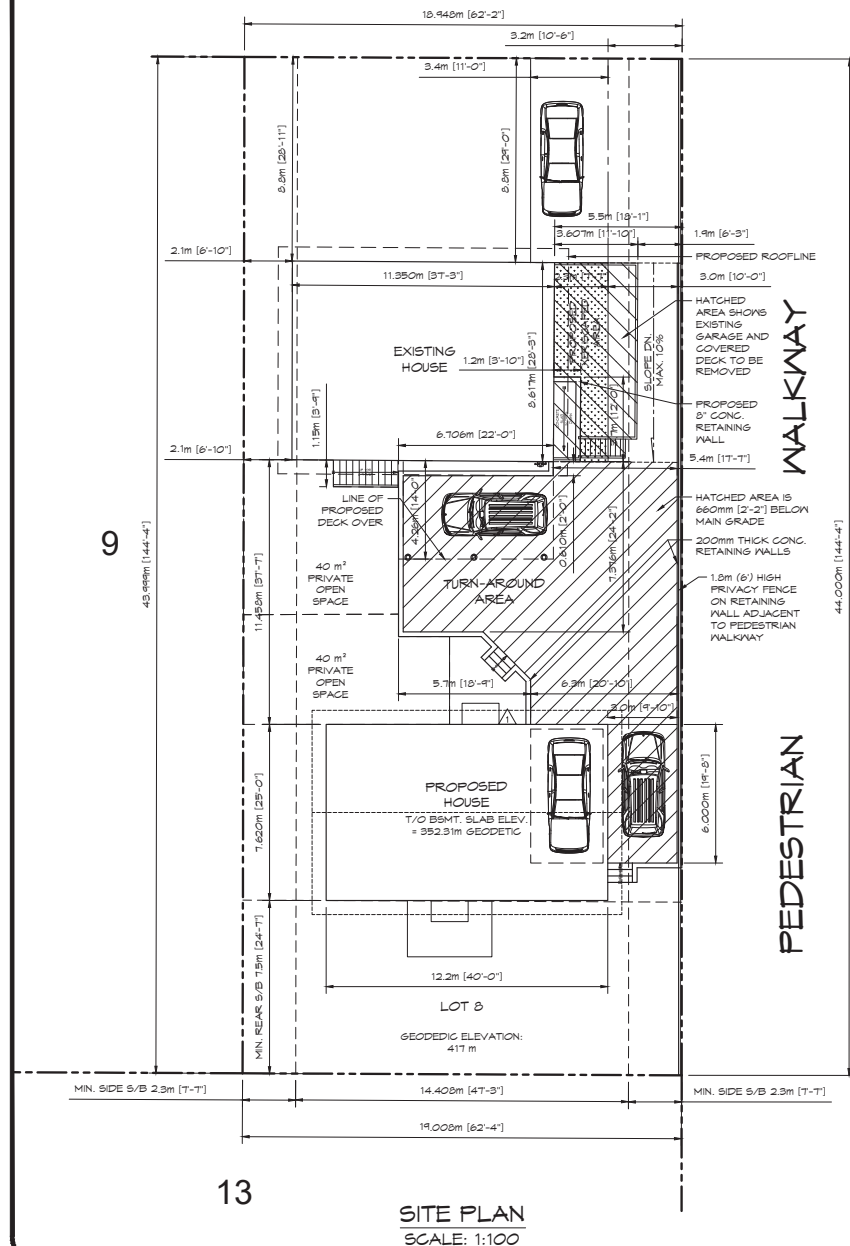
JOB No.
 WC5 10-19
 SCALE
 1:100
 DRAWING No.

A1

PRIMROSE ROAD



PRIMROSE ROAD



SITE AREA: 835 m²
 TOTAL SITE COVERAGE (BLDG.): 190.5 m² (23%)
 ALLOWABLE SITE COVERAGE (BLDG.): 40%
 SITE COVERAGE W/ PARKING: 404 m² (48.4%)
 TOTAL ALLOWABLE SITE COVERAGE: 50%

WALKWAY

PEDESTRIAN

LEGAL DESCRIPTION
 435 PRIMROSE
 ROAD
 LOT 8, SEC.26
 TWP.26, ODYD
 PLAN 17525.

REPORT TO COUNCIL



Date: February 24th, 2020

To: Council

From: City Manager

Department: Development Planning

Application: Z19-0138

Owner: John Hodges

Address: 460 Francis Ave

Applicant: John Hodges

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Rezoning Application No. Z19-0142 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8 District Lot 14 ODYD Plan 7336, located at 460 Francis Avenue, 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 Development Planning Department dated February 24, 2020;

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

2.0 Purpose

To rezone the subject property from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing to facilitate two new detached dwellings.

3.0 Development Planning

Development Planning staff support the proposed rezoning from RU1 – Large Lot Housing zone to RU6 – Two Dwelling Housing zone as the subject property is within the Permanent Growth Boundary and the plans

align with the Official Community Plan (OCP) Future Land Use Designation of S2RES – Single/Two Unit Residential.

The proposal is consistent with the OCP policy related to compact urban form as the proposal would result in an increase in density and allow for infill development in an existing neighbourhood close to many amenities. The subject property is near the South Pandosy – KLO area, Kelowna General Hospital and several City parks. The property is also in close proximity to several bus routes that link to Downtown, UBCO and Okanagan College, as well as easily accesses the North-South bike lanes along Abbott Street. The two new detached dwellings represent a modest increase in density and the proposal is considered to sensitively integrate with the neighbouring properties.

4.0 Proposal

4.1 Project Description

The proposed rezoning from RU1 to RU6 will facilitate two new detached dwellings on the subject property. The proposed dwellings will be two storeys in height. The dwellings will be designed to be best incorporated into the existing neighbourhood with a natural colour palate. There will be two double garages accessed off the lane, with an additional two uncovered spots parallel to the garages. The applicant will also try to keep as many mature trees as possible, and plant numerous low maintenance and non-invasive trees.

Development Planning staff are currently tracking a Development Variance Permit Application to the required minimum distance between the two detached dwellings that would come forth for Council consideration should the land use be supported.

4.2 Site Context

The subject property is in the South Pandosy – KLO OCP Sector near the Pandosy Street and Francis Ave intersection. The surrounding area is primarily RU1 – Large Lot Housing, RU1c – Large Lot Housing with Carriage House and RU6 – Two Dwelling Housing. The surrounding area primarily also has a Future Land Use Designation of S2RES – Single/Two Unit Residential. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Dwelling	Single Unit Dwelling
East	RU1 – Large Lot Housing	Single Unit Dwelling
South	RU1 – Large Lot Housing	Single Unit Dwelling
West	RU6 – Two Dwelling Housing	Two Detached Dwellings

Subject Property Map: 460 Francis Avenue



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

Policy .2 *Compact Urban Form*. 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

Objective 5.22 Ensure context sensitive housing development

Policy .6 *Sensitive Infill*. Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

6.0 Technical Comments

6.1 Development Engineering Department

6.1.1 See attached memorandum dated December 19th, 2019

7.0 Application Chronology

Date of Application Received: December 3rd, 2019

Date Public Consultation Completed: January 6th, 2020

Report prepared by: Tyler Caswell, Planner I

Reviewed by: James Moore, Urban Planning & Development Policy Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:


Schedule A: Development Engineering Memo

Attachment A: Conceptual Site Plan

CITY OF KELOWNA

MEMORANDUM

Date: December 19, 2019
File No.: Z19-0138
To: Suburban and Rural Planning (TC)
From: Development Engineering Manager (JK)
Subject: 460 Francis Ave

SCHEDULE		A
<small>This forms part of application</small>		
# Z19-0138		
<small>Planner Initials</small>	TC	 City of Kelowna <small>DEVELOPMENT PLANNING</small>

RU1 to RU6

The Development Engineering Department has the following comments and requirements associated with this application to rezone the subject property from RU1 to RU6. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technician for this project is Aaron Sangster.

1. General

- a) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement buildings may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.

2. Domestic Water and Fire Protection

- a) The subject property is currently serviced with a 19mm water service. One metered water service will be required for the development. The disconnection of the existing small diameter water services and the tie-in of a larger service is the developer's responsibility. You can engage an engineer and contractor to manage the work on your behalf or it can be provided by City forces at the developer's expense. If you chose to have it completed by City forces, you will be required to sign a Third-Party Work Order and pre-pay for the cost of the water service upgrades. For estimate inquiries please contact Mike Thomas, by email mthomas@kelowna.ca or phone, 250-469-8797.

3. Sanitary Sewer

- a) This property is currently serviced with a 100-mm sanitary service. The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service will be permitted for this development. The applicant, at their cost, will arrange for the removal and disconnection of the existing services and the installation of one new larger service, if necessary.

4. Storm Drainage

- a) 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.

b) Provide the following drawings:

- i. A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
- ii. A detailed Stormwater Management Plan; and
- iii. An Erosion and Sediment Control Plan.

SCHEDULE		A
This forms part of application # Z19-0138		
Planner Initials	TC	 City of Kelowna <small>DEVELOPMENT PLANNING</small>

5. **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. **Road Improvements**

- a) Francis Ave must be upgraded to a local standard along the full frontage of this proposed development, curb and gutter, drainage system, pavement removal and replacement, and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The road cross section to be used is a SS-R7. A one-time cash payment in lieu of construction must be collected from the applicant for future construction by the City. The cash-in-lieu amount is determined to be **\$15,004.63**. not including utility service cost.
- b) The lane must be upgraded to a SS-R2. A one-time cash payment in lieu of construction must be collected from the applicant for future construction by the City. The cash-in-lieu amount is determined to be **\$10,368.00**.

8. **Geotechnical Report**

Provide a 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 subdivision. The Geotechnical reports must be submitted to the Development Services Department (Subdivision Approving officer) for distribution to the Development Engineering Branch and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).


- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Recommendations for items that should be included in a Restrictive Covenant.
- (vi) Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
- (vii) Any items required in other sections of this document.


9. Design and Construction

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

12. Charges and Fees

- a) Development Cost Charges (DCC's) are payable.

SCHEDULE		A
This forms part of application # Z19-0138		
Planner Initials	TC	 City of Kelowna DEVELOPMENT PLANNING



James Kay, P.Eng.
Development Engineering Manager

AS

ATTACHMENT A

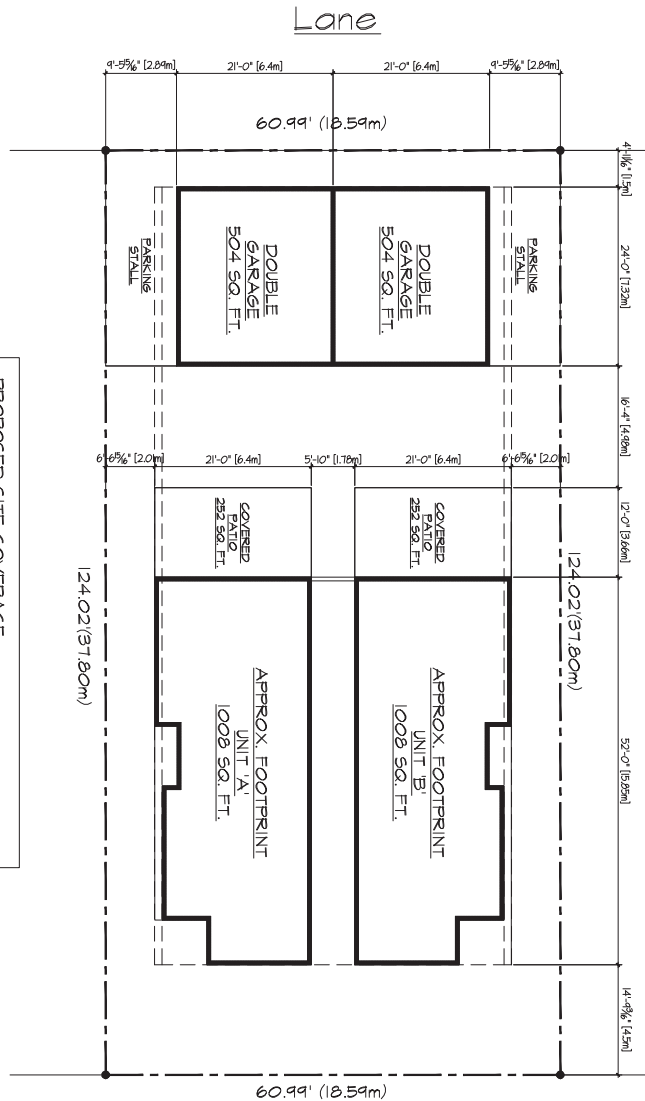
This forms part of application

Z19-0138

Planner
Initials

TC

City of
Kelowna
DEVELOPMENT PLANNING



Civic Address: 460 Francis Ave. V1Y5G2
Legal description: 009-999-515 lot8 district lot 14 odyd
Applicant: John Hodges 250-469-1957

PROPOSED SITE COVERAGE
LOT SIZE..... 7565 SQ.FT. (702.6m²)
BLDG. COVERAGE..... 40% = 3024 SQ.FT. (281m²)
D.M. & PARKING..... 10% = 755 SQ.FT. (70.2m²)

BAXTER
ENGINEERING & ARCHITECTURE
250-469-1957
baxterengineering.com

PROPOSED REZONING FOR:
SHANE & KATE PRODUCE INC.
460 FRANCIS AVE.
KELOWNA, B.C.

Drawing Scale: 1/200
Date: Nov 21, 2019
Rev. Date:
Dwn. By: SHB

REZONING APPLICATION

1/1

REPORT TO COUNCIL



Date: March 2, 2020

To: Council

From: City Manager

Department: Development Planning Department (AC)

Application: TA20-0007

Application: TA20-0007

Address: n/a

Address: n/a

Subject: Text Amendment Application

1.0 Recommendation

That Zoning Bylaw Text Amendment Application No. TA20-0007 to amend the City of Kelowna Zoning Bylaw No. 8000 by adding rental sub-zones to various zones as identified in Attachment "A" and outlined in the Report from the Development Planning Department dated March 2nd, 2020, be considered by Council AND THAT the Text Amendment Bylaw be forwarded to a Public Hearing for further consideration;

2.0 Purpose

To consider a Text Amendment application to create rental sub-zones within Zoning Bylaw No. 8000.

3.0 Development Planning

The Local Government Act was amended in 2018 to include the provision for Residential Rental Tenure Zoning. The new legislation provides local governments with a new authority to zone for residential rental tenure and enact zoning bylaws that:

- Require that new housing in residential areas be developed as rental units;
- Ensure that existing areas of rental housing are preserved as such.

The new rental zoning allows local governments to set different rules in relation to restricting the form of tenure of housing units for different zones and can require that a certain number, portion, or percentage of housing units in a building be rental.

Based on the new parking regulations within Zoning Bylaw No. 8000 that were adopted by Council in November 25, 2019, the parking rate for rental housing projects has been reduced. The rationale for the reduction was based upon the probability of developing projects with a parkade that has a greater utilization rate when managed as a common parking pool than allocating parking stalls per unit. In order to secure the rental housing in perpetuity, the new Residential Rental Tenure Zoning is proposed to be introduced to the

Zoning Bylaw. Staff recommend this approach as the current practice of housing agreements and covenants are time restricted (e.g. up to 10 years) which potentially creates problems longer-term.

Staff are proposing to setup the new Residential Rental Tenure Zoning as sub-zones to eight of the City's major urban residential zones (for details see Attachment A).

4.0 Current Development Policies

4.1 Kelowna Official Community Plan (OCP)

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

Compact Urban Form. 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.

Objective 5.9. Support the creation of affordable and safe rental, non-market and / or special needs housing.

Objective 5.11. Support parking management programs that promote reduced vehicle ownerships, reduced vehicle trips and increased use of active modes of transportation.

Objective 5.18. Ensure efficient land use.

4.2 Parking Regulations Amendment – Adopted Nov. 25th 2019

Rental Housing Incentive:

Staff are recommending a 20% parking reduction within Urban Centres or 10% parking reduction outside Urban Centres be applied to purpose-built rental housing developments. The parking for rental housing developments can be managed more efficiently with a rental pool of parking and when located in an Urban Centre with associated services, amenities, and alternate transportation options. The rental land use will need to be guaranteed through the new Local Government Act zoning powers for rental apartments.

5.0 Technical Comments

Ministry of Transportation and Infrastructure:

No issues or objections.

6.0 Application Chronology

Date of Application Received: January 22, 2020

Report prepared by: Adam Cseke, Planning Specialist

Reviewed and Approved by: Terry Barton, Development Planning Department Manager

Attachments:

Attachment 'A': Text Amendment Summary to include rental only sub-zone

ATACHMENT A – PROPOSED TEXT AMENDMENTS TO ZONING BYLAW No. 8000 – TA20-0007

Zoning Bylaw 8000 – Updates				
No.	Section Affected	Summary of Change / Current Wording	Proposed Wording	Reason for Change
<u>1.</u>	Section 1.3.1	Existing list of Zones	Add 'r' sub-zone to each applicable zone to list.	Add the new subzone to the comprehensive list of zones.
<u>2.</u>	Section 2.3.3	Section 2 – Add definition of Residential Rental Tenure	Residential Rental Tenure means occupancy of a dwelling unit under a rental agreement that is subject to the Residential Tenancy Act.	See Report
<u>3</u>	Section 8.2.12	If a development rezones to a sub-rental zone guaranteeing the development as rental housing, then a 20% reduction to the parking requirement (both base and visitor) can be applied if the development is located within an urban centre and a 10% reduction to the parking requirement (both base and visitor) can be applied if the development is located outside an urban centre .	If a development is sub-zoned for Residential Rental Tenure guaranteeing the development as Residential Rental Tenure , then a 20% reduction to the parking requirement (both base and visitor) can be applied if the development is located within an urban centre and a 10% reduction to the parking requirement (both base and visitor) can be applied if the development is located outside an urban centre .	Clarifying Section 8 Parking language to ensure a development must be Residential Rental Tenure in order to achieve the parking bonuses.
<u>4.</u>	Section 13.8	Add a rental sub-zone to the RM2 zone	RM2r – Low Density Row Housing (Residential Rental Tenure Only)	The new parking bylaw was set up to utilize sub-zones to take advantage of the reduced parking. Instead of Housing Agreements which are time limited (10 years), a rental sub-zone will ensure the reduced parking is matched to a rental land use.
<u>5.</u>	Section 13.8.7	Add rental tenure clarification	In the RM2r zones, any Multiple Dwelling Housing unit shall be restricted to a Residential Rental Tenure.	
<u>6.</u>	Section 13.9	Add a rental sub-zone to the RM3 zone	RM3r – Low Density Multiple Housing (Residential Rental Tenure Only)	
<u>7.</u>	Section 13.9.7	Add rental tenure clarification	In the RM3r zones, any Multiple Dwelling Housing unit shall be restricted to a Residential Rental Tenure.	
<u>8.</u>	Section 13.10	Add a rental sub-zone to the RM4 zone	RM4r – Transitional Low Density Housing (Residential Rental Tenure Only)	

ATACHMENT A – PROPOSED TEXT AMENDMENTS TO ZONING BYLAW No. 8000 – TA20-0007

Zoning Bylaw 8000 – Updates				
No.	Section Affected	Summary of Change / Current Wording	Proposed Wording	Reason for Change
<u>9.</u>	Section 13.10.7	Add rental tenure clarification	In the RM _{4r} zones, any Multiple Dwelling Housing unit shall be restricted to a Residential Rental Tenure.	
<u>10</u>	Section 13.11	Add a rental sub-zone to the RM ₅ zone	RM _{5r} – Medium Density Multiple Housing (<i>Residential Rental Tenure</i> Only)	
<u>11.</u>	Section 13.11.7	Add rental tenure clarification	In the RM _{5r} zones, any Multiple Dwelling Housing unit shall be restricted to a Residential Rental Tenure.	
<u>12.</u>	Section 13.12	Add a rental sub-zone to the RM ₆ zone	RM _{6r} – High Rise Apartment Housing (<i>Residential Rental Tenure</i> Only)	
<u>13.</u>	Section 13.12.7	Add rental tenure clarification	In the RM _{6r} zones, any Multiple Dwelling Housing unit shall be restricted to a Residential Rental Tenure.	
<u>14.</u>	Section 14.4	Add a rental sub-zone to the C ₄ zone	C _{4r} – Urban Centre Commercial (<i>Residential Rental Tenure</i> Only)	
<u>15.</u>	Section 14.4.6	Add rental tenure clarification	In the C _{4r} zones, any Multiple Dwelling Housing unit shall be restricted to a Residential Rental Tenure.	
<u>16.</u>	Section 14.7	Add a rental sub-zone to the C ₇ zone	C _{7r} – Central Business Commercial (<i>Residential Rental Tenure</i> Only)	
<u>17.</u>	Section 14.7.7	Add rental tenure clarification	In the C _{7r} zones, any Multiple Dwelling Housing unit shall be restricted to a Residential Rental Tenure.	

REPORT TO COUNCIL



Date: March 2, 2020

To: Council

From: City Manager

Department: Development Planning Department (AC)

Application: OCP19-0009 & Z19-0119 **Owner:** The Evangel Family Rental Housing Society Inc. No.S16918

Address: 969 Harvey Avenue **Applicant:** Paul Schuster (NOvation Architecture)

Subject: Rezoning and OCP Amendment Applications

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

Proposed OCP Designation: MRH – Multiple Unit Residential (High Density)

Existing Zone: RM5 – Medium Density Multiple Housing

Proposed Zone: RM6r – High Rise Apartment Housing (Residential Rental Tenure Only)

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP19-009 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot A District Lot 138 Osoyoos Division Yale District Plan 31933 Except Plan 36604, located at 969 Harvey Avenue, Kelowna, BC from the MRM – Multiple Unit Residential (Medium Density) designation to the MRH – Multiple Unit Residential (High Density) designation, be considered by council:

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the *Purpose* of Section 879 of the *Local Government Act*, as outlined in the Report from the Development Planning Department dated March 2nd, 2020;

THAT Rezoning Application No. Z19-0119 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 138 Osoyoos Division Yale District Plan 31933 Except Plan 36604, located at 969 Harvey Avenue, Kelowna, BC from the RM5 – Multiple Unit Residential (Medium Density) zone to the RM6r – High Rise Apartment Housing (Residential Rental Tenure Only), be considered by Council;

AND THAT the Official Community Plan Map Amending Bylaw and Rezoning Bylaws be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Official Community Plan Map Amending Bylaw and the Rezoning Bylaw, be considered subsequent to the outstanding conditions as set out in Schedule "A" attached to the Report from the Development Planning Department dated February 24th, 2020;

AND THAT final adoption of the Official Community Plan Map Amending Bylaw and the Rezoning Bylaw, be considered subsequent to the registration of a height restricting covenant to a maximum of six and a half (6.5) storeys on the subject property.

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

2.0 Purpose

To consider an OCP Amendment application to change the future land use from MRM designation to MRH designation. To consider a Rezoning application to rezone the subject property from RM5 zone to RM6r (rental only) zone to facilitate a proposed six and a half storey multi-family building.

3.0 Development Planning

The subject property is located between the downtown Urban Centre and the Capri-Landmark Urban Centre along Harvey Avenue. The subject property is within close proximity to downtown and is well served by nearby amenities including parks, restaurants, shops and transit along the Highway 97 corridor. The property is also close to the Ethel Street Active Transportation corridor providing good cycling connectivity to various core destinations. The properties' Walk Score is 76 (Very Walkable – most errands can be accomplished on foot).

The applicant is requesting an Official Community Plan Amendment to MRH – Multiple Unit Residential (High Density) and rezoning to RM6r – High Rise Apartment Housing (Rental Only) in order to facilitate the construction of a six-storey apartment building. In consideration of the subject property's urban context with surrounding developments such as Cambridge House, Murano, Dorchester, and Central Green, Staff are supportive of the proposed Official Community Plan Amendment to MRH – Multiple Unit Residential (High Density) and rezoning to RM6r – High Rise Apartment Housing (Rental only) to facilitate the construction of a six and a half storey apartment building. Staff are supportive of achieving significant density in close proximity to downtown and along a major transit route. The proposal will also create a significant number of rental 3-bedroom units to the affordable housing stock, an important objective in catering to families and households with children.

The reason for the rental only sub-zone is to utilize the new parking bonuses within the updated parking regulations. The new parking bylaw was set up to utilize sub-zones to take advantage of reduced parking. Housing agreements / covenants are time limited (10 years) and if the parking is reduced based upon a rental land use, the City wanted to ensure the rental housing was more permanent than a housing agreement.

Staff have reviewed this application and it may proceed without affecting either the City's Financial Plan or Waste Management Plan.

4.0 Proposal

4.1 Project Description

The applicant is proposing the construction of a new six and a half storey multi-family residential infill building located along Hwy 97 North (Harvey Avenue). This project is an addition to an existing three-storey multi-family building. The current building has a large amount of green space along in the front yard along Harvey Avenue. The proposed building will be built in this green space connecting to the existing dwelling,

creating an enclosed courtyard between the two buildings. In order to maximize the allowable units, they are proposing to rezone to RM6r (rental only). The RM6 zone allows for six and a half storeys. In addition to the rezoning, the applicant is applying for an OCP Amendment from MRM to MRH. The proposed site entrance would be from the back laneway along the south end of the property. The building will be L-shaped to connect to the existing building on each end creating a square shape with a central shared courtyard.

Staff are currently tracking four variances proposed for the initial application. The four variances are for side yard setback, daylight provisions, site coverage, and parking. Should the land use be supported by Council, Staff will bring forth a Council report for the Development Permit detailing the form and character conformance to the design guidelines and a Development Variance Permit Council report with analysis on the proposed variances.

4.2 Site Context

The subject property is located between two urban centres: Capri-Landmark to the East and City Centre to the West. The surrounding area along Harvey Avenue is primarily zoned RM5 and RM6, while the dwellings south are RU6 along Laurier Avenue. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM5 – Medium Density Multiple Housing	Medium Density Residential
East	RM5 – Medium Density Multiple Housing	Medium Density Residential
South	RU6 – Two Dwelling Housing	Low Density Residential
West	RM5 – Medium Density Multiple Housing	Medium Density Residential

Subject Property Map: 969 Harvey Avenue



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	1700m ²	7,218m ²
Min. Lot Width	30.0m	87.0m
Min. Lot Depth	35.0m	85.8m
Development Regulations		
Max. Floor Area Ratio	1.5 (+ 0.18 bonus)	1.68
Max. Site Coverage (buildings, parking, driveways)	3,609m ² (50%)	5,070m ² (70%) ^❶
Max. Height	55m	19.43m
Min. Front Yard	6.0m	6.0m
Min. Side Yard (West)	4.5m	3.6m ^❷
Min. Rear Yard	9.0m	9.1m
Other Regulations		
Min. Parking Requirements	162	143 ^❸
Min. Bicycle Parking	24	32
Min. Private Open Space	720.0m ²	774.3m ²
Min. Loading Space	m ²	m ²
Landscape Buffer (Front)	Level 2 – 3.0m	3.0m
Landscape Buffer (Side)	Level 3 – 3.0m	3.0m
Landscape Buffer (Rear)	Level 3 – 3.0m	3.0m
Daylight Provisions	65%	>65% ^❹
^❶ Indicates a requested variance to Section 13.11.6(b) Development Regulations- Site Coverage ^❷ Indicates a requested variance to Section 13.11.6(e) Development Regulations- Side yard setbacks ^❸ Indicated a requested variance to Section 8.3.1 Residential Parking Table ^❹ Indicated a requested variance to Section 6 Daylighting Standards		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

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

Complete Communities. 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. 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.

Objective 5.9. Support the creation of affordable and safe rental, non-market and / or special needs housing.

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

Objective 5.11. Support parking management programs that promote reduced vehicle ownerships, reduced vehicle trips and increased use of active modes of transportation.

Objective 5.18. Ensure efficient land use.

Objective 5.19. Ensure development is compatible with surrounding land uses.

6.0 Technical Comments

6.1 Development Engineering Department

6.1.1 See Attachment 'B', memorandum dated November 20, 2020

6.2 Ministry of Transportation

6.2.1 No objection to proposal.

7.0 Application Chronology

Date of Application Received: September 30, 2019

Date Public Consultation Completed: November 28, 2019

Report prepared by: Adam Cseke, Planning Specialist
Tyler Caswell, Planner I

Reviewed and Approved by: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: Development Engineering Memo

Attachment 'B': Conceptual Drawing Package

CITY OF KELOWNA

MEMORANDUM

Date: November 13, 2019
File No.: Z19-0119
To: Urban Planning Management (AC)
From: Development Engineering Manager (JK)
Subject: 969 Harvey Ave

SCHEDULE		A
This forms part of application # Z19-0119		
Planner Initials	AC	 City of Kelowna DEVELOPMENT PLANNING

RM5 to RM6

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 Aaron Sangster.

1. General

- a) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement buildings may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- b) Provide easements as may be required.
- c) These Development Engineering comments and requirements are subject to review and or revision for approval by the Ministry of Transportation (MOTI) Infrastructure.

2. Domestic Water and Fire Protection

- a) Property 969 Harvey Ave is currently serviced with a 100mm-diameter water service. The developer's consulting mechanical engineer will determine the domestic, fire protection requirements of this proposed development and establish hydrant requirements and service needs. The applicant will arrange for the removal and disconnection of the existing services and the installation of one new larger service at the applicants cost.
- b) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost. Boulevard landscaping, complete with underground irrigation system, must be integrated with the on-site irrigation system
- c) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures. The City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters.

SCHEDULE		A
This forms part of application # Z19-0119		
Planner Initials	AC	 City of Kelowna <small>DEVELOPMENT PLANNING</small>

2. **Sanitary Sewer**

Our records indicate that these properties are currently serviced with a 200mm-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.

3. **Storm Drainage**

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

4. **Road Improvements**

- a) Harvey Ave has been upgraded to an urban standard along the full frontage of this proposed development. No further upgrades are needed at this time.
- b) The laneway standard along the full frontage of this proposed development must be upgraded including a drainage system including catch basins, manholes and pavement removal and replacement, and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- c) The laneway access on Gagnon Pl. requires an improved letdown from the road to the lane. SS-C7 detail shall be used the design.

4. **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.

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

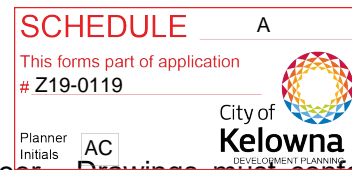
- a) Direct the roof drains into on-site rock pits or splash pads.

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**

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is



subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.

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

8. **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.

9. **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.

10. **Geotechnical Report**

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

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

- e) Additional geotechnical survey may be necessary for building foundations, etc.


11. **Charges and Fees**

- a) Development Cost Charges (DCC's) are payable.
- b) Fees per the "Development Application Fees Bylaw" include:
 - i. Street/Traffic Sign Fees: at cost if required (to be determined after design).
 - ii. Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
- c) Engineering and Inspection Fee: 3.5% of construction value (plus GST).

James Kay

James Kay, P. Eng.
Development Engineering Manager

AS

SCHEDULE		A
This forms part of application		
# Z19-0119		
Planner Initials	AC	 City of Kelowna DEVELOPMENT PLANNING

CITY OF KELOWNA

MEMORANDUM

Date: November 13, 2019

File No.: OCP19-0009

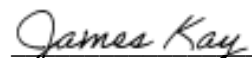
To: Urban Planning Management (AC)

From: Development Engineer Manager (JK)


Subject: 969 Harvey Ave.

The Development Engineering comments and requirements regarding An Official Community Plan (OCP) Amendment to change the Future Land Use from MRM designation to MRH designation to facilitate a proposed six story multi-family building.

1. General.
 - a) This application does not compromise any Municipal services.
 - b) For Development Engineering servicing requirements refer to file Z19-0119


James Kay, P.Eng.
Development Engineering Manager

AS

SCHEDULE		A
This forms part of application		
# OCP19-0009		
Planner Initials	AC	 City of Kelowna DEVELOPMENT PLANNING

CONSULTANTS:

ARCHITECTURAL
NOVATION ARCHITECTURE
302-2237 LECKIE ROAD
KELOWNA, BC V1Y 9T1
TEL (250) 420-4144
FAX (250) 000-0000

LANDSCAPE
OUTLAND DESIGN
303-950 KLO ROAD
KELOWNA, BC V1Y 7S2
TEL (250) 868-9270

SURVEY
FERGUSON LAND SURVEYOR
404-1630 PANDOSY STREET
KELOWNA, BC V1Y 1P7
TEL (250) 763-3115
FAX (250) 763-0321

DRAWING INDEX:

ARCHTECTURAL DRAWING LIST	
NO.	NAME
A0.00	COVER SHEET
A0.01	VISUALIZATIONS
A0.02	VISUALIZATIONS
A1.01	SITE PLAN - PARKADE
A1.02	SITE PLAN - ROOF
A2.00	PARKADE FLOOR PLAN
A2.01	LEVEL 1 FLOOR PLAN
A2.02	LEVEL 2 FLOOR PLAN
A2.03	LEVEL 3 FLOOR PLAN
A2.04	LEVEL 4 FLOOR PLAN
A2.05	LEVEL 5 FLOOR PLAN
A2.06	LEVEL 6 FLOOR PLAN
A2.07	ROOF PLAN
A3.01	ELEVATIONS
A3.02	ELEVATIONS
A3.03	ELEVATIONS
A4.01	BUILDING SECTIONS

ILLUSTRATIONS:



CONTEXT SITE PLAN:



ATTACHMENT B

This forms part of application
OCP19-0009 / Z19-0119

City of Kelowna
DEVELOPMENT PLANNING

Planner Initials AC

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REGISTERED ARCHITECT
PAUL M. SCHUBERT
BRITISH COLUMBIA

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1	20190930	ISSUED FOR CP
No.	Date	Description
Revisions		

NOVATION
ARCHITECTURE
302 - 2237 LECKIE ROAD
KELOWNA BC V1Y 6Y5

project title
969 HARVEY AVENUE
LOTA DISTRICT LOT 138 OYD PLAN 31933
EXCEPT PLAN 36604
KELOWNA, BRITISH COLUMBIA

project no: 1821

drawing title
COVER SHEET

designed	PS	scale
drawn	BD	
checked	PS	

drawing no.
A0.00
plotted
21/01/2020 10:38:27 AM



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DEVELOPMENT PLANNING

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1	20190930	ISSUED FOR DP
No.	Date	Description
Revisions		

NOVATION
ARCHITECTURE

302 - 2237 LECKIE ROAD
KELOWNA BC V1X 6Y5

project title
969 HARVEY AVENUE
LOTA DISTRICT LOT 138 ODD PLAN 31933
EXCEPT PLAN 36604
KELOWNA, BRITISH COLUMBIA

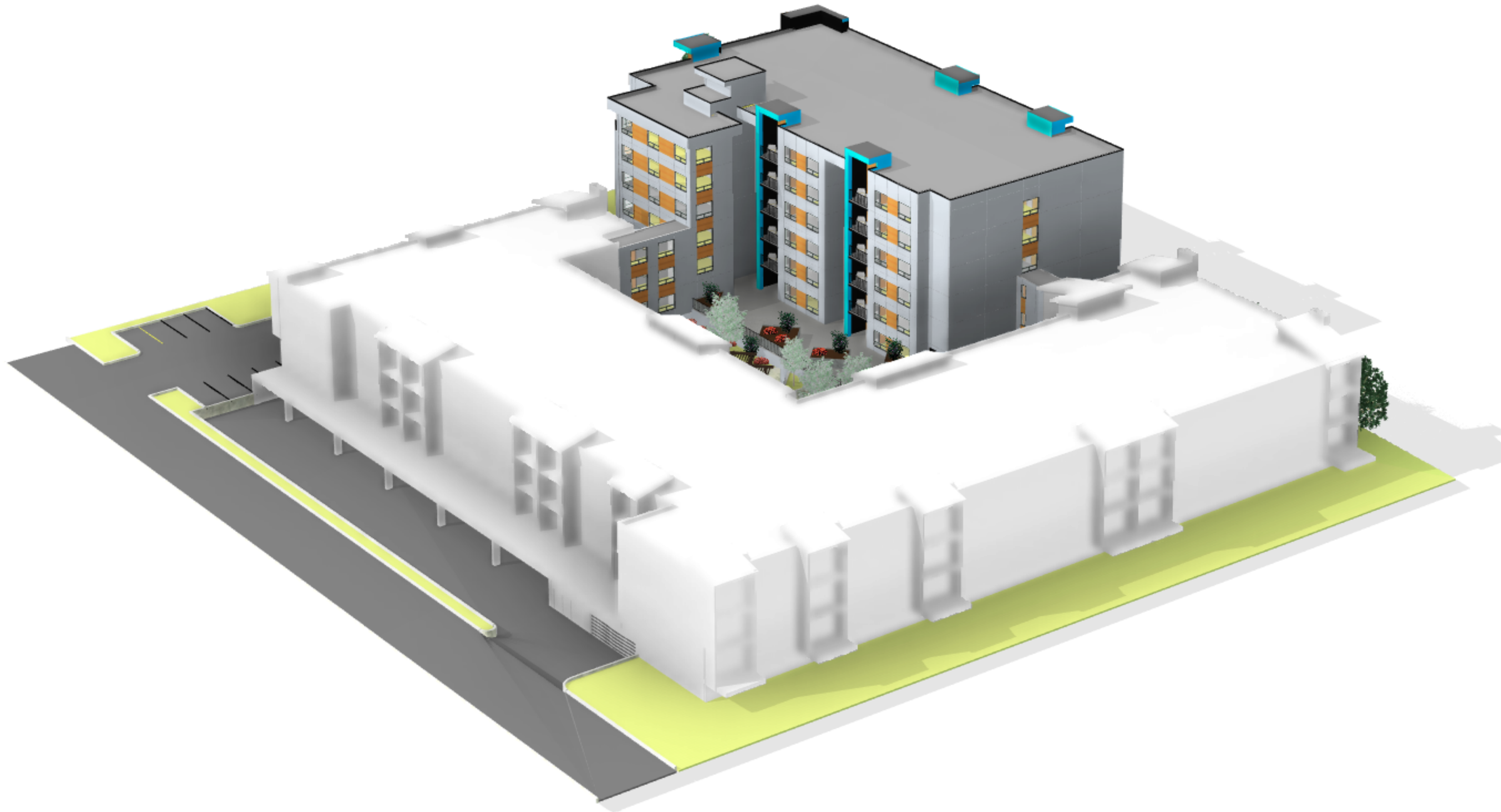
project no: 1821

drawing title
VISUALIZATIONS

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drawn	BD	
checked	PS	

drawing no.
A0.01

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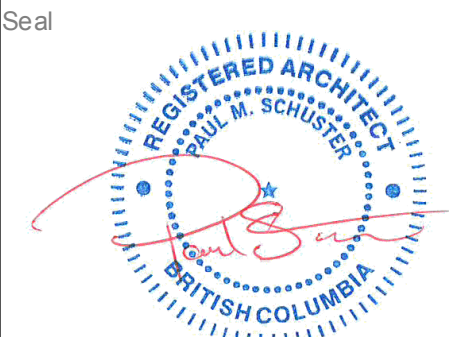
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OCP19-0009 / Z19-0119

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City of Kelowna
DEVELOPMENT PLANNING

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1	20190930	ISSUED FOR DP
No.	Date	Description
Revisions		

NOVATION
ARCHITECTURE

302 - 2237 LECKIE ROAD
KELOWNA BC V1X 6Y5

project title
969 HARVEY AVENUE
LOT A DISTRICT LOT 138 OQYD PLAN 31933
EXCEPT PLAN 36604
KELOWNA, BRITISH COLUMBIA

project no: 1821

drawing title
VISUALIZATIONS

designed	PS	scale
drawn	BD	
checked	PS	

drawing no.
A0.02
plotted 21/01/2020 10:36:17 AM



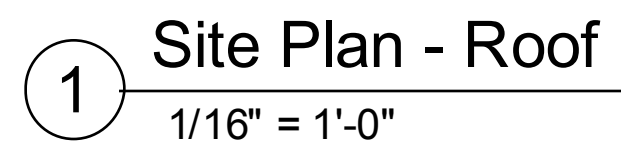
ATTACHMENT **B**

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 # OCP19-0009 / Z19-0119

Planner Initials **AC**

City of Kelowna
 DEVELOPMENT PLANNING

21/01/2020 10:39:31 AM



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<input checked="" type="checkbox"/>	Not for Construction.

NOT FOR CONSTRUCTION

302 - 2237 LECKIE ROAD
KELOWNA BC V1X 6Y5

drawing title
SITE PLAN - ROOFA1.02

21/01/2020 10:39:38 AM

REPORT TO COUNCIL



Date: March 2nd, 2020

To: Council

From: City Manager

Department: Development Planning (TC)

Application: Z19-0141

Owner: Nicole Gosselin

Address: 368 Uplands Drive

Applicant: Nicole Gosselin

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RR2 – Rural Residential 2

Proposed Zone: RR2c – Rural Residential 2 with Carriage House

1.0 Recommendation

THAT Rezoning Application No. Z19-0141 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Section 23, Township 28, SDYD, Plan 42738, located at 368 Uplands Drive, Kelowna, BC from RR2 – Rural Residential 2 zone to the RR2c – Rural Residential 2 with Carriage House 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 Development Planning Department dated March 2nd, 2020.

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

2.0 Purpose

To rezone the subject property from RR2 – Rural Residential 2 to RR2C – Rural Residential 2 with Carriage House.

3.0 Development Planning

Development Planning staff support the proposed rezoning from RR2 – Rural Residential 2 zone to RR2C – Rural Residential 2 with Carriage House. The subject property is within the Permanent Growth Boundary, is

served (ie. sewer) and the plans align with the Official Community Plan (OCP) Future Land Use Designation of S2RES – Single/Two Unit Residential. Rezoning the subject property to add the 'c' designation would meet policy objectives including fostering a mix of housing forms and concentrating growth within the Permanent Growth Boundary.

4.0 Proposal

4.1 Background

Previous owners of the subject property applied for a Building Permit to construct a three-car garage and storage room in 1986. A bylaw investigation was conducted in March 2012, which showed that the southern portion of the garage had been converted into a suite. The suite was subsequently decommissioned in April 2012. Since the investigation and decommissioning, the subject property has a new owner who is seeking the proper approvals to allow for a carriage house within the existing building.

4.2 Project Description

The proposed rezoning from RR2 to RR2C is to allow for a carriage house within an existing building. The proposed suite is on the second floor above a three-car garage and it is 85.7m² (922 sq. ft.) in size. The proposed carriage house is located on the south portion of the property towards Uplands Drive. Due to the elevation change and existing vegetation the buildings are minimally visible from the road.

Development Planning staff are currently tracking a Development Variance Permit Application to the building height as the proposed carriage house is taller than the primary house as measured from the midpoint when the slope is considered.

4.3 Site Context

The subject property is in the Southwest Mission OCP Sector and the surrounding area is primarily zoned RR2 – Rural Residential 2, RR3 – Rural Residential 3 and RU1 – Large Lot Housing. The surrounding area also has a Future Land Use Designation of S2RES – Single/Two Unit Residential.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR3 – Rural Residential 3	Single Family Dwelling
East	RR2 – Rural Residential 2 & RR3 – Rural Residential 3	Single Family Dwelling
South	RR2 – Rural Residential 2 & RU1 – Large Lot Housing	Single Family Dwelling
West	RR2 – Rural Residential 2	Single Family Dwelling

Subject Property Map: 368 Uplands Drive



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 1: Introduction

Goals for a Sustainable Future:

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

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

Policy .1 Permanent Growth Boundary. Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. The City of Kelowna will support development of properties outside the PGB for more intensive use only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except for Agri-Business designated sites or as per Council's specific amendment of this policy. The PGB may be reviewed as part of the next major OCP update.

6.0 Technical Comments

6.1 Development Engineering Department

6.1.1 See attached memo dated January 13th, 2020.

7.0 Application Chronology

Date of Application Received: December 13th, 2019

Date Public Consultation Completed: February 6th, 2020

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Wesley Miles, Acting Community Planning & Development Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: Development Engineering Memo

Attachment A: Drawing Package



CITY OF KELOWNA
MEMORANDUM

Date: January 13, 2020
File No.: Z19-0141
To: Land Use Management Department (TC)
From: Development Engineering Manager
Subject: 368 Uplands Drive Lot 2 Plan 42738 Carriage House

Development Engineering has the following requirements associated with this application to rezone from RR2 to RR2C.to Legalize the existing carriage house

1. Domestic Water and Sanitary Sewer

This property is currently serviced with a 19mm-diameter water service. The service will be adequate for this application. One metered water service will supply both the main residence and the suite.

The property is within Water Extended Service Area 14. An additional \$2,164.00 (0.5 of \$ 4,328.00 ESA 14 charge) is required. Valid until 29-09-2020

2. Sanitary Sewer

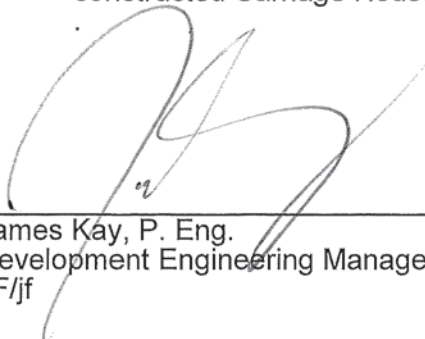
The existing residence is serviced with a 100mm-diameter sanitary sewer service complete with inspection chamber (IC).

We have no record of a service connection or tie into the existing main for the constructed carriage house.

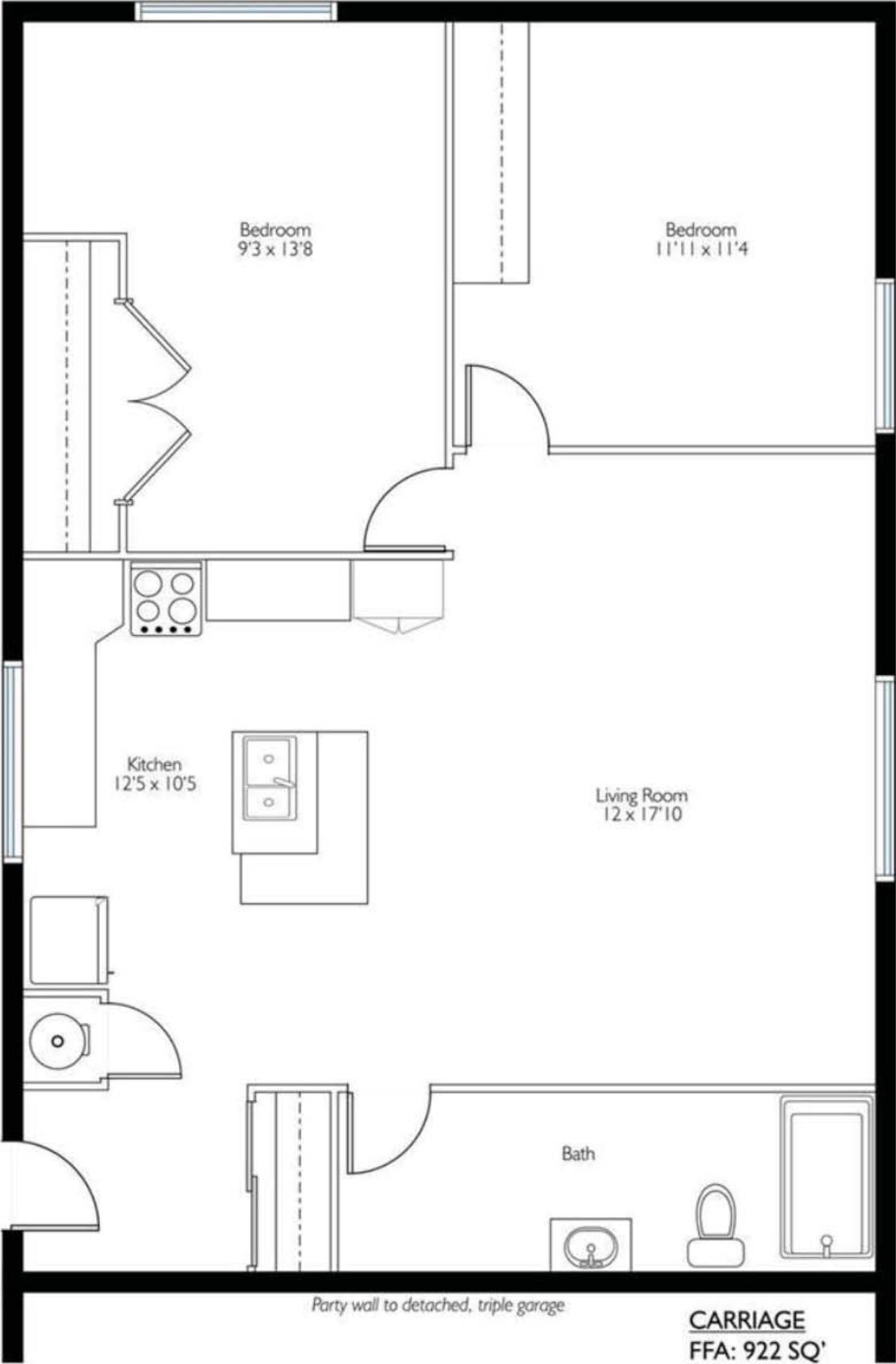
Service inspection and upgrade if required, will be provided by City forces at the applicant's cost. You will be required to sign a Third-Party Work Order and pre-pay for the cost of this service. For estimate inquiries please contact Mike Thomas, by email mthomas@kelowna.ca or phone, 250-469-8797.

3. Building and Permitting.

The applicant is required to obtain a building permit for the inspection of the previously constructed Carriage House.



James Kay, P. Eng.
Development Engineering Manager
JF/jf

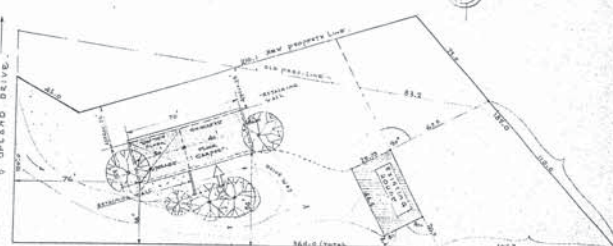
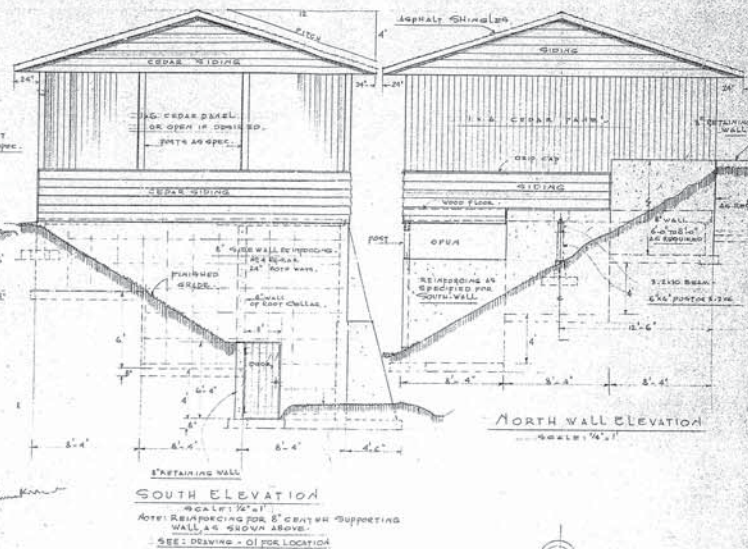
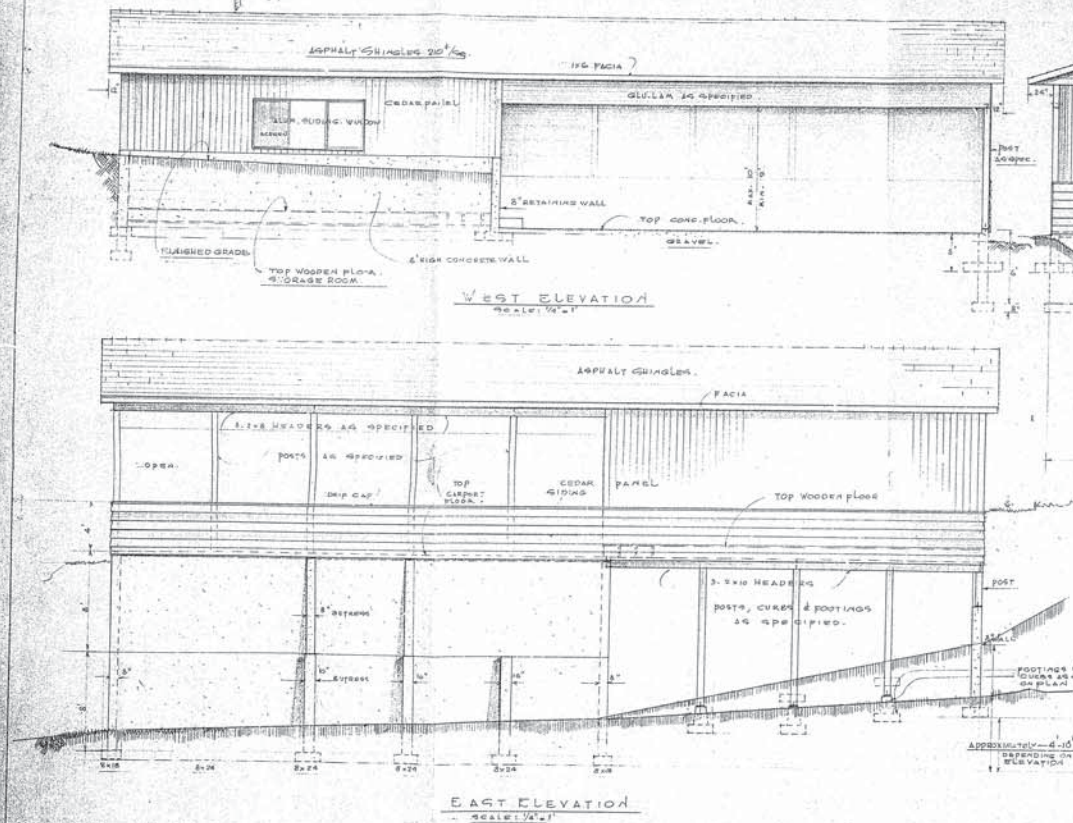
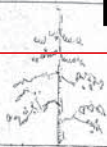


This forms part of application

Z19-0141

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Initials TC

City of
Kelowna
DEVELOPMENT PLANNING



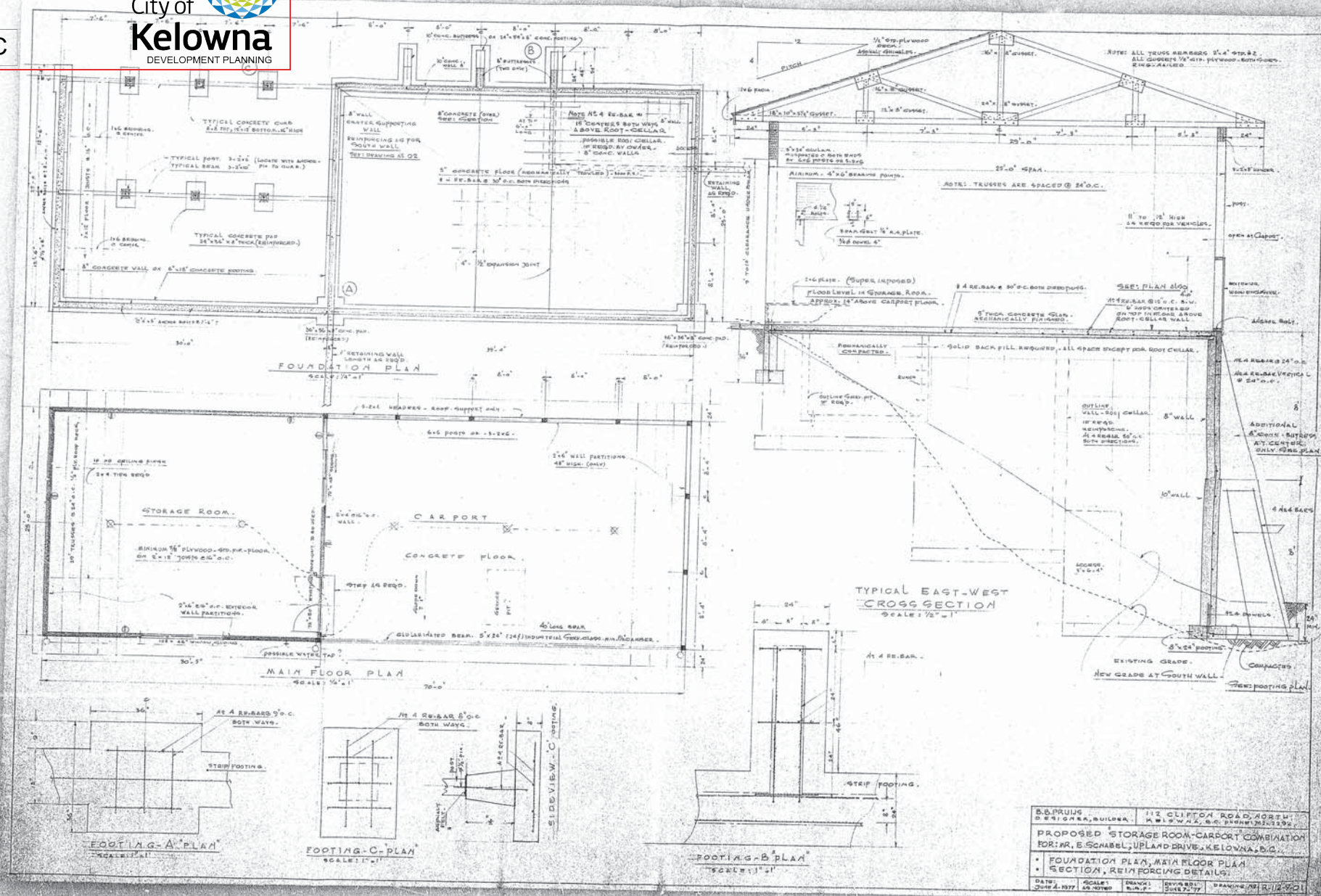
LOT - B - 0.49 AC.
R.F. - Kelowna, B.C.
LOCATION PLAN
SCALE: 1 inch = 30 ft.

BARRING DEVELOPER BUILDING		112, CLIFTON ROAD, NORTH	
PROPOSED STOR FOR: MR. E. SCHMEL, U		Address UPLANDS DR.	
* ELEVATIONS & C		Lot 3	Sec 23
DATE: 1977		Blk	Twp 28
DRAWN BY: 1077		Plan 17573	Pages 4/7

Z19-0141



City of
Kelowna
DEVELOPMENT PLANNING

Planner Initials TC

REPORT TO COUNCIL



Date: March 2, 2020

To: Council

From: City Manager

Department: Policy and Planning Department

Application: HD20-0001

Owner: Sue Haley

Address: 3652 Spiers Road

Applicant: Mark Haley

Subject: Request for Heritage Designation – 3652 Spiers Road

Existing OCP Designation: Park; REP

Existing Zone: A1 – Agriculture 1

Heritage Conservation Area: None

Heritage Register: Included

1.0 Recommendation

WHEREAS the Municipal Council of the City of Kelowna considers the building known as the “Cross House” located at Lot B Section 8 Township 26 ODYD Plan 25537, on Spiers Road, Kelowna, B.C. to be a building with heritage value and that the designation of the building as a heritage site pursuant to Section 611 of the *Local Government Act* is desirable for the conservation of the building;

AND WHEREAS the Municipal Council of the City of Kelowna considers the building envelope as indicated in Schedule “B” attached to this bylaw located at Lot B Section 8 Township 26 ODYD Plan 25537, on Spiers Road, Kelowna, B.C. to be a site with heritage value and that the designation of the site as a heritage site pursuant to Section 611 of the *Local Government Act* is desirable for the conservation of the site;

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

1. The building known as the Cross House situated on lands legally described as Lot B Section 8 Township 26 ODYD Plan 25537, located at 3652 Spiers Road, Kelowna, BC is hereby designated a Municipal Heritage Building pursuant to Section 611 of the *Local Government Act*.

2. The site envelope as indicated by Schedule "B" attached to this bylaw, situated on lands legally described as Lot B Section 8 Township 26 ODYD Plan 25537, located at 3652 Spiers Road, Kelowna, BC is hereby designated a Municipal Heritage Site pursuant to Section 611 of the *Local Government Act*.
3. Except as authorized by this bylaw or as authorized by a Heritage Revitalization Agreement or a Heritage Alteration Permit approved by Council, no person shall:
 - a) Alter the exterior of any building situated on the property designated by this bylaw;
 - b) Make a structural change to a building or structure situated on property designated by this bylaw;
 - c) Move any building situated on the property designated by this bylaw; or
 - d) Alter, excavate or build on land designated by this bylaw.
4. The following alterations to the designated building are hereby authorized without a Heritage Alteration Permit:
 - a) Normal day to day maintenance and repairs
5. This bylaw may be cited for all purposes as the Heritage Designation Bylaw No. 12003 the Cross House.

AND FURTHER THAT the Heritage Designation Bylaw be forwarded to a Public Hearing for further consideration.

2.0 Purpose

To designate 3652 Spiers Road as a Municipal Heritage building under Section 611 of the Local Government Act.

3.0 Proposal

3.1 Background

The property owner of 3652 Spiers Road is requesting that the subject property be designated as a municipal heritage building for long-term protection.

Heritage Designation is the legal protection through passage of a bylaw and is a tool often used to achieve long term protection of a heritage building. Heritage Designation travels with the title and must be registered with the provincial Land Titles Office.

The Cross House, which was originally located within the Abbott Street Heritage Conservation Area, was first added to the Kelowna Heritage Resource Inventory¹ in 1983 and was classified as Class C (over 25 points) under its former address of 2238 Long Street. In 1995, the Cross House was relocated to its current address, 3652 Spiers Road, in order to make room for the Cancer Clinic. The Cross House was then added to the Heritage Register in 1997.

3.2 Heritage Value and Heritage Character

The heritage value of the Cross house, which has been moved from the South Central Neighbourhood to East Kelowna, is derived from its diverse occupants since its construction in the early 1900s and its

¹ The Heritage Register replaces the 1983 Kelowna Heritage Resources Inventory.

architectural characteristics. The house, originally located at 202 Strathcona Avenue² is reported to have been built about 1909 by Abel Gagnon. Subsequent early owners include Richard W. Butler and George Hewson.

From 1925 to 1944 the house was owned by Elwood Lindsay Cross (1888-1948) and his wife Islay. Elwood Cross has value for his connections with land development and fruit-growing. Trained as a land surveyor, Cross came to Kelowna (from Winnipeg) in 1910 to survey land in the Belgo area for the Belgo-Canadian Fruit Lands Company. Taken with the Okanagan, he purchased land in Rutland and became an orchardist. In 1914 he became the general manager of the Dominion Cannery plant in Kelowna, where he oversaw canning and dehydration of vegetables and fruit. In 1923 he left Dominion Cannery and started Rutland Cannery Ltd., on land adjacent to his orchard, near where Scandia is now located on Highway 97. The cannery processed vegetables, especially tomatoes and juice, but it was destroyed by fire during the winter of 1938-39. After that Cross became supervisor of the Bulman dehydrating plant at Vernon. He then built Vernon Frozen Food Lockers, although he did not live long enough to see the completion of that project.

In the 1950s (when the address had been changed to 2238 Long Street) the house was owned by Patrick J. and Mary D. O'Neil, respectively secretary-treasurer and president of Leslie's Ltd., a children's wear store at 320 Bernard Avenue. In 1995 the house was removed from its original site to make way for the new Cancer Clinic of Kelowna General Hospital. The building was purchased at auction by Mark Haley and relocated to his sister's sheep farm in East Kelowna.

Its architectural features are unusual including its roof, which combines gable and gambrel forms.

Character Defining Elements

- Residential form, scale and massing, expressed by the 2.5-storey height and rectangular plan with large porch extension
- Unusual roof, gable-like on one side and gambrel-shaped (i.e. double-sloped) with bell cast eave on the other
- Entrance porch with wood posts
- Corbelled brick chimney
- Wood shingle wall cladding
- 6-over-1 and 4-over-1 double-hung wood sash window

3.3 Site Context

The subject property is located in South East Kelowna near Mission Creek Greenway. The property is designated Park as well as REP – Resource Protection Area, though it is currently zoned A1 – Agriculture 1 and is used for producing sheep, vegetables and fruit. A small-scale class A provincially licensed abattoir operates on the property as part of the sheep/lamb business. The Cross House is used as a primary residence and a summer rental unit.

Subject Property Map: 3652 Spiers Road

² The house was originally located at 248 Strathcona Avenue. The address changed to 202 and then to 388 Strathcona Ave). In the 1950's the address was changed to 2238 Long Street.



4.0 Current Development Policies

4.1 Kelowna Official Community Plan (OCP)

Chapter 5:

Objective 5.7 Identify and conserve heritage resources.

Policy 5.7.2 Heritage Designation. Encourage owners of properties listed in the Kelowna Heritage Register and identified as significant to voluntarily provide long-term heritage protection to their properties through the use of a Heritage Designation Bylaw.

Chapter 9:

Objective 9.2 Identify and conserve heritage resources.

Policy 9.2.1 Heritage Register. Ensure that the Heritage Register is updated on an on-going basis to reflect the value of built, natural and human landscapes.

3.2 Heritage Strategy

Strategy 1 – Preserve and Protect Heritage Resources. Continue to preserve and protect significant heritage resources through the use of protection tools and heritage planning initiatives.

Strategy 5 – Update Heritage Register. Continue to identify the City’s significant cultural/natural landscapes, archaeological and built heritage resources.

5.0 **Application Chronology**

Date of Application Received: January 6, 2020

Heritage Advisory Committee January 24, 2020

The above noted application was reviewed by the Heritage Advisory Committee at the meeting held on January 24, 2020 and the following recommendations were passed:

Moved By Amanda Snyder/Seconded By Doug Joorisity

THAT the HAC recommend to Council that the subject property be designated as a municipal heritage building for long-term protection.

CARRIED

6.0 **Legal/Statutory Procedural Requirements**

[Compensation for heritage designation](#) (per s. 613(1)(a) of the LGA):

1) If a designation by a heritage designation bylaw causes, or will cause at the time of designation, a reduction in the market value of the designated property, the local government must compensate an owner of the designated property who makes an application under subsection (2),

(a) in an amount or in a form the local government and the owner agree on, or

(b) failing an agreement, in an amount or in a form determined by binding arbitration under subsection (4).

(2) The owner of a designated property may apply to the local government for compensation for the reduction in the market value of the designated property.

Given the applicant is pursuing voluntary heritage designation, the owner will not be able to apply to the local government for compensation for the reduction in the market value of the designated property.

Report prepared by: Lauren Sanbrooks, Planner II, Policy and Planning Department

Approved for Inclusion: Danielle Noble-Brandt, Policy and Planning Department Manager

Attachments:

Statement of Significance

Letter of Rationale

Description of current uses of property

Site Plan

Topographical Map

Photographs

Cross House Heritage Designation Report

Place Description

The historic place is the two,-storey wood-frame Cross House, built in 1909 and located at 3652 Spiers Road in the rural East Kelowna neighbourhood.

Heritage Value

The heritage value of the Cross house, which has been moved from the South Central Neighbourhood to East Kelowna, is derived from its diverse occupants since its construction in the early 1900s and its architectural characteristics.

The house, originally located at 202 Strathcona Avenue, is reported to have been built about 1909 by Abel Gagnon. Subsequent early owners include Richard W. Butler and George Hewson.

From 1925 to 1944 the house was owned by Elwood Lindsay Cross (1888-1948) and his wife Islay. Elwood Cross has value for his connections with land development and fruit-growing. Trained as a land surveyor, Cross came to Kelowna (from Winnipeg) in 1910 to survey land in the Belgo area for the Belgo-Canadian Fruit Lands Company. Taken with the Okanagan, he purchased land in Rutland and became an orchardist. In 1914 he became the general manager of the Dominion Cannery plant in Kelowna, where he oversaw canning and dehydration of vegetables and fruit. In 1923 he left Dominion Cannery and started Rutland Cannery Ltd., on land adjacent to his orchard, near where Scandia is now located on Highway 97. The cannery processed vegetables, especially tomatoes and juice, but it was destroyed by fire during the winter of 1938-39. After that Cross became supervisor of the Bulman dehydrating plant at Vernon. He then built Vernon Frozen Food Lockers, although he did not live long enough to see the completion of that project.

In the 1950s (when the address had been changed to 2238 Long Street) the house was owned by Patrick J. and Mary D. O'Neil, respectively secretary-treasurer and president of Leslie's Ltd., a children's wear store at 320 Bernard Avenue.

In 1995 the house was removed from its original site to make way for the new Cancer Clinic of Kelowna General Hospital. The building was purchased at auction by Mark Haley and relocated to his sister's sheep farm in East Kelowna.

Its architectural features are unusual including its roof combines gable and gambrel forms.

Character Defining Elements

- Residential form, scale and massing, expressed by the 2.5-storey height and rectangular plan with large porch extension
- Unusual roof, gable-like on one side and gambrel-shaped (i.e. double-sloped) with bell cast eave on the other
- Entrance porch with wood posts
- Corbelled brick chimney
- Wood shingle wall cladding
- 6-over-1 and 4-over-1 double-hung wood sash windows



The rationale to Heritage Designate the currently Heritage Registered Residence and site is as follows:

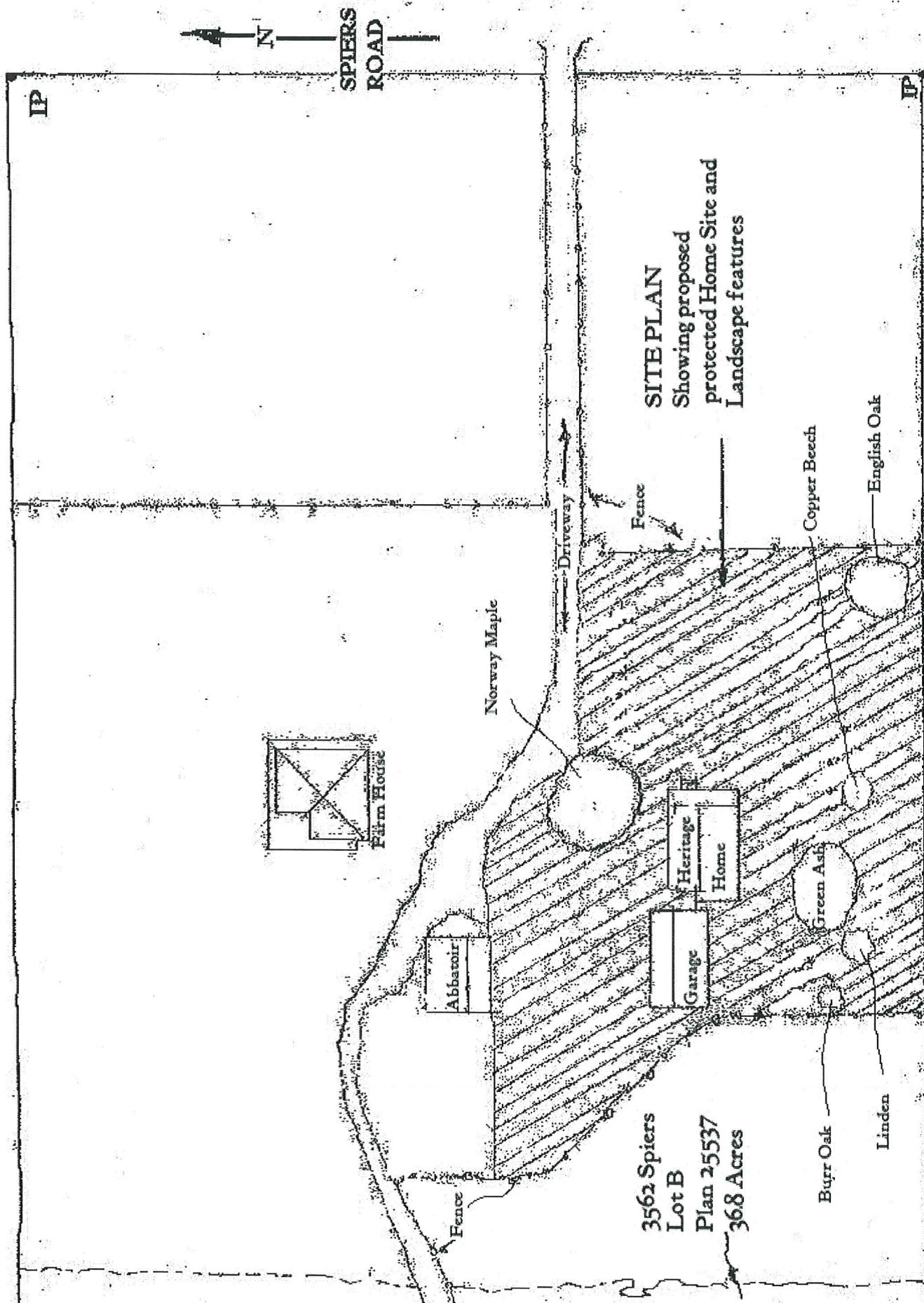
- As the ALR property upon which the building now stands will, in the near future, be transferred to a non-profit land trust (Foodlands Cooperative of BC); heritage designation will strengthen the protection of the building and surrounding home site.
- Additional funding in the form of City of Kelowna heritage grants will be available for maintenance of the structure.
- This historic home is one of the few Heritage Registered buildings on a working farm. Recognition of its heritage value will help future farming operations to remain financially viable.
- Extraordinary care and effort has been expended to save the house from demolition and relocate the house to its current farm land location. All significant repairs and restorations have been undertaken with the goal of retaining heritage value, and preserving it as a community asset.
- The Heritage Designation Report by Lorri Dauncey details the significant social, architectural and cultural attributes of the building and provides strong rationale for heritage designation.
- With heritage designation, this historic building, with its new location on an ecologically valuable food-producing parcel will provide neighborhood and community benefits for years to come.
- Finally, heritage designation will enhance further research and identification of the origins of land settlement and farming history in south-East Kelowna.

Description of Current Uses of Property at 2652 Spiers Road

The property is currently used for producing sheep, vegetables and fruit.

A small scale class A provincially licensed abattoir operates on the property as part of the sheep/lamb business.

The Heritage registered house is used as a home for the owners and a summer rental unit.



















Cross House Heritage Designation Report

3652 Spiers Road, Kelowna. BC



Prepared for: **Mark Haley**
October 2019

Prepared by: **Lorri Dauncey, MA, BA, Dip**
Heritage Consulting

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Purpose

Process

Understanding the Historic Place

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Historical Context

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Architectural History

Cultural History

Context

Integrity

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Summary of the Evaluation and Review of Statement of Significance (SOS)

Recommendations for Heritage Designation

Appendices:

Appendix #1 : Map showing Original and New Location of Cross House

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Purpose

The purpose of the Cross House Heritage Designation Report is to show that the building and its immediate surroundings should receive municipal Heritage Designation and be protected in the future, as requested by the owner. Mark Haley bought the Cross House and moved it from its original location behind the Kelowna Hospital in 1995, thus saving it from demolition when the new B.C. Cancer Agency Cancer Clinic was built. The house was moved to his sister's sheep farm in South East Kelowna on Spiers Road. The house was rehabilitated into a Bed and Breakfast accommodation called the Mission Creek Country Inn, as well as a community venue for various workshops, Elderhostel programs, and community events ("Mission Creek Folk School"). With recent changes being undertaken regarding the ownership of the almost 37 acre farm, Heritage Designation of this significant building is being sought in order to protect the building in the future.

This report will focus on the assessment and evaluation of the heritage value of the Cross House. This will include research on the building's architectural history, its cultural history, its context (in its original and current locations), and its integrity and condition. On-site work included: a current photographic record of the exterior of the building, with the possible inclusion of some interior features; overview of the current condition, along with the alteration history of the building (and how the changes affect the heritage significance and integrity of the building); and the context of the building on Spiers Road. The current City of Kelowna Heritage Register's *Statement of Significance for the Cross House* was reviewed, with recommended updates/changes. The *City of Kelowna's Heritage Register Evaluation Criteria* for heritage buildings will be used in the evaluation of the building. This will show that the Cross House is worthy of municipal heritage designation.

Process

In order to assess and evaluate the building, the following was undertaken as part of the Heritage Designation Report:

Site Visits: A site visit to assess the exterior (and look at the interior) of the house and its site was undertaken in April 2019. The homeowner, Mark Haley, was present and was able to talk about the work that has been done on the building since it was moved in 1995 to its new location. The site visit included: determining the significant architectural and design elements of the exterior of the building; its current condition; and some of its alteration history. The homeowner also provided photos of the house being moved to its new site and the work undertaken, as well as the research material that he has gathered over the years. A second visit to the site included a tour of the neighbourhood by Sarama who had grown up across Berard Road in the 1950s to the 1970s. This provided context for the building and property in the area, including a photo of the original Spiers Road farmhouse before it was torn down.

Historical Research: The historical research includes: four visits to the Kelowna Public Archives; on-line research of the Okanagan Historical Society Reports (OHS) and the BC Historical Newspapers; various local history books; talking to local historians.

Review of Assessments and Evaluations: The building has undergone two previous assessments and evaluations. The first was undertaken in 1983 as part of the Kelowna Heritage Inventory. The second was undertaken in 1997-1999 as part of the Kelowna Heritage Register. These were reviewed as part of the current assessment and evaluation process. The photographs included were very helpful. These are included in the Appendixes.

Review of the Statement of Significance (SOS): The SOS was reviewed and checked for errors and omissions. Recommended changes/updates are included in this report.

Kelowna Heritage Register Evaluation Criteria Form: The building was evaluated using the Kelowna Heritage Register Evaluation Criteria form, including the rationale for the given score in each category. The final score is included.

Understanding the Historic Place

It is important to understand the context of the building within its surroundings (both original and current), as well as the building's evolution in order to effectively assess the heritage value of the heritage resource.

Description

Street Address: 3652 Spiers Road, Kelowna BC (1995- present)

Legal Description: Plan KAP25537, Lot B, Section 8, Township 26, O.D.Y.D.
Roll Number: 4118200; *Jurisdiction:* 217; *PID:* 005441-692

Lot Size: 36.81 Acres

Current Zoning: A1 (Agricultural in the ALR)

House on Current Site: September 1995 - 2019 (24 years at time of report)

Original Street Addresses: 248/202/388 Strathcona Ave and 2238 Long St, Kelowna BC

Original Legal Description: Lots 13 & 14, District Lot 14, Plan 535

Original Zoning: Residential (RU- Urban Residential is the 2019 term used)

House on Original Site: c.1913- September 1995 (about 81 years)

Formal recognition status: The Cross House is listed on Kelowna's Heritage Register. The Kelowna Heritage Register (Community Heritage Register) was established under Section 954 of the Local Government Act (BC). These buildings are also listed on the Provincial and National Heritage Registers.

Legal protection status: The Cross House is not protected by a heritage designation bylaw at this time. The building owner is seeking to protect the house in the future through a Municipal Heritage Designation Bylaw.

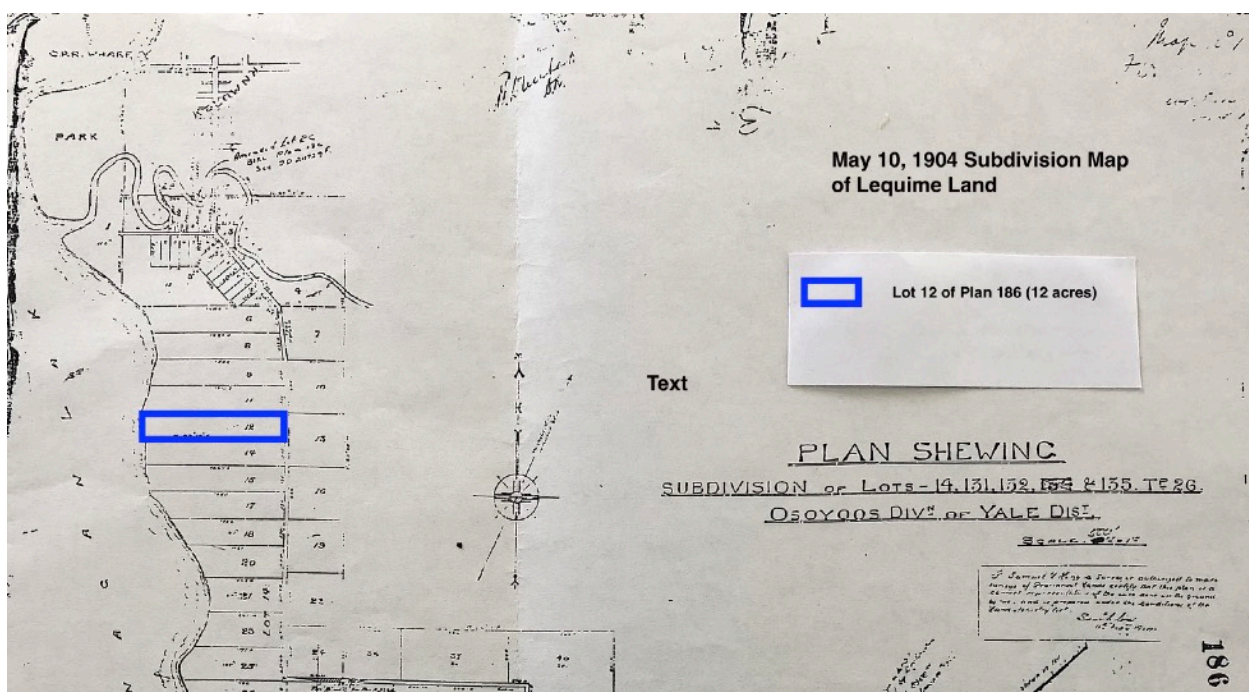
Historical Context

To help better understand the historic values of the Cross House, a summary of the development of the area where the house was built is necessary. The house was located in the Abbott Street residential area (next to the present day Abbott Street Heritage Conservation Area on two lots that

are now part of the Kelowna Hospital campus). The Abbott Street Conservation Area extends south of Mill Creek to Royal Avenue and west of Pandosy Street to Okanagan Lake.

The original 1884 Crown Land grant, that included this area, was given to (Joseph) Gaston Lequime. Gaston Lequime's brother, Bernard Lequime, created and registered the new Kelowna townsite in 1892. Gaston Lequime transferred a section, Part of Lot 14, Group 1 (which included the land that the Cross House would be built on), to his father, Eli Lequime in 1888. By 1904, the Lequime land was owned by Bernard Lequime.

On March 14 1904, Thomas Stirling and Walter Pooley bought the 6,748 acres of Lequime land for \$65,000, including the half-section (320 acres) south of Mill Creek. The land (Lot 14), west of Richter Street to the lake, was surveyed into various sized lots, mostly 10-20 acre lots for agriculture (fruit acreages on the lake) and some large residential lots located along present day Harvey Avenue and Pandosy Street. Many of Kelowna's early large homes were built on the lots located on the west side of Pandosy Street. Access to these newly subdivided lots was provided when Pendozi (Pandosy) Street was extended south, once a new permanent bridge was built over Mill Creek. At this time, Lot 12 of Plan 186 (12 acres) was created. This was the area that the Cross House would soon be built. Lot 14, to the south would become the site of the new Kelowna Hospital.

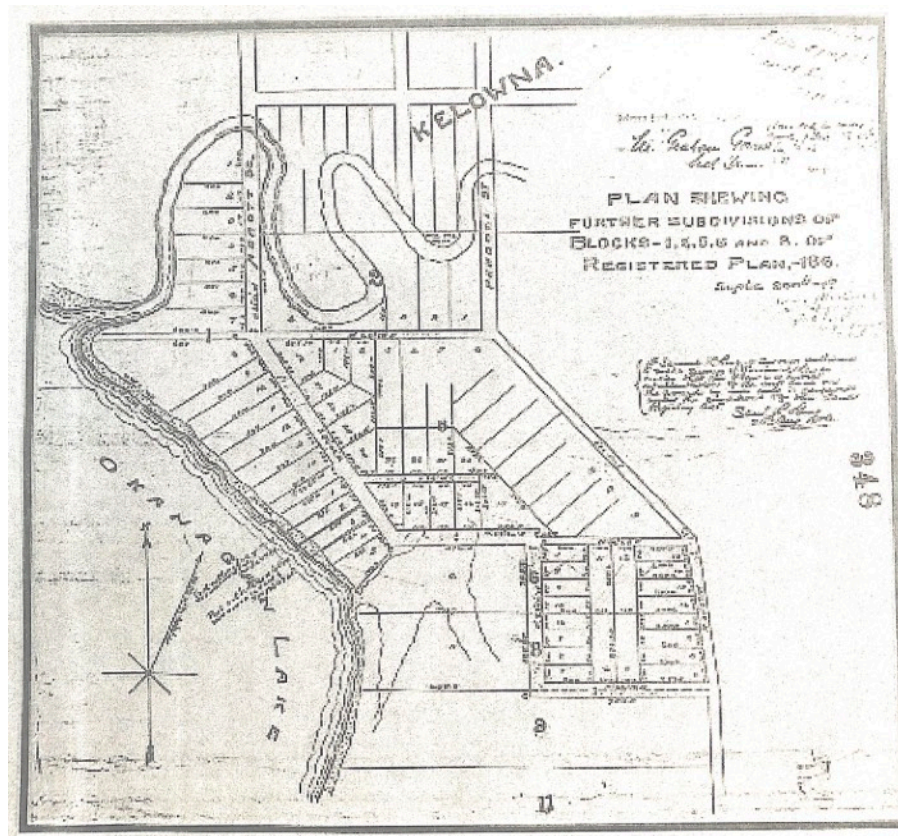


**Original 1904 Subdivision Map (detail) of the Abbott Street area, south of Mill Creek.
Lot 12, Plan 186 was created as a 12 acre agricultural lot**

Source: Kamloops Land Titles Office

In January 1905, Stirling and Pooley transferred the land to their newly formed Kelowna Land & Orchard Company (KLO Company), of which Stirling was the president. After Kelowna's incorporation in 1905, there was more demand for residential lots in the new townsite. In 1906, the KLO Company surveyed the first residential subdivision in the Abbott Street area. The area was subdivided into long lots that extended from Okanagan Lake or Mill Creek to Abbott Street. On the east side of Abbott Street south to Park Avenue, the lots were subdivided into residential lots. South of Park Avenue to Cadder Avenue, along the west side of Pandosy Street to Long Street, additional

residential lots were surveyed. The Abbott Street area was well on its way to being developed as one of Kelowna's early residential neighbourhoods.



Map shows the 1904 and 1906 subdivisions of lots on Pendozi St, Lake Ave, Willow (Beach) Ave, & Park Ave
Source: Kamloops Land Titles Office

Lot 12 of Plan 186 (12 acres) was bought by Charles, Justin and Jean Marty, in April 1908, as a fruit growing lot. Lot 12 is located between Strathcona Avenue to the south, Royal Avenue to the north, Pendozi (Pandosy) Street to the east and bordered by the lake to the west. A group of investors/land developers (Abel Gagnon, F.W. Groves, Henry Hewiston, and William Mantle) bought Lot 12 from the Marty family six months later. As there was a real estate boom in Kelowna, the group decided to subdivide the land into 44 residential lots.

These new residential lots were located next to the land donated by the KLO Company (Lot 14, Plan 186, 12 acres between Strathcona and Rose Avenues) for the new hospital. An additional 40 feet to the north and south of the original parcel (Strathcona and Rose Avenues) was also set aside to ensure that any future housing development wouldn't crowd the hospital. The first hospital building opened on August 2, 1908 with 19 beds, with the new maternity wing added in 1912.

As Abel Gagnon was a fairly well-known early builder/contractor in Kelowna, it was thought that he might have built the Cross House around 1909 as a spec house. It is more likely that this group of investors began to sell these residential lots once the land was subdivided, without the added cost of building a house. During this time, Abbott Street was extended south through this property and the new Hospital lot. The original 44 smaller residential lots (Lot 12 of Plan 186) was reduced to 42 to accommodate the Abbott Street extension. There were 20 of the 42 lots sold, by the time the investors decided to sell the remaining 24 unsold lots to a larger group of people in real estate/

insurance/law in June 1913. It should be noted that by 1912, the real estate boom in Kelowna had collapsed, which may have been why the remaining lots were sold to a larger investment group.

Richard W. Butler bought lots 13 & 14 of Plan 535 for \$1,000 in July 1913. It is very likely that R. W. Butler, a building contractor/carpenter, designed and built his house in 1913 and moved in by 1914. He is listed in the Okanagan Telephone Directory for the first time in 1914 (addresses were not included) and in September 1916, R.W. Butler and Gertrude Butler are listed as living on Strathcona Avenue (no street address listed).



Cross House, late 1920s-1930s,
Courtesy: Cross Family Fonds

Very little building happened in the Abbott Street area between 1914 and 1920, due to the first World War. When building began again, traditional styles continued to dominate this area. The larger houses continued to be built in styles such as Colonial, Tudor, and Dutch Revival. The smaller homes, usually one to one-and-a-half storey Vernacular Cottages, remained a popular choice. The Fire Insurance Map (c.1925-1930) shows the 42 lots with only ten houses built. This area was slowly developed over time. The lot to the north, between Glenwood and Royal Avenues, was not subdivided until after World War II in 1946.

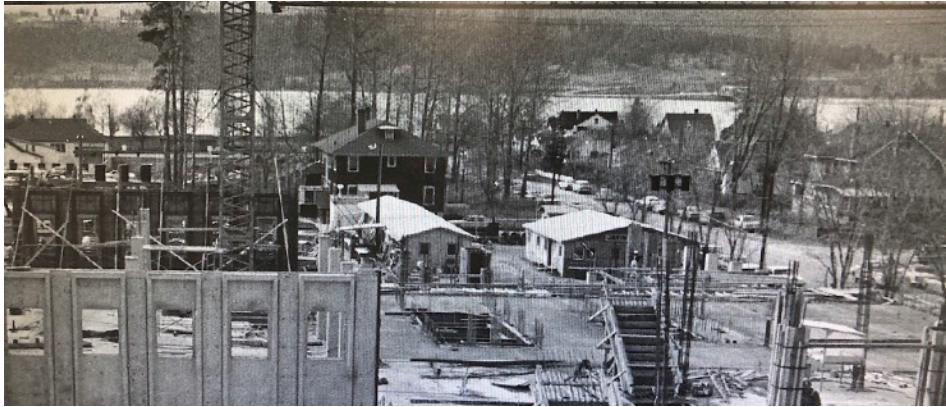
The Abbott Street area became Kelowna's most prestigious residential area during the 1920s and 1930s. This was partly due to its proximity to the lake and to the downtown. Many of these homes were associated with the fruit industry, belonged to many packinghouse owners and manager, as well as early developers, bankers, doctors, and shopkeepers.

As Kelowna grew and expanded, it was necessary for the hospital to also continue to meet the needs of the community. The original 1908 hospital building, with its numerous additions was replaced in 1940. In 1969, the five storey Strathcona building was constructed. The historic photographs below show the neighbourhood to the north of the hospital area (Strathcona Avenue is visible). The Cross House can be seen in its original neighbourhood.



Cross House built on Lots 13 & 14, Plan 535, highlighted in yellow on Fire Insurance Map, c.1925-1930

Source: KPA #2011.012.001



View of construction of the new hospital building in 1940. The Cross House is visible to the right of the historic Nurses Home.

Source: KPA #2767



View of construction of the Strathcona building in 1969. The Cross House is visible to the left of the historic Nurses Home.

Source: KPA #2790

With the need for future expansion, the Kelowna & District Hospital Society Board began to buy up neighbouring properties and in 1982, had been granted permission to close Strathcona Avenue between Pandosy and Abbott Streets. *“Road closures and the change from residential to institutional land use wasn’t without controversy; it took the surrounding neighbourhood some time to accept both the closure and the increasing impact the hospital was having on their area.”* (Source: *Kelowna General Hospital*, S. Simpson, p. 85).

By 1994 the Kelowna & District Hospital Society had purchased the rest of the lots between Strathcona and Royal Avenues west of Long Street, for the new Interior Cancer Clinic building. The Cross House property was sold to the Kelowna & District Hospital Society in October 1994. On July 29, 1995, the Cross House, as well as six other houses and six garages were auctioned off, with the proceeds going towards the new Cancer Clinic. The buildings were to be moved by September 17th in order to clear the area for the new clinic. Mark Haley purchased the Cross House for \$2,800 and moved it to his sister’s sheep farm on Spiers Road, part of the old Berard farm in South East Kelowna. **Refer to Appendix #1: Map showing Original and New Location of Cross House**

The house, moved 24 years ago by Bob Howell of Interior Building Movers of Kelowna, has been well-maintained after its initial rehabilitation in the mid-late 1990s. The Cross House has become a well-known and loved building on Spiers Road.

Summary of the Heritage Value

The City of Kelowna has set out four main principles used in determining and assessing the heritage value of a building. These are:

- A. Architectural History
- B. Cultural History
- C. Context
- D. Integrity

A. Architectural History:

The Cross House was built on two lots in the 'Abbott Street Residential Area' (as identified in the *1983 Kelowna Heritage Inventory* as- the area south of Mill Creek and west of Pandosy Street to the lake, south to Wardlaw Avenue). This area "*contains several of the oldest remaining buildings from the Village Phase of the City, and a substantial number of buildings from the First and Second Civic Phases. It is a mature residential area, considered Kelowna's most prestigious residential area during the 1920's and 30's. It is characterised by continuity of wood frame structures and its mature landscaping as well as its association with Okanagan Lake.*" (Source: Kelowna Heritage Resource Inventory, 1983)

Early Kelowna went through four main phases of residential development after incorporation, which is reflected in the architectural styles of homes built during these time periods. The first phase of residential development (1905-1918) included architecture from the revival movements (i.e. Dutch, Victorian, and Edwardian), early Arts & Crafts, and early vernacular cottage styles. These styles are seen in both the upper Bernard & Lawrence Avenues neighbourhood, as well as in the newly subdivided area south of Mill Creek (Abbott Street Residential Area). The Cross House was built during this period.

The Cross House is a unique vernacular building that has a combination of various architectural elements from two main traditional styles (as identified on the Vancouver Heritage Foundation website www.vancouverheritagefoundation.org/learn-with-us/discover-vancouvers-heritage/vancouver-house-styles/house-styles/) The house's building elements largely fall under the Dutch Colonial Revival style and the Gable Vernacular style (shares some similarities with the Victorian Revival style in the "*Abbott Street & Marshall Street Heritage Conservation Areas development Guidelines*"). **Refer to Appendix #2: Dutch Colonial Revival Style & Gabled Vernacular Architectural Style**

This unusual styling combination includes the 2.5 storey gable-front with a gambrel bell-cast roof on one side and a gable bell-cast roof with returned eaves and projecting verges on the other (front and back of the house). There were few gambrel roof houses built in Kelowna and only a few still exist. Two of these include the Kincaid Residence on Laurier Ave and the Meikle House on Lawrence Ave. There are also few gable-front houses with returned eaves in Kelowna.

Elements from the Dutch Revival style on the Cross House include: bell-cast, medium gambrel roof; shed dormers on the sides of the house; side wall (exterior) chimney; and wide plain window and door trims. Elements from the Gable Vernacular (Victorian Revival) style include: bell-cast, medium height gable roof; Returned eaves & projecting verges; bay windows; full-width wrap-around porch; and 2.5 storey massing. The house shares elements of both styles in its vertical double hung windows, multiple pane windows, and wood shingle siding.

The Cross House is asymmetrical in design. On the front facade the door is located towards the north side of the house, the windows are different shapes and sizes, and the various roof types, overhangs, and returned eaves, add to the asymmetrical look and feel of the house. There are different roof styles (including hip, gable and gambrel) and levels on the house. Window types include one main floor bay window and two second storey bay windows (variant). Instead of the usual three windows (one on each side of the bay), the second storey bays have a window on each of the sides, with the central section not containing a window.

The vernacular design of the Cross House is evident in the use of local materials, the mix of style elements, and the functional nature of the layout of these building elements. The house appears to be designed from the inside out. The layout of the interior of the house dictate to some degree the exterior shape and elements, such as the windows' shapes and locations. There are a number of porches/verandahs including one enclosed sunporch, another functional part of design in hot Okanagan summers.

It is likely that the house was built by the first owner of the property, R. W. Butler, in 1913. Butler, a carpenter, ran his building contracting business out of his home (Cross House) from 1914 until the early 1920s. Little is known about Butler, except that his house is a unique design in Kelowna and the craftsmanship is of a high standard. The quality of the interior woodwork in the house shows Butler's carpentry skills.



Cross House, 2019

Top L-R: front (east) facade; side (north) facade

Bottom L-R: back (west) facade; side (south) facade

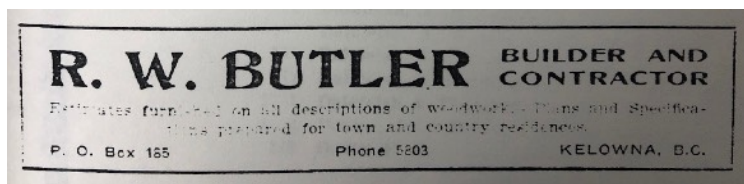
B. Cultural History:

Refer to Appendix #3: Summary of Cross House and Land Ownership

The Cross House is associated with a number of people and institutions in Kelowna, as well as associated with the changes in the land use in its neighbourhood.

Richard W. Butler is valued as the most likely house 'designer' and builder. Little else is known about R.W. Butler except for the relatively short time that he lived and worked in Kelowna as a builder during a period of slow economic growth. Richard W. Butler bought lots 13 & 14 of Plan 535 for \$1,000 on July 14, 1913. **Refer to Appendix #4: R. W. Butler purchase of Lots 13 and 14, Plan 535, July 14, 1913**

It is very likely that Butler designed and built his house in 1913 and moved in by 1914. In the Kelowna Telephone Directory, R. Butler is not listed until 1914 with a residential phone number. This may indicate that Butler did not have a number until after he and his wife moved into their newly built house. The Cross House, a large house (was located on both lots), with a unique vernacular style/design that took elements of different styles, is really a 'custom' designed house for its owners. In 1916, R. W. Butler and his wife Gertrude Butler are listed as living on Strathcona Avenue (no street address listed in the directory).



R. W. Butler Builder and Contractor
*Estimates furnished on all descriptions of
woodwork. Plans and Specifications
prepared for town and country residences.
P.O. Box 185. Phone 5803. Kelowna, B.C.*

Okanagan Telephone Directory, July 1914 Source: KPA

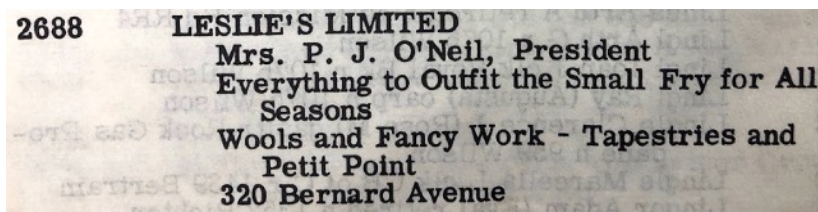
R. W. Butler and his wife Gertrude lived in the house until it was sold in 1924 (for about 11 years). They moved to Vancouver, where Butler died in 1927.

Elwood Lindsay Cross and Islay Mae Cross bought the house in March 1925. The Cross family, for whom the house is named after, owned the house for about 26 years. E.L. Cross, the house's most well-known owner, is valued for his connections with land development and fruit growing.

Elwood Lindsay (E. L.) Cross (Nov 20, 1887 - Jan 28, 1948) grew up in Winnipeg. He spent several years surveying land for the C.P. R. in Saskatchewan and Alberta. He came to Kelowna in 1910 as a land surveyor for the Belgium Company (Belgo Land Company). Attracted to the Okanagan, Cross decided to purchase an orchard of his own. In 1913, Cross brought his new wife, Islay Mae (MacDonald), to their log farmhouse on Vernon Road in Rutland. During World War I, Cross went to work at the Dominion Cannery as the General Manager until 1923. He oversaw the processing of vegetables and dehydration of both fruit and vegetables. In the early 1920s with the arrival of the railroad to Kelowna, E.L. Cross founded the Rutland Cannery Ltd. The Cannery was built on land adjacent to his orchard in Rutland, near the present day Scandia on Highway 97. The Rutland Cannery processed vegetables, mainly tomatoes and juice. E.L. Cross also consulted for other companies, both nationally and in Washington State. After fire destroyed his company's warehouse and cannery buildings in the winter of 1938/39, E.L. Cross became the supervisor of the Bulman Dehydrating operation in Vernon. Bulman's Dehydrator, developed by Thomas Bulman in 1916, was the first commercial dehydrator to operate in Canada. In 1928, Bulmans Ltd built a new cannery and dehydrator in Vernon. As E.L. Cross was convinced that frozen foods was the next step in food processing, he purchased the Frozen Food Lockers from Bulman's. He was in the process of building the Vernon Frozen Food Lockers, when he died in 1948. E.L. Cross and his wife

Islay had six children who grew up in the house on Strathcona Avenue, known as the Cross House. The family owned the house for almost 20 years, selling it in 1944 when they moved to Vernon.

After the house was sold, it was owned for a short time by two different families, before being bought by Patrick & Mary O'Neil who owned the house for about 26 years. The O'Neils owned Leslie's Limited, a children's clothing store on Bernard Avenue. Mary O'Neil was listed as the president of the store in a 1958 advertisement. After Patrick died around 1967, Mary continued to own the house until 1975, as a rental property.



Kelowna City Directory, April 1958

Source: KPA

The Cross House was bought in 1979 by Fay Dotten (Karp), listed as a first aid attendant and then later as a Registered Nurse on the land titles deed. Fay and her husband Joseph Karp (listed as a businessman) owned the house until it was bought by the Kelowna & District Hospital in October 1994. The Cross House located next to the hospital was a convenient location for health care workers to live. With the Kelowna & District Hospital Society Board buying up properties nearby for new Interior Cancer Clinic (since 1992), it also made this property a good investment.

The Cross House address changes indicate the development of the neighbourhood. As more houses were built in the neighbourhood (i.e. after WWII when there was a building boom), the house number changed and again in the 1950s when all the lots were finally built on.

1913-1920s- Strathcona Avenue (No # listed, only the road)

1925-1945- 202 Strathcona Avenue

1946-1951- 388 Strathcona Avenue

1952-1995- 2238 Long Street

The relocation of the Cross House is also representative of the redevelopment of its neighbourhood with the new Interior Cancer Clinic built at the Kelowna Hospital. The purchase and conservation of the Cross House shows the value that was placed on this building.

The Cross House was relocated very close to where the original Berard farmhouse once sat. Berard Road in front of the property, off of Spiers Road is named after this early family. The Komant family owned the farm from the mid-1960s until it was sold to Sue Haley, the current owner. The Komants lived in the Berard farmhouse for a short time while they built their new house on the other side of the driveway. After the new house was built, the old farmhouse and barn were demolishe

View of the original farmhouse on Spiers Road before it was torn down in the mid-late 1960s

Courtesy: Eleonore Stacha family photos

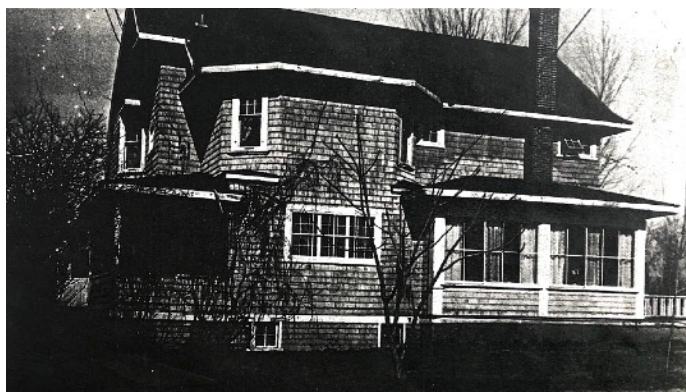


View of the Cross House, 2019



C. Context:

The Cross House, built on two lots at the northwest corner of Strathcona Avenue and Long Street was valued as part of its early residential neighbourhood in Kelowna. The house was part of the continuity of the streetscape. The house faced Long Street, with its back porch facing towards Okanagan Lake. The site was flat with mature landscaping (as it had sat on its two lots for about 81/82 years). Being on the corner of Long and Strathcona, this large house would have been very visible from the street.



South side of the Cross House from Strathcona Ave, c. 1930s

Courtesy: Cross Family Fonds



Front of the Cross House from Long St, 1995

Courtesy: Mark Haley Fonds

When the house was relocated and saved from demolition, it gained a new context which has become part of the building's story. The Cross House is now on an almost 37 acre sheep farm with mixed agriculture. It was moved onto the site, very close to the original location of the old Berard farmhouse that was torn down in the mid-late 1960s. The house, located on a slight rise, is surrounded by lawns, raised gardens, a few trees, and a workshop in the back. The rest of the farm buildings, a 1960s house, and fenced fields surround the Cross House. The neighbourhood is a rural community of mixed farming in the Agriculture Land Reserve (ALR). The Cross House has become a local landmark, largely due to its style, design, size, location, and its uses that include: Mission Creek Folk School (late 1990s-2000s), B&B, and various community events over the years.

The Cross House received two Kelowna Heritage Grants (Kelowna Heritage Foundation in 1998 and City of Kelowna Heritage Grants Program in 2013) towards the conservation of the building, as well as a Central Okanagan Heritage Society award for "*Restoration of the Exterior of a Building Currently in Residential Use*" in 1999. These grants and award show the value that the community places on this important heritage building.



3652 Spiers Road

D. Integrity & Condition:

Refer to Appendix #5: Alteration History of the Cross House

The Cross House has undergone changes over time but these have had minimal affect on the style, design, and character of the building. The change that has had the most affect on the house is the relocation of the house to the rural property in South East Kelowna on Spiers Road. With the move, the house was put on a new, higher foundation, on a bit of a rise. This has actually made the house stand out and added to the original vernacular farmhouse (with the partial gambrel roof) character. The move and new use has benefited the house with the significant amount of conservation work undertaken when it was first moved and the regular maintenance of the building. The house, in general, is in very good condition.

Review of Previous Assessments & Evaluations

There were two previous assessments and evaluations of the Cross House. The first was undertaken in 1983 for Kelowna's Heritage Inventory. **Refer to Appendix #6: Kelowna Heritage Inventory Forms, 1983.** This report is valuable for the information on the building and especially for the black and white photographs included. The building was evaluated and was determined it was a 'C' class building (2238 Long St) with some heritage value. It is likely that the building received this classification and low score because there was little known about the social history of house at the time. The unique architectural style is significant, even without the social history. Even though the criteria has changed (1980 values), the Cross House was still considered worthy of reevaluation and inclusion for the Kelowna Heritage Register in the late 1990s. *(Note: the A and B buildings and only a couple of the C buildings were added to the Kelowna Heritage Register)*

The Kelowna Heritage Register, begun in the late 1990s, was also helpful to this process. **Refer to Appendix #7: Kelowna Heritage Register Forms, 1997-99.** The Cross House was re-assessed in 1997 at the request of the owner and found to have significant heritage value and was included on the Kelowna Heritage Register. It should be noted that the house had already been moved to its new location by this time. As well, research was undertaken for inclusion on the Heritage Register (by the homeowner, Mark Haley) and for the Statement of Significance for the house.

The house was deemed to have enough heritage value to be included as one of the approximately 200+ A and B class buildings in Kelowna.

Kelowna Heritage Register Evaluation Criteria

The Kelowna Heritage Register Evaluation Criteria is based on the following to determine if the building has heritage value and what those values are. This City of Kelowna evaluation system will be used to determine the heritage values of the building.

The final scoring of the building is summarized and a score given to determine if the building falls within Group A, B, or C and if it should remain on the register, if it might remain on the register, or if it should be removed from the register. Buildings that are in Group A, are likely worthy of heritage designation. **Refer to Appendix #8: Kelowna Heritage Register Evaluation Criteria Definitions**

A. Architectural History: Style or type of building, structure or landscape; design attributes; construction methods/materials; notable designer or buildings.

Criterion	Grade	Points	Rationale
A.1 Style &/or Type	E	35	<p>The Cross House is an excellent example of a unique vernacular house style in Kelowna. The building takes architectural elements from both the Dutch Revival style, the Gable Vernacular style (similar elements to the Victorian Revival style), as well as uses design elements from other traditional styles.</p> <p>The Cross House is one of only a couple of gambrel roof homes in Kelowna. With its mix of a bell-cast gambrel roof on one side and a bell-cast gable roof with returned eaves & projecting verges on the other, this makes this building very unique in Kelowna- one of a kind. The Cross House, built likely built in 1913, is part of Kelowna's first civic phase of architecture (1905-1918) in the new Abbott Street neighbourhood created when the Lequime crown grant land was subdivided. This phase is important for its traditional revival architectural styles and elements, of which the Cross House is an excellent example.</p>
A.2 Design	VG	15	<p>The Cross House's vernacular design is both unique and notable in Kelowna. The house is a mix of several functional and some aesthetic design elements. This large house was built by a local builder, likely for his family, living in the hot Okanagan Valley in the early 1900s. The house design had to be functional but also attractive as it may have been an example of the builder's work for potential clients.</p> <p>The house's practical design elements include: the front porch, the side porch (later enclosed with windows), and the back screen-in porch, the gambrel roof and dormers to add extra living space (second storey and attic space), side brick chimney with fireplace, and a mix of window sizes, shapes and locations (windows were installed wherever they were needed instead of in a symmetrical fashion that is more typical of specific architectural styles). The main floor front bay window is both functional and aesthetic, as is the two second-storey bay windows. Leaving the middle section of the bay plain (no window installed) was a functional decision for the rooms use as a bedroom. The use of shingle siding added to the aesthetic appeal of the house. The various roofs, overhangs, returned eaves, and bell-cast details are both functional and add to the over-all design and charm of the house.</p>
A.3. Construction	G	5	<p>The Cross House's wood construction and materials are typical of the early 1900s and can still be found in Kelowna. Even though shingle siding was less common than horizontal wood siding on Kelowna's early houses, there are still a number of early wood shingle buildings that still exist. The use of wood shingles was more common on Craftsman style buildings in the 1920s (Second Civic Phase- 1918-1932).</p>
A.4.Designer/ Builder	F/P	0	<p>It is likely that the Cross House was built by R. W. Butler, a building contractor in Kelowna (c.1910-c.1924) who is relatively unknown. His building contracting business was advertised in the Okanagan Telephone Directory during this time.</p>
SUBTOTAL (max. of 40)		55/40	

B. Cultural History:

Historical association with important people or events; historical patterns within the city's history.

Criterion	Grade	Points	Rationale
B.1 Historical Association	VG	18	<p>The Cross House has close associations with the following people that are of moderate importance in Kelowna:</p> <ul style="list-style-type: none"> • Elwood L. Cross (E.L. Cross and Islay E. Cross owned the house from 1925-1944. The house was named after the Cross Family): Valued for E.L. Cross's connection with land development (Belgo-Canadian Fruit Lands Company); fruit growing (owned orchard in Rutland) and the fruit industry (general manager of the Dominion Cannery plant in Kelowna; started Rutland Cannery Ltd.; supervisor of the Bulman dehydrating plant in Vernon; started Vernon Frozen Food Lockers) • Patrick and Mary O'Neil (owned the house from 1949-1975): Valued being a small business owner on Bernard Ave in the 1950s. Mary O'Neil was the president of Leslie's Ltd, a children's clothing store. Patrick was the secretary-treasurer of the family business. • Other early owners include: R.W. Butler (building contractor/carpenter) & Gertrude Butler; George Hewson; Thomas Robinson (Merchant) & Monica Robinson; Edwin Franklyn (Merchant) & Arvilla Franklyn; Fay (Dotten) Karp (Registered Nurse) & Joseph Karp (Businessman) <p>The Cross House is also associated with the Kelowna General Hospital. The house was bought by the Kelowna & District Hospital in Oct 1994 in anticipation of the new Cancer Clinic. The house was auctioned off and moved, in order for the land to be cleared for the new building.</p>
B.2 Historical Pattern	G	10	<p>The Cross House, in its original location on the corner of Strathcona Ave and Long St, is associated with the subdivision and development of one of Kelowna's early neighbourhoods in the Abbott Street area. The original subdivision of land into fruit lots, then into residential lots that were slowly built on (Cross House one of first houses built), is part of the development of the area.</p> <p>The Cross House is also associated with the development and expansion of the Kelowna General Hospital. The house was built near the original 1908 hospital during Kelowna's early civic development. Due to the house's close proximity to the hospital, it was a desirable place to live for hospital workers (i.e. Fay Dotten Karp, R.N. 1979-1994). As Kelowna grew, the hospital continued to expand in order to meet the needs of the community. The house on its two lots was bought by the Kelowna & District Hospital in Oct 1994, in anticipation of the new Cancer Clinic. The house was auctioned off and moved to its new location, with funds going towards the new building. With the decision that Kelowna would be home to the new Cancer Clinic, the hospital became the new medical centre for the interior of the province.</p>
SUBTOTAL (max. of 35)		28/35	

C. Context:

Context of each resource within the historical landscape or neighbourhood; compatibility with other buildings and groupings of buildings' symbolic importance as a local landmark.

Criterion	Grade	Points	Rationale
C.1 Landscape/ Site	G	5	<p>The Cross House was originally built on a large flat residential corner lot (two lots combined) with a yard that included mature trees, cedar hedges, and gardens for about 81 years. As the house had to be moved or it would have been demolished, it may have lost its original site context but has gained a new site context.</p> <p>The house was moved about 6.5 kms to its new site at 3652 Spiers Road 24 years ago. The house now sits on a small rise of land on a 36.81 acre rural farm in the Agricultural Land Reserve (ALR). The front of the Cross House faces east, with the back of the house looking towards Okanagan Lake, the same orientation as on its original site. The area around the house has gardens, trees, a workshop and fenced fields, as well as a second house and other farm buildings.</p> <p>The house was relocated very close to where the original Berard farmhouse (the road in front of the property is named Berard Road after the family who once owned the land) once sat. Even though the Cross House was moved, it retains its orientation to the lake and road, its vernacular style and size fits well on the rural property.</p>
C.2 Neighbour- hood	G	6	<p>The Cross House was one of the early houses built in its original residential neighbourhood developed from about 1910 to the 1930s/ 1940s. While its vernacular styling would have been somewhat unique in the neighbourhood, it would have fit into the residential neighbourhood with its age and traditional design.</p> <p>When the house was moved to Spiers Road, it was no longer part of the this residential neighbourhood. However, it was moved to an agricultural area and replaced the original farmhouse that once stood on the property (area of compatible use).</p>
C.3 Visual/ Symbolic Importance	G	8	<p>When the Cross House was built, it would have stood out in its original neighbourhood- largely due to its size and location. On its new site, the Cross House is very visible from the road (on a rise and has been raised higher with the addition of the basement suite). For the past 24 years it has become a local landmark for the area.</p>
SUBTOTAL (max. of 25)		19/25	

D. Integrity & Condition:

Degree to which the resource has been altered since originally constructed and designed. The reversibility of alterations was also taken into account.

Criterion	Grade	Points	Rationale
D. Integrity & Condition	VG	-5	The house is in very good condition and has had few alterations. Any changes made have been compatible with the original house and do not detract from its style, design, construction or character. As the house was moved, it was placed on a new, higher concrete foundation for the basement suite. This has raised the house up, making it more visible and prominent on its site. The modern concrete foundation has some impact on the building. By facing the foundation with shingles (similar to the original foundation level), this would add to the building's traditional character not detract from it. The Cross House is well maintained (there are some areas that need new paint) and in very good condition.
SUBTOTAL (subtract from total score)		-5	

Eligibility for Kelowna Heritage Register:

Category	Score	Total Allowed	Score out of Total Allowed
A. Architectural History	55	40	40
B. Cultural History	28	35	28
C. Context	19	25	19
D. Integrity	-5	0 to -15	-5
Final Score			82
Eligibility	Group A (60-100) Group B (40-59) Group B (20-39)	Yes Maybe No	Group A - Should remain on Heritage Register and is an excellent candidate for Municipal Heritage Designation

Summary of the Evaluation and Review of Statement of Significance (SOS)

The assessment and evaluation of the Cross House determined that it is a strong 'A' building with a score of 82/100, using the Kelowna Heritage Register Evaluation Criteria. A score between 60-100 is required to be in the 'A' Group. The Cross House scores a lower score, largely due to its move from its original site and neighbourhood. However, because the house had to be moved, it gains back some points because of its new location on Spiers Road.

The Statement of Significance (SOS) for the Cross House was reviewed and revised. The recommended updated SOS is below. To view the original SOS with the changes marked, **Refer to Appendix #9: Cross House- Statement of Significance-Original with Recommended Revisions**

Cross House- Statement of Significance (SOS) -Revised 2019



Statement of Significance:

Associated with Elwood Cross and Patrick and Mary O'Neil, local business leaders in the agricultural-processing and retail trades. Sold by Kelowna General Hospital to make room for the Cancer Clinic.

Place Description: The historic place is the two and a half storey wood-frame Cross House, built in 1913 and located at 3652 Spiers Road in the rural South East Kelowna neighbourhood.

Heritage Value: The heritage value of the Cross house, which has been moved from the South Padosy Neighbourhood to South East Kelowna, is derived from its diverse occupants since its construction in the early 1900s and its architectural characteristics.

The house, originally located at 248 Strathcona Avenue (address changed to 202 and then to 388 Strathcona Ave), was likely built in 1913 by Richard W. Butler, a local building contractor. Butler and his wife Gertrude lived in the house until 1924.

From 1925 to 1944 the house was owned by Elwood Lindsay Cross (1888-1948) and his wife Islay. Elwood Cross has value for his connections with land development and fruit-growing. Trained as a land surveyor, Cross came to Kelowna (from Winnipeg) in 1910 to survey land in the Belgo area for the Belgo- Canadian Fruit Lands Company. Taken with the Okanagan, he purchased land in Rutland and became an orchardist. In 1914 he became the general manager of the Dominion Cannery plant in Kelowna, where he oversaw canning and dehydration of vegetables and fruit. In 1923 he left Dominion Cannery and started Rutland Cannery Ltd., on land adjacent to his orchard, near where Scandia is now located on Highway 97. The cannery processed vegetables, especially tomatoes and juice, but it was destroyed by fire during the winter of 1938-39. After that Cross became supervisor of the Bulman dehydrating plant at Vernon. He then built Vernon Frozen Food Lockers, although he did not live long enough to see the completion of that project.

In the 1950s (when the address had been changed to 2238 Long Street) the house was owned by Patrick J. and Mary D. O'Neil, respectively secretary-treasurer and president of Leslie's Ltd., a children's wear store at 320 Bernard Avenue. The O'Neils owned the house for 26 years.

In 1995 the house was removed from its original site to make way for the new Cancer Clinic (Sindi Ahluwalia Hawkins Centre) behind the Kelowna General Hospital. The building was purchased at auction by Mark Haley and relocated to his sister's sheep farm in South East Kelowna. The house now sits on a rise on its new site in the same location as the property's original farmhouse.

The Cross House is a vernacular gable-front building with a number of unusual architectural elements including its bell-cast roof that combines the gable and gambrel forms. The asymmetrical design, along with the unusual mix of architectural features, makes this a very unique house in Kelowna.

Character Defining Elements

Key elements that define the heritage character of the Cross House include its:

- Rural setting on a farm in South East Kelowna, with the house set on a rise surrounded by broad lawns, raised gardens, and a couple of mature trees
- Residential form, scale and massing, expressed by the 2.5-storey height and rectangular plan with large porch overhang
- Asymmetrical design and features
- Unusual bell-cast roof, gable-like with returned eaves on one side and gambrel-shaped (i.e. double-sloped) on the other
- Shed roof side dormers
- Bay windows (front first-storey & two second-storey with no middle window)
- Front full-width partially enclosed wrap-around verandah
- Back porch with overhang
- Entrance porch with wood posts
- Brick side-wall chimney (from Corbelled brick chimney)
- Wood shingle wall cladding
- 6-over-1 double-hung wood sash windows and multi-paned wood casement windows



Recommendations for Heritage Designation

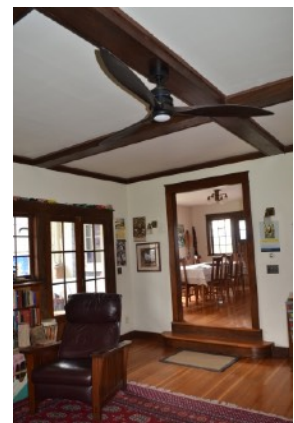
It is strongly recommended that the Cross House be protected with a Kelowna Municipal Heritage Designation Bylaw, as requested by the homeowner(s). The Cross House is a very significant building in Kelowna and is worthy of protection. The (ALR) property at 3652 Spiers Road is in the process of being donated to a not-for-profit society/charity, who will see that the property continues as working farmland. In order to ensure that the Cross House, along with the area around the house is conserved for future generations, designation is necessary.

Designation should include:

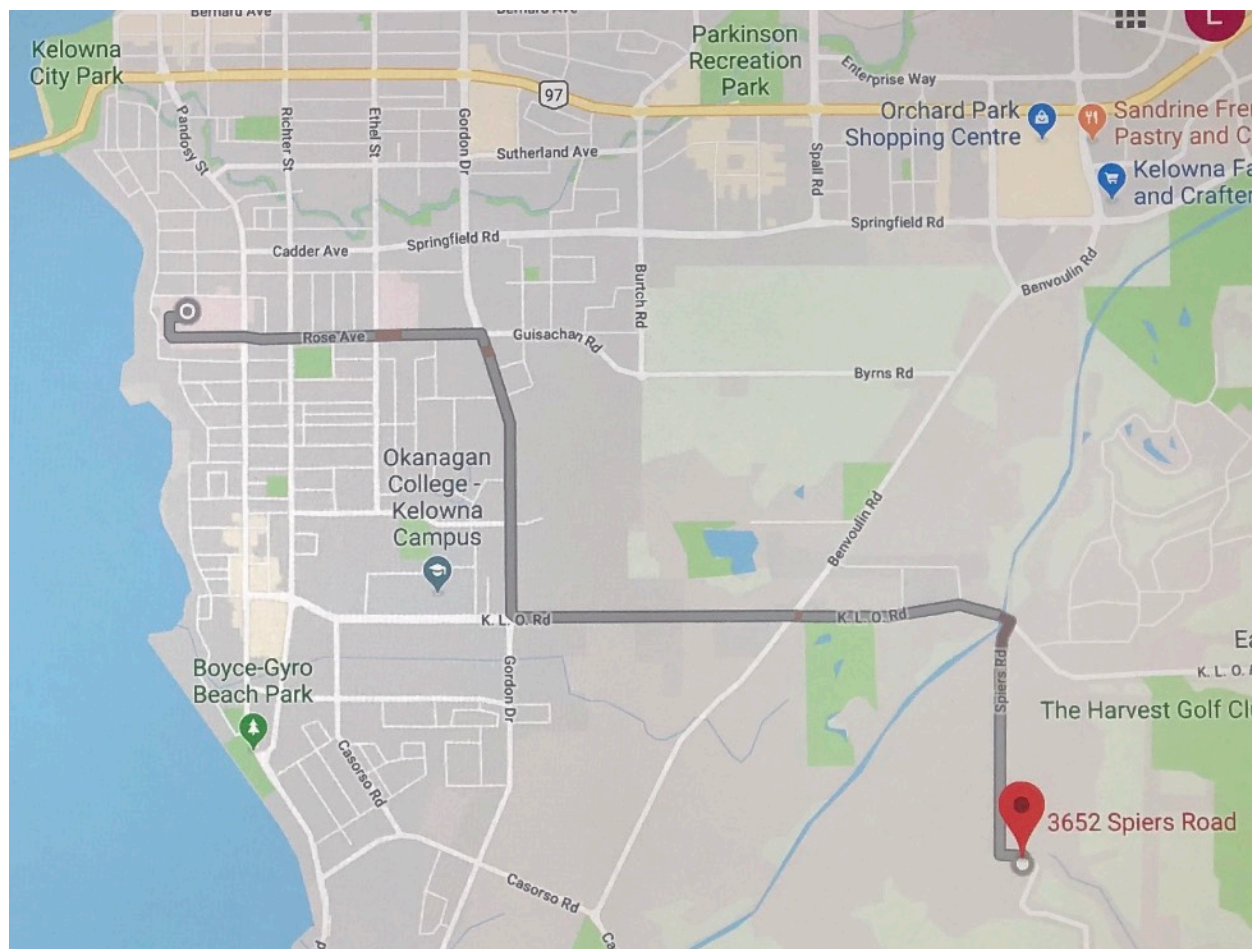
- Exterior of the house (see the Cross House SOS for specific Character Defining Elements)
- Yard surrounding the house (**Refer to Appendix #10: Map of Area to be Included in the Heritage Designation Bylaw**)

Designation may include:

- Interior Elements: window, door and floor trims/mouldings; main staircase to second storey; fir floors; ceiling beams on second storey foyer and main floor living room



Appendix #1 : Map showing Original and New Location of Cross House



Source: Google Maps

Appendix #2: Dutch Colonial Revival Style & Gabled Vernacular Architectural Styles

Dutch Colonial Revival Style (1910 - 1940) Architectural Style

Source: <https://www.vancouverheritagefoundation.org/house-styles>

FORM

Dutch Colonial Revival buildings are symmetrical 2-storey houses, set near ground level, with double-pitched gambrel (“barn”) roofs almost always with side gables. Usually, a full-width shed-roof dormer occupies the front elevation. The front door is usually centred, often with a fanlight above. Windows are usually double-hung with shutters and often set in pairs or triples. Chimneys were set on the side wall. The cladding is usually horizontal lap siding, occasionally roughcast stucco.



BACKGROUND

Early 18th century Dutch and Huguenot settlements in the Hudson River Valley area inspired Dutch Colonial Revival architecture. The style shares similarities with the Georgian Revival popular in the same period, with symmetrical bays of windows and a centered front door. Like other colonial revival styles, Dutch Colonial Revival first reappeared after the American Centennial in 1876. It became more common in the interwar period (between WWI and WWII) as kit patterns in mail order catalogues made the style more accessible. It was one of the most popular designs of this era. The gambrel roof with its full second storey of space made the Dutch Colonial Revival house a practical choice for families. It is still a common style found in interwar suburbs.

DETAILS

- Gambrel roof (Barn roof)
- One storey with steeply pitched gambrel making a full second storey
- Either separate dormers or continuous shed dormer
- Central entrance
- Windows usually double-hung with shutters, set in pairs or triples
- Small pane windows
- Horizontal lap siding
- Side wall chimney

MATERIALS

Earlier Dutch Colonial Revivals usually had lap siding, a trait that still characterizes many homes of this style. In the thirties, roughcast stucco was more popular. Many have shutters, either ornamental or functional, emphasizing their windows. Green for trim, shutters, windows and doors was the most popular colour choice along with white siding. Some more upscale examples had foundations of concrete with a brick veneer.

BELLCAST EAVE: An eave that curves, or flares, outward like the flanges of a bell.

GAMBREL ROOF: A ridged roof having two slopes on each side where the lower slope is steeper than the upper (also called a “barn” roof).

SHED DORMER: A dormer with a single plane sloping roof.

Dutch Revival Characteristics:

(Source: Kelowna Abbott Street & Marshall Street Heritage Conservation Areas Development Guidelines)

Bell-cast, medium gambrel roof

Shed or gable dormers

Siding & ornamental- shingle & stucco

Up to 2 storey massing

Vertical double-hung window openings

Multiple pane windows (munton bars)

Wood shingle roofing (original)

Gabled Vernacular (1886-1915) Architectural Style

Source: <https://www.vancouverheritagefoundation.org/house-styles>

FORM

The most common surviving houses of old Vancouver, Gabled Vernaculars are 1-1/2 to 2-1/2 stories tall with front-gabled roofs; the roof may have a skirt across the bottom of the gable. In this style, the house is usually set a half to a full storey above the ground (due to the basement space required for central heating). Its full-width front porch commonly has a hipped roof held up by posts (typically round Tuscan-style). The front door is almost always set on one side of the facade in line with the front stairs and there may be a bay window on one side of the porch, sometimes repeated on the upper storey. Dormers may be hipped or gabled. Examples of the style usually have very few decorative elements such as brackets and fretwork.



BACKGROUND

The Gabled Vernacular style drew on several popular styles, adapted them for simpler homes for everyday living in the late 19th – early 20th century. Following the rise of the Greek revival movement in the 19th century, gable-fronted houses became more common, with designs that echoed the pediments of ancient Greek temples. This style gained popularity for American homes between 1830 and 1850. Pre-fabricated houses like many of the BC Mills houses and mail-order plans made the style easy to access. Gabled Vernacular homes were common in Vancouver since their narrow two-storey form made front-gabled houses well suited for urban lots. Today, the style is one of the most common historical house styles left in the city.

DETAILS

- Steeply pitched, front-gabled roof
- Often roof skirt across bottom of gable
- Usually 2 to 2-1/2 storey
- Full-width porch
- Set a half- to full-storey above ground
- Few decorative elements
- Drop siding or narrow lap siding, sometimes shingles

MATERIALS

Gabled Vernacular roofs were usually made of cedar shingles. Siding was usually drop siding with a pronounced channel or concave cove shape at the top of the board.

Victorian Revival Characteristics: (shares some similarities with the Gabled Vernacular style)

(Source: Kelowna Abbott Street & Marshall Street Heritage Conservation Areas Development Guidelines)

Bell-cast, medium height gable roof

Returned eaves & projecting verges

Up to 2.5 storey massing

Vertical double-hung window openings

multiple pane windows (lead glass)

Front room bay-window

Wrap-around, open porch

Siding & ornamental- shingle & clapboard (vertical)

Corballed brick chimney cap

Wood shingle roofing (original)

Decorative Detailing

Appendix #3: Summary of Cross House and Land Ownership

Note: compiled from Land Titles search (M. Haley) & Kelowna Public Archives -archival research (maps, telephone directories, voters lists, etc)

DATE	Land/Legal Address & Notes	Owner(s)
1884	Original Crown Grant	Joseph Gaston Lequime
1888	Original Crown Grant	Eli Lequime
1904	Original Crown Grant	Bernard Lequime
Mar 1904	Bought large piece of Lequime land	Thomas Stirling; William Pooley
Jan 1905	Bought approx 6,748 acres of the original Lequime land from Stirling & Pooley, to be subdivided into some smaller and larger agricultural/fruit lots	The Kelowna Land & Orchard Co Ltd
Apr 1908	Bought Lot 12 of Plan 186 (12 acres), valued at \$2,240 which had likely been subdivided into a fruit growing lot. This area is located between Strathcona Ave to the south, Royal Ave to the north, the lake to the west and Pendozi to the east.	Charles Marty; Justin Marty; Jean Marty
Oct 1908	Lot 12 of Plan 186 (12 acres) was bought by four investors/developers with a 1/4 share each for \$550 (total of \$2,200). These investors subdivided Lot 12, Plan 186 into 44 residential lots (Plan 535). After being subdivided, these new residential lots, near the new hospital were for sale.	Abel Gagnon (Building contractor); F.W. Groves; Henry Hewiston; William Mantle
June 1913	The 24 of 44 unsold lots (Plan 535) were acquired by a new investment group (for about \$8,000). The lots included: 9,13-19, 21, 23, 25-26, 28-39.	Adelaide Burne; Anthony Temple, William Knox; Philip Du Moulin; Edward Carruthers; Henry Heweston
July 14, 1913	Bought Lots 13 & 14 of Plan 535 for \$1,000. It is likely that it was R. Butler, building contractor, who built the Cross House in 1913 on both lots. 1914 Richard Butler listed in Ok Telephone Directory, no address 1916 Richard Butler listed in Ok Telephone Directory, Strathcona Ave (no street #)	Richard W. Butler (Building contractor/ Carpenter)
1924	Strathcona Ave Not listed in Ok Telephone Directory	George Hewson
Mar 1925	Bought Lots 13 & 14 of Plan 535, with a \$6,000 mortgage. 1926, '28, '29, '36 E.L. Cross listed in Ok Telephone Directory, 248 Strathcona Ave 1938 Ok Telephone Directory new address: 202 Strathcona Ave	Elwood L. Cross (Manager) & Islay E. Cross

DATE	Land/Legal Address & Notes	Owner(s)
1944	202 Strathcona Ave	Thomas Robinson (Merchant) & Monica Robinson
1946	388 Strathcona Ave Sept 1946 Ok Telephone Directory new address	Edwin Franklyn (Merchant) & (Janet) Arvilla Franklyn
Aug 1948	Lots 13 & 14, District Lot 14, Group 1 of Plan 535 388 Strathcona Ave	Alfred Fournier; Stanley J. Bare (listed as lawyers with address on Water St)
Jan 1949	Lots 13 & 14, District Lot 14, Plan 535 388 Strathcona Ave 1952 Ok Telephone Directory new address: 2238 Long Street	Patrick O'Neil & Mary O'Neil (Children's Retail- Leslie's Ltd on Bernard)
July 1967	Lots 13 & 14, District Lot 14, Plan 535 2238 Long Street	Mary O'Neil 'widow' living at 1291 Bernard Ave
Feb 1975	Lots 13 & 14, District Lot 14, Plan 535 2238 Long Street	Martha Virag (estate of John Virag)
1977	Lots 13 & 14, District Lot 14, Plan 535 2238 Long Street	Joseph De'Andrea & Jessica Luhmann
1979	Lots 13 & 14, District Lot 14, Plan 535 2238 Long Street	Pebcar Enterprises on Ellis St.
Oct 1979	Lots 13 & 14, District Lot 14, Plan 535 2238 Long Street	Fay Dotten (First Aid Attendant)
Sept 1980	Lots 13 & 14, District Lot 14, Plan 535 2238 Long Street	Fay Dotten (2238 Long St); Joseph Karp (Winnipeg); James Hughes (North Vancouver)
Feb 1983	Lots 13 & 14, District Lot 14, Plan 535 2238 Long Street	Fay (Dotten) Karp (Registered Nurse) & Joseph Karp (Businessman) living at 2238 Long St); James Hughes (Businessman from North Vancouver)
Nov 1991	Lots 13 & 14, District Lot 14, Plan 535 2238 Long Street	Fay (Dotten) Karp (Registered Nurse) & Joseph Karp (Businessman) living at 2238 Long St)
Oct 1994	2238 Long Street	Kelowna & District Hospital
July 1995	Moved to 3652 Spiers Road on Sept 25, 1995	Mark Haley & Julie Haley (Julie, Mark's sister, owns the land)
2019	3652 Spiers Road	Mark Haley will retain a Life Lease on the Cross House, once it is donated to a not- for-profit

Appendix #4: R. W. Butler purchase of Lots 13 and 14, Plan 535, July 14, 1913

Absolute fee required.

No. 2569

15/257

LAND REGISTRY ACT.

FORM "A"

RECEIVED AT
Land Registry Office
OCT 15 1913
KAMLOOPS, B. C.

Date Oct. 7, 1913

I, ANTHONY TEPLER, of Kelowna, B.C., declare that I am for Solicitor for ~~xxxxxx~~ R.W. Butler of Kelowna, B.C., and that he is entitled to be registered as the owner in fee of the real estate hereunder described, and he claims to be registered accordingly.

The fee is registered in Vol. ~~xxxxxx~~ Fol. ~~xxxxxx~~ of Fees Book.

DESCRIPTION OF REAL ESTATE.

TOWN OR DISTRICT.	LOT OR SECTION.	ADMEASUREMENT OR ACRAGE.
City of Kelowna	Lots 13 and 14, Plan 535	1286 1701 15/135

LIST OF INSTRUMENTS.

DATE.	PARTIES.	CHARACTER OF DEED.
July 14, 1913	A.E. Burne et al to R.W. Butler	Conveyance in fee

And I solemnly declare that I have investigated and ascertained the value of the said land, and that the market value thereof at the date of this application, including all buildings and improvements thereon erected, is One thousand dollars, and that the title deeds mentioned hereon are all those in my custody, possession, or power, and in the best of my belief in the custody, possession, or power of my principal, relating to the same; and (in the case of an agent) I am duly authorized by the above-named R.W. Butler to make this application, and am of the full age of twenty-one years.

And I make this solemn declaration for the purpose of the same being acted upon under the provisions of the "Land Registry Act," conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the "Canada Evidence Act."

DECLARED before me this 6th day of October, 1913, at Kelowna, British Columbia.

(Signature) Anthony Tepler

(Full Post-office address) John A. Burne


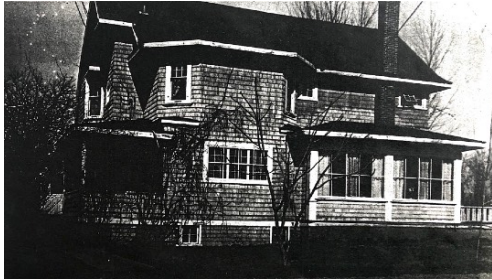

40,000/1913

History Public





Source: Kamloops Land Titles Office

Appendix #5: Alteration History of the Cross House:

The Cross House has undergone a number of alterations, including a move, since it was built. A summary of the changes includes:

Year	Event	Impacts and Changes
1909-1913	<p>The house was likely built by Ricard W. Butler in 1913, after purchasing the property (lots 13 & 14, plan 535) from Adelaide E. Burne (& partners) on July 14, 1913 for \$1,000.</p> 	<p>Large vernacular 2.5 storey house with elements of different traditional styles built on both lot 13 and 14. The house faced Pendozi St. (east), with its back towards the lake (west). The house was built on the northwest corner of Strathcona Ave and Long St.</p>
Late 1920s -1930s	<p>The porch with the roof overhang on the south side of the house was glassed-in to create an unheated sitting area.</p> 	<p>This early alteration is in keeping with the style and character of the building and its function as a home in the Okanagan Valley. The glassed-in area was retained when the house was moved to its new site.</p>
Late 1920s -1930s	<p>The front entry area was screened-in under the overhang of the roof.</p> 	<p>This early alteration would have been practical in the summer to keep out insects. The screened-in area on the north end of the front porch was removed at some point. This was likely when the roof overhang was extended over the whole front porch.</p>
1940s - 1950s	<p>The house originally had an open front porch, with a slight overhang that was almost even with the front bay window. The roof was later extended over the porch, likely after the Cross family owned it and before the 1960s when permits were recorded in the City Files.</p>	<p>The extension of the roof over the porch, although practical, does have an impact on the appearance of the house. Over time, this change has become part of the vernacular styling of the building.</p>

Year	Event	Impacts and Changes
1966	<p>North side addition was built. (14' x 21' recorded in the City Files)</p> 	<p>This addition was added as a separate (rental) suite to the main house on the north side. The window (identical window is near the northeast corner on the front facade) on the north side, near the northeast corner was filled in when the addition was built. A door leading out of the house into the addition was put in.</p>
1970s	<p>The last asphalt shingle roof, before the house was moved, was likely installed sometime in the 1970s.</p>	<p>The original roof would have been wood (cedar) shingles. The wood shingle roof was replaced at some point with (red) asphalt shingles.</p>
1994 - 1995	<p>The Kelowna & District Hospital bought the remaining lots and houses on Long Street (between Strathcona Ave and Royal Ave) in order to clear the land to build the new Kelowna Cancer Clinic.</p>	<p>The Cross House, along with a number of other houses were put up for auction. They were to be demolished if not sold.</p> <p>The Cross House was sold to Mark Haley in September 1995.</p>
September 1995	<p>The house was moved to its new location on Spiers Road. In order to move the house, the roof with the attic area was cut off the top of the house and moved separately due to the size and height of the house.</p> <p><i>Note: The Cross House was relocated very close to where the original Berard farmhouse once sat. The farmhouse and barn were torn down in the late 1960s.</i></p> 	<p>The house was moved onto a new concrete foundation with a full basement suite with access from the back of the house under the kitchen window.</p> <p>The house is higher than it originally was. There are now 6-7 front steps compared to the original 4-5. The original foundation was a partial basement with small (2 over 2) windows. Additional and larger windows have been added (3 over 2). The newer concrete foundation is visible, unlike the original foundation which was faced with wood shingles.</p> <p>The added height and the modern concrete foundation has some affect on the character of the Cross House.</p> <p>The house is more prominent on its new site (with both the added height of the basement and location on the top of the hill) which is a positive change.</p> <p>The foundation stands out, which could be better disguised with a shingle cladding (like on the original foundation) and landscaping.</p>

Year	Event	Impacts and Changes
1995-present	<p>The Cross House has undergone conservation work on both the exterior and the interior, since it was moved. The house was in need of major work in order to rehabilitate it for its new use as a community venue and as a B & B. The house was in fair condition and in need of repairs and maintenance work prior to its move.</p>    	<p>The following work on the exterior was undertaken once the house was moved:</p> <ul style="list-style-type: none"> -The roof overhang and front porch was rebuilt in a similar style. The porch balustrade was rebuilt in a similar style to the original, but is built higher to meet the 1995 building code. Railings on the stairs were added as well. -The north facade underwent a number of changes: the northeast corner window was not restored, but was filled in with new shingles. The door that was created into the 1960s addition was filled in and re-shingled. The second original/early door on the north facade that would have led outside from the house was removed and filled in. -The brick chimney was removed before the house was moved and rebuilt on the south facade. -The back kitchen window was raised up slightly, in order to renovate the kitchen. -The original/early screened-in porch located at the southwest corner of the back of the house underwent two changes when the building was moved: the screens were removed and access off of the porch was removed (the stairs removed). This has changed the function and access to the porch. However, the new basement entry was required as this leads into the owner's basement suite (and interior access into the main house). An overhang has been added which connects to the workshop built behind the house. -The south facade had a new shed roof dormer installed (attic) using similar materials as the house. <p>Roof: The house has had portions of the roof replaced since it was moved. The front roof over the porch is finished in wood shingles, similar to the house and original shingles. The shingles have not been stained or painted and have been left to weather naturally. A couple of areas still have the wood shingles, while the main roof is red asphalt shingles, similar colour to the roof when the house was moved to its new location.</p> <p>Colour Schemes: The b&w photos from the Cross family indicate that the house was painted a medium tone colour with light trims and sashes (cream or warm white). When the house was moved, the siding colour was bright white with dark green trims. The 1983 Heritage Inventory photos and record indicate a similar white and green colour scheme. When the north side addition was removed, an earlier colour, a grey-blue was revealed. The current owner has painted the shingle siding a similar grey-blue colour with white trims.</p>

Appendix #6: Kelowna Heritage Inventory Forms, 1983

B.C. HERITAGE BUILDING INVENTORY

FIELD RECORDING FORM

ZONING R-1a

SITE IDENTIFICATION

Site No.: _____ Land Dist.: _____ Sec: 13
 Reg Dist.: _____ Dist Lot: _____ R: 6430
 City: Kelowna Tp: 25 Blk: 13
 Street: Long Street Plan No.: 535
 Number: 2238
 Present Name: _____
 Present Function: residence
 Present Occupation/Usual Use: _____
 Present Owner: Pay Dotten 763-1590
 Original Function of Bldg: _____
 Original Location of Bldg if Different: _____
 Date Built: pre. W.W.I Source (if estimate, state): _____
 Architect: _____ Builder: _____
 Associated Outbuildings: garage
 Surrounding Environment: hospital area, fenced yard
 Historical Information: _____
 Additional Information or sources: _____

LOCATION MAP (use sketch or photocopy of street plan) 903-460 BUILT

Name of Recorder: Helen Peters Date of Record: Jan. 11, 1983

DESCRIPTION

Dimensions (front): _____ (side): _____ (height): _____
 Number of Storeys: 2 1/2 Height Basement/Crawlspace: _____
 Exterior Wall Material: shingle Cond: good
 Exterior Wall Colour: white with green trim
 Roof Material: shakes Cond: some moss
 Construction Method Building: frame
 Construction Method Foundation: concrete block MD
 Interior Details: _____
 Exterior Details: roof-gambrel with bell-cast over dormers, gable eave, 2 storey bay window side and back, front verandah and 1 storey bay, back screen porch
 Alteration History: _____
 Overall Condition: good
 Work Needed: fence repair

PHOTOGRAPHIC RECORD done - see photo file

Storage Location of Originals: _____
 Film Type: _____ Film No.: _____ Frame No.: _____
 Identify: FRONT, SIDES, REAR, DETAILS OF INTEREST, ETC.

(affix contact prints)

HERITAGE EVALUATION SHEET

Name: _____
 Location: 2238 LONG ST.
 Reference Number: _____

A. HISTORIC VALUES (maximum 40 points)

People (maximum 20 points)	5	3.75	2.50	0	MD
1) settlement	5	3.75	2.50	0	MD
2) officials	5	3.75	2.50	0	MD
3) professions	5	3.75	2.50	0	MD
4) culture	5	3.75	2.50	0	MD
Events (maximum 20 points)					
5) settlement pattern	5	3.75	2.50	0	
6) legal or official functions	5	3.75	2.50	0	
7) professions, trades or vocations	5	3.75	2.50	0	
8) cultural or institutional	5	3.75	2.50	0	

B. ARCHITECTURAL VALUES (buildings only) (maximum 40 points)

5	3.75	2.50	0	
9) style	5	3.75	2.50	0
10) architect	5	3.75	2.50	0
11) construction	5	3.75	2.50	0
12) design	5	3.75	2.50	0
13) age	5	3.75	2.50	0
14) continuity	5	3.75	2.50	0
15) setting	5	3.75	2.50	0
16) landmark	5	3.75	2.50	0

C. LANDSCAPE AND ECOLOGICAL VALUES (for features visible from buildings) (maximum 40 points)

10	7.5	5	0	
17) continuity	10	7.5	5	0
18) landmark	10	7.5	5	0
19) ecology	10	7.5	5	0
20) aesthetics	10	7.5	5	0

D. EDUCATIONAL AND SCIENTIFIC VALUES (maximum 10 points)

2.5	1.6	.83	0	
21) site integrity	2.5	1.6	.83	0
22) alterations	2.5	1.6	.83	0
23) information	2.5	1.6	.83	0
24) accessibility	2.5	1.6	.83	0

E. ECONOMIC VALUES (maximum 10 points)

2.5	1.6	.83	0	
25) compatibility	2.5	1.6	.83	0
26) adaptability	2.5	1.6	.83	0
27) cost	2.5	1.6	.83	0
28) public	2.5	1.6	.83	0

TOTAL SCORE: 82
4528-C

EVALUATED BY: _____

INTERPRETATION OF HERITAGE EVALUATION SHEET

POINTS	GRADE	INTERPRETATION	NOTES
75 - 100	A	of major significance	preservation
50 - 74	B	of importance	conservation
25 - 49	C	of value in adding texture	maintenance
0 - 24	D	of little or no value	replacement

Source: Kelowna Public Archives

Appendix #7: Kelowna Heritage Register Forms, 1997-99

Kelowna Heritage Register

Street Number: 3652 Street Name: SPIERS RD KD: 282234 ID Number: 357

Building Construction
wood frame

Roof Type
gable with belcast side, shed roof additions, several irregularities, shed roof dormers

Foundation Construction
concrete

Window Types
D/I G/I, casement multi-pane (8 & 12)

Exterior Wall Material
wood shingles

Original Wall Material
presumed same

Exterior Wall Colour(s)
white w. green trim

Alterations Documented
1966 14'x21' addition; 1979 garage; 1995 demolition (moved from downtown). Auctioned off by Kelowna General Hospital to make room for Cancer Clinic.

Alterations Observed

Site Context
Set amongst farms of similar size

Sources
STREET FILES; KIRBY; WRIGLEY'S 1922-24; SUN 1936-39; History of Rutland, 1858-1971, pp. 55-56; Mark Haley (current owner).

Additional Notes and Comments
Moved from original location, 2238 Long St., in 1995, as part of clearance for hospital expansion. In 1941 address was 202 Strathcona. Letter of nomination from Mark Haley 6 May, 1997 [current resident of 3652 Spiers Rd].

Additional Observations

Updates

History Researcher: David Dandy Research Date: 11/3/1997 Field Recorder: Leigh-Ann Carter Field Record Date: 7/15/1997

Kelowna Heritage Register

Street Number: 3652 Street Name: SPIERS RD Post-It Fax Note: 7671E Date: # of pages: 1 ID Number: 357

To: Sue Haley From: Greg Kautley

Cross House Co. Dept. City of Kelowna

Phone # 862-3537 (466) Fax # 862-6105

Neighbourhood: East Kelowna

Date Built
1909 ☐ Date Documented? ☐ Designated? ☐ 1983 Inventory Class: Number of Storeys: 2

Historical Significance
Associated with Elwood Cross and Patrick O'Neil, local business leaders in the agricultural-processing and retail trades. Sold by Kelowna General Hospital to make room for the Cancer Clinic.

Architectural Significance
Unusual variant of gable front house (roof bay windows etc.); it is interesting for its details and character. Retains its character despite having been moved from an urban to a rural context.

Style/Character
rural vernacular farm house

Design Description/Features
A gable-end house with a number of eclectic alterations/features. Full width-front verandah, belcast/semi-gambrel roof to right, unusual window arrangement in 2nd storey, brick side-wall chimney, partially enclosed verandah.

History
Believed built about 1900 by Abel Gagnon, house was owned 1913-24 by Richard W. Butler. From 1925-1944 owned by Elwood L. Cross and then his wife Isley. Cross, who came from Winnipeg in 1910, was manager of Dominion Cannery B.C. Ltd. in 1920s and then c. 1925 built cannery in Rutland which canned fruits and vegetables until it burned in the early 1930s. In 1950s house owned by Patrick J. and Mary D. O'Neil, secretary & president of Leslie's Ltd., a children's wear store at 320 Bernard.

Architect
unknown

Builder
Abel Gagnon

Original Use
Residential

Current Use
Residential

Photo Reference
CD4.62-04

Photographer
Leigh-Ann Carter

Photo Date
7/15/1997


Kelowna Heritage Register: Work Sheet

ID Number: 357 Date of Evaluation: 8/12/97

Street Number and Name: 3652 Spiers Road

	Grade	Reason
HISTORICAL VALUES		
A.1 Association / Pattern	E VG (G) F P	late owner Cross & O'Neil known as Cannery - reported hospital expansion
A.2 Age	(E) VG G F P	1909
ARCHITECTURAL VALUES		
B.1 Style / Type / Design	E (VG) G F P	Unusual variant of gable front house (orig. gambrel etc.). See exterior details
B.2 Construction	E VG G (F) P	—
B.3 Architect / Designer / Builder	E VG G (F) P	Gagnon
B.4 Integrity	E VG (G) (X) P	Moved - urban to rural - 8th character school preserved (1909)
CONTEXTUAL VALUES		
C.1 Continuity	E VG G (F) P	Moved, diff. character
C.2 Landmark / Recognition	E VG G (F) P	Not known

Score: Rank: Date: Revision:



Source: City of Kelowna City Files

Appendix #8: Kelowna Heritage Register Evaluation Criteria Definitions

A. Architectural History

1. Style and/or Type: A building's style representative of the City's significant development periods; or a building type associated with a significant industrial, commercial or transport activity.

Excellent (E) 35	<ul style="list-style-type: none"> An excellent example of a style or type in Kelowna A rare surviving or very good example of a style or type in Kelowna One of the earliest, very good examples of a style or type in Kelowna
Very Good (VG) 18	<ul style="list-style-type: none"> A very good example of a style or type in Kelowna A good example of a style or type that is notably early in Kelowna
Good (G) 12	<ul style="list-style-type: none"> A good example of a style or type that is common in Kelowna
Fair/Poor (F/P) 0	<ul style="list-style-type: none"> An average example of style or type that remains common in Kelowna

2. Design: A building's notable or special attributes of an aesthetic or functional nature. This may include massing, proportion, scale, layout, materials, detailing, colour, texture, fenestration, ornamentation or artwork.

Excellent (E) 30	<ul style="list-style-type: none"> A design which is outstanding in comparison with other examples
Very Good (VG) 15	<ul style="list-style-type: none"> A design which is equal to several other examples of recognizable superior or special quality
Good (G) 10	<ul style="list-style-type: none"> A design which incorporates several special aesthetic or functional attributes
Fair/Poor (F/P) 0	<ul style="list-style-type: none"> A design of no special significance or quality

3. Construction: A building's unique or uncommon building materials, or its historically early or innovative method of construction.

Excellent (E) 15	<ul style="list-style-type: none"> One of the earliest known uses of an important or special material or method A now rare and out-of-use material or method
Very Good (VG) 8	<ul style="list-style-type: none"> One of the earliest known surviving uses of an important or special material or method A notable or out-of-use material or method of which several examples survive
Good (G) 5	<ul style="list-style-type: none"> An out-of-use material or method which is typical of a period and still commonly found
Fair/Poor (F/P) 0	<ul style="list-style-type: none"> An example of no particular significance

4. Designer / Builder: A building's architect, designer, engineer and/or builder who has made a significant architectural contribution to the city, province or nation.

Excellent (E) 15	<ul style="list-style-type: none"> An architect, designer, engineer and/or builder who was responsible for establishing or advancing a style, design or construction method that was significant and influential in the city, province or nation
Very Good (VG) 8	<ul style="list-style-type: none"> An architect, designer, engineer and/or builder whose works are of considerable importance to building and development in the city, province or nation.
Good (G) 5	<ul style="list-style-type: none"> An architect, designer, engineer and/or builder of some importance to building and development in the city, province or nation.
Fair/Poor (F/P) 0	<ul style="list-style-type: none"> An architect, designer, engineer and/or builder, unknown or of no known significance.

B. Cultural History

1. Historical Association: A building's direct association with a person, group, institution, event, or activity that is of historical significance to the city, province or nation.

Excellent (E) 35	<ul style="list-style-type: none"> Closely connected with a person, group, institution, event or activity that is of considerable importance
Very Good (VG) 18	<ul style="list-style-type: none"> Closely connected with a person, group, institution, event or activity that is of moderate importance
Good (G) 12	<ul style="list-style-type: none"> Connected with a person, group, institution, event or activity that is of moderate importance
Fair/Poor (F/P) 0	<ul style="list-style-type: none"> Little or no known historical association

2. Historical Pattern: A building's association with broad patterns of local area or civic history including ecological, social, political, economic or geographic change. In urban settings, a building's recognition of street pattern and infrastructure.

Excellent (E) 30	<ul style="list-style-type: none"> A building that can be directly linked to the establishment of an historical pattern of civic importance
Very Good (VG) 15	<ul style="list-style-type: none"> A building that can be directly linked to the establishment of an historical pattern of local area importance One of earliest surviving examples in a local area
Good (G) 10	<ul style="list-style-type: none"> A building that provides strong evidence of an historical pattern of local area or civic importance
Fair/Poor (F/P) 0	<ul style="list-style-type: none"> A building of little known association with a recognizable historical pattern

C. Context

1. Landscape / Site: An intact historical landscape or landscape features associated with an existing building, or a particularly notable historical relationship between a building's site and its immediate environment including original native trees and topographical features.

Excellent (E) 15	<ul style="list-style-type: none"> Landscape comprised of numerous, significant landscape features which are directly related to the building's style, design and history A notable and intact historical relationship between a building's site and the street, railway, waterfront, view or other geographic features which were part of the building's original function or traditional urban environment
Very Good (VG) 8	<ul style="list-style-type: none"> A landscape which includes several dominant features which are directly related to the building's style, design and history An altered but still strongly apparent historical relationship between a building's site and its immediate urban environment or related geographic features
Good (G) 5	<ul style="list-style-type: none"> A landscape which includes one or two important features which are directly related to the building's style, design and history An altered but recognizable historical relationship between a building's site and its immediate urban environment or related geographic features
Fair/Poor (F/P) 0	<ul style="list-style-type: none"> No significant and recognizable landscape features or building /site relationship

2. Neighbourhood: A building's continuity and compatibility with adjacent buildings and visual contribution to a group of similar buildings.

Excellent (E) 20	<ul style="list-style-type: none"> A building that is an important part of a visually prominent and notable group of buildings of similar style, type or age, in an area of compatible use
Very Good (VG) 10	<ul style="list-style-type: none"> A building which forms part of a contiguous group of similar style, type or age in an area of compatible use
Good (G) 6	<ul style="list-style-type: none"> A building which is part of a contiguous group of similar style, type or age in an area of incompatible use A building which is not part of a contiguous group of similar style, type or age, but is in an area of compatible use
Fair/Poor (F/P) 0	<ul style="list-style-type: none"> A building which is not part of a group of buildings of similar style, type or age and is in an area of incompatible use

3. Visual / Symbolic Importance: A building's importance as a civic or local area landmark; a building's symbolic value to a neighbourhood or the city.

Excellent (E) 25	<ul style="list-style-type: none"> A landmark building of importance A building of significant symbolic value to the city
Very Good (VG) 13	<ul style="list-style-type: none"> A major landmark within a local area A building of symbolic importance to a local area
Good (G) 8	<ul style="list-style-type: none"> A neighbourhood landmark A building of symbolic importance to a neighbourhood
Fair/Poor (F/P) 0	<ul style="list-style-type: none"> A building of no landmark or symbolic significance

D. Integrity & Condition

Integrity: A measure of the impact of changes to the building on the appreciation of its style, design, construction or character. Alterations considered to be reversible (e.g. later sidings that can be removed) should tend to be scored as minor. Alterations which are not reversible, and which have resulted in loss of original building fabric, should tend to be scored as major.

Condition: A measure of the current state of the building

Excellent (E) 25	<ul style="list-style-type: none"> A building with no alterations that detract from its style, design, construction, or character
Very Good (VG) 13	<ul style="list-style-type: none"> A building with one or more alterations, the effect of which is recognizable but does not significantly detract from the style, design, construction or character
Good (G) 8	<ul style="list-style-type: none"> A building with a major alteration and/or a combination of several minor alterations, the effect of which detracts from the style, design, construction or character.
Fair/Poor (F/P) 0	<ul style="list-style-type: none"> A building of no landmark or symbolic significance

Appendix #9: Cross House- Statement of Significance (SOS) -Original with Recommended Revisions



Associated with Elwood Cross and Patrick and Mary O'Neil, local business leaders in the agricultural-processing and retail trades. Sold by Kelowna General Hospital to make room for the Cancer Clinic.

Place Description: The historic place is the two and a half storey wood-frame Cross House, built in (1909-replace)1913 and located at 3652 Spiers Road in the rural South East Kelowna neighbourhood.

Heritage Value: The heritage value of the Cross house, which has been moved from the South (Central- replace) Pandosy Neighbourhood to South East Kelowna, is derived from its diverse occupants since its construction in the early 1900s and its architectural characteristics.

Replace sentences: The house, originally located at 202 Strathcona Avenue, is reported to have been built about 1909 by Abel Gagnon. Subsequent early owners include Richard W. Butler and George Hewson.

New sentences: The house, originally located at 248 Strathcona Avenue (address changed to 202 and then to 388 Strathcona Ave), was likely built in 1913 by Richard W. Butler, a local building contractor. Butler and his wife Gertrude lived in the house until 1924.

From 1925 to 1944 the house was owned by Elwood Lindsay Cross (1888-1948) and his wife Islay. Elwood Cross has value for his connections with land development and fruit-growing. Trained as a land surveyor, Cross came to Kelowna (from Winnipeg) in 1910 to survey land in the Belgo area for the Belgo- Canadian Fruit Lands Company. Taken with the Okanagan, he purchased land in Rutland and became an orchardist. In 1914 he became the general manager of the Dominion Cannery plant in Kelowna, where he oversaw canning and dehydration of vegetables and fruit. In 1923 he left Dominion Cannery and started Rutland Cannery Ltd., on land adjacent to his orchard, near where Scandia is now located on Highway 97. The cannery processed vegetables, especially tomatoes and juice, but it was destroyed by fire during the winter of 1938-39. After that Cross became supervisor of the Bulman dehydrating plant at Vernon. He then built Vernon Frozen Food Lockers, although he did not live long enough to see the completion of that project.

In the 1950s (when the address had been changed to 2238 Long Street) the house was owned by Patrick J. and Mary D. O'Neil, respectively secretary-treasurer and president of Leslie's Ltd., a children's wear store at 320 Bernard Avenue. The O'Neils owned the house for 26 years.

In 1995 the house was removed from its original site to make way for the new Cancer Clinic (Sindi Ahluwalia Hawkins Centre) behind the Kelowna General Hospital. The building was purchased at auction by Mark Haley and relocated to his sister's sheep farm in South East Kelowna. The house now sits on a rise on its new site in the same location as the property's original farmhouse.

Replace sentence: Its architectural features are unusual including its roof combines gable and gambrel forms.

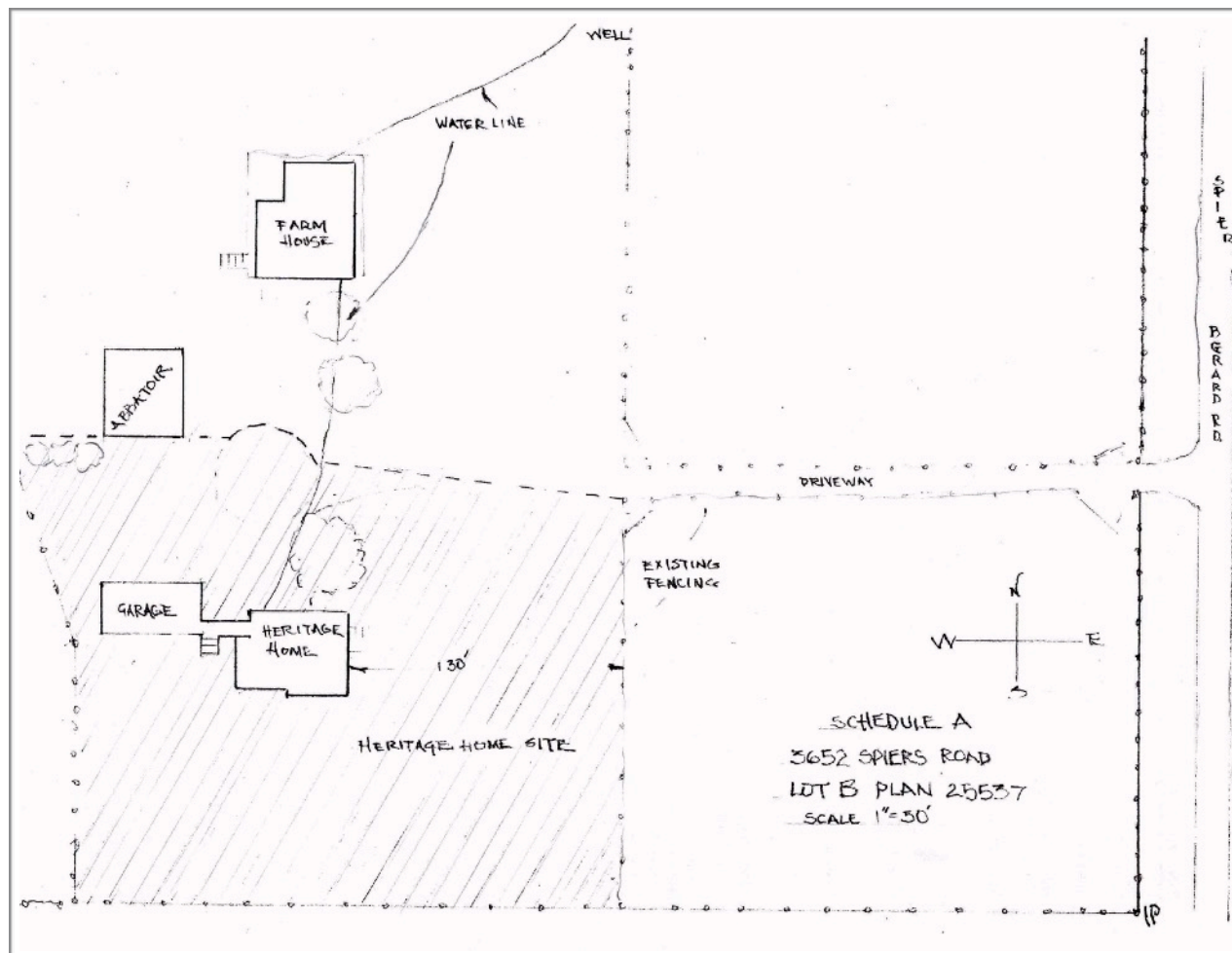
New sentence: The Cross House is a vernacular gable-front building with a number of unusual architectural elements including its bell-cast roof that combines the gable and gambrel forms. The asymmetrical design, along with the unusual mix of architectural features, makes this a very unique house in Kelowna.

Character Defining Elements

ADD- Key elements that define the heritage character of the Cross House include its:

- **Add-** Rural setting on a farm in South East Kelowna, with the house set on a rise surrounded by broad lawns, raised gardens, and a couple of mature trees
- Residential form, scale and massing, expressed by the 2.5-storey height and rectangular plan with large porch
- **Replace** extension with overhang
- **Add-** Asymmetrical design and features
- Unusual bell-cast roof, gable-like with returned eaves on one side and gambrel-shaped (i.e. double-sloped) (**Remove-** with bell cast eave) on the other
- **Add-** Shed roof side dormers
- **Add-** Bay windows (front first-storey & two second-storey with no middle window)
- **Add-** Front full-width partially enclosed wrap-around verandah
- **Add-** Back porch with overhang
- **Remove-** Entrance porch with wood posts
- **Change to:** Brick side-wall chimney (from Corbelled brick chimney)
- Wood shingle wall cladding
- 6-over-1 (**Remove-** and 4-over-1) double-hung wood sash windows **Add-** and multi-paned wood casement windows

Appendix #10: Map of Area to be Included in the Heritage Designation Bylaw



Source: Mark Haley

Research Resources:

B.C. Historical Newspapers

Buckland, F.M. Ogopogo's Vigil: A History of Kelowna and the Okanagan. Kelowna, BC, 1948.

City of Kelowna Heritage Register, Statement of Significance for 3652 Spiers Road

City of Kelowna Heritage Register Assessment and Evaluation Forms and Photos for 3652 Spiers Road, 1997-1999

City of Kelowna: Official Community Plan (OCP), Zoning Maps, Heritage Register Evaluation Criteria (2012), Abbott Street & Marshall Street Heritage Conservation Areas Development Guidelines (1997), etc

Cross Family Fonds

Gray, Art. Tales of Bygone Days. ND

Haley, (Mark) Family Fonds

Hobson, Robert. Kelowna Heritage Resource Inventory: A Report to the Kelowna Heritage Advisory Committee, Dec. 1983

Kamloops Land Titles Office

Kelowna Heritage Inventory and Evaluation Forms and Photos for 2238 Long St, 1983

Kelowna Public Archives (KPA): Archival Maps, Photographs, Telephone Directories, Voting Lists, etc

Okanagan Historical Society (OHS) Reports, various years

Site and Neighbourhood Visit for assessment and current photos

Simpson, Sharron. Kelowna General Hospital: The First 100 Years 1908-2008. Manhattan Beach Publishing, Kelowna, 2008.

Stacha, (Eleonore) (and Sarama) Family Fonds

Vancouver Heritage Foundation website: Style Guide



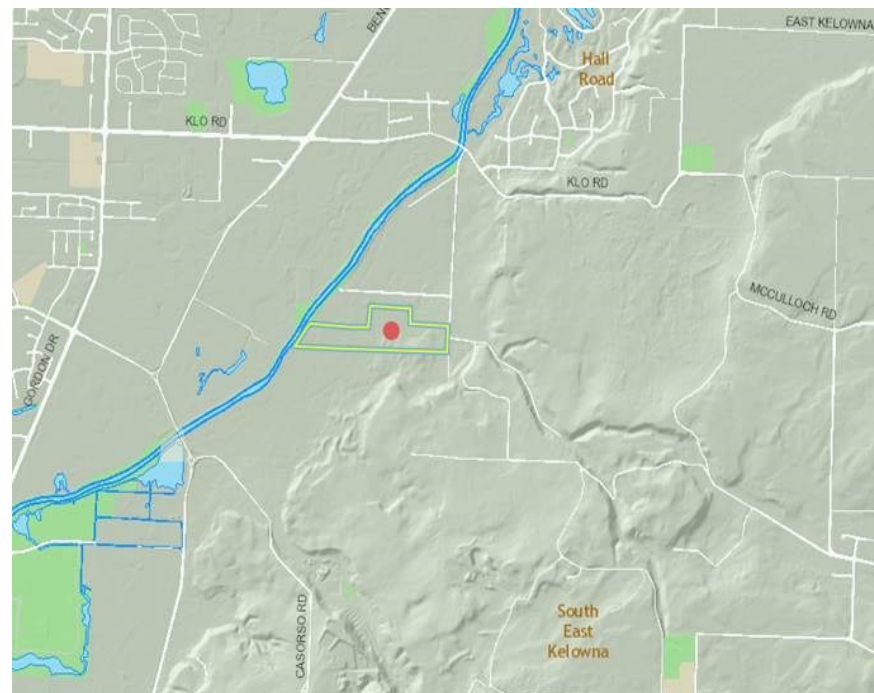
Request for Heritage Designation

3652 Spiers Road



3652 Spiers Road

- ▶ Currently on the Kelowna Heritage Register
- ▶ Requesting Heritage Designation
 - ▶ Seeking long-term protection through Bylaw
 - ▶ Registered on Title



South East Kelowna
– near Mission Creek Greenway

Heritage Value





Questions?