

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, July 14, 2020
8:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. **Call to Order**

2. **Reaffirmation of Oath of Office**

The Oath of Office will be read by Councillor Donn.

3. **Confirmation of Minutes**

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Public Hearing - June 23, 2020
Regular Meeting - June 23, 2020

4. **Development Permit and Development Variance Permit Reports**

Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward for each item.

4.1 **START TIME - 8:00 PM - Edith Gay Rd 440 - BL11496 (Z17-0030) - Jaspal K. Dhaliwal, Avneet K. Dhaliwal, Gurpal S. Dhaliwal and Gagandip K. Dhaliwal**

22 - 22

To adopt Bylaw No. 11496 in order to rezone the subject property from the RR3 - Rural Residential 3 zone to the RU6 - Two Dwelling Housing zone.

4.2 **START TIME - 8:00 PM - Edith Gay Rd 440 - DVP17-0072 - Jaspal S. Dhaliwal, Avneet K. Dhaliwal, Gurpal S. Dhaliwal and Gagandip K. Dhaliwal**

23 - 39

Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward for each item.

To vary the required minimum rear yard on the subject property to facilitate a two lot subdivision.

- 4.3 **START TIME - 8:00 PM - Abbott St 2700, DVP20-0129 - Tom Mauro and Debra Mauro** 40 - 62
- Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward for each item.**
- To consider a Development Variance Permit to vary the Okanagan Lake Sight Line regulation from 60 degrees required to 43.5 degrees proposed along the north side.
- 4.4 **START TIME - 8:30 PM - Cawston Ave 660 - BL11982 (OCP20-0002) - 650 Developments Inc., Inc. No. BC1145287** 63 - 63
- Requires a majority of all members of Council (5)**
- To amend and adopt Bylaw No. 11982 in order to amend the Official Community Plan to change the future land use designation of the subject properties from MRM – Multiple Unit Residential Medium Density to MXR – Mixed Use Residential / Commercial.
- 4.5 **START TIME - 8:30 PM - Cawston Ave 660 - BL11984 (Z19-0126) - 650 Developments Inc., Inc. No. BC1145287** 64 - 64
- To amend and adopt Bylaw No. 11984 in order to rezone the subject properties from the RU2 – Medium Lot Housing zone to the C7 – Central Business Commercial zone.
- 4.6 **START TIME 8:30 PM - Cawston Ave 660 - DP20-0007, DVP20-0008 - 650 Developments Inc., Inc. No. BC1145287** 65 - 105
- Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward for each item.**
- To consider a Development Permit for the form and character of a 6 ½ storey apartment building; and to consider a Development Variance Permit to vary the following: 1) The side yard setback above 16m; 2) The required triangular setback on the first storey at intersection; 3) The height restriction shown on C7 Map A – Downtown Building Heights Plan for the eastern-most part of the building; and 4) The proportion of regular size parking stalls.

5. **Reminders**

6. **Termination**



City of Kelowna Public Hearing Minutes

Date: Tuesday, June 23, 2020
 Location: Council Chamber
 City Hall, 1435 Water Street

Members Present: Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn*, Gail Given, Charlie Hodge, Brad Sieben, Mohini Singh and Loyal Wooldridge

Members Absent: Councillor Luke Stack

Staff Present: City Manager, Doug Gilchrist; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith; Community Planning & Development Manager, Dean Strachan*; Planner Specialist, Wesley Miles*; Environmental Coordinator, Arlene Janousek*; Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. **Due to COVID-19 a Public Hearing Agenda will also include Regular Council Meeting Items**
2. **Call to Order the Public Hearing - START TIME - 4:00 PM - Zoning Bylaw No. 8000 Text Amendment No. TA19-0009 (BL12027)– Fencing and Retaining Walls**

Mayor Basran called the Hearing to order at 4:03 p.m.

Mayor Basran advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030 - Official Community Plan Bylaw No. 10500" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

3. Individual Bylaw Submissions

- 3.1 **START TIME - 4:00 PM - Zoning Bylaw No. 8000 Text Amendment No. TA19-0009 (BL12027)– Fencing and Retaining Walls**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

No one from the Gallery came forward.

There were no further comments.

4. Termination

The Hearing was declared terminated at 4:06 p.m.

5. Call to Order the Regular Meeting

Mayor Basran called the meeting to order at 4:06 p.m.

6. Bylaws Considered at Public Hearing

6.1 START TIME 4:00 PM - BL12027 - Zoning Bylaw No. 8000 Text Amendment No. TA19-0009 – Fencing and Retaining Walls

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

Ro484/20/06/23 THAT Bylaw No. 12027 be read a second and third time.

Carried

7. Termination

The meeting was declared terminated at 4:07 p.m.

Councillor Donn joined the meeting at 4:07 p.m.

8. Call to Order the Public Hearing - START TIME - 4:00 PM - Water Street 1570-1580, Z19-0098 (BL12037) - Tri-Moor Holdings Ltd., Inc. No. 1050685; Rayal Enterprises Ltd., Inc. No. 70

Mayor Basran called the Hearing to order at 4:07 p.m.

Mayor Basran advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030 - Official Community Plan Bylaw No. 10500" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

8.1 START TIME - 4:00 PM - Water Street 1570-1580, Z19-0098 (BL12037) - Tri-Moor Holdings Ltd., Inc. No. 1050685; Rayal Enterprises Ltd., Inc. No. 70194

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Randy Fox, Fox Architecture, Applicant

- Responded to questions from Council.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

Gallery:

Mark Betteridge, Okaview Road

- In favour of the application.
- Spoke to the project's economic development opportunity.

Ian Thomas, West Vancouver

- In favour of the application.
- Spoke to the opportunity this project brings as a catalyst for further investment development and tourism.
- Believes this project will add further appeal to a downtown that is gaining traction for the city.

Randy Fox, Fox Architecture, Applicant

- Responded to questions from Council regarding next steps and provided more detail about operations.

There were no further comments.

9. Termination

The Hearing was declared terminated at 4:22 p.m.

10. Call to Order the Regular Meeting

Mayor Basran called the meeting to order at 4:22 p.m.

11. Bylaws Considered at the Public Hearing

11.1 START TIME - 4:00 PM - Water Street 1570-1580, BL12037 (Z19-0098) - Tri-Moor Holdings Ltd., Inc. No. 1050685; Rayal Enterprises Ltd., Inc. No. 70194

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

Ro485/20/06/23 THAT Bylaw No. 12037 be read a second and third time.

Carried

12. Termination

The meeting was declared terminated at 4:27 p.m.

13. Call to Order the Public Hearing - START TIME - 4:00 PM - (W OF) Union Road and 2025 Begbie Road, OCP20-0008 (BL12040) and Z20-0030 (BL12041) - Glenwest Properties Ltd

Mayor Basran called the Hearing to order at 4:27 p.m.

Mayor Basran advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030 - Official Community Plan Bylaw No. 10500" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

14. Individual Bylaw Submissions

14.1 START TIME - 4:00 PM - (W OF) Union Road and 2025 Begbie Road, OCP20-0008 (BL12040) and Z20-0030 (BL12041) - Glenwest Properties Ltd.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The Applicant was present and available for questions.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

No one from the Gallery came forward.

There were no further comments.

15. Termination

The Hearing was declared terminated at 4:29 p.m.

16. Call to Order the Regular Meeting

Mayor Basran called the meeting to order at 4:29 p.m.

17. Bylaws Considered at the Public Hearing

- 17.1 START TIME - 4:00 PM - (W OF) Union Road and 2025 Begbie Road, BL12040 (OCP20-0008) - Glenwest Properties Ltd**

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

Ro486/20/06/23 THAT Bylaw No. 12040 be read a second and third time and be adopted.

Carried

- 17.2 START TIME - 4:00 PM - (W OF) Union Road and 2025 Begbie Road, BL12041 (Z20-0030) - Glenwest Properties Ltd**

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

Ro487/20/06/23 THAT Bylaw No. 12041 be read a second and third time and be adopted.

Carried

18. Termination

The meeting was declared terminated at 4:30 p.m.

The meeting adjourned at 4:30 p.m.

19. Call to Order the Public Hearing - START TIME - 4:45 PM - Gallagher Road 2980, Z20-0021(BL 12042)- Kirschner Mountain Joint Venture

Mayor Basran called the Hearing to order at 4:45 p.m.

Mayor Basran advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030 - Official Community Plan Bylaw No. 10500" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

- 19.1 START TIME - 4:45 PM - Gallagher Road 2980, Z20-0021 (BL 12042)- Kirschner Mountain Joint Venture**

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Dave Cullen CTO Consultants, Applicant

- Displayed a video of the model for the proposed development
- Spoke to the extension of Loseth Road to Gallagher Road as an emergency route at minimum or at maximum a full public access way; currently working with the Engineering Department and will reach a resolution soon.
- Spoke to the potential density and site layout.
- Provided rationale for the requested variances and described the unit design.
- Responded to questions from Council regarding the original intent for multi-family under the Area Structure Plan.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

Gallery:

Susan Ames, Abbott Street

- Opposed to this application as a former soil specialist in agriculture.
- Raised concern with removing land from agriculture and being another example of urban sprawl.
- Raised concern that this application promotes more vehicle use in an agriculture area.
- Raised concern with environmental impacts on runoff.
- Opposed to building more housing on ALR land.
- Made comment that there was no input from the Agriculture Advisory Committee in the staff report.

Staff:

- Confirmed that the subject property is not in the ALR.

Peter Turgoose, Loseth Road

- Identified that the subject property is zoned agricultural land but is not in the ALR.
- Raised concern with the notification process and identifying the site on Loseth Road as many residents were unaware of these proceedings.
- Raised concern with the high density and would prefer to see this area multi-family low density.
- Asked Council to reject this application and make it more of a single family residential.
- Raised concern with the lack of parks and amenities.
- Raised concern with increased traffic, speeding, safety and construction control.
- Raised concern there is no engineering plan on traffic calming.
- Responded to questions from Council regarding the notification process and site address.

Staff:

- Clarified the notification process and site addressing.

John Berta, Loseth Road

- Speaking on behalf of a majority of residents in Phase 4 of Kirschner Mountain named in the petition submitted.
- Completely opposed to this rezoning application of a multi-family development directly adjacent to their single-family properties.
- Requested that this proposal be tabled for residents, planning and engineering staff and the developer to have time to discuss this project.
- Spoke to the previous Kirschner Mountain Area Structure Plan from 2000.
- Requested information regarding traffic flow and transportation details.
- Local residents are extremely opposed with rezoning agricultural land.
- Believes the area is being inundated with multi-family construction.
- Raised concern with the lack of egress other than Loseth Road.
- Responded to questions from Council regarding the proposed zone and information in the petition.

Staff:

- Confirmed the RH3 zone accommodates lower density multi-family development although it is the highest density of the RH zones available.

Joan Berta, Loseth Road

- Raised safety concerns with lack of egress not being addressed in the event of an emergency.
- Believes continuous development is occurring on Kirschner Mountain with no direction.
- Would like a paved connection between Loseth Road and Gallagher Road completed before further development.
- Raised concern with additional blasting and grading that may cause issues in homes in the area.
- Raised concern that very few residents were aware of this application.
- Responded to questions from Council.

Gerry Deleurme, Gallagher Road

- Has resided on Gallagher Road the past 36 years.
- Noted that the proposal sign was not posted on the property as long as what was indicated.
- Displayed a map of Gallagher Road area on the ELMO.
- Raised concern with the additional traffic with the blind corner on Gallagher Road.
- Not opposed to the subdivision but would like the blind corner and safety concerns addressed.
- Responded to questions from Council regarding the blind corner on Gallagher Road.

Ron Ruck, Gallagher Road

- Not opposed to the development but have concerns with the blind corner on Gallagher Road.
- Several driveways at the blind corner and sharp turn cause safety issues.
- Believes the road cannot support increased traffic.

Brenda Bradley, Verde Vista Road

- Raised safety concern with the poor condition of Gallagher Road and in particular the blind corner.
- Property borders Kirschner Mountain for several hundred meters.
- Raised concern with hundreds of residents beside sensitive agricultural property causing further urban/rural conflict.
- Would like the developer to install an agricultural buffer between the proposed development and her property prior to development immediately along the property line.
- Responded to questions from Council.

Dave Cullen CTO Consultants, Applicant

- There has been no ALR report due to previous disturbance and no requirement to provide one either.
- Spoke to the cluster housing as low density form of development.
- Advised that there will be quality control guidelines for construction.
- Confirmed that a playground is planned for the subject property although not a requirement.
- Have not identified a need for traffic calming at this point, however, continuing to review with city staff.
- Have discussed improvements to Gallagher Road with the City's Engineering Department.
- Confirmed the Developer is responsible for the connection between Loseth and Gallagher Roads and acknowledged improvements on Gallagher Road.
- Spoke to developer regarding not authorizing people to access woodlands adjacent to Verde Vista agricultural land; as the mountain develops toward that property there will be a buffer but at this time the woodland is the buffer.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.
- Working to determine if the extension of Loseth Road will be an emergency access only or fully opened to regular traffic.
- If the road between Loseth and Gallagher is to be opened to the public it would be built to City standards.

- Confirmed that the buffer between agricultural land would be the responsibility of the Applicant at a future development phase.

There were no further comments.

20. Termination

The Hearing was declared terminated at 6:09 p.m.

21. Call to Order the Regular Meeting

Mayor Basran called the meeting to order at 6:09 p.m.

22. Bylaws Considered at the Public Hearing

22.1 START TIME - 4:45 PM - Gallagher Road 2980, BL12042 (Z20-0021) - Kirschner

Moved By Councillor Sieben/Seconded By Councillor Hodge

Ro488/20/06/23 THAT Bylaw No. 12042 be read a second and third time.

Carried
Councillors Hodge and Singh - Opposed

Moved By Councillor DeHart/Seconded By Councillor Donn

Ro489/20/06/23 THAT Council direct staff to investigate the timing and standard for upgrades to Gallagher Road, in proximity to Loeth Road, and report back to Council prior to the development permit report for 2980 Gallagher Road.

Carried

23. Termination

The meeting was declared terminated at 6:31 p.m.

24. Development Permit and Development Variance Permit Reports

Mayor Basran called the meeting to order at 6:31 p.m.

24.1 START TIME - 5:30 PM - Rutland Rd N 1354, Z18-0097 (BL11723) - Parminder Singh Kindhra and Sheetu Kindhra

Moved By Councillor Sieben/Seconded By Councillor DeHart

Ro490/20/06/23 THAT Bylaw No. 11973 be amended at third reading by deleting the legal description that read:

Lot 1 Section 35 Township 26 Osoyoos Division Yale District Plan 14663

And replacing it with:

Lot A Section 35 Township 26 ODYD Plan EPP98949;

AND THAT Bylaw No. 11973 as amended be adopted.

Carried

24.2 START TIME - 5:30 PM - Rutland Rd 1354 - DP18-0181 DVP18-0182 - Parminder Singh Kindhra and Sheetu Kindhra

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Birte Decloux, Urban Options Planning & Permits, Applicant

- Displayed a PowerPoint Presentation.
- Spoke to the side yard setback variance reduction for the south property line to accommodate a proposed trellis structure for the amenity space.
- Spoke to the rear yard setback reduction variance and outdoor space.
- Spoke to the intensive landscaping and site layout.
- Spoke to the materials to be used on the proposed development.
- Responded to questions from Council regarding the site layout and outdoor space.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Wooldridge

Ro491/20/06/23 THAT Rezoning Bylaw No. 11723 be amended at third reading to revise the legal description of the subject property from Lot 1 Section 35 Township 26 Osoyoos Division Yale District Plan 14663 to Lot A Section 35 Township 26 ODYD Plan EPP98949;

AND THAT final adoption of Rezoning Bylaw No. 11723 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP18-0181 for Lot A Section 35 Township 26 ODYD Plan EPP98949 located at 1354 Rutland Road North, Kelowna, BC subject to the following:

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0182 for Lot A Section 35 Township 26 ODYD Plan EPP98949 located at 1354 Rutland Road North, Kelowna, BC;

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

Section 13.9.6(e): RM3 – Low Density Multiple Housing Development Regulations

To vary the minimum south site side yard from 4.0 m permitted to 2.04 m proposed.

Section 13.9.6(f): RM3 – Low Density Multiple Housing Development Regulations

To vary the minimum site rear yard from 7.5 m permitted to 4.94 m proposed.

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

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

Carried

24.3 START TIME - 5:30 PM - Nickel Rd 300 - BL11972 (Z19-0104) - Okanagan Valley Construction Ltd., Inc. No. BCo665697

Moved By Councillor DeHart/Seconded By Councillor Sieben

R0492/20/06/23 THAT Bylaw No. 11972 be amended at third reading by deleting the legal description that read:

Lot 6 Section 27 Township 26 ODYD Plan 8839

And replacing it with:

Lot A Section 27 Township 26 ODYD Plan EPP102148

AND THAT Bylaw No. 11972 as amended be adopted.

Carried

24.4 START TIME - 5:30 PM - Nickel Rd 300, DP20-0064 DVP20-0065 - Okanagan Valley Construction Ltd., Inc. No. BCo665697

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The Applicant was not present.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor DeHart

R0493/20/06/23 THAT Rezoning Bylaw No. 11972 be amended at third reading to revise the legal description of the subject property from Lot 6 Section 27 Township 26 ODYD Plan 8839 to Lot A Section 27 Township 26 ODYD Plan EPP102148;

AND THAT final adoption of Rezoning Bylaw No. 11972 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP20-0064 for Lot A Section 27 Township 26 ODYD Plan EPP102148, located at 300 Nickel Road, Kelowna, BC subject to the following:

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0065 for Lot A Section 27 Township 26 ODYD Plan EPP102148, located at 300 Nickel Road, Kelowna, BC;

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

Section 13.7.6(a): RM1 – Four Dwelling Housing Development Regulations

To vary the maximum site coverage of buildings, driveways, and parking areas from 50% permitted to 59.24% proposed.

Table 7.1 – Minimum Landscape Buffer Treatment Levels Schedule

To remove the requirement for a level 3 landscape buffer along a portion of the south side yard.

Table 8.2.7(a): Size & Ratio – Dimensions of Parking Spaces and Drive Aisles

To vary the width of two-way drive aisles serving 90 degree parking from 7.0 m required to 6.0 m proposed.

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report for the Development Planning Department dated January 20, 2020;

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

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

Carried
Councillor Hodge - Opposed

25. Termination

The meeting was terminated at 6:50 p.m.

Mayor Basran

/acm



Deputy City Clerk



City of Kelowna Regular Meeting Minutes

Date: Tuesday, June 23, 2020
Location: Council Chamber
City Hall, 1435 Water Street

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

Members Absent Councillor Luke Stack

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming, Divisional Director, Planning & Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton*; Urban Planning & Development Policy Manager James Moore*; Environmental Coordinator, Jocelyn Black*; Planner Specialist, Aaron Thibeault*, Deputy City Clerk, Laura Bentley*; Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:24 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor DeHart.

3. Confirmation of Minutes

Moved By Councillor Donn/Seconded By Councillor Wooldridge

Ro494/20/06/23 THAT the Minutes of the Public Hearing and Regular Meeting of June 2, 2020 be confirmed as circulated.

Carried

4. Development Permit and Development Variance Permit Reports

4.1 START TIME - 7:00 PM - Leon Ave 815-831, BL12007 (OCP20-0001) - 1409493
Alberta Inc., Inc. No. 2014094938

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0495/20/06/23 THAT Bylaw No. 12007 be adopted.

Carried

4.2 START TIME - 7:00 PM - Leon Ave 815-831, BL12008 (Z20-0001) - 1409493 Alberta Inc., Inc. No. 2014094938

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0496/20/06/23 THAT Bylaw No. 12008 be adopted.

Carried

4.3 START TIME - 7:00 PM - Leon Ave 815 - DP20-0003 DVP20-0004 - 815 Leon Developments Ltd., Inc. No. BC1053909

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Corey Makus, 815 Leon Developments Ltd., Applicant

- Displayed a PowerPoint Presentation.
- Announced the name of their project "Akin" on Leon.
- Spoke to the wide variety of housing options the project will deliver.
- Spoke to smart solutions:
 - Have enrolled in the Fortis Commercial New Construction Incentive Program;
 - Providing extensive amenities; lifestyle spaces to extend the internal living areas of each home;
 - Providing 25 EV Charging Stations dedicated to residents and guest areas with the parkade;
 - Solar panels will also be applied to augment common area and EV energy consumption.
- Responded to questions from Council.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Sieben

R0497/20/06/23 THAT final adoption of Official Community Plan Amending Bylaw No. 12007 and Rezoning Bylaw No. 12008 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP20-0003 for Lot A District Lot 138 ODYD Plan EPP78759 located at 815 Leon Avenue, Kelowna, BC subject to the following:

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

5. The car share program at the development be operated in accordance with the Agreement included as Schedule "D".
6. The applicant be required to post with the City a security deposit in the form of a "Letter of Credit" in the amount of \$165,000 to ensure the provision of a 3rd car share vehicle within 24 months of occupancy permit.

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0004 for Lot A District Lot 138 ODYD Plan EPP78759 located at 815 Leon Avenue, Kelowna, BC;

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

Section 13.12.6(b): RM6 – High Rise Apartment Housing, Development Regulations

To vary the maximum site coverage for principal buildings, accessory structures, and parking areas and driveways from 50% permitted to 76%.

Section 13.12.6(d): RM6 – High Rise Apartment Housing, Development Regulations

To vary the minimum site front yard from 6.0m required to 2.1m.

Section 7.6.1(c): Minimum Landscape Buffers, Level 3

To vary the minimum landscape buffer at the rear yard from 3.0m required to 1.1m.

Table 8.3: Required Off-Street Parking Requirements

To vary the required vehicle parking stalls from 178 to 147.

Section 8.2.11(b): Car-Share Incentives, Off-Street Parking Regulations

To vary the requirement to locate a car-share vehicle within 100m of the subject property and permit a car-share vehicle to be located outside of the 100m range.

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

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

Carried

4.4 START TIME - 7:30 PM - Benvoulin Road 2175 - DP20-0025 DVP20-0026 - National Society of Hope, Inc. No. 50025475

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Paul Schuster and Brendan Debowski, Novation Architecture, Applicant

- Provided introduction to the proposed project.
- Displayed a PowerPoint Presentation.
- Displayed a context map of notified area.
- Spoke to the proximity to many bus stops and sidewalks in the area.
- Spoke to the future Mayer Road dedication.
- First 2 storeys of the building are townhome style with amenity spaces and pedestrian friendly streetscape.
- Affordable senior housing is included in the design.
- The building will be sustainable and will meet the OCP objectives with affordable purpose built housing and sensitive to its surrounding context.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0498/20/06/23 THAT Council authorize the issuance of Development Permit No. DP20-0025 for Lot C District Lot 128 and 142 ODYD Plan KAP89861 Except Plan EPP37196 located at 2175 Benvoulin Road, Kelowna, BC subject to the following:

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0026 for Lot C District Lot 128 and 142 ODYD Plan KAP89861 Except Plan EPP37196 located at 2175 Benvoulin Road, Kelowna, BC;

AND THAT variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 13.11.6 (c): RM5 – Medium Density Multiple Housing Development Regulations

To vary the maximum height of the principal building from 18.0 m or 4.5 storeys to 26.0 m or 9.0 storeys.

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

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

Carried

4.5 **START TIME - 8:00 PM - KLO Rd 710, 720 and Richter St 2959, 2963, BL11870 (OCP19-0003) - KGI Kingsway Homes Ltd.**

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0499/20/06/23 THAT Bylaw No. 11870 be amended at third reading by deleting the legal description(s) that read:

Lot 6 District Lot 135 ODYD, Plan 3632 and Lot 7 District Lot 135 ODYD Plan 3632

And replacing it with:

Lot A District Lot 135 ODYD Plan EPP95051

AND THAT Bylaw No. 11870 as amended be adopted.

Carried

4.6 **START TIME - 8:00 PM - KLO Rd 710, 720 and Richter St 2959, 2963, BL11871 (Z19-0055) - KGI Kingsway Homes Ltd.**

Moved By Councillor Sieben/Seconded By Councillor DeHart

R0500/20/06/23 THAT Bylaw No. 11871 be amended at third reading by deleting the legal description(s) that read:

Lot 6 District Lot 135 ODYD, Plan 3632 and Lot 7 District Lot 135 ODYD Plan 3632

And replacing it with:

Lot A District Lot 135 ODYD Plan EPP95051

AND THAT Bylaw No. 11871 as amended be adopted.

Carried

**4-7 START TIME - 8:00 PM - KLO Rd 710, 720 and Richter St 2959, 2963 - DP19-0062
DVP19-0063 - KGI Kingsway Homes Ltd., Inc. No. BC1154888**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Jesse Alexander, New Town Architecture & Engineering Inc, Applicant

- Did not have a formal presentation but available for questions.
- Responded to questions from Council.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

Gallery:

Paul Cark, Abbott Street

- In support of this application.
- Believes this project is something citizens and Council should be supporting in the Pandosy area.
- Thanked the Applicant for working cooperatively with the Neighbourhood Association.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R0501/20/06/23 THAT OCP Amendment Bylaw No. 11870 (OCP19-0003) Rezoning Bylaw No. 11871 (Z19-0055) be amended at third reading to revise the legal description of the subject properties from Lot 6, District Lot 135, Osoyoos Division Yale District Plan 3632 and Lot 7, District Lot 135, Osoyoos Division Yale District Plan 3632 to Lot A, District Lot 135, Osoyoos Division Yale District Plan EPP95051;

AND THAT final adoption of OCP Amendment Bylaw No. 11870 and Rezoning Bylaw No. 11871 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0062 for Lot A, District Lot 135, Osoyoos Division Yale District Plan EPP95051, located at 710-720 KLO Rd and 2959-2963 Richter St, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";

4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of landscaping, as determined by a Registered Landscape Architect;
5. Payment-in-Lieu of parking be provided for 37 stalls according to the fee structure in Bylaw No. 8125 prior to building permit issuance.

AND THAT Council authorizes the issuance of a Development Variance Permit No. DVP19-0063 for Lot A, District Lot 135, Osoyoos Division Yale District Plan EPP95051 located at 710-720 KLO Rd and 2959-2963 Richter St, Kelowna, BC;

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

Section 13.11.6 RM5- Medium Density Multiple Housing Development Regulations

(b) to vary the maximum site coverage from 40% to 58% (for buildings) and from 70% to 74% (for buildings, driveways and parking areas)

(c) to vary the maximum height from 4.5 storeys to 5 storeys

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

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

Carried

The meeting adjourned at 8:22 p.m.

The meeting reconvened at 8:45 p.m.

4.8 START TIME - 8:45 PM - Pandosy St 2169 - Rescind Housing Agreement

Councillor DeHart declared a conflict of interest as she works for a major hotel and departed the meeting at 8:47 p.m.

Mayor Basran read a statement regarding balancing citizen participation during tonight's meeting and the Provincial Health Order restrictions on maximum number of people that can gather in Council Chambers and Council foyer.

Mayor Basran changed the order of the Agenda to hear Item 4.10 with respect to Development Permit and Development Variance Permit prior to Items 4.8 and 4.9 pertaining to the Housing Agreement rescindment bylaw.

4.10 START TIME - 8:45 PM - Pandosy St 2169 - DP19-0165 DVP19-0166 - Pandosy Street Developments Ltd, Inc No. BCo689792

Staff:

- Provided rationale for the change in agenda item order.
- Provided background to the Housing Agreement that was put in place in 2011.
- Responded to questions from Council.
- Displayed a PowerPoint Presentation summarizing the application.
- Made comment on a correction on page seven of the staff report.
- Spoke to the form and character and proposed variances for the project.
- Confirmed that the proposed development would not interfere with the existing KGH helicopter flight paths or landings.
- Responded to questions from Council.

Karen Wilson, GTA Architecture Ltd., Applicant and Alana Zisbath, Heritage Consultant

- Displayed a PowerPoint Presentation.

- Spoke to the Project background and reasons for a second development permit submission.
- Spoke to original design and Development Permit to be around the Collett House however the instability, layout and location created several obstacles.
- The design was updated with the parking above ground due to the high water table and to better reflect the Anderson Building and KGH as well to provide a more functional way to incorporate the heritage house.
- Commented on the importance of utilizing a Heritage Revitalization Agreement.
- Spoke to the character defining elements of the heritage house being restored and advised the work will be supervised by Heritage professionals.
- Commented on concerns raised in the correspondence received.
- Confirmed that the proposed development height does not negatively impact the Kelowna General Hospital helicopter flight path or operations other than during construction.
- Spoke to the parking plan and stall allocations; believes the parkade would ease on critical parking in the area.
- Spoke to the extensive landscaping.
- Believes the proposed design and use of the building is forward thinking.
- Commented that no matter who develops this property it will be high density.
- Responded to questions from Council.

Staff:

- Confirmed the future land uses of lands adjacent to the project, particularly to the east.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

Gallery:

Erika Bell-Lowther, Abbott Street, KSAN President

- Opposed to this application.
- Provided rationale for opposition and demonstrated how this project is at odds with various City policies.
- Raised concern that families will lose greenspace and sunlight with this development; will provide no benefit to the neighbours or city.
- Believes that the building is not being integrated into the neighbourhood with poor transition to adjacent family homes.
- Encouraged Council to keep the Housing Agreement in place.
- Raised concern with traffic impact and believes this will impede the movement of hospital vehicles and patients.
- Encouraged Council to require a transportation impact assessment study.

Don Knox, Central Okanagan Heritage Society

- Opposed to this application.
- Raised concern with the loss of a large portion of significance regarding the heritage building and that it has not gone through the proper procedure to be assessed; has not been reviewed by the City's Heritage Advisory Committee.
- There are other preservation options available that were not considered.
- This proposal is at odds with Canadian Heritage protection standards.

Azha Leskard, Glenwood Avenue

- Opposed to this application.
- Raised concern with increased traffic.
- Raised concern with the very narrow laneway access and use.
- Over supply of parking stalls will negatively impact the use of transit and will not promote bike and foot traffic that the city is trying to promote.
- Raised concern with ambulance access to the hospital being negatively impacted.
- Believes this is a for profit hotel and does not transition into the neighbourhood but towers over it.

Penny Pearson, Glenwood Avenue

- Opposed to this application.
- Opposed to each variance.
- Parking should be partially underground.
- Raised concern with the proposed massive parkade and noted the concern with massing in the staff report.
- The form and character does not fit into this neighbourhood.
- The Housing Agreement should remain in place.

Philip Johnston, Glenwood Avenue

- Opposed to this application.
- Reside directly behind this project.
- Made reference to correspondence that had been submitted.
- Opposed to the relocation of the heritage house.
- Raised concern with increased traffic.
- Raised safety concerns with narrow laneway.
- Commented that he had no communication with the developer.
- Responded to questions from Council.

Jessica Gray, Royal Avenue

- Opposed to this application.
- The Housing Agreement should remain in place.
- Raised concern with pedestrian safety and increased vehicular use of the narrow laneway.

Eva Patten, Prince George, BC

- Has had to travel for medical treatments and to stay across from the street from the hospital would be such a benefit.
- To have a hotel or affordable housing so close to the hospital is big benefit.
- Supportive of this application.
- Supportive of the extra parking stalls that are being requested and believes it would be utilized by medical staff.

Gordon Lovegrove, Abbott Street

- Opposed to this application.
- Raised concerns with the parkade being above ground and believes underground parking is an option, contrary to the Applicant comments.
- Stated there is no business case for this application.
- The Heritage House needs to be retained.
- This is not the right location for this proposal.
- Requested an updated traffic study.

Charlie Roberts, West Kelowna

- Owns properties in the hospital area.
- In full support of this application.

Resident, Richter Street

- Opposed to this application.
- The proposal for this site and neighbourhood is over built.
- Believes this proposal will have a negative impact on the neighbourhood.
- Raised concerns with increased traffic in the laneway.

Wayne Dodds, Christleton Avenue

- Opposed to this application.
- Raised concern with increased traffic.
- Encouraged Council to request a traffic study.
- Believes commercial traffic does not belong on Pandosy Street.
- Raised concern with increased traffic using the laneway.

Adrian Wurts, West Kelowna

- In support of this application.
- Spoke to the importance of creating non-toxic environments from a child care perspective.
- Believes the applicant has dealt with traffic and parking adequately.

Jean Buratti, Glenwood Avenue

- Opposed to the application.
- The Applicant should come back with a proposal that provides a benefit to the public.
- Raised concern with increased traffic this development would create.
- The Housing Agreement should be retained.

Kelly Lang, Kelly Drive

- Has resided in Kelowna for 28 years.
- In support of this application.
- This proposal is in a transition zone and cannot remain in the 1950's.
- In favour of the excess parking stalls as a lot of vehicles will be taken off of the street.
- There are many back lanes in the city and this laneway could be blocked off.
- Supportive of the previous speaker who proposed a 24/7 daycare for doctors and nurses.

Resident, Richter Street

- Opposed to this application.
- Currently live in a carriage home in the laneway and this development will cause major issues.
- Raised concerns with traffic implications and parking.
- Raised concerns with added traffic in the laneway.
- Has had no contact from the developer.

Valerie Halford, Sutherland Avenue

- Opposed to this application.
- Raised concern with some of the comments from the applicant and staff.
- Raised concern in the inappropriateness of a hotel in a residential area.
- Questioned the relocation of the heritage house and stated that it's an example of "facadism".
- Questioned how the hotel meets the Zoning Bylaw definition.

Pat Munro, Cadder Avenue

- Opposed to this application.
- Most in support of this proposal do not live in Kelowna.
- Encouraged Council to request a traffic study.
- Made comment on the correspondence previously submitted.

Cheryl Spelliscy, Sutherland Avenue

- Discussed her heritage background.
- Opposed to this application.
- Would like to see this application go back for review and suggested a different configuration for the site.
- Would like the parking to be in the ground.

James Butler, Pandosy Street

- Opposed to this application.
- Raised concern with ambulance access to the hospital.
- Raised concern with the kind of precedent setting this could have for preservation of heritage homes.

Gordon Lovegrove, Abbott Street

- Expressed further concerns with lack of business case.
- Encouraged an integrated planning exercise with Interior Health.
- Questioned whether the development would ever be constructed.

Karen Wilson, GTA Architecture Ltd., Applicant and Alana Zisbath, Heritage Consultant

- This building is a hotel and not in competition with JoeAnna's House.
- Uses for this HD2 Zone is medical services and an allowable secondary use is a hotel which is in compliance with the zoning.
- Concerned with discussions related to zoning when we are here to discuss form and character of the building that includes a heritage component.
- This is an unconventional but unique opportunity to protect a heritage house and relocate the house to a more prominent and visible location on the property.
- Spoke to previous support letters.
- Confirmed that the KGH helipad will not be negatively compromised.

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

Ro502/20/06/23 THAT Council continue the Regular Meeting past 11:00 pm.

Carried

Applicant:

- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments.

The meeting recessed at 11:27 p.m.

The meeting reconvened at 11:37 p.m.

Moved By Councillor Donn/Seconded By Councillor Given

Ro503/20/06/23 THAT Council authorizes the issuance of Development Permit No. DP19-0165 for Lot A, District Lot 14, Osoyoos Division Yale District Plan EPP27000, located at 2169 Pandosy St, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A",
2. The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B",
3. Landscaping to be provided on the land be in accordance with Schedule "C",
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect,
5. The applicant submits a Heritage Conservation Plan consistent with national guidelines for preservation, rehabilitation and restoration outlined in the Standards and Guidelines for the Conservation of Historic Places In Canada which will include a Heritage Consultant to review the Building Permit drawings and oversee all on-site construction activities related to the heritage asset.

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0166 for Lot A, District Lot 14, Osoyoos Division Yale District Plan EPP27000, located at 2169 Pandosy St, Kelowna, BC;

AND THAT variances to the following section(s) of the Zoning Bylaw No. 8000 be granted:

Section 17.2.5.1 (c): HD2- Hospital and Health Support Services

To vary the maximum height from 16.5m permitted to 20.0m proposed

Section 17.2.5.1 (b): HD2- Hospital and Health Support Services

To vary the maximum site coverage from 55% permitted to 62% proposed

Section 17.2.5.1 (f): HD2- Hospital and Health Support Services

To vary the minimum rear yard setback from 6.0m permitted to 4.5m for a portion of the rear yard

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the report from Development Planning dated June 23, 2020;

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

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

Defeated

Councillors Hodge, Sieben, Singh and Wooldridge - Opposed

4.8 START TIME - 8:45 PM - Pandosy St 2169 - Rescind Housing Agreement

4.9 START TIME - 8:45 PM - Pandosy St 2169 - BL12062 (Housing Agreement)

Housing Agreement Bylaw No. 12062 was not considered due to the Development Permit and Development Variance Permit being defeated.

5. Reminders – Nil.

6. Termination

The meeting was declared terminated at 11:58 p.m.

Mayor Basran

/acm



City Clerk

CITY OF KELOWNA
BYLAW NO. 11496
Z17-0030 – 440 Edith Gay Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 10, Section 35, Township 26, ODYD, Plan 1866 located on Edith Gay Road from the RR3 – Rural Residential 3 zone to the RU6 – Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 16th day of October, 2017.

Considered at a Public Hearing on the 7th day of November, 2017.

Read a second and third time by the Municipal Council this 7th day of November, 2017.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: July 14, 2020

To: Council

From: City Manager

Department: Development Planning

Application: DVP17-0072

Owners: Jaspal Singh Dhaliwal, Avneet Kaur Dhaliwal, Gural Singh Dhaliwal, Gagandip Kaur Dhaliwal

Address: 440 Edith Gay Road

Applicant: Jaspal Dhaliwal

Subject: Development Variance Permit

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11496 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0072 for Lot 10 Section 35 Township 26 Osoyoos Division Yale District Plan 18660, located at 440 Edith Gay Road, Kelowna, BC;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted in accordance with Schedule A:

Section 13.6.6(h): RU6 – Two Dwelling Housing Development Regulations

To vary the required minimum rear yard from 7.5 m permitted to 2.04 m proposed.

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

2.0 Purpose

To vary the required minimum rear yard on the subject property to facilitate a two lot subdivision.

3.0 Development Planning

Development Planning Staff support the requested variance to the minimum required rear yard. The variance is triggered by the applicant's proposal for a two-lot subdivision. It is the applicant's intent to keep the existing dwelling, but the proposed new lot line would result in a rear yard setback less than the bylaw requirement. This variance is for the existing dwelling only, and any new buildings would be required to comply with zoning bylaw standards. Therefore, this variance is not anticipated to have a negative effect on any adjacent properties. Further, the application does not compromise any municipal infrastructure or services.

The applicant has satisfied the requirements from Rezoning Bylaw No. 11496 and Development Planning Staff recommend the adoption of the Rezoning Bylaw be considered by Council.

4.0 Proposal

4.1 Background

Initial Consideration and first reading for the rezoning associated with this application took place on October 16, 2017. The Public Hearing as well as second and third reading took place on November 7, 2017. The rezoning application was granted an extension request on January 28, 2019. The applicant fulfilled Council Policy No. 367 with respect to neighbourhood notification as part of the application in 2017, and completed it again on June 7, 2020, due to the time that had lapsed since notification first occurred.

4.2 Project Description

There is an existing single detached dwelling on the subject property. Through subdivision, the current side yard for the existing dwelling would then be defined as the rear yard, which has triggered the requirement for a variance. Should Council support this request for a development variance permit, the applicant would be able to achieve a two-lot subdivision, with no further variances being requested. The proposed subdivision plan is attached as Schedule A.

4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Subdivision Regulations – Proposed Lot B (corner lot)		
Min. Lot Area	440 m ²	876 m ²
Min. Lot Width	15.0 m	21.64 m
Min. Lot Depth	30.0 m	40.84 m
Subdivision Regulations – Proposed Lot A		
Min. Lot Area	400 m ²	759 m ²
Min. Lot Width	13.0 m	18.59 m
Min. Lot Depth	30.0 m	40.84 m
Development Regulations		
Min. Front Yard	4.5 m	> 4.5 m
Min. Side Yard (north)	2.3 m	4.5 m
Min. Side Yard (south)	4.5 m	9.35 m
Min. Rear Yard	7.5 m	2.04 m ❶
❶ Indicates a requested variance to the required minimum rear yard		

Site Context

The subject property is within the Permanent Growth Boundary, in the City's Rutland OCP Sector. It is at the northeast corner of Edith Gay Road and Friesen Road. The neighbourhood is predominantly single dwelling housing, it is in close proximity to Edith Gay Park.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR3 – Rural Residential 3	Single Dwelling Housing
East	RR3 – Rural Residential 3	Single Dwelling Housing
South	RR3 – Rural Residential 3	Single Dwelling Housing
West	RR3 – Rural Residential 3	Single Dwelling Housing

Subject Property Map: 440 Edith Gay Road



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.

Address Housing Needs of All Residents. Address housing needs of all residents by working towards an adequate supply of a variety of housing.

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

Policy 5.3.2 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.

6.0 Technical Comments

6.1 Development Engineering Department

Offsite infrastructure and service upgrade requirements related to this Development Variance Permit Application were satisfied as part of Rezoning Application file number Z17-0030

7.0 Application Chronology

Date of Application Received: February 20, 2017
Date Public Consultation Completed: July 7, 2017 & June 7, 2020
Date of Rezoning Initial Consideration: October 16, 2017
Date of Rezoning Public Hearing: November 7, 2017
Date of Extension of Rezoning Bylaw: January 28, 2019

Report prepared by: Kimberly Brunet, Planner
Reviewed by: James Moore, Urban Planning & Development Policy Manager
Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Draft Development Variance Permit DP17-0072

Schedule A: Site Plan

Development Variance Permit

DVP17-0072



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

440 Edith Gay Road

and legally known as

Lot 10 Section 35 Township 26 Osoyoos Division Yale District Plan 18660

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

Single Dwelling Housing

ATTACHMENT		A
This forms part of application		
# DVP17-0072		
Planner Initials	KB	City of Kelowna DEVELOPMENT PLANNING

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

Date of Council Decision July 14, 2020

Decision By: Council

Development Permit Area: N/A

Existing Zone: RU6 – Two Dwelling Housing

Future Land Use Designation: S2RES – Single / Two Unit Residential

This is NOT a Building Permit.

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

NOTICE

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

Owner: Jaspal Singh Dhaliwal, Avneet Kaur Dhaliwal, Gurpal Singh Dhaliwal and Gagandip Kaur Dhaliwal

Applicant: Jaspal Dhaliwal

Planner: Kimberly Brunet

Terry Barton
Community Planning Department Manager
Planning & Development Services

Date

1. SCOPE OF APPROVAL

This Development Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Development Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this permit, noted in the Terms and Conditions below.

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

2. CONDITIONS OF APPROVAL

- a) The dimensions and siting of the building on the land be in accordance with Schedule "A";

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

3. PERFORMANCE SECURITY

None Required

5. INDEMNIFICATION

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

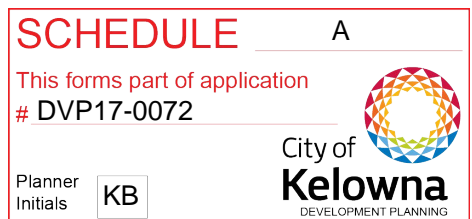
- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.

All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

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

Lot sizes meet RU1c and RU6 requirements.

DISTANCES ARE IN METRES.



JASPAL DHALIWAL
JULY 12, 2016.

D.A. Goddard Land Surveying Inc.
103-1358 St. Paul Street, Kelowna
Phone (250) 763-3733



DVP17-0072

440 Edith Gay Road

Development Variance Permit



Proposal

- ▶ To vary the required minimum rear yard on the subject property to facilitate a two lot subdivision

Development Process

Feb 20, 2017

Development Application Submitted



Staff Review & Circulation



Jul 7, 2017 & Jun 7, 2020

Public Notification Received



Oct 16, 2017

Initial Consideration



Nov 7, 2017

Public Hearing
Second & Third Readings



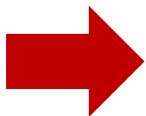
Jul 14, 2020

Final Reading
DVP



Subdivision

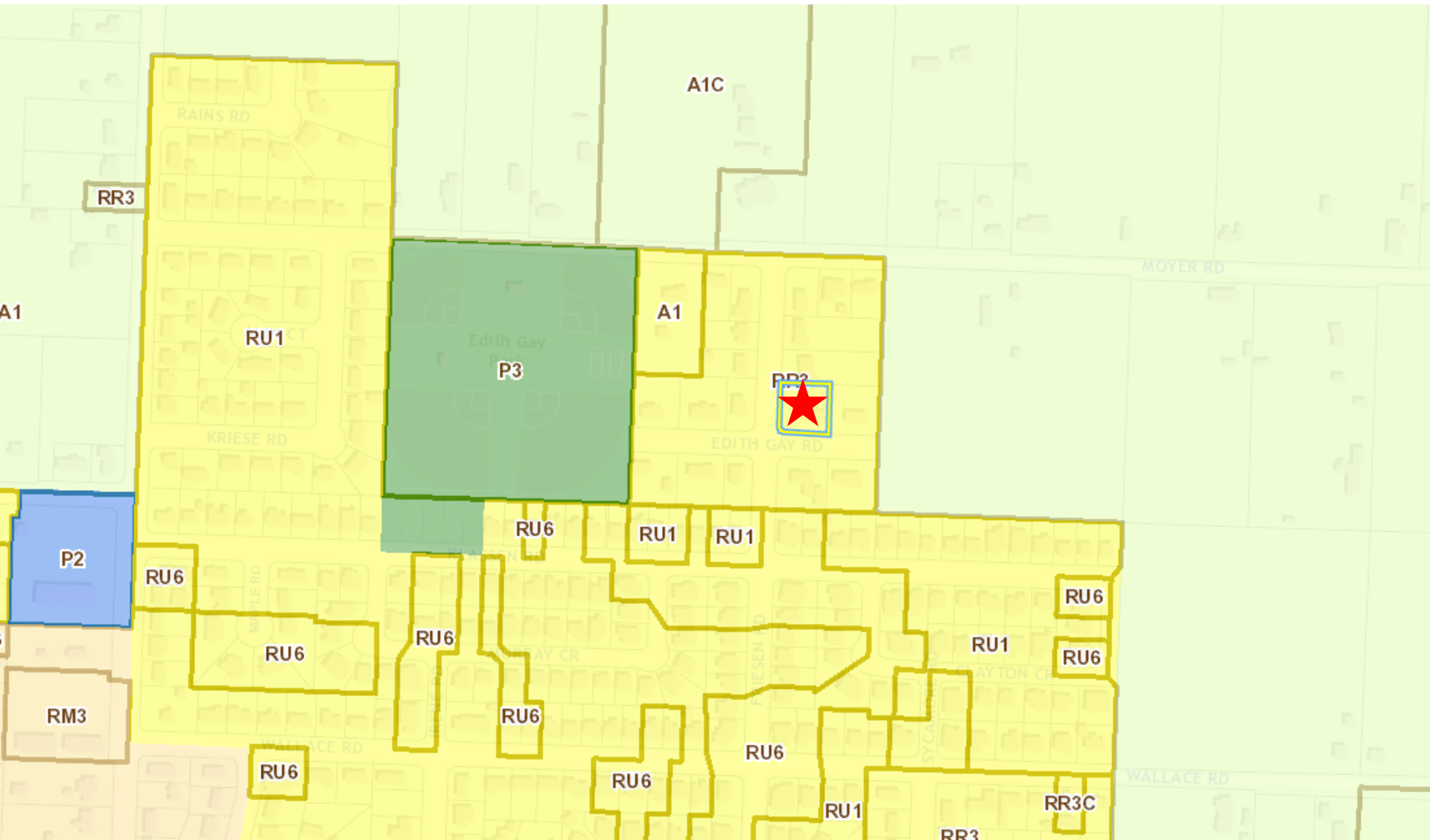
Council
Approvals



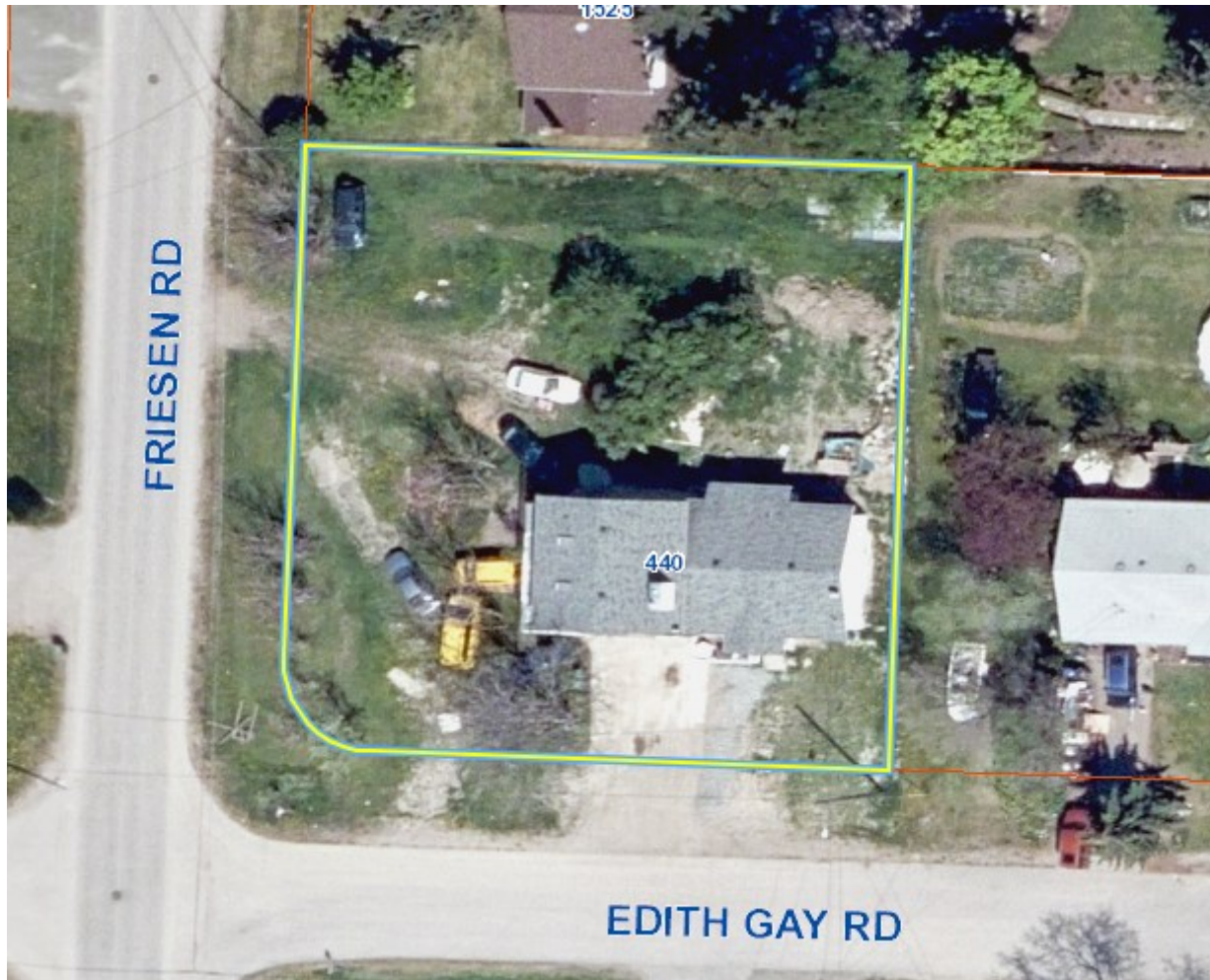
Context Map



OCP Future Land Use / Zoning



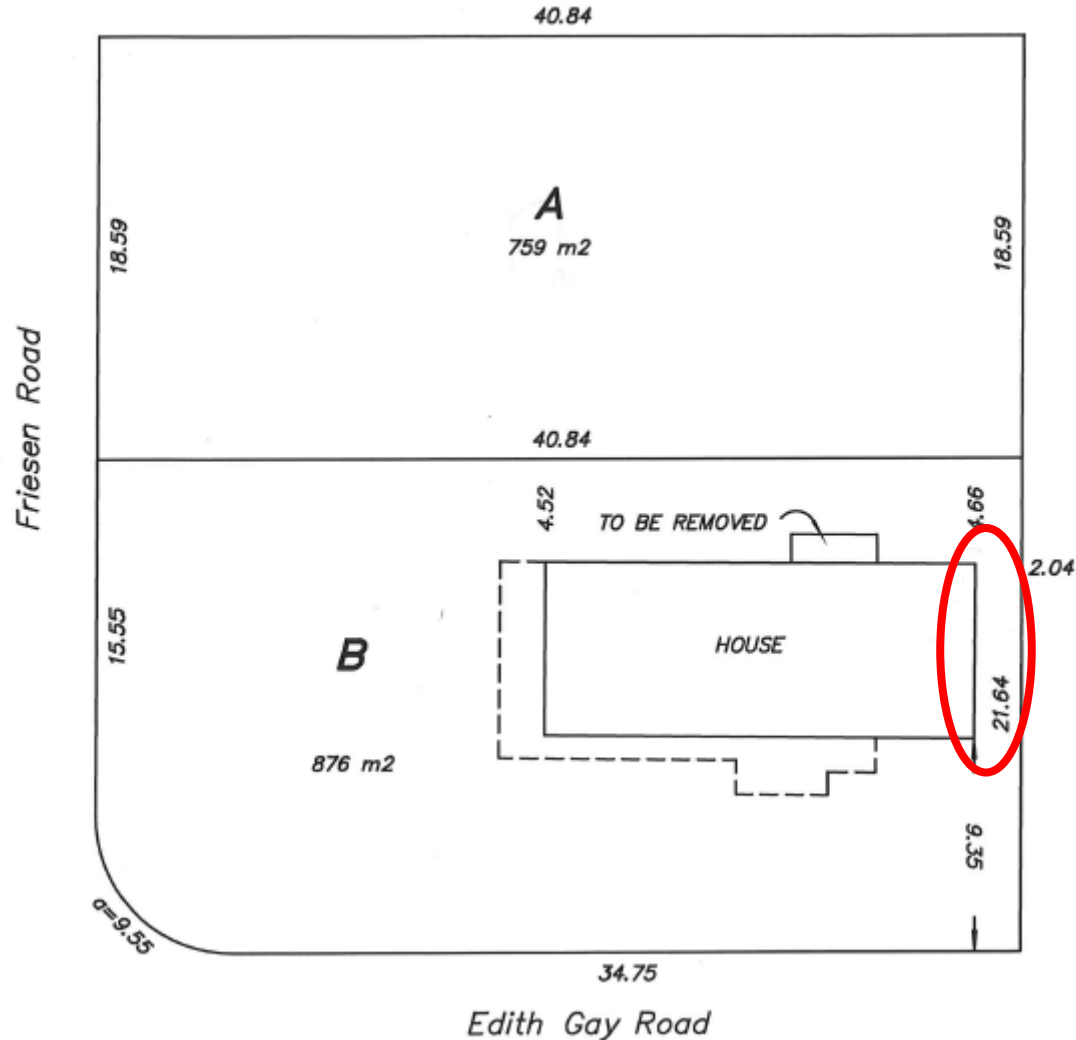
Subject Property Map



Variance

- ▶ Requesting a variance to the required minimum rear yard from 7.5 m permitted to 2.04 m proposed
 - ▶ Proposing to keep the existing dwelling during a future subdivision process
 - ▶ Variance due to the proposed new lot line configuration

Proposed Subdivision Plan and Variance



Staff Recommendation

- ▶ Staff recommend support for the Development Variance Permit application
 - ▶ Variance is due to the proposed new lot line configuration which would result after subdivision
 - ▶ Variance applies to the existing dwelling only
 - ▶ Does not compromise any municipal infrastructure or services



Conclusion of Staff Remarks

REPORT TO COUNCIL



Date: July 14, 2020

To: Council

From: City Manager

Department: Development Planning Department

Application: DVP20-0129

Owner: Tom Mauro and Debra Mauro

Address: 2700 Abbott Street

Applicant: Hauge Construction Ltd.

Subject: Development Variance Permit

Existing OCP Designation: Single/Two Unit Residential (S2RES)

Existing Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0129 for Lot 4, District Lot 14, Osoyoos Division Yale District, Plan 14499, located at 2700 Abbott Street, Kelowna, BC;

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

Section 6.11.1: General Development Regulations - Okanagan Lake Sight Lines

To vary the Okanagan Lake Sight Line regulation from 60 degrees permitted to 43.5 degrees proposed along the north side;

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

2.0 Purpose

To consider a Development Variance Permit to vary the Okanagan Lake Sight Line regulation from 60 degrees required to 43.5 degrees proposed along the north side.

3.0 Development Planning

Staff is recommending support for the requested variance to the Okanagan Lake Sight Line regulations. The applicant is seeking to reduce the Okanagan Lake Sight Line requirements from 60 degrees to 43.5 degrees along the north property line. The applicant is proposing to build a new one storey (6.2 meter) high house farther back from the lake than where the former home was located, which would improve sight lines for the northern property to 43.5 degrees from the previous 21.29 degrees.

Staff consider the subject property a transition point in the housing orientation along this section of lakeshore. The subject property is positioned between a row of houses that are farther from the lake on the north side as compared to a row of houses closer to the lake on the south side. Due to this transition point within the housing orientation, the applicant is challenged with balancing an improved sight line for the northern neighbour while trying to preserve a sightline to the south for themselves.

It is to be noted that the proposed footprint of the new house is approximately 35 meters from the lake, which is well outside the 15 meter riparian area setback. Additionally, if the variance is approved, restrictive covenants must be registered on title to prohibit construction and disturbance within the riparian management area of the lake.

Zoning Bylaw No. 8000, Section 6.11.1 – Okanagan Lake Sight Lines notes that all building and structures greater than 1.2 meters above natural grade on lots along the Okanagan Lake foreshore shall be sited to not obstruct views of the lake from the established abutting development. New development shall be sited to permit the adjacent occupants a 120 degree Panoramic Sight Line (see below).

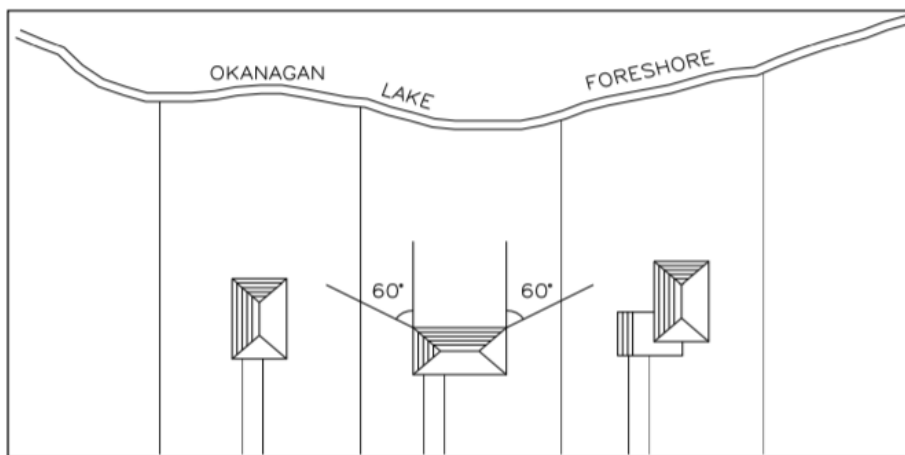


Diagram 6.2: Okanagan Lake 120° Panoramic Sight Line

4.0 Proposal

4.1 Project Description

The proposal is to vary the Okanagan Lake Sight Line from 60 degrees permitted to 43.5 degrees proposed on the north property line. The variance is to accommodate the construction of a new one storey (6.2 meter) high house. Most of the proposed house will be placed inland from the lake from where the former house was located, which would improve the northern neighbour's sight line by 22.21 degrees.

4.2 Site Context

The subject property is zoned RU6 – Two Dwelling Housing and has a future land use designation of Single/Two Unit Residential (S2RES). The property is located in the South Pandosy City Sector, west of the intersection of Osprey Avenue and Abbott Street along the foreshore of Okanagan Lake. The predominant zone to the north, south and east of the subject property is RU6- Two Dwelling Housing.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	S2RES – Single/Two Unit Residential
East	RU6 – Two Dwelling Housing RM3 – Low Density Multiple Housing	MRL – Multiple Unit Residential (Low Density)
South	RU6 – Two Dwelling Housing	S2RES – Single/Two Unit Residential
West	W1 – Recreational Water Use	Not Applicable

Subject Property Map:



5.0 Current Development Policies

Kelowna Official Community Plan (OCP)

Chapter 12: Natural Environment DP Guidelines

Guideline 12.1: Require that all development meets or beats the requirements of the provincial Fish Protection Act (Riparian Areas Regulation). Projects must comply with Riparian Management Area Setbacks in Table 12.1 subject to Section 12.3.

6.0 Application Chronology

Date of Application Received: June 2, 2020
Date Public Consultation Completed: June 3, 2020

Report prepared by: Corey Davis, Environmental Coordinator
Reviewed by: Dean Strachan, Community Planning & Development Manager
Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Draft Development Variance Permit DVP20-0129

Attachment B: Applicant's Rationale

Development Variance Permit DVP20-0129

ATTACHMENT A	
This forms part of application # DVP20-0129	
Planner Initials	CD
City of Kelowna DEVELOPMENT PLANNING	



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

2700 Abbott Street

and legally known as

Lot 4, District Lot 14, ODYD Plan 14499

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

RU6 – Two Dwelling Housing

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

Date of Council Decision July 14, 2020

Decision By: COUNCIL

Existing Zone: RU6 – Two Dwelling Housing

Future Land Use Designation: Single/Two Unit Residential (S2RES)

This is NOT a Building Permit.

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

NOTICE

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

Owner: Tom and Debra Mauro

Applicant: Hauge Construction Ltd.

Dean Strachan, RPP, MCIP
Community Planning and Development Manager
Development Planning Department

Date

1. SCOPE OF APPROVAL

This Development Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Development Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this permit, noted in the Terms and Conditions below.

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

2. CONDITIONS OF APPROVAL

That variance to the following section of the Zoning Bylaw No. 8000 be granted in accordance to Schedule "A"

Section 6.11.1: Okanagan Lake Sight Lines

To vary the Okanagan Lake Sight Line regulation from 60 degrees permitted to 43.5 degrees proposed along the north side;

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

3. PERFORMANCE SECURITY

Not Required

5. INDEMNIFICATION

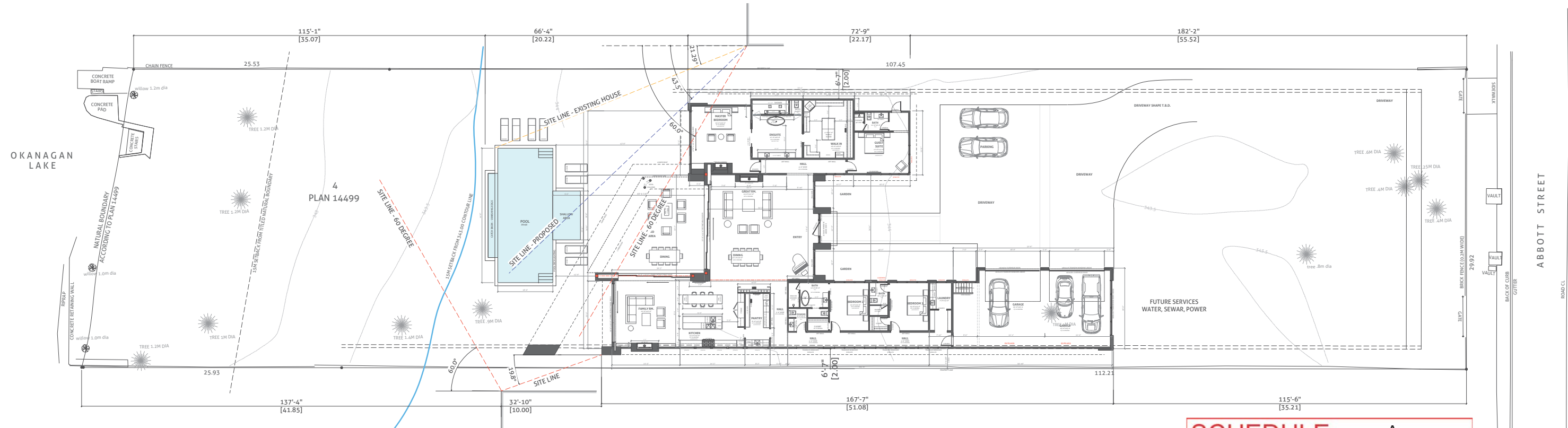
Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

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

All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

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

ATTACHMENT		A
This forms part of application		
# DVP20-0129		
Planner Initials	CD	 City of Kelowna DEVELOPMENT PLANNING



SITE PLAN - PROPOSED NEW RESIDENCE

SCALE: 1:400

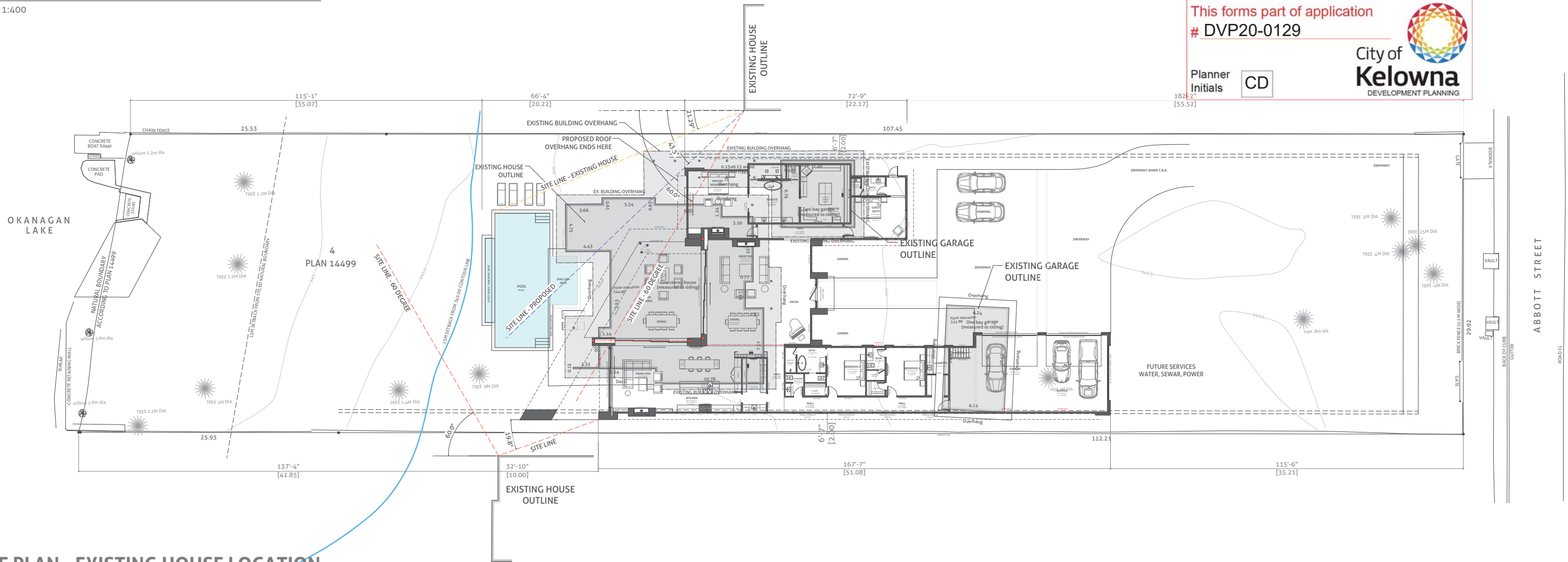
SCHEDULE

This forms part of application
DVP20-0129

Planner Initials **CD**

A

City of Kelowna
DEVELOPMENT PLANNING



SITE PLAN - EXISTING HOUSE LOCATION

SCALE: 1:400

A

DVP20-0129



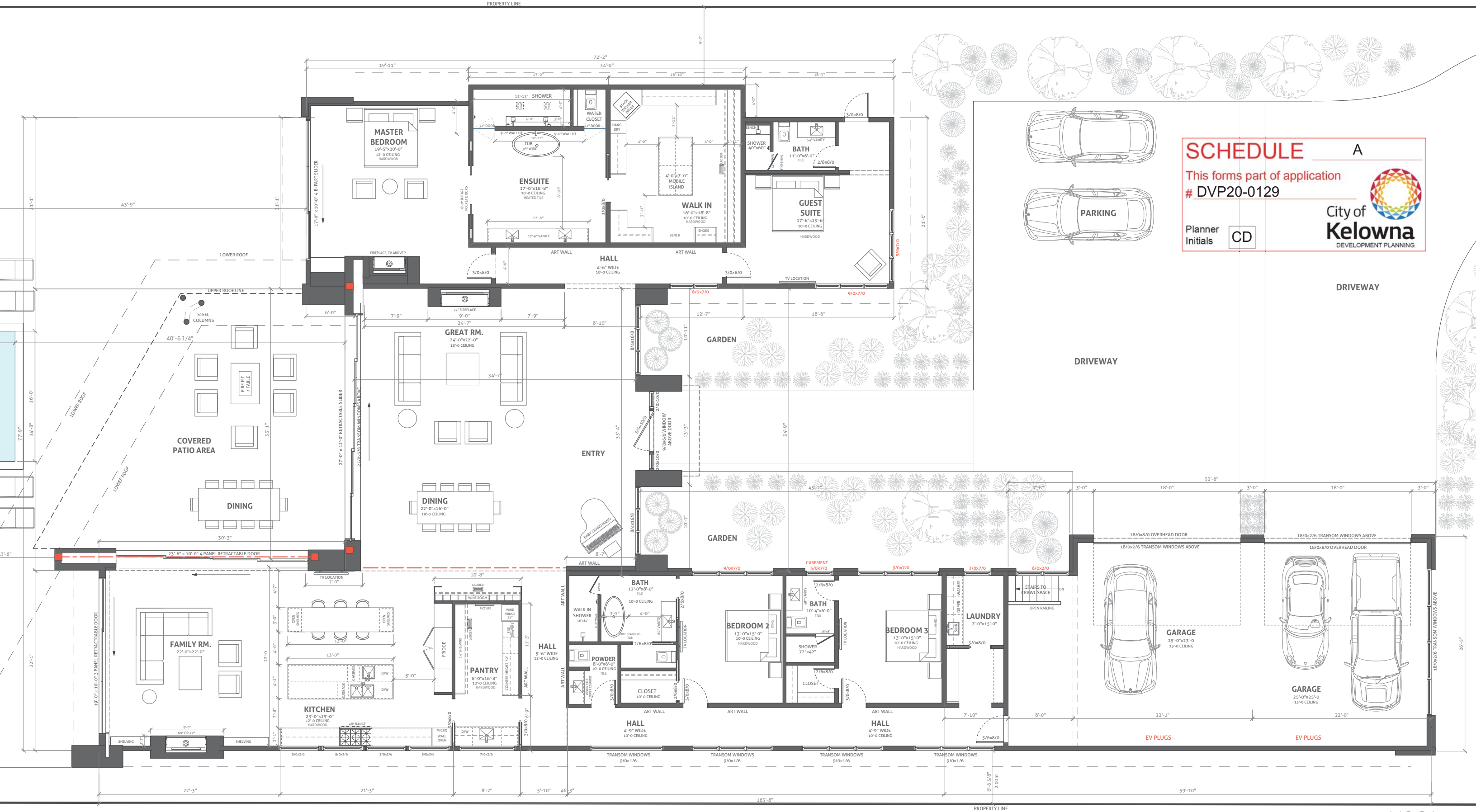
City of Kelowna
DEVELOPMENT PLANNING

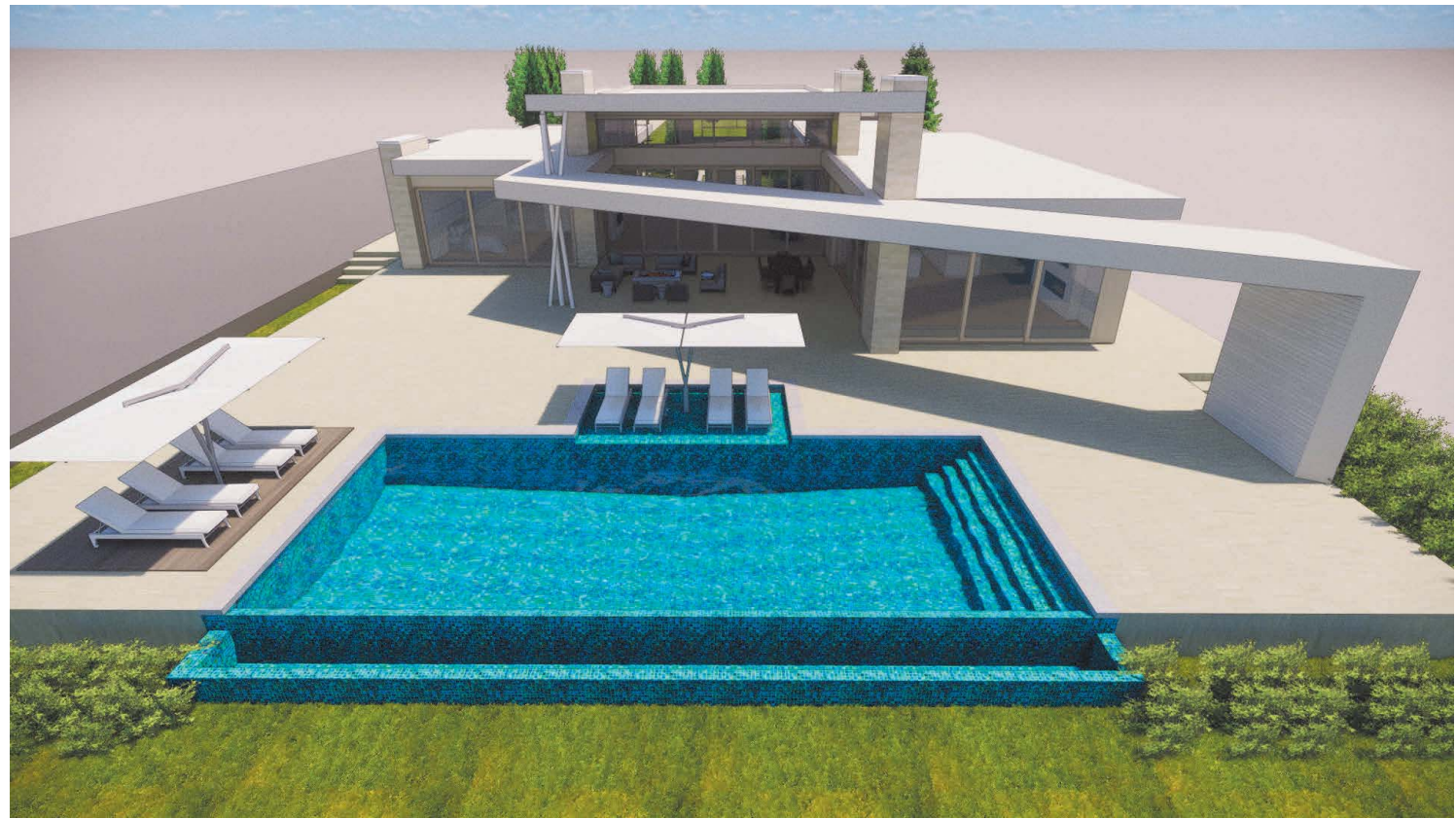
Planner Initials CD

SCALE: 1:200

JUNE 11, 2020

WEST | COAST ⁴⁷ DESIGN





SCHEDULE

A

This forms part of application

DVP20-0129

Planner Initials

CD

City of Kelowna

DEVELOPMENT PLANNING

June 10, 2020

City of Kelowna
1435 Water Street
Kelowna, B.C.
V1Y 1J4



Dear Mayor, Council Members and City Staff:

Subject: Development Variance Permit Application No. DVP20-0129
2700 Abbott Street – Tom and Debra Mauro

We are the owners of the subject property located 2700 Abbott Street. While we have only owned the property since March of this year, we first met the previous owner eight years ago. We have had a long connection with the Okanagan, and Kelowna in particular, and acquiring this property became our dream. We are fortunate to have the opportunity to design and build our dream home and property.

We have been in consultation with all of the immediate neighbours since early March as best as we could with the COVID-19 social distancing rule. We wanted to share our overall plans and to explain that we would need one variance to complete the project. We are requesting a variance to the 60 Degree Okanagan Lake Sight Lines provision (Section 6.11 of the Zoning Bylaw). Our original request was to reduce the view angle from 60 degrees to 27 degrees for the property to the north of us. We have been able to get support from all the neighbours but one, the property owner to the north.

We have recently decided that we can work with a further compromise to create a view angle of 43.5 degrees for the property owner to the north. We have also used design elements such as using only a single storey and incorporating a flat versus pitched roof – all in the effort to try and minimize the impact.

Our rationale for the requested variance are as follows:

1. We are improving the situation from the previous house location. We have already removed the previous home from the property, but its location was such that the view angle to the property to the north was 21.3 degrees. We are now proposing 43.5 degrees. We now realize that we could have left a portion of the previous house in place and been grandfathered or considered a legal non-conforming placement for that portion of the old house, but we really wanted to start with all new construction and felt that the new proposed design would merit the siting we have requested.
2. There is significant mature landscaping on our property. The neighbor to the north also has mature landscaping adjacent to his north property line. The resulting effect is this landscaping prevents any clear sight lines to the lake other than their direct view straight down their lot. The placement of our home will not have a significant impact to the potential view and again, is an improvement over the previous house placement.
3. The bylaw provision would be very effective and prudent if you were dealing with a row of vacant lots. However, when considering new infill construction in an established area, there will

always be some sort of compromise. In order to meet the bylaw provisions for the neighbor to the north, we would be creating a non-conforming situation for our own house with the neighbor to the south. In situations like this where our lot is transitioning from homes closer to the lake and those further way, there should be some leeway to find that compromise. Even with this compromise of 43.5 degree view line for the property to the north, we are creating a view angle of 19.8 degrees between our home and the property owner to the south.

4. Typically, the house placement on a Lakefront lot is predicated on riparian setback limits. We have already exceeded the minimum lake setback by at least a factor of 3. We do not feel that a sight line provision that has limited results due to landscaping and trees should dictate that we have move the house any further back from the lakefront.

We have contacted the neighbours to the north several times to propose different house placements that would be a compromise. His feedback to us has been that he would not support any variance to the bylaw provisions. While we respect his position, we feel that what we propose is an acceptable compromise and has taken his position into consideration. We are sharing the burden by not gaining our 60 degree view angle to the neighbor to the south. In fact, are imposing a view angle of 19.8 degrees on our own view angle relative to the property to the south. We really do not want to move the house any closer to the street.

We love Kelowna and feel very fortunate to have been able to acquire our dream property. We have owned homes here in Kelowna for many years and are excited with our plan to finally retire here.

We have been involved in the Kelowna community, most notably in the efforts to help with the Kelowna Child Advocacy Center. We have been fortunate to have founded the CAC in Calgary and were happy to assist in an advisory capacity with the CAC here.

We plan on being involved in Kelowna as we feel it is important to contribute to the Community we proudly call Home.

We hope you will support our proposal of this variance. We look very forward to beginning the construction of our new home.

Sincerely,

Tom and Debra Mauro
2700 Abbott Street

ATTACHMENT		B
This forms part of application		
# DVP20-0129		
Planner Initials	CD	
		City of Kelowna DEVELOPMENT PLANNING



DVP20-0129

2700 Abbott Street

Development Variance Application



Proposal

- ▶ To consider a Development Variance Permit to vary the Okanagan Lake Sight Line regulation from 60 degrees required to 43.5 degrees proposed along the north side.

Development Process

June 2, 2020

Development Application Submitted



Staff Review & Circulation



June 3, 2020

Public Notification Received



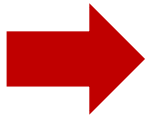
July 14, 2020

Development Variance Permit



Building Permit

} Council
Approval



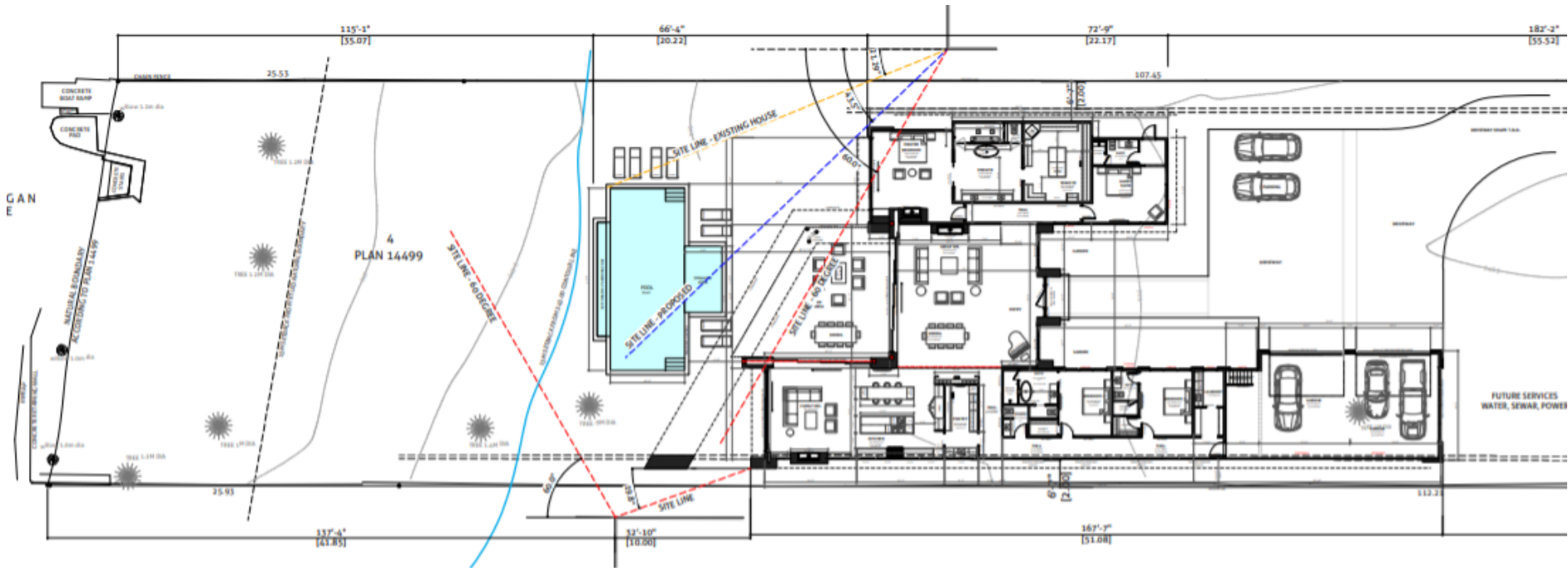
Context Map



Subject Property Map



Conceptual Site Plan



Proposed House



Project/technical details

- ▶ The proposal is to vary the Okanagan Lake Sight Line from 60 degrees required to 43.5 degrees proposed along the north side to accommodate the construction of a new one storey (6.2 meter) high house.
- ▶ The new dwelling will move further away from the lake than the location of the previous home to improve the northern neighbour's sightline to 43.5 degrees from a previous sight line of 21.9 degrees.

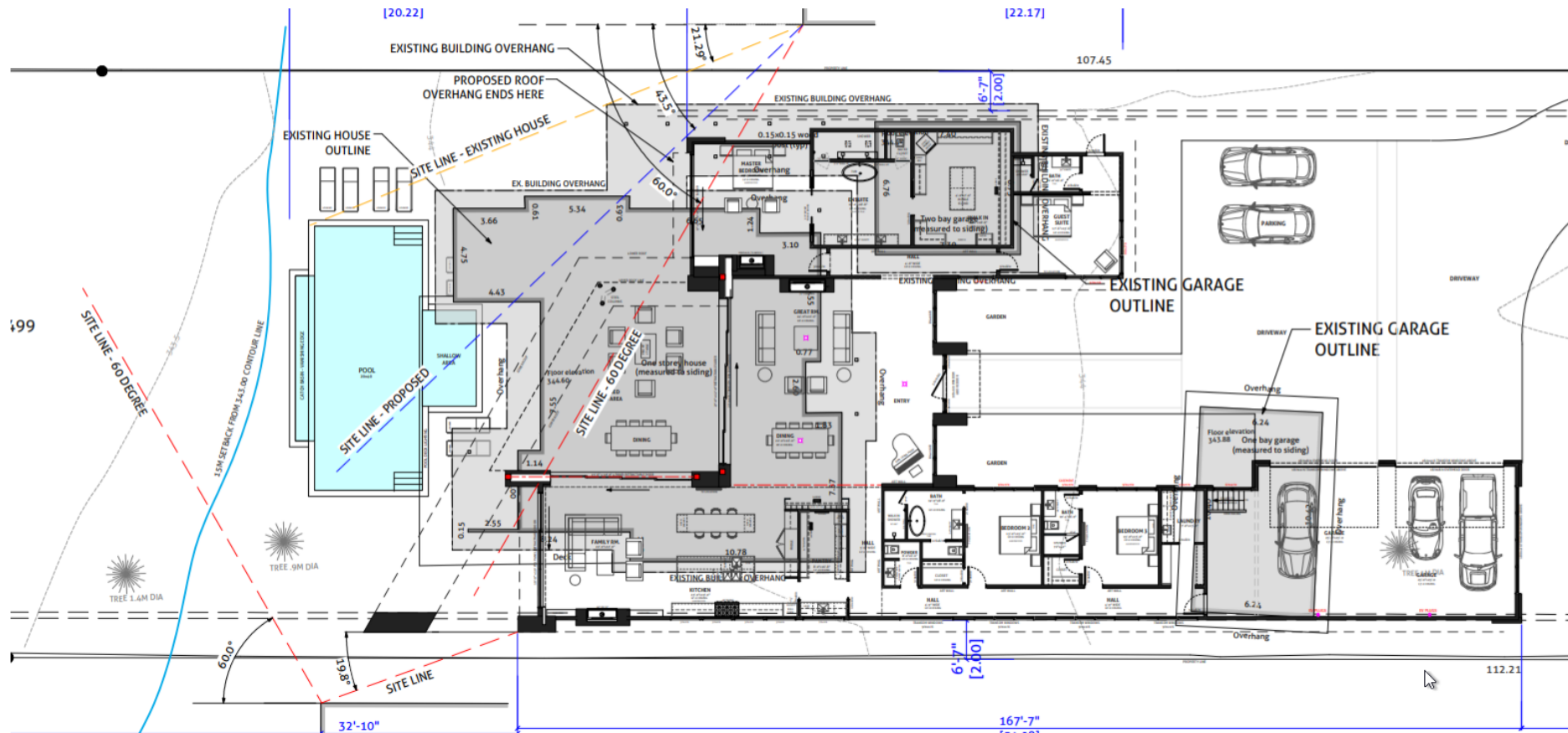
Staff Recommendation

- ▶ Staff recommend **support** of the proposed Development Variance Permit application to vary the required Okanagan Lake Sight Line.
 - ▶ The subject property is a transition point with respect to housing orientation on the block. The applicant has made the effort to balance an improved sight line for the northern neighbour while preserving a sight line for themselves.
 - ▶ The new dwelling will be moving further away from the lake than the previous house, improving the northern neighbour's sightline from 21.29 degrees to 43.5 degrees.



Conclusion of Staff Remarks

Sight Plan with Former House Overlaid onto Proposed House Footprint



CITY OF KELOWNA

BYLAW NO. 11982

Official Community Plan Amendment No. OCP20-0002 660 Cawston Road

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* – Official Community Plan Bylaw No. 10500" be amended by changing the Future Land Use designation of Lot 1 District Lot 139 ODYD Plan EPP99969, located on Cawston Avenue, Kelowna, BC from the MRM – Multiple Unit Residential Medium Density designation to the MXR – Mixed Use Residential / Commercial designation;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 3rd day of February, 2020.

Considered at a Public Hearing on the 25th day of February, 2020.

Read a second and third time by the Municipal Council this 25th day of February, 2020.

Amended and adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11984
Z19-0126 – 660 Cawston Avenue

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1 District Lot 139 ODYD Plan EPP99969, located on Cawston Avenue, Kelowna, BC from the RU2 – Medium Lot Housing zone to the C7 – Central Business Commercial zone;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 3rd day of February, 2020.

Considered at a Public Hearing on the 25th day of February, 2020.

Read a second and third time by the Municipal Council this 25th day of February, 2020.

Amended and adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: July 14, 2020

To: Council

From: City Manager

Department: Development Planning

Application: DP20-0007, DVP20-0008

Owner: 650 Developments Inc., Inc.No.
BC1145287

Address: 660 Cawston Ave

Applicant: Paul Pasutto; Innocept

Subject: Development Permit and Development Variance Permit Application

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

Existing Zone: C7 – Central Business Commercial

1.0 Recommendation

THAT Official Community Plan Amending Bylaw No. 11982 be amended at third reading to revise the legal description of the subject properties from The East ½ of Lot 19 District Lot 139 ODYD Plan 1037; Lot 18 District Lot 139 ODYD Plan 1037; Lot 17 District lot 139 ODYD Plan 1037; Lot A District Lot 139 ODYD Plan KAP68057; Lot 16 District Lot 139 ODYD Plan 1037, The South ½ of Lot 15 District Lot 139 ODYD Plan 1037; and Road Plan 1037 EPP99502 to Lot 1 District Lot 139 ODYD Plan EPP99969.

AND THAT Rezoning Bylaw No. 11984 be amended at third reading to revise the legal description of the subject properties from The East ½ of Lot 19 District Lot 139 ODYD Plan 1037; Lot 18 District Lot 139 ODYD Plan 1037; Lot 17 District lot 139 ODYD Plan 1037; Lot A District Lot 139 ODYD Plan KAP68057; Lot 16 District Lot 139 ODYD Plan 1037, The South ½ of Lot 15 District Lot 139 ODYD Plan 1037; and Road Plan 1037 EPP99502 to Lot 1 District Lot 139 ODYD Plan EPP99969.

AND THAT final adoption of Official Community Plan Amending Bylaw No. 11982 and Rezoning Bylaw No. 11984 be considered by Council.

AND THAT Council authorizes the issuance of Development Permit No. DP20-0007 and Development Variance Permit No. DVP20-0008 for Lot 1 District Lot 139 ODYD Plan EPP99969 subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";

3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

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

Section 14.7.5(h)ii: C7 – Central Business Commercial, Development Regulations

To vary the minimum setback above 16.0m for a property line abutting another property from 4.0m required to 3.8m.

Section 14.7.5(g): C7 – Central Business Commercial, Development Regulations

To vary the requirement for a triangular setback for the first storey at the corner of an intersection from 4.5m required to 3.0m.

Section 14.7.5: C7 Map A – Downtown Building Heights Plan, Development Regulations

To vary the height on the portion of the building between Richter St. and the former laneway to the west of Richter St. (Road Plan 1037 EPP99502) from 15m permitted to 24m and 6 ½ storeys.

Table 8.2.7(b): Parking and Loading, Size and Ratio

To vary the ratio of regular size vehicle parking stalls from 50% required to 29%.

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

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

2.0 Purpose

To consider a Development Permit for the form and character of a 6 ½ storey apartment building; and to consider a Development Variance Permit to vary the following: 1) The side yard setback above 16m; 2) The required triangular setback on the first storey at intersection; 3) The height restriction shown on C7 Map A – Downtown Building Heights Plan for the eastern-most part of the building; and 4) The proportion of regular size parking stalls.

3.0 Development Planning

Development Planning supports the Development Permit for the form and character of the proposed 6 ½ storey apartment building. Development Planning also supports the requested variances.

The proposed apartment building has a high degree of architectural articulation, both horizontally and vertically, and a unique roofline which, though flat, integrates well with the proposed design. High quality materials are used throughout, and the colour scheme is both appropriate and varied. The units at grade are ground-oriented, offering a pedestrian-friendly environment fronting both Richter St. and Cawston Ave. with its multi-use pathway. To elaborate, the at-grade units feature front yards which activate the space and offer visual interest to passersby, while also increasing the surveillance over the sidewalk and street thus contributing to a sense of safety. Also, because these units are raised off the ground above the half-submerged parking level, they offer a pedestrian-friendly environment while preserving privacy for residents. Altogether, the proposed development substantially meets the Revitalization Development Permit Guidelines.

With regards to the proposed variance to the side yard setback above 16m, the proposal is to reduce the setback from 4m required to 3.8m on the west elevation for the stairwell shaft only. As this variance is relatively minor and includes only a small portion of the building, it is deemed acceptable by Staff.

With regards to the proposed variance to the triangular setback at the first storey at intersection, the proposal is to reduce the setback from 4.5m required to 3m at the corner of Richter St. and Cawston Ave. Staff support the variance for the following reason: The 4.5m setback is intended primarily for mixed-use buildings in the heart of the downtown core where pedestrian traffic is at its highest, and where an extended corner cut is thought to be beneficial to provide people a place to congregate. In this case, the proposal is for an apartment building at the very edge of downtown, and thus the full 4.5m triangular setback is deemed to be less necessary in this scenario.

With regards to the proposed variance to the height restriction shown on Map A – Downtown Building Heights Plan, the proposal is to vary the height on the eastern-most portion of the building from 15m maximum to 24m and 6 ½ storeys. Staff support the proposed variance as this an appropriate location for a mid-rise apartment building of this size and scale.

With regards to the proposed variance to the proportion of full size parking stalls, the proposal is to reduce the proportion from 50% required to 29%. As this variance is relatively minor, and is anticipated to be manageable without adversely affecting the parking situation, it is considered acceptable by Staff.

4.0 Proposal

4.1 Background

At the time of application, the subject property was zoned RU2 – Medium Dwelling Housing, and had a future land use designation of MRM – Multiple Unit Residential (Medium Density). As such, the proposed development required both an OCP Amendment to change the future land use designation to MXR – Mixed Use (Residential / Commercial), and a rezoning to C7 – Central Business Commercial.

Both the OCP Amendment (OCP20-0002), and rezoning (Z19-0126) were given 1st Reading by Council on February 3, 2020 and forwarded to Public Hearing on February 25, 2020. At the February 25th Regular Council Meeting both bylaws were given 2nd and 3rd Reading. The OCP Amendment and rezoning were supported on the condition that a height covenant would be placed on Title limiting development to 6 ½ storeys and 24m. The bylaw amendments were also supported on the further condition that a covenant be placed on Title limiting development to residential use, with the opportunity for live-work units on the ground floor. These covenants have now been placed on Title.

4.2 Project Description

The applicant proposes a 6 ½ storey apartment building on the subject lot. The applicant also proposes to vary the following: The side yard setback above 16m from 4m required to 3.8m for a portion of the building on the west elevation; reducing the required 4.5m triangular setback at the intersection of Richter St. and Cawston Ave down to 3m; relaxing the height restriction shown on Map A – Downtown Building Heights Plan from 15m maximum to 24m and 6 ½ storeys; and reducing the proportion of regular size vehicle parking stalls from 50% required to 29%.

4.3 Site Context

The subject properties are located at the northwest corner of Cawston Ave. and Richter St. on the eastern edge of the City Centre Urban Centre. As a property in the City Centre Urban Centre, the site is within walking distance of a wide range of amenities and destinations, including retail and dining opportunities;

employment opportunities; and cultural and recreational facilities. Related to this, the lot has a walkscore of 92, and is considered to be a Walker's Paradise, where "daily errands do not require a car". In addition, the lot has direct access to the Cawston Ave. multi-use pathway and is within 400m of the Ethel St. multi-use pathway, and thus has excellent access for all forms of active transportation.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU ₂ – Medium Lot Housing	Single Family Housing
East	RU ₆ – Two Dwelling Housing	Single Family Housing
South	RM ₅ – Medium Density Multiple Housing	Stacked Row Housing
West	RU ₂ – Medium Lot Housing	Single Family Housing

Subject Property Map: 660 Cawston Ave.



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C7 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Floor Area Ratio	9.0	2.2
Max. Height	15m (east of former laneway) / 37m (west of former laneway)	6 ½ storeys & 24m ❶

Min. Front Yard	0.0m	0.0m
Min. Side Yard (west)	0.0m & 4.0m above 16.0m height abutting a property	0.0m & 3.8m above 16.0m height abutting a property ❷
Min. Side Yard (east)	0.0m	0.0m
Min. Rear Yard	0.0m	0.0m
Triangular Setback at Intersection	4.5m	3.0m ❸
Other Regulations		
Min. Parking Requirements	76	80
Ratio of Regular Sized Vehicle Parking Stalls	50%	29% ❹
Min. Bicycle Parking	41	41
Min. Private Open Space	5,840m ²	19,264m ²
❶ Indicates a requested variance to height. ❷ Indicates a requested variance to a setback above 16.0m height. ❸ Indicates a requested variance to the triangular setback at the first storey at intersection. ❹ Indicates a requested variance to the ratio of regular size vehicle parking stalls.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Urban Design Development Permit Guidelines

- Revitalization Development Permit Area Guideline Objectives:
 - Use appropriate architectural features and detailing of buildings and landscapes to define area character;
 - Convey a strong sense of authenticity through high quality urban design that is distinctive of Kelowna;
 - Provide for a scale and massing of buildings that promotes an enjoyable living, pedestrian, working, shopping and service experience;
 - Encourage an appropriate mix of uses and housing types and sizes;
 - Design and facilitate beautiful public open spaces that encourage year-round enjoyment;
 - Create open, architecturally-pleasing and accessible building facades to the street; and
 - Improve existing streets and sidewalks to promote alternative transportation.

6.o Application Chronology

Date of Application Received: November 13, 2019

Date Public Consultation Completed: January 14, 2020

Report prepared by: Aaron Thibeault, Planner II

Reviewed by: James Moore, Acting Development Planning Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Draft Development Permit and Development Variance Permit DP20-0007 & DVP20-0008

Attachment B: Revitalization Development Permit Area Guidelines Checklist

Attachment C: Applicant Rationale

Development Permit & Development Variance Permit DP20-0007 / DVP20-0008



This permit relates to land in the City of Kelowna municipally known as
66o Cawston Ave.

and legally known as

Lot 1 District Lot 139 ODYD Plan EPP99969

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

Multiple Dwelling Housing.

With variances to the following sections of Zoning Bylaw No. 8000

Section 14.7.5(h)ii: C7 – Central Business Commercial, Development Regulations

To vary the minimum setback above 16.0m for a property line abutting another property from 4.0m required to 3.8m.

Section 14.7.5(g): C7 – Central Business Commercial, Development Regulations

To vary the requirement for a triangular setback for the first storey at the corner of an intersection from 4.5m required to 3.0m.

Section 14.7.5: C7 Map A – Downtown Building Heights Plan, Development Regulations

To vary the height on the portion of the building between Richter St. and the former laneway to the west of Richter St. (Road Plan 1037 EPP99502) from 15m permitted to 24m and 6 ½ storeys.

Table 8.2.7(b): Parking and Loading, Size and Ratio

To vary the ratio of regular size vehicle parking stalls from 50% required to 29%.

ATTACHMENT		A
This forms part of application # DP20-0007, DVP20-0008		
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The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.

Date of Council Decision July 14, 2020

Decision By: COUNCIL

Development Permit Area: Revitalization Development Permit Area

Existing Zone: C7 – Central Business Commercial

Future Land Use Designation: MXR – Mixed Use (Residential / Commercial)

This is NOT a Building Permit.

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

NOTICE

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

Owner: 650 Developments Inc., Inc.No. BC1145287

Applicant: Paul Pasutto; Innocept

Planner: Aaron Thibeault

Terry Barton
Development Planning Department Manager
Planning & Development Services

Date

ATTACHMENT A	
This forms part of application # DP20-0007, DVP20-0008	
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 City of Kelowna COMMUNITY PLANNING	

1. SCOPE OF APPROVAL

This Development Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Development Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this permit, noted in the Terms and Conditions below.

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

2. CONDITIONS OF APPROVAL

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

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

3. PERFORMANCE SECURITY

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

- An Irrevocable Letter of Credit **OR** certified cheque in the amount of **\$15,455.00**

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

5. INDEMNIFICATION

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

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

All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

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

ATTACHMENT		A
This forms part of application		
# <u>DP20-0007, DVP20-0008</u>		
Planner Initials	<div>AT</div>	 City of Kelowna <small>COMMUNITY PLANNING</small>



City of
Kelowna
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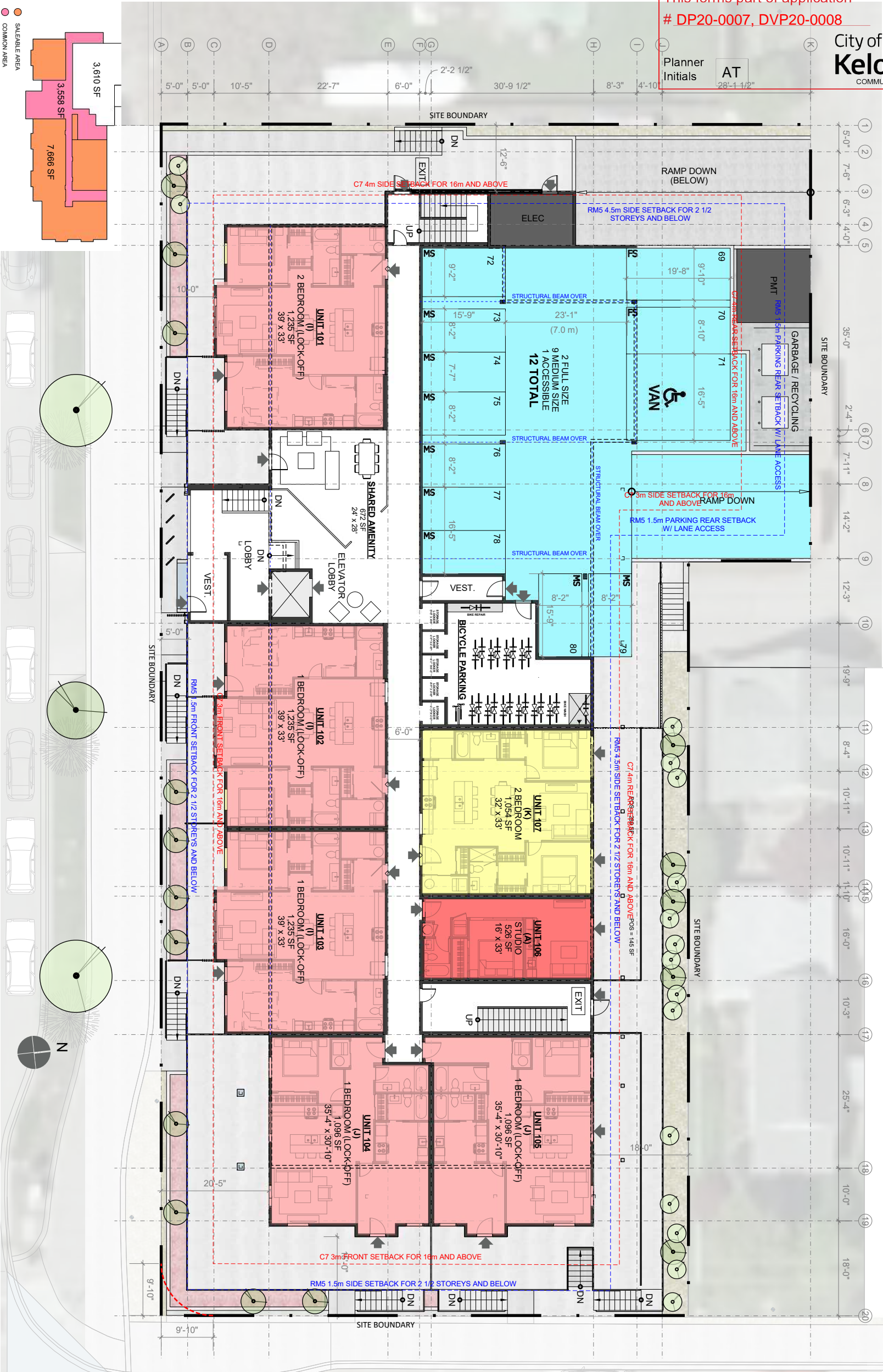
SCHEDULE

A

This forms part of application
DP20-0007, DVP20-0008

Planner
Initials

AT
28-1 1/2"



Space requirements	Req'd	Provided
Full Size Vehicle (FS)	37	22
Medium Size (MS)	37	56
Accessible Parking	1	1
Van Accessible Parking	1	1
Total	76	80

VARIANCE REQUESTED

Total	Units	Parking Multiplier	Parking Req
Studio (A)	22	0.80	17.6
Studio (B)	8	0.80	6.4
1 Bedroom (C)	9	0.90	8.1
2 Bedroom (D)	10	1.00	10
1 Bedroom + Den (E)	5	0.90	4.5
2 Bedroom (F)	5	1.00	5
2 Bedroom (G)	1	1.00	1
2 Bedroom (H)	4	1.00	4
1 Bedroom - Lock off (I)	3	1.04	3.12
1 Bedroom - Lock off (J)	3	1.04	2.08
2 Bedroom (K)	2	1.00	3
3 Bedroom (L)	1	1.00	1
Visitor	-	-	-
Total	73	0.14	10

First Floor	Private Open Space	Total Private Open Space
Studio (A)	145	145
Studio (B)	-	-
1 Bedroom (C)	-	-
2 Bedroom (D)	-	-
1 Bedroom + Den (E)	-	-
2 Bedroom (F)	-	-
2 Bedroom (G)	-	-
2 Bedroom (H)	-	-
1 Bedroom - Lock off (I)	468	1,403
1 Bedroom - Lock off (J)	904	1,807
2 Bedroom (K)	289	289
3 Bedroom (L)	-	-
Other Amenity	-	379
Total	379	4,023

First Floor	No.	SF	Total SF
Studio (A)	1	526	526
Studio (B)	-	491	-
1 Bedroom (C)	-	632	-
2 Bedroom (D)	-	813	-
1 Bedroom + Den (E)	-	727	-
2 Bedroom (F)	-	1,107	-
2 Bedroom (G)	-	1,125	-
2 Bedroom (H)	-	879	-
1 Bedroom - Lock off (I)	3	1,237	3,711
1 Bedroom - Lock off (J)	2	1,096	2,192
2 Bedroom (K)	1	1,054	1,054
3 Bedroom (L)	-	1,372	-
Other Amenity	-	-	-
Total	7	7,483	7,483

Total	No.	%	Total SF
Studio (A)	22	30%	11,568
Studio (B)	8	11%	3,928
1 Bedroom (C)	9	12%	5,690
2 Bedroom (D)	10	14%	8,127
1 Bedroom + Den (E)	5	7%	3,633
2 Bedroom (F)	5	7%	5,535
2 Bedroom (G)	1	1%	1,125
2 Bedroom (H)	4	5%	3,514
1 Bedroom - Lock off (I)	3	4%	3,711
1 Bedroom - Lock off (J)	2	3%	2,192
2 Bedroom (K)	3	4%	3,161
3 Bedroom (L)	1	1%	1,372
Other Amenity	-	-	-

Total	No.	%	Total SF
Studio	30	41%	15,496
1 Bedroom	14	19%	11,593
1 Bedroom + Den	5	7%	3,633
2 Bedroom	23	32%	21,463
3 Bedroom	1	1%	1,372
Total	73	FAR =	53,556
Site Area	24,501	FAR =	2.2

BLUEGREEN
ARCHITECTURE INC

6202 - 110th St W3 West,
Kelowna, BC, V1Y 1X7
P: 778.753.3550
www.bluegreenarchitecture.com

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Job Number

19/734

Project

650 Cawston Ave

Sheet Title

MAIN (FIRST) FLOOR PLAN

Date

2020.05.11

Scale

1" = 20'

A2.1



SCHEDULE

B

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DP20-0007, DVP20-0008

Planner Initials

AT

SOUTH FACING FRONT ELEVATION

SCALE: 1/16" = 1'-0"

***DISCLAIMER:** PLEASE NOTE THAT THE INTENTION OF THIS IMAGE IS TO PROVIDE A BASIC UNDERSTANDING OF THE ARCHITECTURAL DESIGN INTENT. THE IMAGE IS NOT THE FINAL DESIGN AND ELEMENTS ARE SUBJECT TO CHANGE, SUCH AS MATERIALITY, ARCHITECTURAL DETAILING, PROJECTIONS AND REVEALS, SCREEN PATTERNS AND COLOUR SUBJECT TO CHANGE.

MATERIAL LEGEND	
<div>1</div>	BLACK CORRUGATED METAL CLADDING
<div>2</div>	BRICK VENEER (COLOUR TBC)
<div>3</div>	ARCHITECTURAL SCREEN (STYLE, MATERIAL AND COLOUR TBC)
<div>4</div>	WOOD STYLE CEMENT BOARD CLADDING / TRIM (COLOUR TBC)
<div>5</div>	CAST IN PLACE CONCRETE (PAPER FACED FINISH)
<div>6</div>	DARK GREY CEMENT BOARD
<div>7</div>	ACRYLIC STUCCO FINISH (EXACT COLOUR TBC)
<div>8</div>	ACRYLIC STUCCO FINISH (EXACT COLOUR TBC)
<div>9</div>	ALUMINUM VENTED SOFFIT (COLOUR TO MATCH DARK GREY CEMENT BOARD)
<div>10</div>	WOOD STYLE CEMENT BOARD SOFFIT (EXACT COLOUR TBC)
<div>11</div>	WHITE PAINTED CAST IN PLACE CONCRETE



EAST FACING SIDE ELEVATION
SCALE: 1/16" = 1'-0"

WEST FACING SIDE ELEVATION
SCALE: 1/16" = 1'-0"

City of Kelowna

COMMUNITY PLANNING

Planner Initials

AT

SCHEDULE

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DP20-0007, DVP20-0008

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Job Number
19734

Project
650 Cawston Ave

Sheet Title
EAST / WEST ELEVATIONS

Date
2020.05.28

Scale
1/16" = 1'-0"

A3.1

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MATERIAL LEGEND	
1	BLACK CORRUGATED METAL CLADDING
2	BRICK VENEER (COLOUR TBC)
3	ARCHITECTURAL SCREEN (STYLE, MATERIAL AND COLOUR TBC)
4	WOOD STYLE CEMENT BOARD CLADDING / TRIM (COLOUR TBC)
5	CAST IN PLACE CONCRETE (PAPER FACED FINISH)
6	DARK GREY CEMENT BOARD
7	ACRYLIC STUCCO FINISH (EXACT COLOUR TBC)
8	ACRYLIC STUCCO FINISH (EXACT COLOUR TBC)
9	ALUMINUM VENTED SOFFIT (COLOUR TO MATCH DARK GREY CEMENT BOARD)
10	WOOD STYLE CEMENT BOARD SOFFIT (EXACT COLOUR TBC)
11	WHITE PAINTED CAST IN PLACE CONCRETE



SCHEDULE

This forms part of application

DP20-0007, DVP20-0008

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LOWER FLOOR S.O.G. - 343.6 = 0' - 0"

AVERAGE GRADE - 345 = + 4' - 7"

MAIN FLOOR - 346.65 = + 10' - 0"

2ND FLOOR - 350.45 = + 22' - 5 7/8"

3RD FLOOR - 353.59 = + 32' - 9 1/8"

4TH FLOOR - 356.72 = + 43' - 0 3/8"

5TH FLOOR - 359.85 = + 53' - 3 5/8"

6TH FLOOR - 362.98 = + 63' - 6 7/8"

BUILDING HEIGHT - 367.86 = + 79' - 7"

NORTH FACING REAR ELEVATION
SCALE: 1/16" = 1'-0"

***DISCLAIMER:** PLEASE NOTE THAT THE INTENTION OF THIS IMAGE IS TO PROVIDE A BASIC UNDERSTANDING OF THE ARCHITECTURAL DESIGN INTENT. THE IMAGE IS NOT THE FINAL DESIGN AND ELEMENTS ARE SUBJECT TO CHANGE, SUCH AS MATERIALITY, ARCHITECTURAL DETAILING, PROJECTIONS AND REVEALS, SCREEN PATTERNS AND COLOUR SUBJECT TO CHANGE.

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Job Number

19/734

Project

650 Cawston Ave

Sheet Title

NORTH ELEVATION

Date 2020.05.28

Scale 1/16" = 1'-0"

A3.2



City of
Kelowna
COMMUNITY PLANNING

SCHEDULE

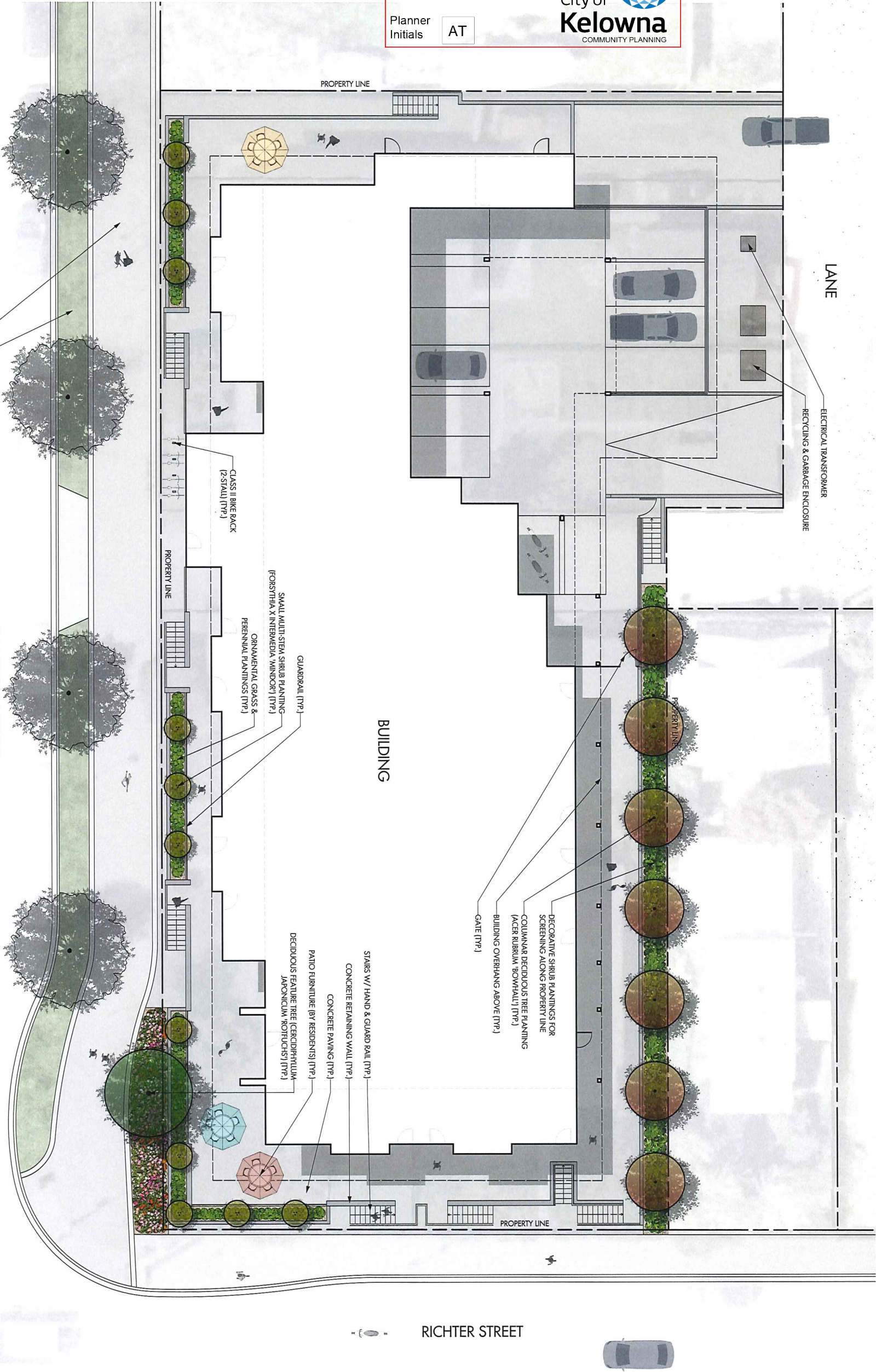
C

This forms part of application

DP20-0007, DVP20-0008

Planner
Initials

AT



NOTES

1. PLANT MATERIAL AND CONSTRUCTION METHODS SHALL MEET OR EXCEED CSA STANDARDS & ALL OFFSITE LANDSCAPE IMPROVEMENTS TO MEET CITY OF KELLOWNA BYLAW 7900 REQUIREMENTS.
2. ALL SOFT LANDSCAPE AREAS SHALL BE WATERED BY A FULLY AUTOMATIC TIMED UNDERGROUND IRRIGATION SYSTEM.
3. TREE AND SHRUB BEDS TO BE DRESSED IN A MINIMUM 75mm DOUGLAS RED FIR BRANCH AS SHOWN IN PLANS. DO NOT PLACE WEED MAT UNDER/IN TREE AND SHRUB BEDS.
4. TREE AND SHRUB BEDS TO RECEIVE A MINIMUM 300mm DEPTH TOPSOIL PLACEMENT.
5. SITE GRADING AND DRAINAGE WILL ENSURE THAT ALL STRUCTURES HAVE POSITIVE DRAINAGE AND THAT NO WATER OR LOOSE IMPEDIMENTS WILL BE DISCHARGED FROM THE LOT ONTO ADJACENT PUBLIC, COMMON, OR PRIVATE PROPERTIES.

PLANT LIST

BOTANICAL NAME	COMMON NAME	QTY	SIZE/SPACING & REMARKS
TREES			
ACER RUBRUM 'BOWHALL'	BOWHALL MAPLE	7	6cm CAL.
CERCIDIPHYLLUM JAPONICUM 'KOTOUCHI'	RED FOX KATSURIA TREE	1	6cm CAL.
SHRUBS			
CORNUS ALBA 'BAUHALL'	MORY HALL DOGWOOD	6	#02 CONT. / 1.8M O.C. SPACING
FORSYTHIA X INTERMEDIA 'WINDOR'	SHOW OFF FORSYTHIA	11	#05 CONT. / 3.5M O.C. SPACING
PRUNUS STYVESTRIS 'GAULICA NANA'	DWARF BLUE SCOTCH PINE	3	#02 CONT. / 2.5M O.C. SPACING
VIBURNUM OPULUS 'COMPACTUM'	COMPACT EUROPEAN CRANBERRY	6	#02 CONT. / 1.8M O.C. SPACING
PERENNIALS & ORNAMENTAL GRASSES			
HEMEROCALLIS STELLA D'ORO	STELLA D'ORO DAYLILY	7	#01 CONT. / 1.2M O.C. SPACING
LAVANDULA ANGUSTIFOLIA 'HIDECOTE'	HIDECOTE ENGLISH LAVENDER	7	#01 CONT. / 1.2M O.C. SPACING
PENISSETUM ALOPECUROIDES	FOUNTAIN GRASS	5	#01 CONT. / 1.5M O.C. SPACING
LEUCANTHEMUM SUPERBUM 'AGLALA'	AGLALA SHASTA DAISY	7	#01 CONT. / 1.2M O.C. SPACING
SCHIZANTHUS PUPILLARIA 'THE BLUES'	LITTLE BLUESTEM	5	#01 CONT. / 1.5M O.C. SPACING



PROJECT TITLE

INNOCENT DEVELOPMENT

Kelowna, BC

DRAWING TITLE

CONCEALED PLAN

ISSUED FOR / REV	1	19.12.06
2		
3		
4		
5		

PROJECT NO.	
DESIGN BY	
DRAWN BY	
CHECKED BY	
DATE	
SCALE	
PAGE SIZE	
SEALED	



DRAWING NUMBER

ISSUED FOR

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Revitalization Development Permit Area

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

REVITALIZATION DEVELOPMENT PERMIT AREA	YES	NO	N/A
Relationship to the Neighbourhood and Street			
Does the proposal maintain the established or envisioned architectural character of the neighbourhood?	✓		
Do developments adjacent to non-revitalization areas create an appropriate transition?	✓		
Are spaces for pedestrian friendly amenities, such as street furniture, included on site?		✓	
Is the ratio of streetwall height to street width less than 0.75:1?	✓		
Does the building frontage occupy the entire length of the street, without drive aisles or other dead zones?	✓		
Building Design			
Are architectural elements aligned from one building to the next?			✓
Are the effects of shadowing on public areas mitigated?	✓		
Are doors or windows incorporated into at least 75% of street frontage?	✓		
Do proposed buildings have an identifiable base, middle and top?	✓		
Are windows, entrances, balconies and other building elements oriented towards surrounding points of interest and activity?	✓		
Are architectural elements such as atriums, grand entries and large ground-level windows used to reveal active interior spaces?	✓		
Are buildings designed with individual entrances leading to streets and pathways rather than with mall style entrances and internal connections?	✓		
For multiple unit residential projects, is ground level access for first storey units provided?	✓		
Are buildings finished with materials that are natural, local, durable and appropriate to the character of the development?	✓		
Are prohibited materials such as vinyl siding, reflective or non-vision glass, plastic, unpainted or unstained wood, and concrete block not used in the design?	✓		
Are stucco and stucco-like finishes omitted as a principal exterior wall material?	✓		
Are vents, mechanical rooms/equipment and elevator penthouses integrated with the roof or screened with finishes compatible with the building's design?	✓		
View Corridors			
Are existing views preserved and enhanced?			✓
Vehicular Access and Parking			
Are at-grade and above-grade parking levels concealed with façade treatments?	✓		
Are garage doors integrated into the overall building design?	✓		

ATTACHMENT

B

This forms part of application

DP20-0007, DVP20-0008

Page 2

Planner
Initials

AT

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COMMUNITY PLANNING



79

REVITALIZATION DEVELOPMENT PERMIT AREA	YES	NO	N/A
Are pedestrian entrances more prominent features than garage doors and vehicle entrances?	✓		
Is surface parking located to the rear of the building or interior of the block?	✓		
Are truck loading zones and waste storage areas screened from public view?	✓		
Do parking lots have one shade tree per four parking stalls?			✓
Are pedestrian connections provided within and between parking lots?			✓
Are driving, parking, pedestrian and cycling areas distinguished through changes in colour or pattern of paving materials?			✓
Public Art			
Is public art incorporated into the project?		✓	

ATTACHMENT B

This forms part of application
DP20-0007, DVP20-0008

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City of
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DEVELOPMENT RATIONALE FOR PROPOSED RICHTER-CAWSTON MULTI FAMILY PROJECT

Proposal for Re-Zoning, Development Permit and Development Variance Permit

Existing Zoning: RU2

Proposed Zoning: C-7

1292 Richter Street. - Legal Description:

Lot 16, District Lot 139 Osoyoos Division
Yale District Plan 1037. PID:011-855-045
AND

The South ½ Of Lot 15 District Lot 139
Osoyoos Division Yale District Plan
1037. PID: 011-855-037

1284 Richter Street. - Legal Description:

Lot A District Lot 139 Osoyoos Division
District Plan KAP68057

650 Cawston Avenue. - Legal Description:

Lot 17 District Lot 139 Osoyoos Division
Yale District Plan 1037. PID: 011-855-053

640 Cawston Avenue. - Legal Description:

The East ½ of Lot 19 District Lot 139
Osoyoos Division Yale District Plan
1037. PID: 011-855-070

Introduction

This is an application for the re-zoning, development permit and development variance permit to accommodate a 73-unit multi-family building.

Site Description

The subject property is situated on the NW corner of Cawston Avenue and Richter Street within Kelowna's downtown Urban Cultural District. Located walking distance away from Downtown Kelowna's many amenities; the future residents of this medium density multi-family structure can choose to walk or bike for daily essentials instead of driving.

ATTACHMENT C

This forms part of application

DP20-0007, DVP20-0008

Planner
Initials

AT



Calgary: 200-3505 14 St SW Calgary, AB T2T-3W2
Kelowna: 202-1021 Ellis St Kelowna, BC V1Z-1G5

www.innocept.ca



The site consists of four lots (which will be consolidated) that contain approximately 2276 m² (24,489 sq. ft.) The subject properties are currently zoned RU2 and we are seeking a re-zoning to C7 (Central Business District). In addition, the proposed development includes a portion of the laneway whose prospective sale has received preliminary approval from City of Kelowna.

The site is level, with frontages on both Cawston Avenue and Richter Street. All four separate older houses that will be demolished prior to construction commencing. The North End of Downtown Kelowna is undergoing substantial redevelopment as the downtown core continues to evolve into a medium to higher density area.

ATTACHMENT C

This forms part of application
DP20-0007, DVP20-0008

Planner Initials AT


City of Kelowna
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Development Description

The proposed project requires a new Re-Zoning Development Permit and a Development Variance Permit for a 6-storey condominium building which will consist of a single level (lower parking, partial below grade) concrete parking area with 75 parking stalls and six (6) floors (wood frame) of condominiums consisting of 73 condos above the parking podium.

The building will incorporate independent patio/green space on top of portions of the parking structure. Vehicular access to the parking shall be from the rear alleyway via St. Paul and Clement. The intention is to use of brick, concrete, and wood materials. The final design details will be provided in the forthcoming Development Permit grade drawings.

The centrally located building entrance is planned to emphasize the entrance and to create a prominent street scape. The accent feature, and deliberate glazing, on the large vertical column, creates an inspired yet subtle accent and creatively defines this important corner.

The mix of units in the building is currently proposed to be made up of 19 two-bedroom units, 15 one bedroom plus den units, 9 one-bedroom units, and 30 studio units. Unit sizes range from 493 sq. ft for studios, 634 sq. ft. for one bedroom, 690-780 for one bedroom plus den, 1,110-1,230 sq. ft. for two bedrooms.

Development Rationale

- This development intends to support the goals of the Kelowna "My Downtown" Official Community Plan.
- Scale of building and wood frame construction provides a much required attainable and affordable alternative to concrete high-rise developments prominent in the downtown core.
- This location reduces the impact and need for car use; walking to work and bike riding will be a common practice with residents as they access the many entertainment and dining options nearby.
- Residential and pedestrian interface along Cawston with off street vehicle and bike parking will support an active lifestyle.
- The site is well positioned near the rapid transit bus route system. It is also located to be strategically integrated with the Cawston community bike path.

ATTACHMENT C

This forms part of application
 # DP20-0007, DVP20-0008

Planner
Initials

AT



City of Kelowna
COMMUNITY PLANNING



DP20-0007 & DVP20-0008 660 Cawston Ave.

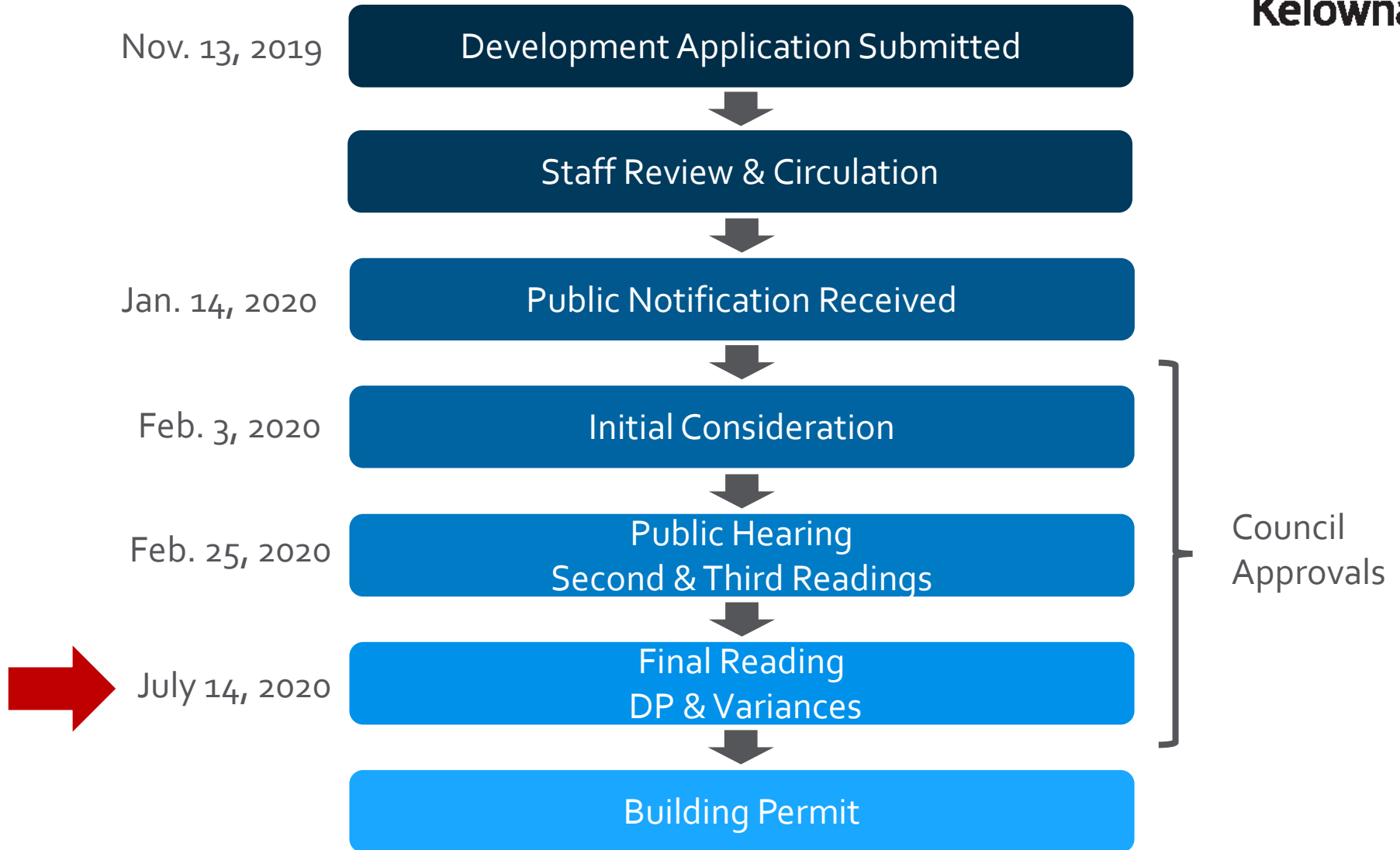
Development Permit &
Development Variance Permit Application



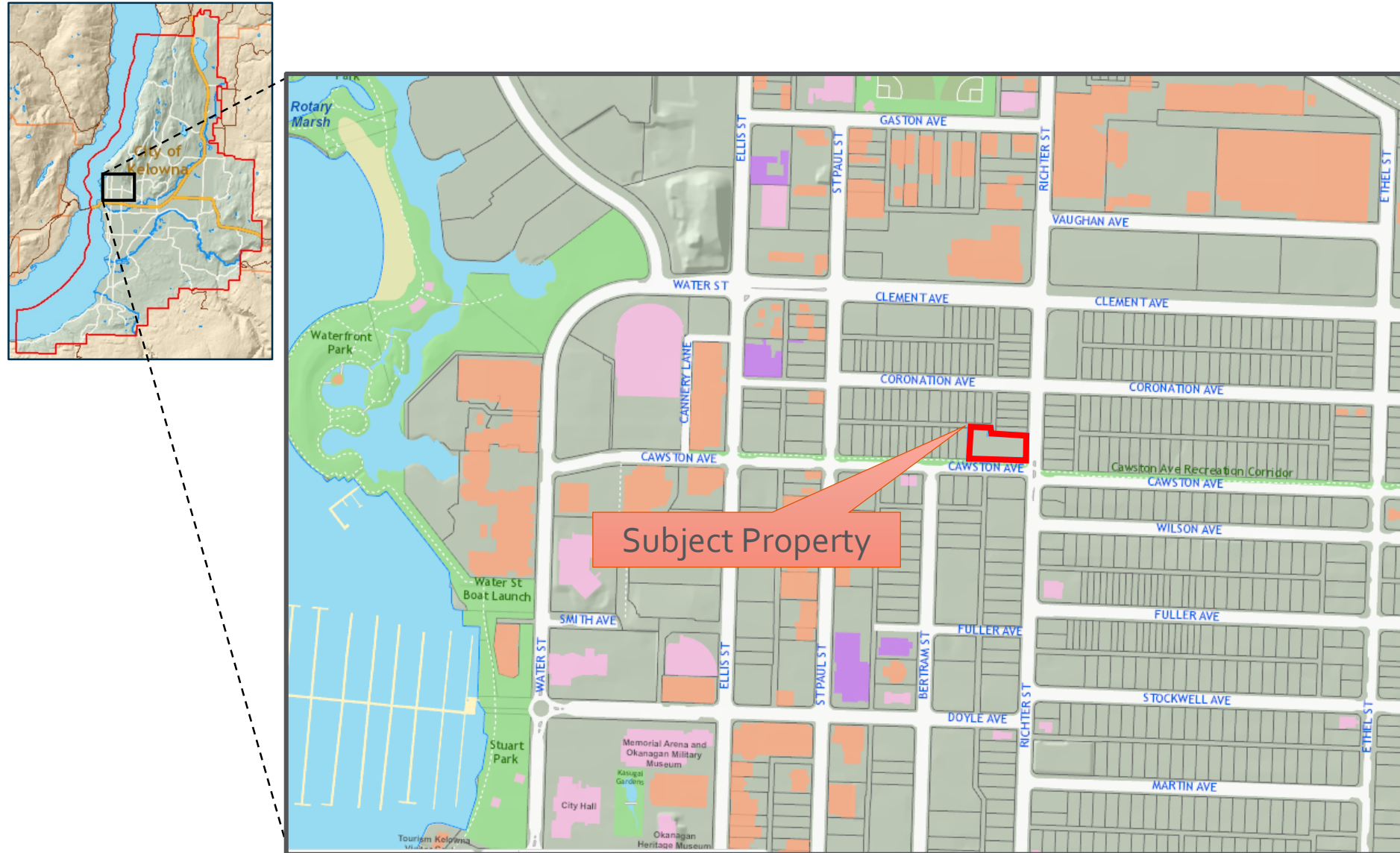
Proposal

- ▶ To consider a Development Permit for the form and character of a 6 ½ storey apartment building; and to consider a Development Variance Permit to vary the following: 1) The side yard setback above 16m; 2) The required triangular setback on the first storey at intersection; 3) The height restriction shown on C7 Map A – Downtown Building Heights Plan for the eastern-most part of the building; and 4) The proportion of regular size parking stalls.

Development Process



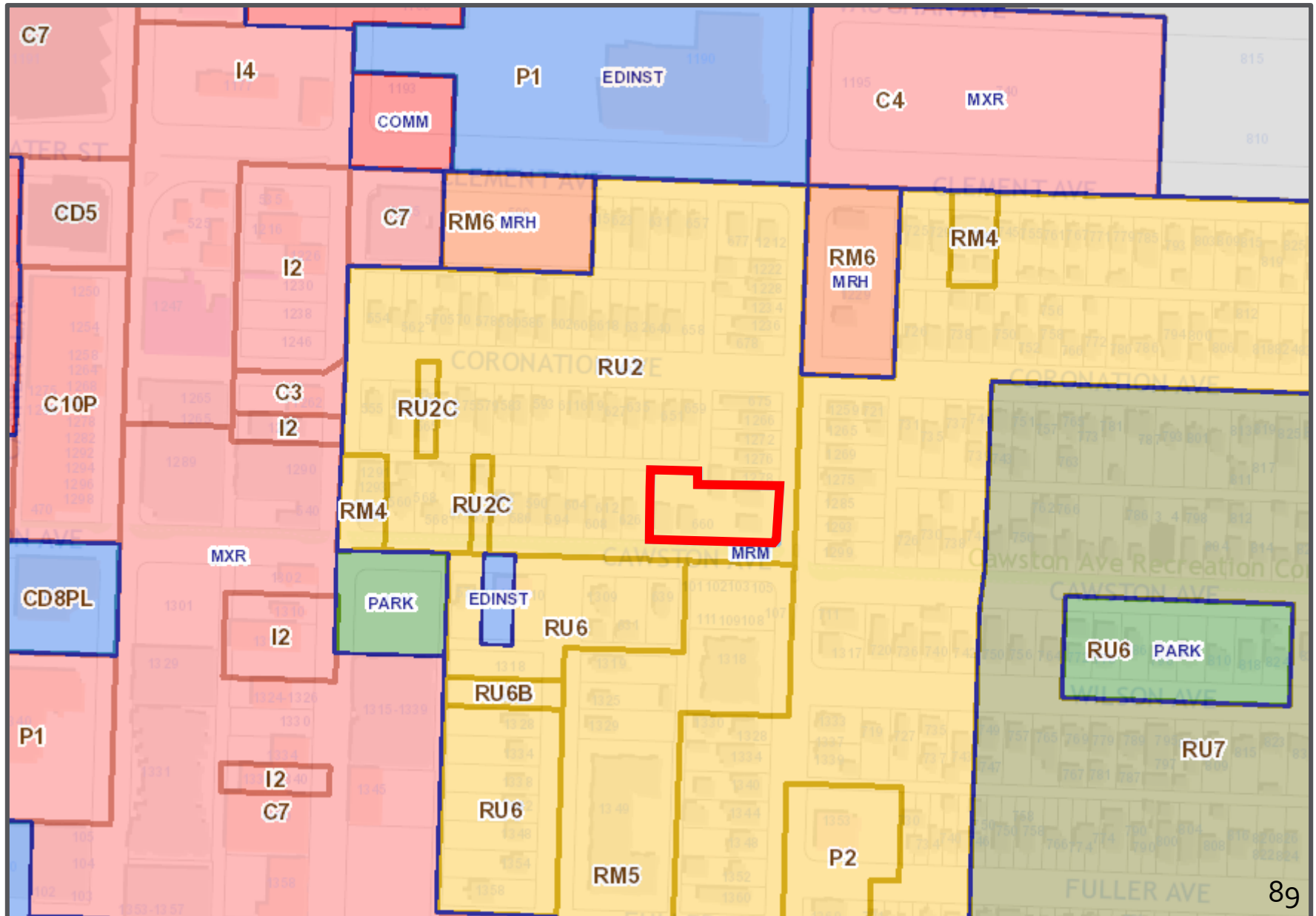
Context Map



Subject Property Map



OCP Future Land Use / Zoning



Background

- ▶ The proposal requires both a rezoning and an OCP Amendment.
 - ▶ OCP Amendment: MRM ➡ MRX
 - ▶ Rezoning: RU2 ➡ C7
- ▶ Supported on condition of a covenant limiting height of development to 6 ½ storeys and 24m.
- ▶ Supported on condition of a covenant limiting development to residential use, with opportunity for live-work units on ground floor.
- ▶ Both covenants now on Title.

Project/technical details

- ▶ The applicant proposes a 6 ½ storey apartment building with half-submerged parking structure at grade, single storey townhouse units stepped back above, and apartment units setback above the townhouses.

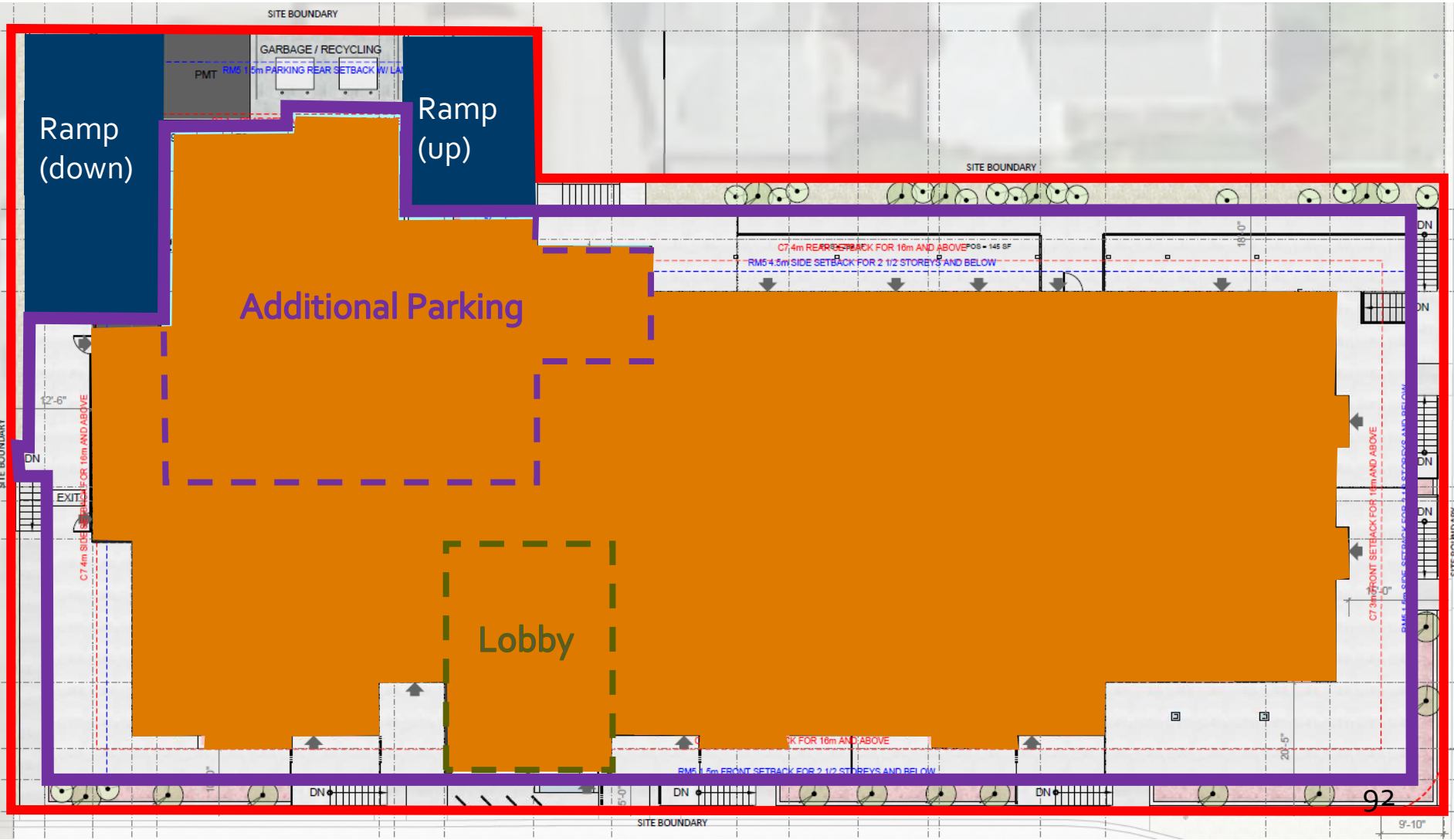


Site Plan

Lot Boundary

Extent of Half-Submerged Parkade

Building Footprint Above Parkade



Elevations



Elevations



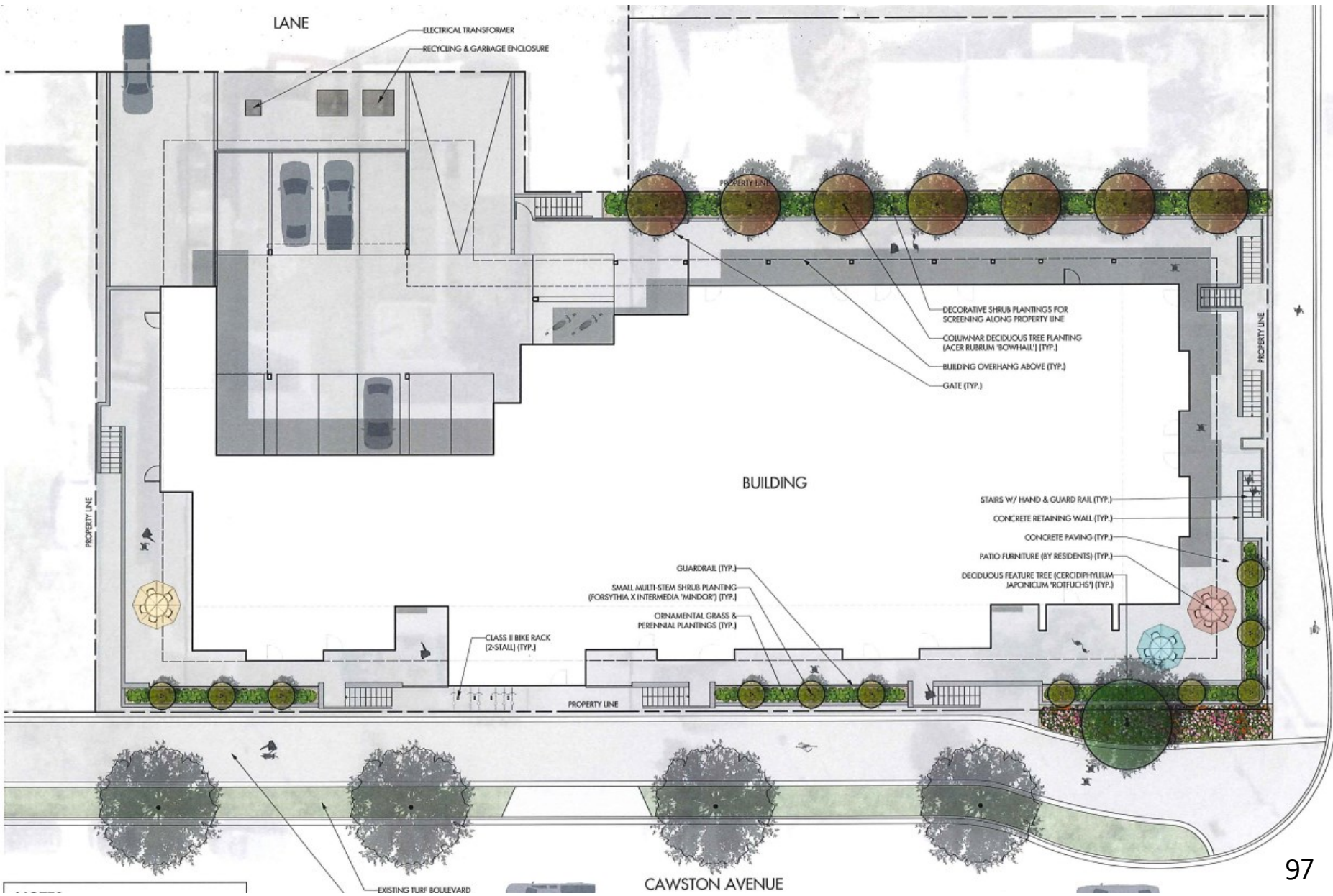
Elevations



Rendering



Landscape Plan



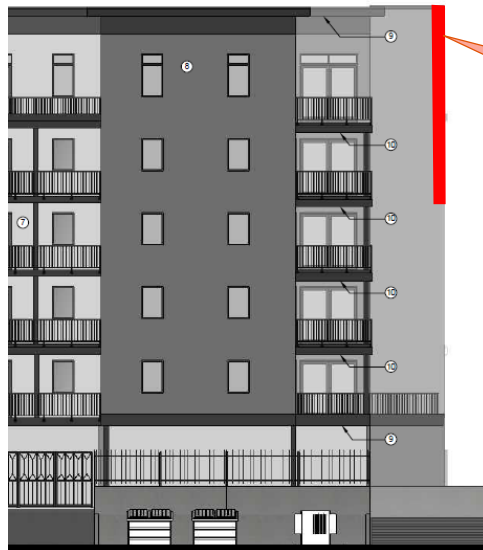
Development Policy

- ▶ The proposed development substantially meets the Revitalization Development Permit Guidelines.
- ▶ High degree of articulation, horizontally and vertically
 - ▶ Extended balconies on south and east of building add to the articulation and provide enhanced private open space
- ▶ Flat roofline integrates well with the body of the building.
- ▶ Ground-oriented units over half-submerged parkade feature open space that is both private and offers 'eyes on the street' to increase safety.
- ▶ Landscaping at grade breaks up the massing of the half-submerged parkade



Variance 1

- ▶ Reduce side yard setback above 16m from 4m required to 3.8m for stairwell shaft on west side.
 - ▶ Variance is minor in extent and includes only a small portion of the building.



South Elevation

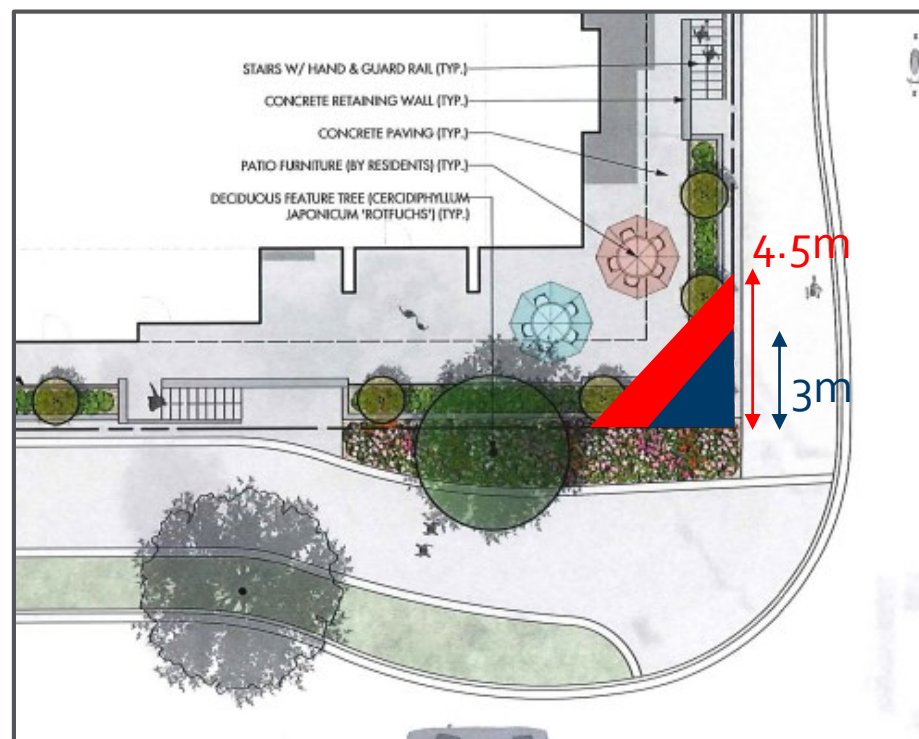
Variance Area



West Elevation

Variance 2

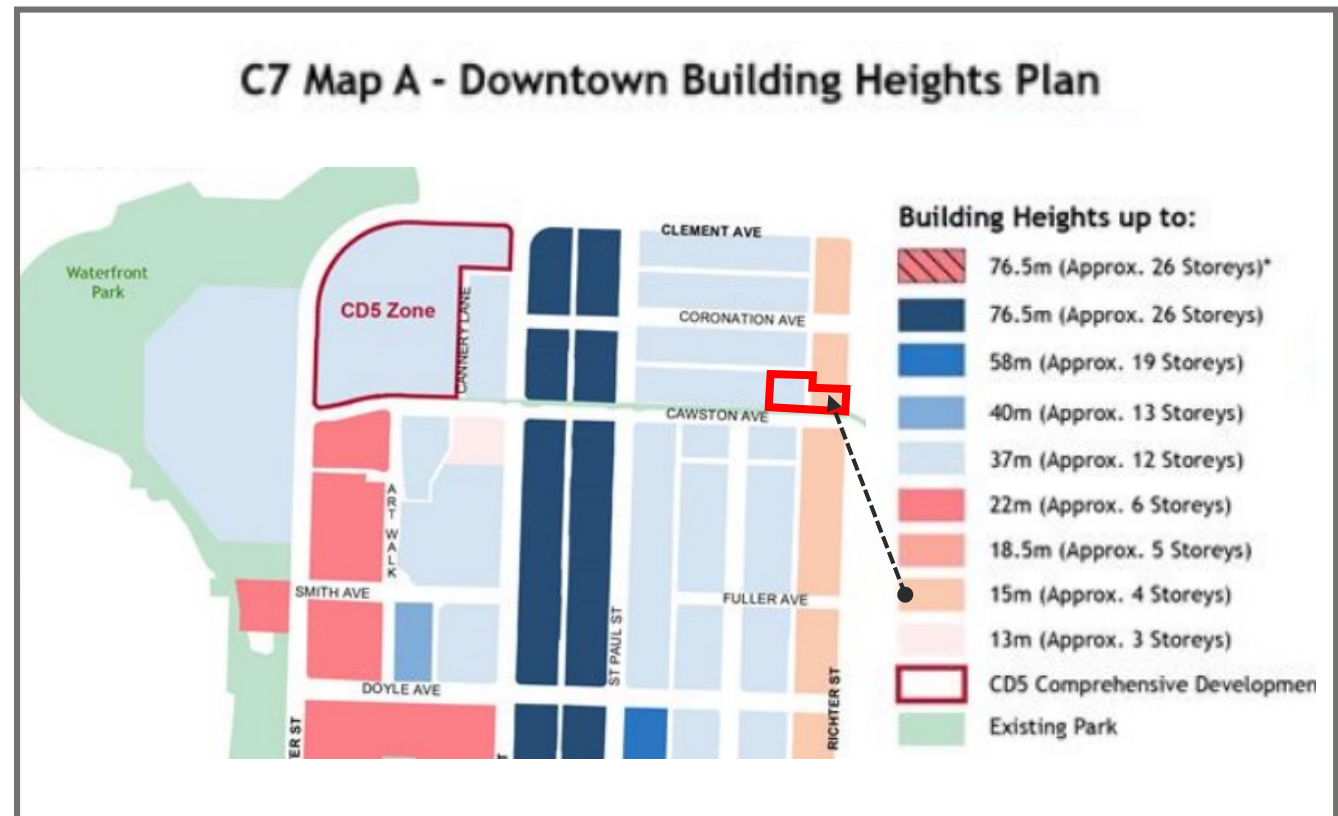
- ▶ Reduce triangular setback on 1st storey at intersection from 4.5m required to 3m.
- ▶ 4.5m setback intended primarily for mixed-use buildings in heart of the downtown core where pedestrian traffic is at its highest, and where an extended corner cut is thought to be beneficial to provide people a place to congregate



Variance 3

- ▶ Vary the height on the eastern-most portion of the building from 15m maximum to 24m and 6 ½ storeys.

- ▶ Staff support the proposed variance as this an appropriate location for a mid-rise apartment building of this size and scale



Variance 4

- ▶ Reduce proportion of full size parking stalls from 50% required to 29%.
 - ▶ Variance is relatively minor, and is anticipated to be manageable without adversely affecting the parking situation.
 - ▶ Prioritizing large vehicles is not necessary in the downtown core

Public Notification Policy #367

- ▶ Public Consultation, which included both a Neighbour Consultation and a Public Information Session was executed in full compliance with Public Notification Policy #367
 - ▶ Complete by January 14, 2020

Staff Recommendation

- ▶ Staff support the Development Permit as the proposal substantially meets the Urban Design Guidelines.
- ▶ Staff support the variances for reasons given above
 - ▶ 1) Side yard setback above 16m (4m ➡ 3.8m)
 - ▶ 2) Triangular setback at intersection (4.5m ➡ 3m)
 - ▶ 3) Height, for eastern part of building (15m ➡ 24m)
 - ▶ 4) Proportion of full size parking stalls (50% ➡ 29%)



Conclusion of Staff Remarks